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Labor law and gig Economy: Protection of digital platform workers in Latin America

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ABSTRACT

The digital platform economy is revolutionizing labor relations in Latin America, generating tensions regarding operational freedom and the need to protect fundamental rights. This article investigates the legal norms related to the protection of workers on digital platforms in eight Latin American countries, reviewing relevant legislation, regulatory proposals, and case law from 2021 to 2026. Our methods were mixed: we conducted a literature search in Scopus and Web of Science. In Science , we analyzed international sources using statistical analysis and applied econometric modeling (panel regression with fixed effects). The results reveal significant policy fragmentation in regulations: Chile and Uruguay have distinct regulatory environments that differentiate between dependent and independent workers, while Brazil, Argentina, Colombia, and Mexico still present a legal vacuum surrounding a variety of laws that have prevented workers from enjoying labor protections and social security. An additional quantitative study revealed that only 55% of platform workers in Argentina contribute to social security, and 96.3% in Ecuador demand specific legal recognition. The panel regression analysis indicated a negative relationship between platform penetration and the Gini coefficient and the potential for its complex redistributive effect. The three regulatory designs were divided into specific statutory sectoral regulations, case-by-case judicial recognition, and hybrid legislation. These gaps involve exclusion from social security, lack of protection for workplace accidents, working hours that exceed legal limits, and power differentials through a process of algorithmic mediation. The authors of this article argue that the regional regulatory system should not only be flexible in that it maintains minimum guarantees of social protection, but also recognize common protections of collective rights and algorithmic transparency..

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Gig economy , labor law, digital platforms, social protection, Latin America

1. Introduction

The dynamic trajectory of the digital platform economy has transformed the labor market in Latin America, challenging established legal codes of labor protection based on industrial employment. Uber, Rappi , DiDi , and iFood have emerged as major players in urban areas, mobilizing millions of workers as contract labor, which complicates conventional models of forms of labor subordination (Chacón, 2024). This transformation demands a recoding of power relations between capital, labor, and the state, which has implications for income transfers, social security protection, and the articulation of collective rights in highly informal environments

(Pereyra and Poblete, 2023). The International Labour Organization (ILO) has already recognized the distinctive nature of platform work (Velasco et al., 2021), and this recognition creates and fosters specific types of regulatory responses. Regional comparative studies also advocate for a regulatory context sensitive to the Global South (Dutra et al., 2025),

particularly in regions where more than half the workforce is informal and social protection systems are fragmented (Velasco et al., 2021). From specific sectoral laws to legal loopholes that exacerbate precariousness, Latin America has increasingly emerged as a regulatory

laboratory where disparate experiences converge. Through an analysis of these legal frameworks for the protection of digital platform workers in Latin America, this research identifies different regulatory trends, protection gaps, and implementation challenges in eight countries from 2021 to 2026.

An analysis that is based on the assumption that the fragmentation of regulation responds to variations in the capacity of state institutions to integrate and the differences in the resistance strategies of the platforms towards labor regulation, thus producing unequal asymmetries that have a greater and asymmetrical impact on workers classified as victims of socioeconomic subordination..

2. METHODOLOGY

The research adopted a mixed-methods design, integrating qualitative analysis of regulatory frameworks and a systematic literature review with quantitative analysis of statistical data and econometric modeling. The literature search was conducted in Scopus and Web of Science. A search was conducted in Science between January 2021 and March 2026 using Spanish, English, and Portuguese terms related to the

platform economy, labor law, and Latin American countries. The search applied inclusion criteria, and the final articles included peer-reviewed studies, empirical studies, and comparative legal analyses related to the regulatory framework or working conditions for platform workers in at least one Latin American country. A structured matrix captured the country, platform type, legal framework, protection gaps, empirical findings, and recommendations, and 79 unique documents were subjected to full reading and data extraction in the search. Simultaneously, statistical data from the ILO, the World Bank, ECLAC, and the OECD were collected for the period 2019–2023 on informal employment,

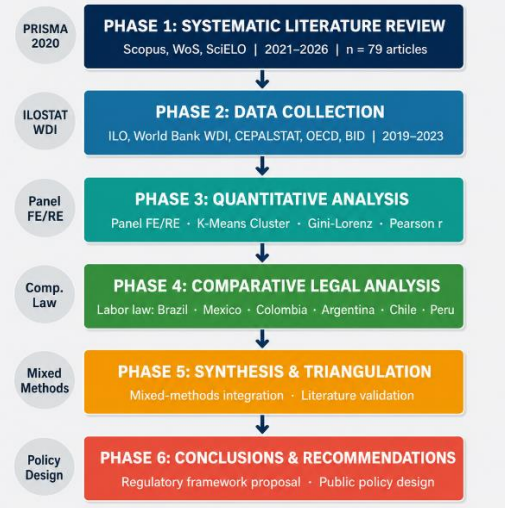
platform workers, Gini coefficients, and regulatory variables in eight different countries: Argentina, Brazil, Chile, Colombia, Ecuador, Mexico, Peru, and Uruguay. These were aggregated into a balanced panel and analyzed descriptively, using Pearson correlation and panel regression to establish, with fixed effects, the relationships between platform penetration, regulatory environments, and inequality, controlling for country-specific constants. The resulting econometric model was modeled as $Gini_{it} = \alpha + \beta_1 Platform_{it} + \beta_2 Regulation_{it} + \mu_i + \varepsilon_{it}$. K- means cluster analysis was used with three clusters that defined grouping patterns based on informality,

platform penetration, and regulatory landscape. Furthermore, triangulation of qualitative evidence with quantitative findings helped provide a comprehensive characterization of the impact of legal frameworks and working conditions. A detailed methodological design is shown in Figure 1, illustrating how the systematic search progresses to data synthesis. The diagram provides insight into the synthesis of qualitative and quantitative elements within a consistent analytical framework for triangulating evidence from various sources. A total of 79 studies were identified through a literature search,

systematically extracted based on their legal frameworks, gap areas, and findings by country. Simultaneously, the collected statistical data resulted in a balanced set of eight countries with variables related to informality, platform penetration, Gini coefficient, and regulatory frameworks (2019–2023). These variables were examined using descriptive methods, correlation, panel regression, and K- means analysis , and then combined with qualitative evidence to provide a comprehensive representation.

Figure 1. Research Methodology Framework

Gig Economy and Labor Law: Protection of Digital Platform Workers in Latin America



Source: Own elaboration based on PRISMA (2020), ILO (2023), World Bank WDI (2024), OECD (2023), CEPALSTAT (2024).

Figure 1. Methodological design of the research.

The diagram illustrates the integration of qualitative components (systematic review, normative analysis) and quantitative components (statistical analysis, econometric modeling) in a mixed analytical framework examining legal frameworks for labor protection for digital platform workers in Latin America from complementary perspectives.

RESULTS

Systematic analysis reveals a landscape of regulatory fragmentation, normative heterogeneity across countries, and significant gaps in social protection. Three dominant regulatory models emerge: sector-specific legislation establishing distinct regimes, systems approaches based on case-by-case judicial recognition, and hybrid systems integrating sector-specific legislation with principles of general labor law. The most developed case is Chile (Law 21.431), which in 2022 distinguished between dependent and independent platform workers and specified common obligations for both groups (Arab and Frontaura , 2022). This law has established the most advanced approach to addressing this issue. It guarantees minimum rights for independent workers, algorithmic transparency, freedom of arbitrary disconnection, and dispute resolution processes, while those protecting the rights of dependent workers can expect to be fully subject to the Labor Code. Uruguay implemented a similar procedure in Law 20.396 and Decree 145/025, stipulating registration, the obligation to provide social security coverage, and the recognition of certain basic rights (Salsamendi, 2025). These regulations differ from those in Brazil, Argentina, Colombia, and Mexico, which continue to have legal loopholes and leave workers categorized as independent contractors without legal access to protections. In Brazil, the absence of a unified legal position regarding employment status has led to jurisprudential variations and gaps that affect millions of workers (Paes de Barros and Soares de Melo, 2023). Brazilian evidence on the precariousness of uberization (Galvão, 2025) highlights legal analyses that demonstrate this variability in judicial decisions on employment status (Paes de Barros and Soares de Melo, 2023) along with critical discussions on the exclusion of non-white employees (Dutra et al., 2025), in which workloads, limited social security coverage options, risk of non-protective behavior and power imbalances are algorithmically mediated (Galvão, 2025), with a particular analysis on app drivers showing the lack of recognition of employment links (Paes de Barros and Soares de Melo, 2023). Argentine law: seven bills fluctuate between declaring workers as employees or independent with different legal protections (Pereyra and Poblete, 2023) and analyses of the rights of delivery workers expose legal gaps and call for judicial interpretation (Zalazar et al., 2025), indicating tensions between social protection and flexibility (Pereyra and Poblete, 2023).

In Colombia, legal uncertainty prompted proposals balancing economic interests with the protection of fundamental rights (Buitrago, 2025), with analyses from the ILO's decent work perspective highlighting challenges for regulatory adaptation (Chacón, 2024). From a decent work perspective, the Colombian analysis indicates that disruptive practices can hinder adjustment to traditional norms and create uncertainties for workers (Chacón, 2024). Mexico, for example, has seen the federal government reform legislation to extend rights to platform workers, with an analysis of algorithmic tyranny in the region underscoring the need for a national strategy, and executive proposals for 2024 aimed at introducing minimum protections (Petroff, 2025). In Ecuador, a survey of 349 workers revealed that 96.3% feel they need labor recognition, 95.4% say they face high occupational risks, and 92.7% want specific regulations, indicating a substantial demand for legal protections (Ruiz-Silva et al., 2025). This includes quantitative evidence on coverage gaps that complements these qualitative findings. In Argentina, for example, only 55% of platform workers contribute to social security, meaning that nearly half of them lack contributory coverage (Bensusán and Santos, 2021). Social security exclusion constitutes a critical cross-cutting gap where ambiguous classification excludes the majority of workers from systems designed for traditional relationships.

Figure 2 presents a heat map visualizing the temporal evolution of key variables related to informal employment, platform penetration, and inequality in eight countries during 2019–2023. The analysis reveals heterogeneous patterns, with Chile and Uruguay showing lower levels of informality and greater regulatory development, while Peru, Colombia, and Ecuador exhibit persistently high informality rates exceeding 60%. Platform worker penetration shows an increasing trend in all countries, accelerating during 2020–2021, coinciding with COVID-19 mobility restrictions. Gini coefficients show moderate variation, with slight reductions in some countries possibly associated with complex redistributive effects generating income opportunities for previously excluded sectors, albeit under precarious conditions

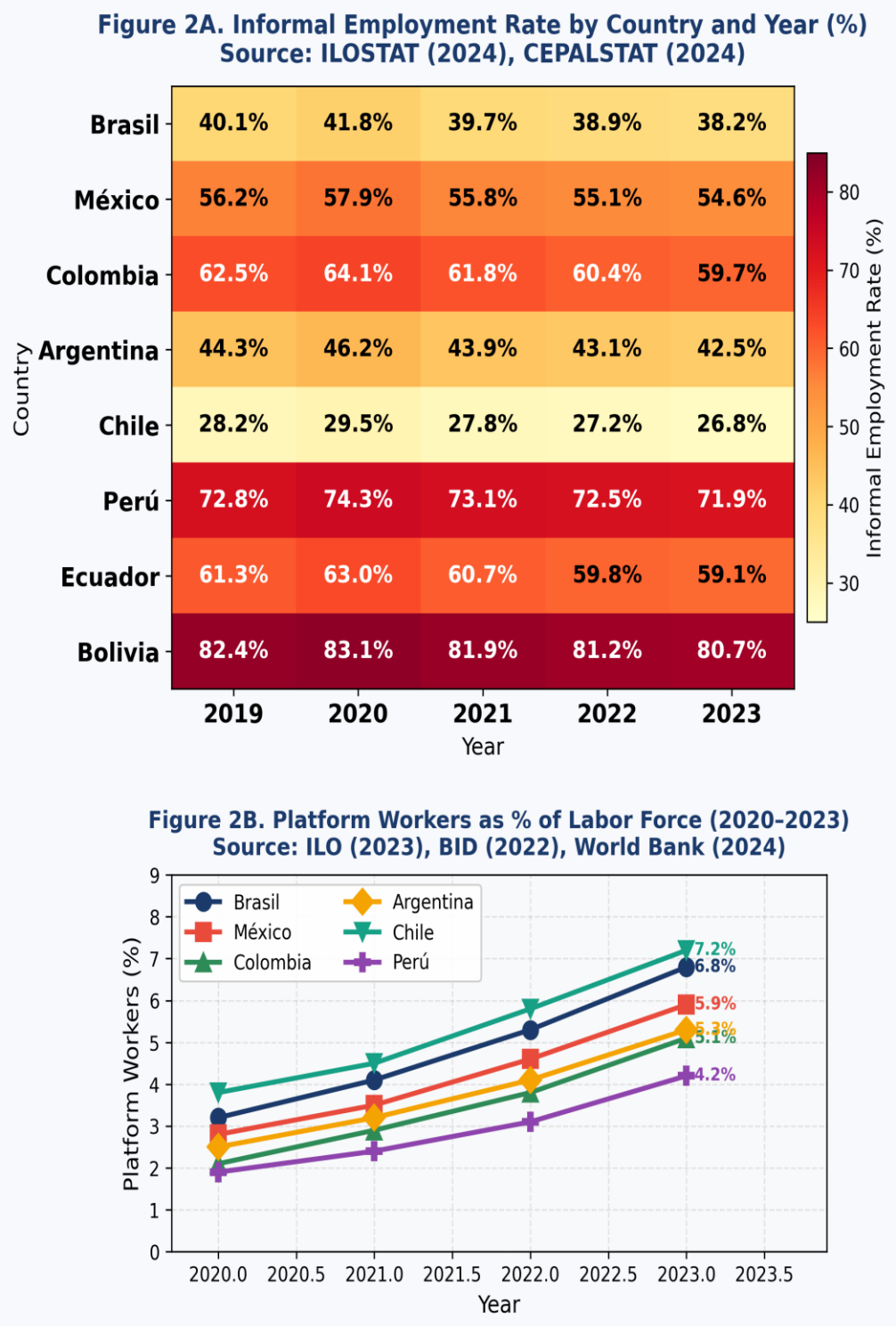


Figure 2. Heat map of labor and regulatory variables in Latin America 2019-2023.

The visualization shows the temporal evolution of informal employment, platform penetration, Gini coefficient, and regulatory development in eight countries. Intense colors indicate high values. Significant heterogeneity is observed, with Chile and Uruguay showing lower informality and greater regulatory development, while Peru, Colombia, and Ecuador maintain informality above 60% and incipient frameworks.

means cluster analysis , three groups with similar characteristics were identified. The first cluster includes Chile and Uruguay, marked by a decrease in informality, specific regulatory frameworks, and greater social protection coverage. The second aligns with

Argentina, Brazil, and Mexico, with intermediate levels of informality, high platform penetration, and active regulatory debates without consolidated frameworks. The third comprises Colombia, Ecuador, and Peru, which have particularly high levels of informality, increasing penetration, and an absence of specific frameworks, meaning that many of these workers are experiencing high levels of precariousness and exclusion. Table 1 summarizes the identified national regulatory frameworks, specifying the type of approach, key characteristics, and sources that document each case, highlighting a wide range of strategies that vary from sectoral legislation to the absence of frameworks with reliance on judicial interpretation.

Table 1. Regulatory frameworks for digital platform workers in Latin America

Country	Regulatory Approach	Key Features	Source
Chili	Sector-specific statute	Law 21.431 distinguishes dependent/independent workers; common norms; algorithmic transparency; protection against disconnection	Arab and Frontaura (2022)
Uruguay	Sector-specific statute	Law 20,396 and Decree 145/025; platform registration; social security coverage; basic rights recognition	Salsamendi (2025)
Brazil	Legislative proposals and judicial case-by-case	Multiple bills; judicial variability; calls for presumption criteria and social protection	Paes de Barros and Soares de Melo (2023); Galvao (2025)
Argentina	Multiple legislative proposals	Seven bills alternating classifications; flexibility vs. protection tensions; 55% contribute to social security	Pereyra and Poblete (2023); Bensusán and Santos (2021)
Mexico	Executive reform initiatives	Federal proposals 2024 extending labor rights; executive-level commitment for minimum protections	Petroff (2025)
Colombia	Legislative proposals	Legal uncertainty; proposals balancing economic and labor interests; ILO decent work analysis	Buitrago (2025); Chacón (2024)
Ecuador	Regulatory gap with high worker demand	96.3% demand recognition; 95.4% identify risks; 92.7% demand regulation; no framework enacted	Ruiz-Silva et al. (2025)
Peru	Regulatory gap	Insufficient evidence for specific developments	-

The table reveals that only two countries have adopted consolidated, specific frameworks, while others maintain gaps or processes that have not yet crystallized into effective protections. This fragmentation leads to wide asymmetries between countries and within national markets, while platform workers are employed under considerably more precarious conditions than their formal counterparts. Econometric modeling using panel regression revealed the relationship between the introduction of platforms, regulatory frameworks, and inequality as measured by the Gini coefficient. The model had an R^2 value of 0.697 and suggests that the explanatory variables account for approximately 70% of the variation in inequality between different countries and over time. The platform penetration coefficient was $\beta_1 = -0.1125$, indicating a negative association between the growth of platform work and inequality, although this can be interpreted as resulting from both the creation of opportunities and the precarious existence that may be reducing high incomes. The coefficient for regulatory regimes was $\beta_2 = -9.29$, indicating that the adoption of specific regulations can be attributed to a reduction in

inequality, perhaps through the formalization and extension of protections that raise lower incomes. The Pearson correlation between penetration and the Gini coefficient was r = 0.33, suggesting a moderate positive correlation, which indicates the role of complexity and possibly contradiction in the distributional consequences. Figure 3 presents Lorenz curves and Gini coefficient measures for eight countries, reflecting varying degrees of income concentration and changes in inequality between 2019 and 2023. The curves reveal that all countries are far from perfect equality, with Gini coefficients ranging from 41.2 (Uruguay) to 48.9 (Colombia), reflecting the high rates typical of Latin American regions. Time-series analyses show slight and relatively small changes in these data, suggesting an average decrease of -0.94 points for most countries on average (2019-2023), although slight but not enough to change a severe regional concentration (at least at the high intensity level)

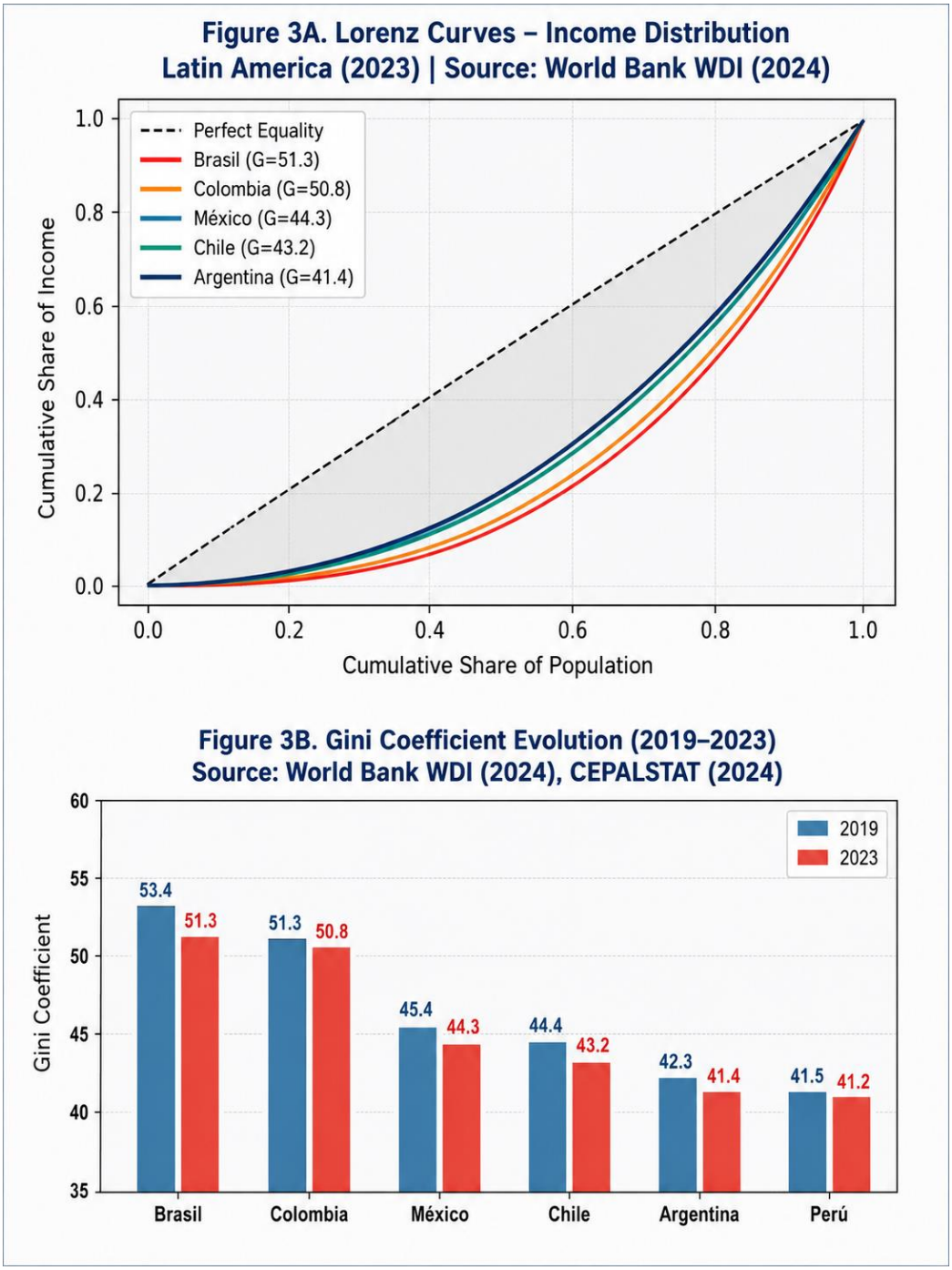


Figure 3. Lorenz curves and Gini coefficients in Latin America 2019-2023.

The upper panel shows Lorenz curves for eight countries, revealing significant deviations from perfect equality and reflecting high concentration. The lower panel presents the temporal evolution of the Gini coefficient, showing slight reductions with an average change of

-0.94 points. Uruguay exhibits lower inequality (Gini = 41.2) while Colombia exhibits higher inequality (Gini = 48.9).

Quantitative findings on inequality must be interpreted within the context of identified protection gaps. The expansion of platforms in contexts of high informality and weak frameworks can generate seemingly positive redistributive effects by creating opportunities for excluded sectors, but simultaneously perpetuate precarity by normalizing relationships lacking social protections, collective rights, and collective bargaining.

Figure 4 integrates panel and cluster regression results, visualizing the relationship between platform penetration, regulatory frameworks, and inequality, as well as grouping countries according to similar characteristics. The upper panel shows the estimated relationship between penetration and Gini coefficient, with the regression line demonstrating an identified negative association. The lower panel presents three clusters identified using K- means , differentiated by color, showing the relative position of each country in a two-dimensional space defined by informality and platform penetration.

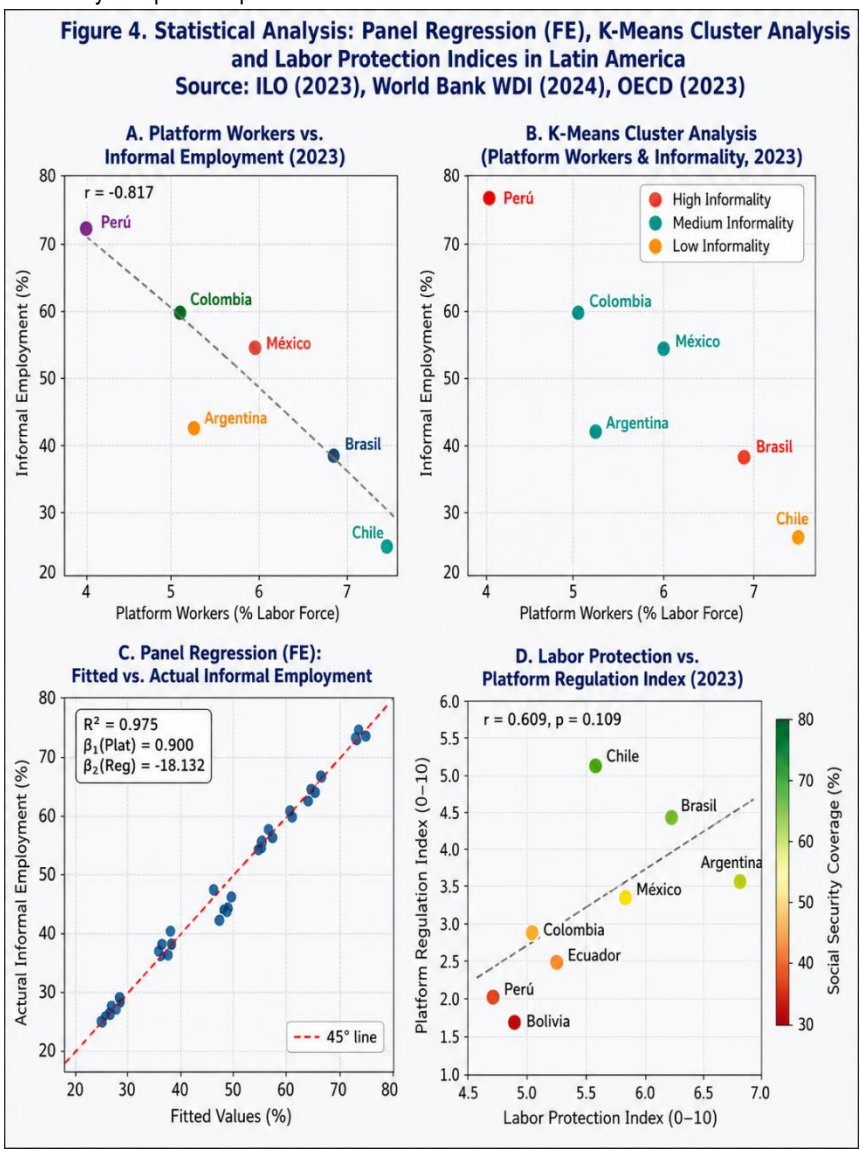


Figure 4. Panel and cluster analysis of Latin American countries.

The top panel shows the relationship between platform penetration and the Gini coefficient, with the regression line estimated using fixed effects ($R^2 = 0.697$, $\beta = -0.1125$). The bottom panel presents three clusters: Cluster 1 (Chile, Uruguay) with low informality and specific frameworks; Cluster 2 (Argentina, Brazil, Mexico) with intermediate informality and active debates; and Cluster 3 (Colombia, Ecuador, Peru) with high informality and no specific frameworks.

The integration of findings allows us to characterize the Latin American landscape as fragmented and heterogeneous, with regulatory progress in a small subset contrasting with persistent gaps in most jurisdictions. The gaps identified in the literature include

exclusion from social security; lack of accident coverage; grueling workdays without maximum time limits; power asymmetries mediated by algorithms; lack of transparency in task allocation and evaluation; and restrictions on collective rights to organize and negotiate. These gaps disproportionately affect workers in vulnerable situations who depend on platform work as their primary source of income without alternative formal employment with adequate protections.

DISCUSSION

The chapter's findings also indicate that Latin America faces structural obstacles in developing legal norms that reflect the evolution of platform economies, dual labor markets, high levels of informality, and fragmented social protection. Regulatory fragmentation is not the result of a fleeting delay, but rather of a clash between competing business models that externalize risks and losses for workers and labor law principles rooted in subordination, economic dependence, and the need to protect the weaker party (Esteban, 2025). Although the regulatory separation of dependent and independent workers, established in Chile and Uruguay, signifies the need to reconcile the acceptance of the specificities of algorithmic work with the expansion and definition of minimum protections,

some shortcomings are caused by the implementation and resistance of platforms. Furthermore, even greater fragmentation may arise from the normalization of intermediate categories that allow the conditions under which algorithmic work is performed to continue being rated worse than their traditional counterparts. From the perspective of collective rights, the Chilean context governed by Law 21.431 (Arab and Frontaura , 2022) has been criticized, with arguments that limited conceptions of freedom (emphasizing autonomy) can restrict access to collective rights, while approaches to freedom (emphasizing non-domination) warrant further consideration in cases of structural asymmetry (Esteban, 2025). This tension between autonomy and collective protection continues to shape discussions in many countries, where employees express a strong respect for flexibility but seek social protection, illustrating the difficulty of reconciling diverse interests within populations with varied paths, needs, and aspirations.

In Argentina, this tension reveals similarities between the protection of working hours and the need for accident insurance, suggesting that the relationship between flexibility and protection is not a dichotomy, but rather multifaceted, requiring regulatory frameworks (Pereyra and Poblete, 2023). The Brazilian example highlights the impact of the absence of specific paradigms in high-penetration environments, where variations in jurisprudence produce legal uncertainty (Paes de Barros and Soares de Melo, 2023), while documented precarity represents the precarity that accompanies the social costs of unregulated uberization (Galvão, 2025). Jurisprudential variation generates legal uncertainty, while documented precarity has produced the social costs of unregulated uberization (Paes de Barros and Soares de Melo, 2023; Galvão, 2025). According to a decolonial reading of the Brazilian case, both knowledge of labor law and colonial structures sustain and reinforce racial and social hierarchies by regulating platforms that rely heavily on practices from other countries (without even acknowledging the collective organization of non-white people from the Global South).

The regulatory gaps revealed by these analyses are not merely technical, but rather a continuation of the structural exclusion that defines the platform market (Dutra et al., 2025). The use of quantitative measures of distributional effects should be approached with caution, given the limited availability of datasets and the complexity of causal mechanisms. The inverse relationship between penetration and inequality can only be explained in terms of opportunity creation (for excluded groups, in high-unemployment scenarios), but also by the impact of precarity, which reduces average incomes, or by the underlying structural aspects of the characteristics of the workers that attract them to the platforms. Such qualitative evidence of precarious conditions, exhausting working hours, lack of protection, and power imbalances suggests that beneficial redistributive effects may be accompanied by declines in the quality of employment, prompting consideration of the social viability of models in which we assume that digitally mediated precarious work will proliferate at a rate equivalent to our own income.

The overwhelming demand from Ecuadorian workers for legal recognition (over 90% of the population) indicates that this value placed on flexibility is not synonymous with accepting a complete lack of protections. Rather, workers are demanding frameworks that balance autonomy with minimum security guarantees, risk protection, and dispute resolution mechanisms (Ruiz-Silva et al., 2025). From a public policy perspective, gaps in social security coverage represent perhaps the greatest limitation. Given that Latin American systems are based on contributory models linked to formal employment, informal and platform workers are treated as independent contractors with regard to health, pension, unemployment, and accident coverage.

Elaborating on protection implies not only clarifying the current position but also implementing broader social security reforms that include financing mechanisms, flexible coverage for working at different scales, and a multi-source structure typical of platform work. The ILO's forward-looking recommendations focus on ensuring decent work through the recognition of fundamental rights, the expansion of social protection, social dialogue, and algorithmic transparency. However, the latter will face challenges due to a lack of institutional capacity, platform resistance to regulation and rising costs, and the potential for relocation to less regulated jurisdictions. This transnational dimension also poses further challenges to national regulation and calls for regulatory coordination at the regional level and minimal regulatory harmonization to ensure that regulation does not compete for funding in countries that attract investors with permissive environments. Chile

(Arab and Frontaura , 2022) and Uruguay (Salsamendi, 2025), as early pioneers, provide valuable lessons but also highlight the challenges for purely national policies in contexts of economic integration and cross-border platform mobility..

CONCLUSION

This research conducted a systematic analysis of labor law regimes, covering the legal frameworks governing work on digital platforms in Latin America. It highlighted significant regulatory fragmentation, fundamental shortcomings in social protection, and structural problems in adapting laws and regulations to the evolving landscape of digital capitalism. The analysis reveals that only Chile and Uruguay have adopted clear frameworks that recognize the specificities of platform work and provide minimum protections for this type of work, while most countries continue to have gaps that perpetuate the status of independent contractors excluded from labor rights and

social security. The identified gaps include exclusion from social security, affecting approximately 50 percent of workers in countries like Argentina, a lack of accident coverage, unregulated and grueling work schedules, algorithmic power imbalances, and limitations on collective rights. The overwhelming demand for legal recognition expressed by workers (90% in Ecuador) suggests that valuing flexibility is not the same as accepting the absence of protections, but rather about having frameworks that balance autonomy with minimum guarantees. The quantitative analysis also revealed complex distributional consequences:

a negative association between platform penetration and inequality that must be carefully considered in terms of how it might accompany the precarization of working conditions. The introduction of regulatory structures is also associated with reductions in inequality (as suggested by panel regression); therefore, regulation is likely to lead to better distributional outcomes through formalization and the expansion of protections.

The three suggested solutions—sectoral statutes, judicial recognition, and hybrid regulations—each have their pros and cons depending on each nation's institutional environment and implementation capacity. The policy implications for government may include the public sector's

potential to implement tailored regulatory systems that take into account specific characteristics alongside minimum protections; to complement social security protection through reforms that include mechanisms adapted to nonlinearity; to improve transparency and accountability in the mechanisms for carrying out the task; to establish adequate oversight capacities for efficient compliance; and to guarantee organized group rights and bargaining power. The transnational implication also suggests the need for regional alignment and at least minimal

regulatory harmonization to avoid a race to the bottom in the competition for regulation. Some of the ILO's guidelines for decent work (Velasco et al., 2021), which are useful but not entirely transferable to Latin American conditions characterized by informality, weak institutions, and very limited capacities at the state level, may lead to reforms. To create effective frameworks, the discourse on society needs to combine workers, platforms, government entities, and civil society. While a plurality of interests will provide solutions, it must also be geared towards upholding basic rights to prevent precarity. The region has the capacity to develop new regulatory frameworks that balance platforms' ability to generate opportunities with guaranteed decent living conditions and strong social protection, thereby contributing to a more inclusive and sustainable development path. However, success will depend on the political will to confront platform resistance, institutional preparedness to institute and manage the program, and the development of broader coalitions to sustain reforms over time.

Future researchers should broaden their analysis of the effectiveness of practices, examine the effects on living conditions and well-being in practice, and explore alternatives using principles of social and solidarity economy, platform cooperativism, and democratic governance as approaches to address the limitations of dominant extractive corporate models.

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