



INFORMALITY, ACCOUNTABILITY, AND LABOR RIGHTS FOR DATA WORKERS IN EAST AFRICA

A RAPID ASSESSMENT





The Inclusive Labor Institute (ILI) is a knowledge and action hub dedicated to understanding the conditions and experiences of the essential workers who power the informal economy and the future of work. ILI believes that knowledge on the conditions of work should come from workers and that the solutions to enable more decent work must be defined by workers themselves. ILI provides a space for worker-led organizations to collect and share knowledge, share their stories and advocate for a more just, secure future for workers. ILI supports a coalition of formal and non-traditional unions by providing knowledge, services and resources to ensure that the future of work(ers) is determined by workers.

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Author

This report was authored by Julia Tucker.

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Introduction

Though artificial intelligence (AI) and social media platforms are often thought of as autonomous technologies, they require a vast, unseen human labor force to be produced and operated. From content moderation to data annotation, workers across the globe perform the essential tasks to make this tech possible. Yet, despite the fundamental importance of this work, these “data workers” face systemic vulnerabilities that mirror labor issues of more traditional industries.

A central driver of these vulnerabilities is labor informality: a lack of or temporary work contracts and a lack of social security benefits. Informality in data work undermines workers’ agency in global supply chains and leads to lower wages, poor working conditions, and minimal social protections. In order for workers to regain this agency, there must be coordinated interventions across regulatory, corporate, and worker-led domains.

While data workers across regions face parallel structural challenges, this report focuses specifically on Kenya and Uganda. East Africa is used as a case study to illustrate how worker vulnerabilities manifest in practice, though the findings are broadly applicable to data workers in other contexts.

This analysis covers both workers employed by business process outsourcing firms (BPOs) and those working remotely on microtasking platforms. The report aims to inform stakeholders across the data work ecosystem on recommendations for strengthening data workers’ labor rights.

Key Findings:

- Social media and AI companies in the Global North commonly outsource labor to data workers in the Global South in order to evade labor protection laws and higher living wage requirements, perpetuating a system of digital colonialism.
- Data workers face two primary legal challenges: first, many workers are legally classified as independent contractors in an intentional effort to deny them protection from most existing labor laws; second, the multistep nature of the supply chain makes it unclear who bears responsibility for protecting workers.
- Big Tech must ultimately be held accountable for the conditions of data workers in their supply chain. Responsibility for human rights violations cannot be outsourced.
- Improving data workers’ situation will require action from policymakers in their home countries, policymakers in Global North countries, worker groups, tech companies in the private sector, and civil society organizations.

“Not only do [platform workers] have the old challenges of the informal sector, but we have new challenges because of the technology.”

*– Dr. Nagla Rizk,
Access to Knowledge
for Development
Center*

Methodology

The methodology for this report followed a three-tiered approach. First, a literature review phase was conducted involving a thematic review of existing studies and reports. To supplement this, primary data was gathered through semi-structured interviews with union representatives. Finally, participation in the Inclusive Labor Institute’s webinar, *Platform Economy and the Future of Work: Opportunities and Challenges for Informal Workers*, allowed for the integration of other expert voices with the most up-to-date information. Data from these three streams were synthesized using thematic analysis to identify the core findings presented in this report.

Data Work and the Outsourcing System



Figure 1: Primary countries where data work is taking place. Source: Created by author

AI companies and other enterprises around the world require large volumes of data work to support their operations or products. Much of this work, which includes data annotation, data labeling, and content moderation,¹ is typically outsourced directly to microtasking workers through online platforms or to BPO firms.² The outsourcing structure not only obscures responsibility, but also reinforces forms of informality that limit workers’ access to legal protections and collective bargaining.

BPO data workers are location-based, operating from centralized offices rather than working remotely. They are employed by BPOs that are contracted by the client companies, such as Meta, OpenAI, Microsoft, or ByteDance, to perform tasks that are relatively costly, labor-intensive, and low-skilled.³ In East Africa, much of this work is concentrated in Nairobi’s “Silicon Savannah.”⁴ Conversely, microtaskers are platform-based and work remotely on their own devices to complete tasks assigned to them by the platform. Platform workers have greater flexibility but even fewer formal protections than BPO workers.

Many firms frame this cost-saving outsourcing process as “impact sourcing,” a private sector strategy that aims to provide work to underserved communities internationally.⁵ These communities can include “women, refugees, youth, people living in the Global South, [and] people with disabilities.”⁶ The online gig work promoted as impact sourcing can offer greater

accessibility than traditional informal and service sector employment⁷ and can provide essential income to a variety of groups. It now makes up an important share of many economies, with over 2.4 million workers in AI-related and data annotation tasks in Kenya alone.⁸ At the same time,

promoting impact sourcing can also improve a company’s public image.⁹

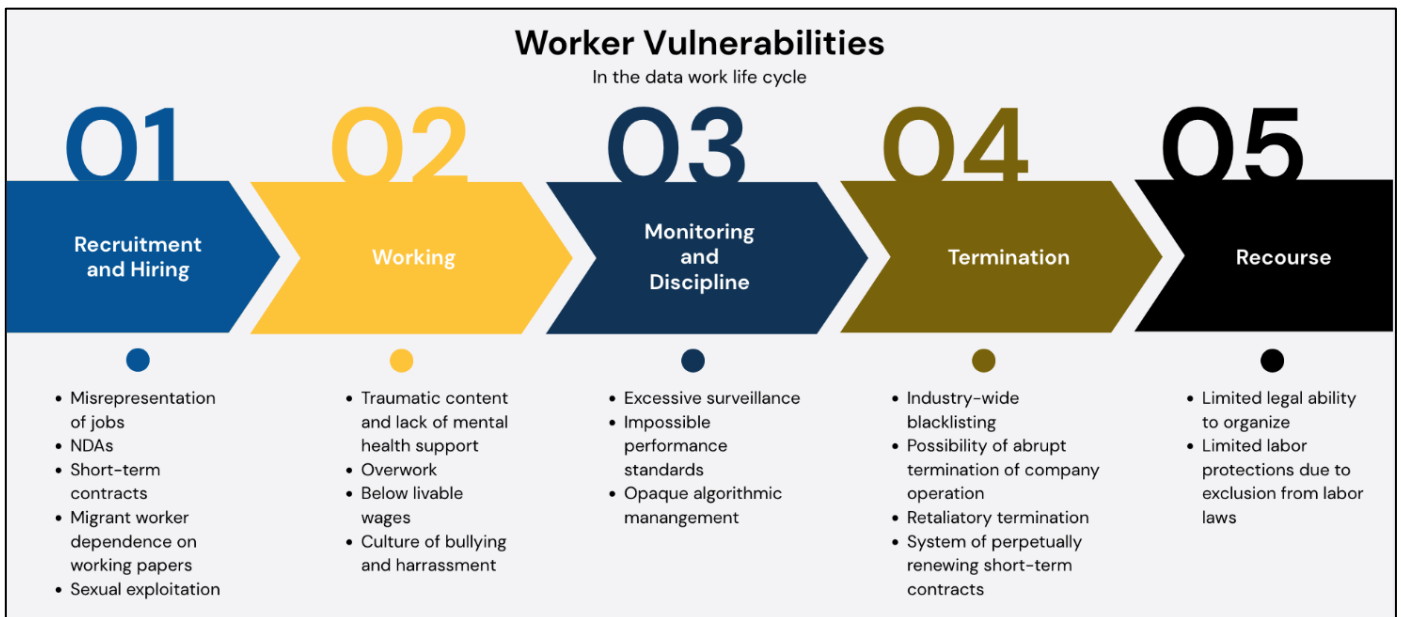
CONTENT MODERATION:

Content moderators view user-generated content for AI models, social media, and other online platforms to determine if the content abides by community guidelines. Content moderators thus constantly view photos and videos that are determined to be too violent, offensive, sexually explicit, harmful, or otherwise inappropriate for user consumption.

DATA ANNOTATION AND LABELING:

Data annotators and labelers help train machine learning models by conducting object recognition in images and video, transcribing audio, and identifying patterns in text. Like content moderation, this often involves exposure to “toxic” data, such as violence and gore, hate speech, and child sexual abuse material.

However, impact sourcing has been criticized as exploitative. Critics argue that impact sourcing often functions less as a development strategy and more as a means of accessing low-cost labor with weaker labor protections.¹⁰ A value chain that includes BPOs is inherently multistep, and transparency is lost with every additional step. In the generative AI value chain, regulation at different levels of the value chain is hindered by this opacity.¹¹ Thus, human rights violations can be easily obscured and persist with limited accountability. Consequently, impact sourcing can ultimately cause more harm than good, even if it may bring jobs to communities that have high unemployment. In an open letter to President Biden from tech workers in Kenya, workers emphasized this point, writing, “We need these jobs, but not jobs at any cost.”¹²

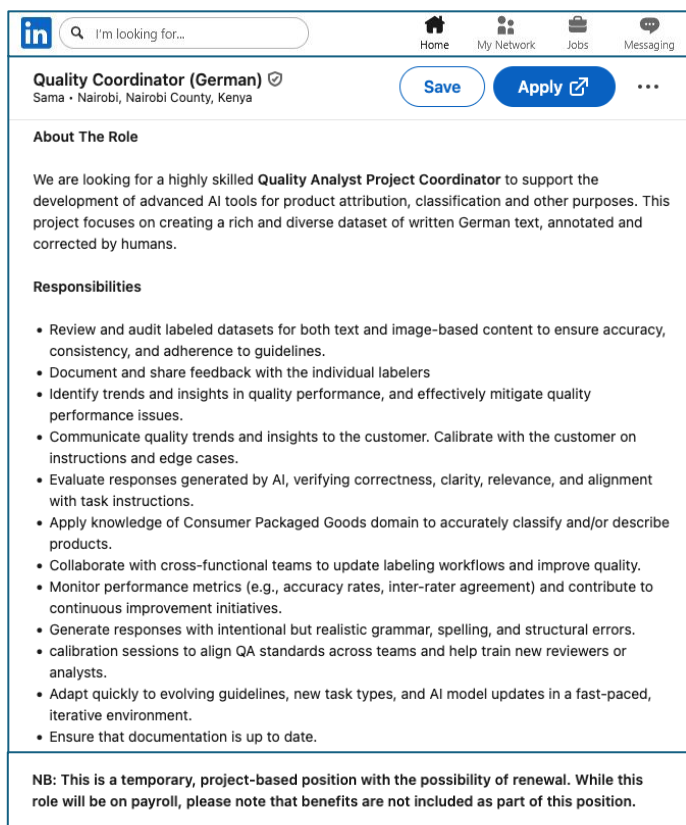


Source: Created by author

Recruitment

Both BPO and platform-based workers often learn about available positions via LinkedIn postings, referrals, word-of-mouth, and in-person recruiters from BPO firms in local communities, including refugee camps.¹³ These recruitment channels allow companies to reach a wide and often vulnerable labor pool.

Job postings frequently advertise the positions as “flexible” and accessible, but provide limited detail on the nature of the work and note that positions are temporary and without benefits.



Quality Coordinator (German)
Sama · Nairobi, Nairobi County, Kenya

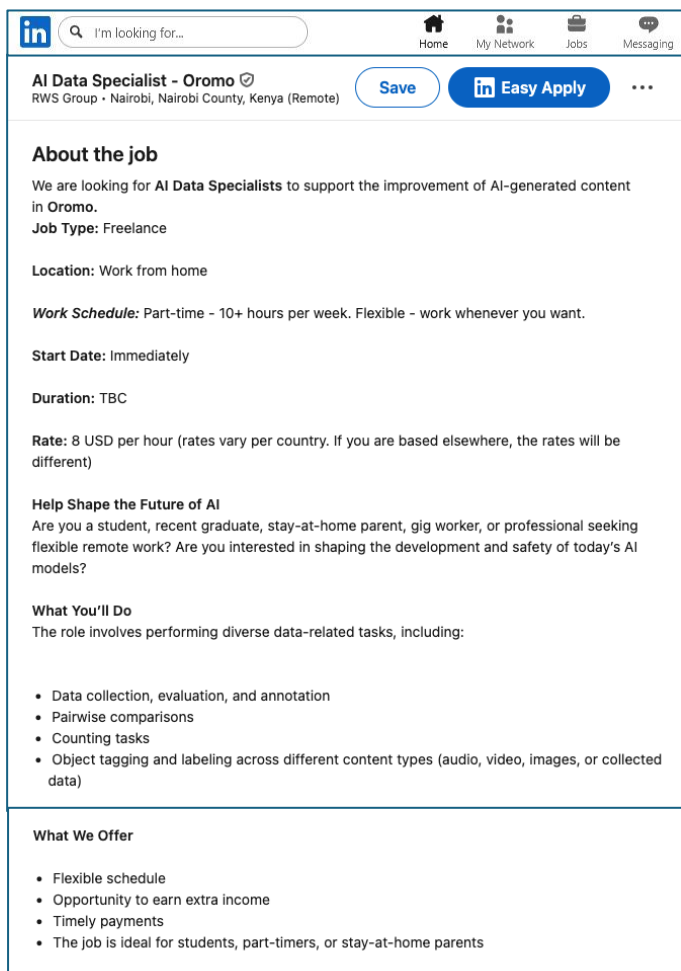
About The Role

We are looking for a highly skilled **Quality Analyst Project Coordinator** to support the development of advanced AI tools for product attribution, classification and other purposes. This project focuses on creating a rich and diverse dataset of written German text, annotated and corrected by humans.

Responsibilities

- Review and audit labeled datasets for both text and image-based content to ensure accuracy, consistency, and adherence to guidelines.
- Document and share feedback with the individual labelers
- Identify trends and insights in quality performance, and effectively mitigate quality performance issues.
- Communicate quality trends and insights to the customer. Calibrate with the customer on instructions and edge cases.
- Evaluate responses generated by AI, verifying correctness, clarity, relevance, and alignment with task instructions.
- Apply knowledge of Consumer Packaged Goods domain to accurately classify and/or describe products.
- Collaborate with cross-functional teams to update labeling workflows and improve quality.
- Monitor performance metrics (e.g., accuracy rates, inter-rater agreement) and contribute to continuous improvement initiatives.
- Generate responses with intentional but realistic grammar, spelling, and structural errors.
- calibration sessions to align QA standards across teams and help train new reviewers or analysts.
- Adapt quickly to evolving guidelines, new task types, and AI model updates in a fast-paced, iterative environment.
- Ensure that documentation is up to date.

NB: This is a temporary, project-based position with the possibility of renewal. While this role will be on payroll, please note that benefits are not included as part of this position.



AI Data Specialist - Oromo
RWS Group · Nairobi, Nairobi County, Kenya (Remote)

About the job

We are looking for **AI Data Specialists** to support the improvement of AI-generated content in **Oromo**.

Job Type: Freelance

Location: Work from home

Work Schedule: Part-time - 10+ hours per week. Flexible - work whenever you want.

Start Date: Immediately

Duration: TBC

Rate: 8 USD per hour (rates vary per country. If you are based elsewhere, the rates will be different)

Help Shape the Future of AI
Are you a student, recent graduate, stay-at-home parent, gig worker, or professional seeking flexible remote work? Are you interested in shaping the development and safety of today's AI models?

What You'll Do
The role involves performing diverse data-related tasks, including:

- Data collection, evaluation, and annotation
- Pairwise comparisons
- Counting tasks
- Object tagging and labeling across different content types (audio, video, images, or collected data)

What We Offer

- Flexible schedule
- Opportunity to earn extra income
- Timely payments
- The job is ideal for students, part-timers, or stay-at-home parents

This lack of transparency in job content reflects a broader pattern of opacity in the recruitment process. Workers are often unaware of the client company for whom they are ultimately working and may not fully understand job expectations prior to accepting a position. As a result, workers enter employment relationships with limited information and bargaining power, unable to assess the risks of the position, reinforcing their vulnerability from the outset.

Poor Working Conditions

The working conditions faced by data workers are often psychologically and physically harmful. In training AI models or moderating content for social media platforms, data workers often must review text, images, and/or video content depicting “graphic scenes of violence, self-harm, murder, rape, necrophilia, child abuse, bestiality and incest.”¹⁴ The constant exposure to such content leads to “vicarious trauma”¹⁵ and in many cases has led to “depression, burnout, mental health disorders, and physical exhaustion.”¹⁶

The trauma experienced by data workers extends beyond the workplace. Workers have reported difficulty reintegrating into their personal lives due to problems with disengaging from traumatic material¹⁷ and increased paranoia and introversion.¹⁸ In some cases, workers have also reported that they were misled regarding the content of the work when committing to the job. For example, content moderator recruits at Sama (a major BPO formerly known as Samasource) in Kenya were tasked with reviewing inoffensive content during training, but were given increasingly long and disturbing content after formally joining the project.¹⁹

“That’s the total colonialism that we talk about, because the big tech companies come from the western world to Africa and put us in chains that people don’t see. And when we scream, people don’t understand what we are talking about. Our lives have really changed because of the kind of work that we’ve done. We are no longer the same that we used to be.”

– Kauna Malgwi,
African Content Moderators
Union

Despite the extremely graphic content to which they are exposed, content moderators and other data workers have reported that they are offered no or inadequate psychological support.²⁰ Frontline medical workers, for example, may receive hazard pay for their high risk of exposure to infectious diseases or long hours in high-stress environments. In contrast, mental health risks such as those of content moderators are much less likely to be considered occupational health hazards than physical health risks.

Where mental health services are provided, they have been criticized as unprofessional, having insufficient availability, and lacking confidentiality.²¹ An International Labour Organization (ILO) report found that some Kenyan content moderators were required by their employers to meet with unqualified counselors, only to have these counselors share their confidential information with management, by whom it was misused.²²

In practice, these services may function less as support systems and more as tools of worker monitoring. As reported by one content moderator through UNI Global Union, company-provided therapy sessions were intended to assess whether workers remained fit to work, rather than provide them with mental health support.²³ In Kenya, workers reported that “employees experiencing psychological distress risk termination or loss of income security.”²⁴ Additionally, some workers also struggle to access available sessions because they will be unable to meet their performance quotas if they take the time to meet with a counselor.

Structural features of the outsourcing system further limit access to care and accountability. The opaque nature of the outsourcing process can make it unclear who is responsible for providing mental health safeguards.²⁵ At the same time, stigma associated with psychological conditions and strict non-disclosure agreements (NDAs) regarding their experiences at work further serve to isolate individual workers and prevent them from seeking care.²⁶

These vulnerabilities are compounded by gender dynamics. Women workers may be disproportionately affected by exposure to violent and sexual content, much of which depicts violence against women, increasing their risk of anxiety, depression, and PTSD.²⁷ In addition to content-related trauma, they face further barriers in data work. For example, even in companies that have maternity leave policies, pregnant workers are often made ineligible for the benefits by being made redundant shortly before their due dates.²⁸ Basic workplace accommodations, such as sanitary products in washrooms for menstruating women²⁹ and adequate breaks to address menstruation-related needs, are often lacking as well.³⁰

Beyond exposure to harmful content, the ubiquity of unreasonably high performance standards jeopardizes the well-being of employees. In order to meet strict quotas, workers at one BPO reported working 10-hour days with only one hour of breaks, five days a week with some additional Saturday work.³¹ One content moderator in Tunisia said that the “only way to hit the numbers is to skip toilet breaks, meals and rest.”³² Pressure to meet high performance targets also discourages the use of tools that are meant to act as safeguards for workers against unnecessary exposure to traumatizing content, such as blurring tools.³³

Enforcement of these performance standards is often supported by excessive surveillance. Both BPO workers and platform-based microtaskers are subject to constant monitoring through

Lessons for AI Supply Chains from *The Accord on Fire and Building Safety in Bangladesh* (the Accord)

The Accord is a 2013 corporate social responsibility initiative designed to ensure safe working conditions for Bangladeshi garment workers. Garment workers faced many of the same challenges as data workers, also rooted in informality and regulation arbitrage. The Accord was ground-breaking in that it was an *enforceable* contract and directly connected global brands to trade unions representing workers in their supply chains. This model has been largely effective in improving conditions for workers and was renewed as the International Accord for Health and Safety in the Textile and Garment Industry in 2021 and expanded to Pakistan in 2023.

The Accord was brought on by public pressure following the Rana Plaza factory collapse, highlighting both the potential for consumers to affect brand decisions and the ability of client companies to demand more robust labor standards from outsourcing companies in their supply chains. While the Accord may be difficult to exactly replicate in other industries due to the structure of the garment value chain and other factors, the broader concept can be applied to the data sector, making Big Tech companies legally and financially responsible for the labor violations of their contractors and preventing responsibility evasion.

remote supervision/screen monitoring software that can automatically flag periods of inactivity and non-work-related mouse and browser use. In BPOs, surveillance is also done by in-person managers and via CCTV.³⁴ Platform-based data workers are also often subject to algorithmic management systems, in which workers cannot access the criteria used to assign them tasks or evaluate their performance.³⁵ This removes the possibility of assessing the fairness of the criteria and leads to opaque “black box” management that can shift tools and practices clandestinely.³⁶ Aside from the opacity often involved in algorithmic management, the practice removes the human element of management that employs empathy and situational reasoning, with strict monitoring systems that track “keystrokes, errors, and productivity in real time.”³⁷ This monitoring, which sometimes leads to termination,³⁸ further contributes to high stress levels and job insecurity.

Below Living Wages

Data workers in Kenya and Uganda suffer multiple forms of wage-related injustice, including low wages, unpaid overtime requirements, income volatility, and irregular pay delivery methods.

Accounts of low wages are persistent across the sector. A study of workers at a Kenyan site of Sama found that many workers were paid below the living wage benchmark determined by Sama’s own impact team.³⁹ Although some participants reported that Sama’s wages exceeded those offered by other BPOs or in the informal economy, compensation still “struggled to keep up with essential costs for fuel, food, and education.”⁴⁰ Moreover, the wages of \$1.06 per hour⁴¹ or \$2 per hour⁴² are well below wage thresholds where the client companies are based, which can be \$12 to \$20 for the same work.⁴³ This disparity raises broader ethical questions regarding the impact sourcing model and the extent to which companies are externalizing labor costs.

Unpaid labor is another widespread concern. Fairwork, a project which monitors working conditions in the platform economy, has reported non-voluntary unpaid overtime as a major issue for workers at Sama, one of the most prominent BPOs in East Africa.⁴⁴ Even for one worker receiving overtime pay, it was reported to be at a rate less than her usual pay rate.⁴⁵ A follow-up report two years later found that the practice of unpaid overtime persisted at Sama despite company commitments to reform,⁴⁶ suggesting a broader failure to change practice based on labor rights criticisms. In addition to overtime, workers have also been required to complete unpaid tasks such as performing off-hours, additional work to meet targets, correcting previous tasks (“rework”), and attending mandatory wellness sessions that can lack confidentiality and efficacy.⁴⁷

Even when wages are paid, they are frequently unstable, as it is common for data workers to depend heavily on performance-based bonuses. A study by UNI Global Union found that up to half of some content moderators’ total compensation came from productivity bonuses that were essential to their meeting minimal income thresholds.⁴⁸ Likewise, the German Agency for International Cooperation reported that bonuses can account for up to 70 percent of total compensation and can be forfeited by failing to meet algorithmically determined performance thresholds.⁴⁹

Finally, compensation practices for platform-based workers can introduce additional instability. Issues have arisen with pay delivery methods, including reports of workers being compensated in gift cards, digital currencies, and cryptocurrency.⁵⁰ This subjects workers to the volatilities of different currencies and limits how earnings can be used.

Taken together, these compensation practices reflect how informality and opaque management structures not only depress wages but also undermine workers' ability to secure stable and predictable livelihoods.

Lack of Agency

The global system of data work leaves workers without the agency to build a decent livelihood.

Short-term contracting is a defining feature of data work and a key driver of worker precarity. Many workers in BPOs only have one- to three-month-long contracts, with some as short as one week,⁵¹ and workers commonly remain trapped in the cycle of short-term contracts for years.⁵² This constant threat of nonrenewal contributes to job insecurity, a culture of fear, and overwork.⁵³ Yet, beyond the psychological and physical toll, the system of short-term and micro-contracts also leaves workers “outside the scope of traditional labor law protections,”⁵⁴ limiting their ability to access benefits or assert workplace rights.

Job insecurity is further exacerbated by the risk of abrupt operational shutdowns. Microtasking platforms, and to a lesser extent BPOs, have suspended operations in specific locations without warning, leaving workers suddenly jobless. Because platform companies often lack physical infrastructure in the countries where they operate, they can exit markets almost overnight. In 2024, Remotask, an online platform that facilitates data annotation, suddenly suspended all operations in Kenya without prior notice.⁵⁵ Thousands of Kenyans lost their means of livelihood⁵⁶ with no avenues for recourse, due to the lack of contractual obligation or formal channels for dispute resolution, ultimately owing to their classification as independent contractors. Likewise, when a contract between Sama and OpenAI was terminated eight months ahead of schedule, BPO workers were “left without income, while dealing...with serious trauma”⁵⁷ from their work. The same happened in April 2026, when Sama announced that 1,108

Unions and Workers' Associations in Kenya and Uganda

Increasingly, unions and informal workers associations are emerging in East Africa to advocate for data workers. Often partnering with international NGOs and legal advocacy groups, these organizations target tech companies' global reputations and conduct strategic litigation. Prominent examples include the Data Labelers Association, the African Content Moderators Union, and the Kenya Union of Gig Workers.

Unfortunately, worker organizations face significant structural barriers. Because of worker misclassification as independent contractors, their right to organize is not well-codified. In some cases, workers have faced retaliation for organizing, including job loss following unionization efforts at Sama in 2022. Governments may also be wary to support workers, instead choosing to prioritize foreign tech investment. These constraints and the diffusion of responsibility across the supply chain necessitate transnational advocacy.

workers would be laid off as a result of Meta canceling a contract with Sama.⁵⁸ In several instances, these disruptions have followed increased scrutiny or organizing efforts by workers, underscoring the precarity of collective organizing in the sector.

Insecurity in BPO workplaces is often reinforced by managerial practices. Reports frequently describe that BPOs cultivate a “culture of fear” characterized by bullying and harassment perpetuated by management. In 2023, Fairwork assessed Sama’s operations in Kenya and reported intimidation, shouting, and a system of favoritism exercised by management.⁵⁹ These concerns persisted in Fairwork’s 2025 follow-up assessment.⁶⁰

The system of favoritism has implications beyond discrimination and unfair promotion or termination; there is also a culture of sexual exploitation. There have been documented cases of male managers “offering jobs to women on the condition they had sex with them.”⁶¹ The prevalence of such practices not only exposes workers to widespread abuse, but also undermines the credibility of women’s professional achievements, which are often dismissed as the result of coercion rather than merit.⁶²

The culture of fear is further exacerbated by strict NDAs, which are not only a barrier for workers seeking support, but also serve as a barrier to accountability for the firms. One former content moderator said, “We signed an NDA and were told that you will go to jail for 20 years if you ever discuss the kind of work that you do here... I’ve signed off my rights. I don’t have a copy. I can’t ask anybody. I’m just left stranded.”⁶³ Without the ability to discuss their work lives even amongst themselves, threats of imprisonment, and vague definitions of NDA terms, collective organizing is inhibited. Accountability is intentionally hindered by this denial of freedom of association, “precarious and informal employment arrangements, retaliatory dismissal, and the threat of industry-wide blacklisting.”⁶⁴

Digital Sweatshops and Digital Colonialism

The data work outsourcing system has given rise to a new term, “digital sweatshops,” which compares the conditions faced by data workers to those in other industries long characterized by poor working conditions, low wages, and labor law violations.

Yet, digital sweatshops are only one aspect of a broader system of “digital colonialism,” in which economic value flows out of the Global South while decision-making power remains with actors in the Global North. Another prominent element of this system is data extraction. Many widely used messaging and social media platforms across the Global South are owned by foreign-based companies. These companies harvest data from countries with relatively weak user data protection regulations and leverage it to expand market power, train predictive algorithms, build proprietary datasets, and generate revenue through targeted advertising and other forms of monetization. This extraction deepens existing inequalities when communities do not have control over how their data is used, are not compensated for their data, are unprotected by privacy laws, and cannot benefit from local data to develop local tech enterprises.

These vulnerabilities have amplified effects for migrant workers. Many BPO employees come to East Africa from other countries, partly due to the need for workers proficient in indigenous languages.⁶⁵ But migrant workers may be recruited under misleading job descriptions; workers

“Their passports are taken away to be processed but never get processed for months... If the company decides to just take away your passport when you say you want to go home, you literally become a hostage in a foreign country without help.”

– Kauna Malgwi,
African Content Moderators
Union

are often brought to Kenya after accepting a customer service or “telephone assistant” job but are then made to do content moderation work.⁶⁶ Their legal right to remain in the country is often tied directly to their employment, thus making them particularly vulnerable to the volatility of data work and exploitation. In some cases, they are given work only for a few days before being forced to leave the country or risk losing their legal status.⁶⁷ If their wages have been delayed or withheld, migrant workers may be unable to afford to return home, as happened in at least one case involving Meta.⁶⁸ Migrant workers also face additional challenges, including harassment from local authorities⁶⁹ and effective exclusion from the National Social Security Fund, despite being subject to statutory deductions.⁷⁰

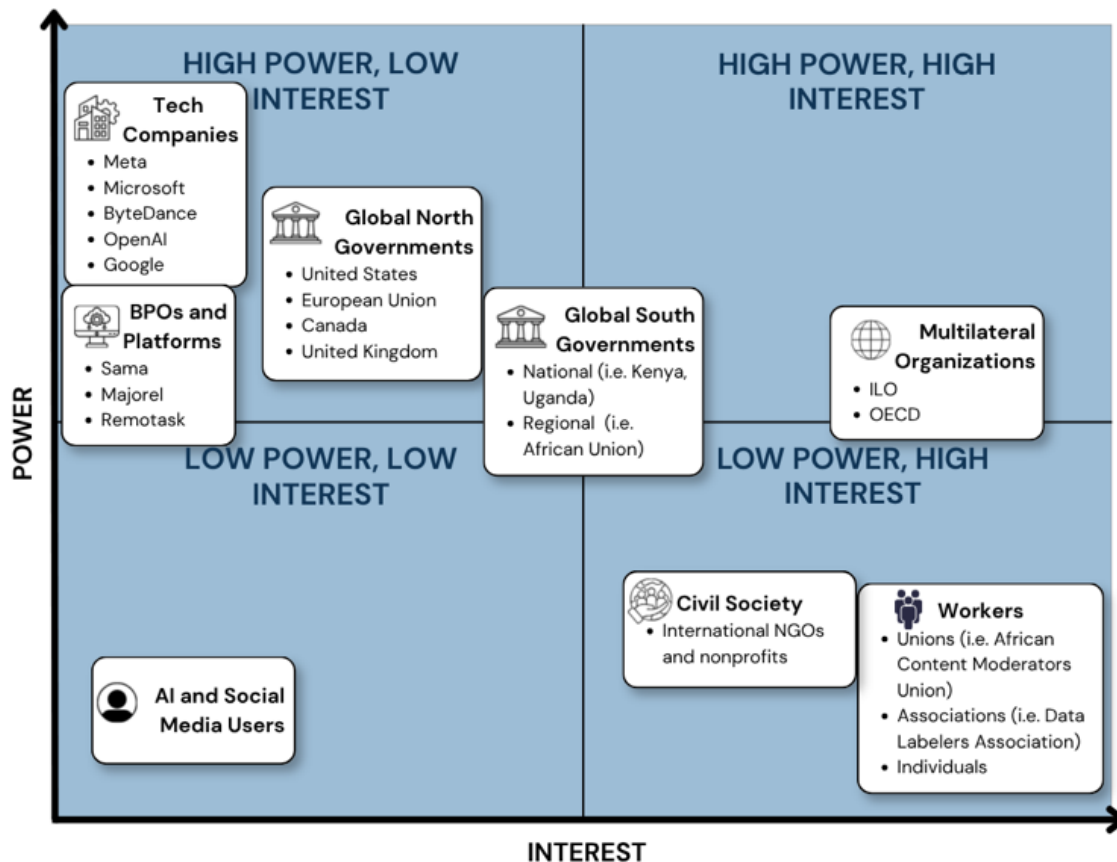


Figure 2: Stakeholder Map. Source: Created by author
Multiple stakeholders must act to make data work decent. Tech companies, which hold the most influence in changing the system, have little or no incentive to do so.

Legal Challenges

Data workers face two primary legal challenges: first, many workers are legally classified as independent contractors in an intentional effort to deny them protection from most existing labor laws; second, the multistep nature of the supply chain makes it unclear who bears responsibility for protecting workers.

The classification of many data workers as independent contractors deliberately excludes them from labor protections in their home countries and weakens the applicability of protections tied to client firms operating in other jurisdictions. For platform workers, the task-based compensation models are used to justify their independent contractor designation, whereas for BPO workers, short-term contracts limit their designation as full-time employees and thus their access to benefits and protections, despite the reality of their full-time work.

At the same time, both the opacity and fragmentation of the supply chain obscure lines of accountability, allowing for regulation arbitrage. Companies based in jurisdictions with relatively strong labor protections can easily circumvent many regulations by outsourcing labor to other countries.

These overlapping challenges highlight the need for new, targeted domestic and international laws in addressing the exploitation of data workers.

The Employment Act of Kenya, 2007

Kenya's Employment Act illustrates how an existing labor protection law can be exploited to exclude data workers from legal protections. The Act provides protections related to wages, hours, leave, and termination, all areas in which data workers routinely face violations. However, because data workers are often intentionally misclassified as independent contractors rather than employees under a contract of service, their work is outside of the scope of the Employment Act. This legal distinction enables firms to avoid compliance while maintaining significant control over working conditions.

Thus, if the Act were extended to include BPO and platform-based data workers, they would be entitled to many of the labor protections already available to other workers in Kenya. The Kenyan Union of Gig Workers (KUGWO) has notably defended against amendments to the Employment Act that would further disenfranchise platform workers.

Promising Legal Frameworks and Collective Organizing

The following section examines emerging international guidelines, regulatory approaches, and collective action efforts designed to extend protections across supply chains and hold companies responsible for labor abuses.

- **UN Guiding Principles on Business and Human Rights (UNGPs) (2011) and the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (2023)**

Both the UNGPs and the OECD Guidelines are voluntary international frameworks that are not legally binding, but have laid a foundation for subsequent regional and national legislation. The UNGPs introduced the concept of human rights due diligence for companies, meaning that all companies around the world have an independent responsibility to uphold human rights, even outside of legal obligations. The OECD Guidelines operationalize the UNGPs into a practical, risk-based process and include a grievance mechanism. However, both frameworks are limited by their nonbinding nature.

“The challenge becomes how we can bring those standards to implementation on the ground, and find champions in policy makers who can implement this against pressure from multinational companies.”

*– Dr. Nagla Rizk,
Access to Knowledge for
Development Center*

- **EU Corporate Sustainability Due Diligence Directive (CS3D) (2024)**

The CS3D is an effort to codify the principles of the UNGPs that focused on human rights due diligence for large firms across the EU. The CS3D extended through entire value chains to prevent downstream companies from evading responsibility for human rights non-compliance. It represents an important step forward for overcoming the opacity in value chains that enables labor abuses.

However, the CS3D, often regarded as the strongest law of its kind, was significantly defanged by the 2025 Omnibus reform. Even before the reform, the CS3D faced significant limitations in practice, particularly with respect to enforcement. Nonetheless, the effort provides an example of supply chain due diligence that should inspire future legislation in the EU and elsewhere.

- **EU Platform Work Directive (2024)**

The EU Platform Work Directive is not a supply chain law, but rather addresses labor conditions in digital platforms. It addresses key issues such as the frequent misclassification of platform-based data workers as independent contractors and the opacity of algorithmic management. While these provisions can be effective in protecting the rights of data workers in the EU depending on the strength of enforcement in the particular member state, they do not extend to workers outside the EU who perform similar tasks within global data supply chains.

As a result, the Directive highlights a broader limitation of territorially bounded labor regulation in a globally distributed digital economy. The premise of the Directive must be adapted to all countries where data work takes place in order to apply existing and future labor laws to this sector.

- **California Sweatfree AI Code of Conduct Bill (2026)**

In the United States, the Sweatfree AI Code of Conduct Bill was introduced to the California State Assembly in February 2026 and would require companies selling AI products to the state of California to certify that the supply chain behind those products is free of exploitative practices. Though it is still pending and its scope is limited to public procurement, the bill is promising in that it calls for AI supply chain due diligence, which remains widely unregulated in the U.S.

- **Worker-led lawsuits against Meta and Sama (2022-present)**

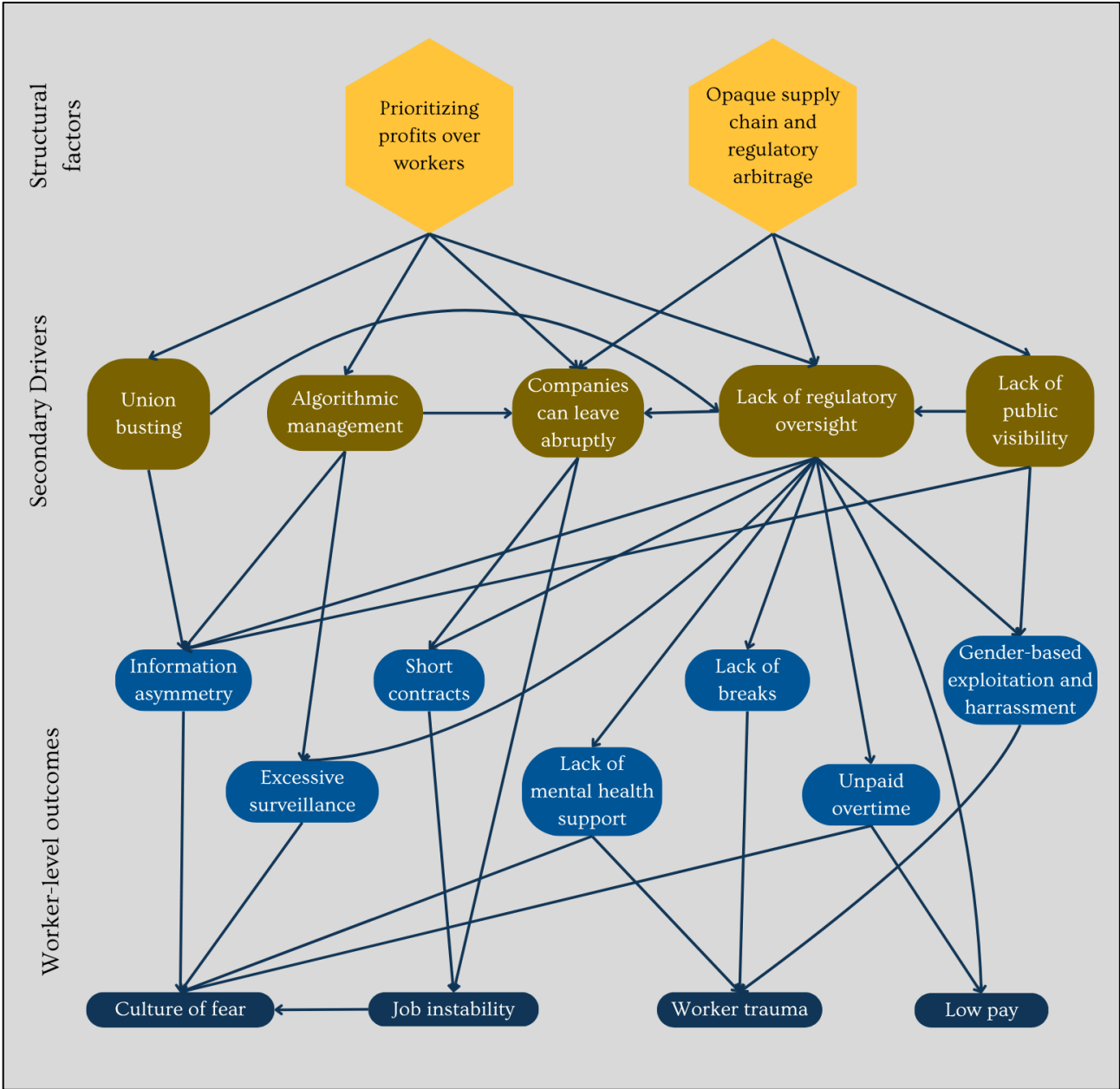
In 2022 and 2023, multiple lawsuits were filed in Kenya against the outsourcing firm Sama and its client, Meta. By hearing the first suit, filed in 2022 by former content moderator Daniel Motaung, the Kenyan court made significant progress for workers by affirming the “jurisdiction of Kenyan courts over foreign tech companies operating in Kenya.”⁷¹ In 2023, an additional filing was made by 43 content moderators (a number which later grew to approximately 185 through a joinder) against Meta and Sama for severe post-traumatic stress disorder, unfair dismissal, and alleged union-busting after attempting to organize.⁷² Both cases are still in progress, despite some attempts at settlements.

During the proceedings, there have been interim disputes over whether Sama and Meta have followed the court’s order to continue paying workers’ salaries⁷³ and many plaintiffs later alleged losing their jobs at Sama and being blacklisted from similar outsourcing firms.⁷⁴ Furthermore, the cases led Meta to attempt to change its contractor from Sama to Majorel,⁷⁵ though this was partially blocked by the Kenya courts. Meta has retained its underlying business model throughout the proceedings, and has allegedly shifted a share of operations out of Kenya as a result of the lawsuits.

Ultimately, these cases underscore the difficulty that workers face when trying to confront major tech companies. After years of litigation, the cases are still ongoing without reaching any enforceable remedies. Yet, they also point to another challenge: in the absence of coordinated regulatory frameworks across jurisdictions, gains in worker protections in one location may be undermined by capital mobility and regulatory arbitrage elsewhere or in another company. Bridging this gap requires regionally or globally harmonized standards, such as through the African Union, to prevent a race to the bottom in worker protections.

- **ILO Resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Decent work in the platform economy” (For 2026)**

The ILO Resolution to place on the agenda “Decent work in the platform economy” called for platform work to be added to topics under discussion at the 2026 ILO conference. This agenda item will facilitate the ILO’s examination of working conditions in the platform economy and the ILO’s potential adoption of new international standards that ensure decent work for platform workers. The resolution is a landmark step towards adopting a convention that guarantees these workers’ rights. If the member countries were to eventually ratify a convention of this kind, workers would likely benefit from freedom of association, occupational health standards, and clear terms of employment. However, while the addition of the platform economy to the ILO’s agenda is a critical step forward for decent work efforts, the key to this initiative’s success will ultimately be its implementation.



Source: Created by author

Recommendations

Although various legal actions have been taken to protect workers from the type of injustices encountered in the data sector, they are not yet sufficient. Policymakers in both the Global North and the Global South, private enterprises, unions and workers associations, and civil society organizations all have a role to play in improving labor conditions for data workers. The following recommendations are intended to inform policymakers and key stakeholders on effective ways to improve labor rights in the data supply chain.

Policymakers in Kenya and Uganda

1. Expand existing labor laws to protect data workers.

If existing labor laws were adjusted to apply to data workers currently classified as independent contractors, workers in this relatively new industry would automatically be protected to a similar degree as other workers in their countries. The right to organize, in particular, must be extended to data workers. Mental health harms should also be included in occupational health and safety issues under law in order to protect content moderators.

2. Issue new regulations that target issues specific to data work.

New regulation for data work should focus in particular on collective bargaining protections. When collective bargaining rights are addressed, other benefits such as sufficient mental health support, sufficient paid time off, and mandated transparency requirements⁷⁶ will follow.

3. Coordinate with policymakers from other data work sourcing countries regionally and globally, including in forums such as the African Union and the ILO.

Policies must be harmonized across sourcing countries to prevent a “race to the bottom” in which companies continuously relocate to countries with the least strict labor protections.

4. Monitor living wage standards and strengthen enforcement capacity.

Even where labor protections exist, they are often insufficiently enforced. Legislation is not effective in improving the lives of workers without consistent enforcement. Policymakers thus should invest in labor inspectorates and mechanisms for cross-border evidence-sharing.⁷⁷

5. Require that digital platforms increase transparency of algorithmic decisions.

Firms should provide explanations for all algorithmic management decisions. Workers must have a legal right to access the data collected on their performance and the right to appeal automated termination decisions.

- 6. Prohibit NDAs that prevent exposure of labor abuses.⁷⁸**
Business process or product confidentiality should not be used to conceal labor violations. There must be explicit exceptions to NDAs that make clear that labor rights abuses are never confidential.
- 7. Require provisions to protect women workers.**
These can include “gender audits designed to detect and correct gender biases in task allocation, payment, and overall working conditions.”⁷⁹ This will require enforcement as well as legislation.
- 8. Outsource government-related data work to local BPOs that meet labor standards to diversify their risk and protect workers from abrupt project termination.⁸⁰**
If governments engage with BPOs, these firms will be less reliant on international tech companies and thus more protected from abrupt contract terminations. Increased client options for BPOs that comply with labor standards will also encourage compliance.

Policymakers in Client Countries (Global North)

- 1. Mandate supply chain due diligence and compliance verification.**
Ensure that companies in the client country’s jurisdiction operate at the same high standards of labor protections throughout their supply chains. Demand compliance verification to support enforcement.
- 2. Clarify employment classification standards in transnational contexts.**
Ensuring that data workers are classified as employees rather than independent contractors, as was done in the EU Platform Work Directive, will help them more easily fit inside the scope of various labor laws. These employment classifications must be extended throughout value chains.
- 3. Include elected worker councils or union representation requirements in BPO-client contracts.⁸¹**
For firms in your jurisdiction contracting BPOs outside of your jurisdiction, mandate worker representation in contracts. This will create a line of communication between client companies and upstream workers, as well as give workers more agency in the outsourcing process.
- 4. Allocate more resources to enforcement and create meaningful penalties.**
Where supply chain due diligence laws have been passed in client countries, such as the EU Corporate Sustainability Due Diligence Directive, they have often struggled with enforcement. Utilize a combination of financial penalties and “market-access restrictions, procurement disqualification, and reputational measures”⁸² for firms that do not comply with labor protections.
- 5. Coordinate internationally to harmonize standards.**

International pressure to raise standards will push reluctant Global North countries to protect workers throughout their supply chains. International coordination will ensure that more workers are protected and create a worldwide deterrent for regulation arbitrage.

Technology Companies, BPOs, and Platforms

1. Accept responsibility for human rights violations within supply chains.

Technology companies are responsible for mandating human rights standards are upheld throughout their supply chains. Exploitation will persist if companies continue to shirk accountability, and tech companies must commit in advance to working with suppliers to remediate violations.

2. Reform employment classification.

A more stable workforce will be created if job insecurity is reduced and workers are afforded labor protections and agency.

3. Engage with worker organizations.

Incorporate worker groups and unions' voices into company policies to resolve complaints and address worker needs without litigation.

4. Incorporate human oversight into management and performance standards.

Oversight should be enhanced and changed to ensure that performance expectations do not incentivize unsafe practices. For example, tasks should be classified by exposure risk level and performance standards and hazard pay should be adjusted to reflect the risk.⁸³

5. Allocate resources to enforcement of company commitments to human rights or labor rights frameworks.

Several AI and social media firms have already developed company-wide human rights commitments, but most lack enforcement mechanisms and have become empty promises. Companies must prioritize credible implementation, monitoring, and accountability measures. Alternatively, independent review by organizations such as Fairwork and voluntary work disclosures can ensure that these commitments are met, both protecting workers and enhancing brand credibility.

6. Uphold fair and timely compensation practices.

Eliminate unpaid labor practices and standardize payment methods. This will increase worker reliability and motivation, reduce disputes, and minimize legal and reputational risks tied to wage violations.

7. Ensure that employees have necessary access to mental health services.

One option is to outsource independent mental health support instead of using only in-house HR personnel for counseling to ensure trust, confidentiality, and effectiveness. Workers will receive necessary care and worker retention and performance will likely improve.

Unions and Workers' Associations

- 1. Monitor and document workplace harms with worker-led reporting systems.**
Systematically tracking labor violations and strengthening reporting systems will give workers more agency and solidarity in sharing their experiences and refusing to accept abuses. This documentation can be used to support advocacy, litigation, and policy reform.
- 2. Continue engaging in strategic litigation.**
Strategic litigation efforts can be effective in changing supplier countries' laws and can apply reputational pressure to firms. This can facilitate incorporating worker's lived experience into policy.
- 3. Develop cross-border solidarity networks.**
Working to create harmonized policies across jurisdictions will empower more workers and prevent regulation arbitrage. Partnerships between workers associations, unions, NGOs, and legal organizations will facilitate international cooperation and information-sharing.

Civil Society

- 1. Facilitate public pressure campaigns for client companies to take responsibility for labor conditions throughout their supply chains.**
As was done to support the passage of the Accord on Fire and Safety in Bangladesh, civil society organizations can play a pivotal role in securing supply chain due diligence where it is not yet required by law.
- 2. Provide legal and organizational support to workers organizations and facilitate cross-border coordination.**
Amplifying worker voices is vital in regions with weak labor law enforcement, and by driving collaboration between worker groups, researchers, and advocates across borders, these efforts directly combat regulatory arbitrage. Civil society funding can also fill the gaps in psychological support left by firms while legislative changes are still underway.
- 3. Support the inclusion of digital labor in global decent work agendas.**⁸⁴
Future international frameworks must adapt to current technologies and reflect workers in non-traditional sectors, but without advocacy, these workers will continue to be excluded.
- 4. Fund worker-led reporting systems and independent monitoring.**
Funding worker-led data collection will support worker advocacy. Independent monitoring projects, such as Fairwork, should be continued and enhanced to publicize labor abuses and inject external resources into monitoring efforts.

Conclusion

Content moderators, data labelers, and data annotators are essential to the functioning and safety of AI systems and social media platforms, yet they are rarely afforded basic dignity and legal protections. This persistence of worker vulnerability is not incidental, but structural. Technology companies based in the Global North rely on layers of subcontracting to access inexpensive labor while shielding themselves from accountability for labor abuses. The challenges faced by workers in the emerging sector of data work are not fundamentally new; across regions and industries, informality is the primary factor limiting workers' access to labor protections, whether in the form of intentional employment misclassification, short-term contracts, or opaque employment relationships.

Addressing this exploitation requires effecting change in client countries, supplier countries, and firms themselves, always grounded in the priorities and experiences of workers. Recent regulatory efforts by the EU and ILO mark important progress, but there is much more to be done. Global North countries must demand supply chain due diligence from their multinational corporations and expand their enforcement mechanisms. Countries in the Global South should strengthen and harmonize the labor protections to safeguard workers and prevent regulatory arbitrage. Workers' unions and associations must be strengthened, supported, and meaningfully included in decision-making processes. Ultimately, tech companies must take responsibility for human rights abuses in their supply chains.

Without directly confronting informality as a core feature of contemporary labor markets and creating system-wide changes to the way labor rights are addressed, data workers will continue to be undervalued and exploited.

“When these AI companies come to us with the shiny AI campaigns, we should ask the right questions: ‘How are these things being made?’ We’ve seen movies clearly say, ‘No animals or humans were harmed in the process of making this.’ Are we asking the same with the AI applications? ... These humans are so vulnerable that their voices are barely even heard.”

*– Kauna Malgwi,
African Content
Moderators Union*

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