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Study by Anne Dufresne
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Riders of the world, unite!
The fight against platform capitalism
This issue of Gresea Échos is dedicated

To all couriers who took part in the European GA on 25 and 26 October 2018
To all couriers who have lost their lives at work
To Selena.

Thanks

Our warm thanks go to the GrOEp collective who kindly supplied the illustrations for the cover and the inside back cover. GROEP is a group of 8 artists working in Bordeaux and united by the strong desire to share gatherings, exhibitions and research with the public. GrOEp / workshop-tcpc(Marie Bretaud & Helena Le gal), Emmanuel Aragon, Dalila Dalléas Bouzar, Axel Ingé, Béatrice Pontacq, Laurent Valera, Tommy Vissenberg (www.groep.fr).

The cover was produced by Axel Ingé who had this to say about the artwork:

“This digital sketch is made using a mobile phone, it centres on one of the images representing the odd jobs of Paris in the beginning of the nineteenth century. From the original design, to the lithography, then the photo-engraving and finally the digital pixel, technology is changing constantly but the subject remains the same... Whereas materialism has invaded practically everywhere, submerging men in a fluorescent illusion, some of the colouring is incomplete and will remain as such, as the hope of a light, as the pencil has dried up, as the product produces a void as well. And in the void we find a breath of the spirit coiling its way around... The poisonous coating shall form a chrysalis...”

The inside back cover was produced by Dalila Dalléas Bouzar:

“Ma Demeure is a series of self-portraits representing the human being beyond conventional features in postures signifying resistance.”

Translation: Rebecca Shorrock

Published in French under the title:

Anne Dufresne, Coursiers de tous les pays, unissez-vous ! En lutte contre le capitalisme de plateforme, GRESEA Echos n°98, juin 2019.
Behind the apps: lessons from the European Riders’ Assembly

The platform economy is part of our everyday life. Who hasn’t occasionally (and depending on how digitally savvy they are) surfed on Facebook? Bought a book on Amazon? Travelled with Blablacar and searched for accommodation via AirBnB? Ordered a takeaway delivered by Deliveroo or a taxi using Uber? Platforms offer multiple and varied services for eating, sleeping, travelling… but what lurks behind these apps?

This issue of Gresia Échos will start by briefly examining the economic and social model that goes hand in hand with the technological innovation behind these platforms so as to have a better understanding of how to resist them. Their model raises several questions: who are the employers hiding behind the algorithms that only truly understand? How are the EU, governments and judiciaries encouraging and participating in what is now being termed the “uberisation” of society? But also, what radical changes to employment and labour have they set in motion? Because if, to employ the jargon of platforms, we are no longer talking about “working time” or “salaried employees” but rather “shifts” and “rates”, is this not with the aim of circumventing labour law? Is it not to accentuate the current trends of increasing precariousness and deconstructing the welfare state that have already been well underway for 40 years? And beyond these issues, do the daily connections of “start-up providers” (riders, in other words) not entail riding bikes so much as they do producing information flows on their smartphones, which greatly benefit the platforms? Is that not the true innovation of this “new economy”? Is it the exploitative supplement that makes the difference:

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There are so many questions in dire need of answers. In the face of these rapid developments and this laboratory of widespread social regression of social and human rights, another laboratory is opening up: new forms of resistance. In 2016, the working group entitled “resistance 2.0” as part of the Alter Summit (European network of trade unionists and social movements from a dozen countries) began grappling with the questions raised by the new forms of labour and the struggles linked to digitalisation. The following year, in 2017, a wave of couriers’ strikes against Deliveroo & Co. platforms erupted in a large number of European cities: London, Turin, Paris, Berlin, Barcelona and many others, all raising their voices against “Slaveroo”…

This active social movement then inspired the Alter Summit to put words into action, starting, with ReAct, the organisation of the first General Assembly (GA) of couriers in Brussels, held on 25 and 26 October 2018. The main objective of the meeting was to “create a space of trust” for workers’ collectives already set up at country level, and to attempt to converge the national struggles of delivery workers into one united struggle on a European scale.

Spurred on by this event and having coordinated with Sebastian Franco (Alter Summit) and Marielle Benchehboune (ReAct), it seemed important to me, when compiling this issue of Gresia Échos, to delve into both the reasoning behind and the success of this event which was hailed as “historic” by the media as well as the participants. Retelling the events of this first European general assembly of “uberised” workers, i.e. couriers, offers the ideal common thread for better understanding the possible sources of resistance to this wave of apps.

We shall therefore turn our attentions first to those on the frontlines of these new struggles, who are not always easy to identify. Who are they? How do delivery worker collectives, scattered across the large towns and cities of Europe, get together and organise, on a local, national or even transnational level? What links are being created (or not created, as the case may be) with trade unions, given how varied they are? And finally, how do the responses of these different stakeholders differ according to country? If it sometimes proves difficult to align the objectives of these multiple stakeholders, it is because a social movement is a dynamic concept. And the whole point of taking a close interest in the riders’ movement is precisely to seek out conflicting collective identities and associated strategies.

This is why we will examine the direct action being taken (strike/switch off, blockade, occupation, etc.) that often comes with some creative ways of raising public awareness via the media. We are seeking to understand how the stages of mobilisation cause collectives to grow. We will then see how these mobilisations link up with legal action to reclassify self-employed workers as salaried workers. In fact, whilst there are salaried workers in the sector in a small handful of countries, the vast majority of riders
are currently riding as bogus self-employed workers, without any social protection whatsoever. Until this year, the many court cases brought by riders had failed, with the criterion of “the freedom to open up the app” contradicting the subordinate relationship linking the employee to the platform. Since then, there have been some instances of judges recognising the work as salaried work, which suggests there may be some sort of taking back of salaried work for “uberised” workers occurring, or even reinventing social legislation.

To conclude, we will try to understand the possible avenues opened up by the GA regarding creating a social movement at European level or internationally. What are the possible alliances between the stakeholders fighting in different countries, and what about cross-border mobilisation? This will help us to pinpoint the many common demands put forward at the GA. On the one hand, there are the age-old demands of the labour movement in terms of employment status, wages and working conditions and, on the other hand, some brand new demands are emerging at the beginning of this 21st century: the transparency of the algorithm and the taking back of workers’ data that is accessed through the app! This is a key challenge in the digitalisation era but one which trade unions do not seem to have fully got to grips with yet.

One final question: why choose to focus on bicycle couriers? The hot meal delivery sector and the “on demand” platforms from Deliveroo & Co admittedly are only the tip of the platform capitalism iceberg, which sees many other types of platforms lurking below the surface. The sector does, however, bring out into the open both the mechanisms of this “new economy” and the inevitable sources of resistance that are constantly being generated. The “IT pieceworkers” performing micro-tasks on the internet or the workers under scrutiny on rollerblades in Amazon warehouses are hidden away from the public eye and find it difficult to mobilise. Given their visibility, riders make up part of the urban landscape and have already decided to stand up against underpaid and under-protected work. Their methods, with increasing levels of creativity, have been systematically garnering media attention. They are golden opportunities to raise awareness and invite criticism of this new model from as many different sources as possible.

Anne Dufresne, Gresea

The co-organisers of the European Riders’ Assembly, 25/26 October 2018

Alter Summit: European network for a social, democratic and ecological Europe

The Alter Summit is a European network of organisations with the specific aim of bringing together trade unionists, representatives of citizens’ movements and associations from a dozen countries. Created in 2013 and building on the work of social forums, its objective is to create a space for debate and construct an alternative to current European economic policy, especially by stepping up coordination between trade unions at European level. Alongside debates about what is at stake in European policy-making such as the Rights4All conference in 2016, the network offers up meeting spaces for collectives engaged in struggles from various backgrounds. The Alter Summit sees itself as a laboratory for contemplating and building the strength necessary to lead towards a Europe that is truly social, democratic and ecological.

See http://www.altersummit.eu/?lang=en

ReAct – Network for transnational collective action

Launched in 2010, ReAct supports the transnational organisation of working people and communities affected by social and environmental injustices caused by multinationals. It supports the forming of local organisations and transnational alliances in different countries. Based in France, it also has organisers in Cameroon and Liberia and activists in Côte d’Ivoire, Morocco, Sierra Leone and Cambodia. ReAct’s organisational methods, which are based on community organising and advocating non-violent direct action, are spread across the different countries with support for the mobilised groups. Since November 2017, it has been supporting CLAP, the Parisian delivery workers’ collective, and CAVAL (Coordination d’Action Visant l’Autonomie des Livreurs) in developing their structures at national level.

See https://www.projet-react.org/en/
1. A NEW PHASE OF CAPITALISM

Platform capitalism represents a new phase of capitalism and is part of a historic continuum in the United States and Western Europe. According to Nick Srnicek, “Platforms appear as the product of a few tendencies born in the 1970s: outsourcing, surplus populations, the surge in unemployment [followed by widespread precariousness] along with the post-2008 rise of an accommodative monetary policy and surplus capital”. This new capitalism seeks to alleviate the decline in industrial production by developing a system of accumulation based, no longer just on merchandise, but also on new high-speed internet technologies and the capturing of personal data. “Capitalism (...) turned to data to ensure growth and vitality in the economy faced with the lethargy of industry”. Moreover, according to Antonio Casilli, platforms, new hybrids between an enterprise and a marketplace, “historically emerged to compensate for a dual failure: that of the traditional capitalist firms that were inefficient at extracting and using data, but mainly that of the traditional markets which are incapable of efficiently allocating resources without giving rise to crises”.

Whilst the type of economy described here forms part of a long movement of international capitalism and has worsened with successive crises, especially the most recent one in 2008, other forms of platform were also starting to be set up around that time. The “collaborative economy” or the “sharing economy”, which set itself up as an alternative to the capitalist model, is depending more and more on digital platforms, with the platform then being used as a social economy tool (see insert below). Since then, the same terms have been used: “collaborative economy” or “sharing economy” to denote the development of service activities via digital platforms whether they are capitalistic or not. This is a huge discredit to the term though. When in 2016, the European Commission published its “European agenda for the collaborative economy”, it was abusing the adjective “collaborative” in the sense that the economic activities it was promoting had nothing social about them, or solidarity for that matter, and

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1. Outsourcing is defined as the transfer of a company’s activities to an external provider.
The “real” collaborative economy: the platform as a tool for the social economy

According to Mathieu Lambrechts, the “true” collaborative economy comprises a variety of forms which work on the basis of a threefold nominative assumption: that of promoting a more ecological economy, an economy retaining more authentic social ties and a more horizontal or democratic way of organising work. The collecting of data can then be used to optimise the use of natural resources, to bring social actors together or even to increase the effectiveness of cooperative networks. On the basis of their operations and specific objectives, it is possible to identify four categories in the collaborative economy: the functionality economy which consists of sharing how a good is used with the aim of optimising it (the sharing of tools between neighbours); the giving economy which chiefly aims to bring back social ties to our exchanges (Couchsurfing: the platform that allows individuals to offer their couches free of charge to strangers for the night); the P2P economy or “cooperation economy” which understands that production, exchanges and therefore consumption are to be organised between equals, between peers (Wikipedia or the open source movement made popular by free software); and lastly, the common goods economy such as the one supported by commoners who are part of a broader societal project in which certain goods or services would be governed democratically in their production and/or their distribution (a shared allotment in a given neighbourhood, the management by a city’s inhabitants of their water resources).


they were not even based on a collaborative relationship: “The aim was to contribute significantly towards growth and employment within the European Union”. According to the Commission, “the term ‘collaborative economy’ denotes economic models in which collaborative platforms, which create an open market for the temporary use of goods and services often produced or supplied by private individuals who facilitate activities”. This is how platform capitalism has been allowed to flourish, under the guise of the “collaborative” economy.

Network effects, monopolies and data extraction

Platform capitalism depends on two principal characteristics: monopolistic trends and the extraction of data as a principal resource.

The economy of platform enterprises is based on risk capital. It reinforces a trend seen in the 1980s: a highly concentrated and unstable (speculative) source of capital heading up companies, combined with increasingly fragmented or even individualised work collectives. Since 2008, the American and European central banks have injected masses of liquid into the economy by intervening in the banking and financial system to bring about economic recovery. In parallel, however, for almost a decade States have been pursuing budgetary austerity policies that have been preventing any economic recovery from occurring. Overflowing with cut-price capital, financiers then speculate on the future value of firms such as Uber, AirBnB or Deliveroo… The shareholders of these capitalist platforms are speculative funds which aim to make their investment as profitable as possible in the short term (boosted by very low interest rates) by selling off the company they control with a higher level of added value. In certain sectors, including the food delivery sector, this practice has seen a plethora of merger-acquisitions springing up.

This is how the monopoly race works. The first platform to arrive on a market seeks to corner it. It manages to do this by buying up its competitors and by raising huge amounts of funding. This trend towards concentration is exacerbated by the “network effects” that platforms produce: the more users there are of a platform, the greater the value it has in the eyes of other potential users.

We see here how capitalism in the 21st century is centred around the extraction and use of a unique kind of raw material: data. It is produced by “user activity” and workers via apps such as couriers, which de facto leads to the commercial control of people’s private and professional lives. Just like oil in its day, data has become a crucial resource in the business world. And the platform, which gains its power from its central position in the changes has


Like oil in its day, data has become a crucial resource in the business world. Consequently, the violation of users’ private property is intrinsic to the platform economy model: stealing lives. “The information contained in the enormous databases of Uber (regarding city mobility) or Deliveroo (on eating habits) is undoubtedly worth much more in the eyes of investors than their transport or delivery activities”. Moreover, according to Michelle Evans, the problem raised by data extraction should not be limited to the issue of private property. The information about mobility or eating habits obtained by platforms doesn’t belong to anyone in particular given that they have a social utility by definition. It is therefore a collectivity (yet to be defined) that these platforms are also stealing.

Who are the economic actors in the platform economy?

Platform enterprises today play an active role in all European economies. These new names are found in numerous sectors: the digital giants such as GAFAM (Google, Apple, Facebook, Amazon, Microsoft), but also the platforms in other sectors such as accommodation (AirBnB), transport (Uber), large scale retail (Amazon, Alibaba) or even B2B services (Amazon Web Service) and services for individuals (Deliveroo, Helping). Nick Srnicek divides these platforms into five categories which helps us to grasp the scale of the phenomenon. The thing they all share is that they almost never produce anything tangible.

In this issue, we will focus on the fifth category of platforms, the one known as “lean” and in particular on the hot meal delivery sector. There are several types of lean platforms. A first distinction can be made between the “working” platforms which are intermediaries for the work, such as Upwork and the “capital” platforms which manage assets, such as AirBnB.

Focusing only on the “working” platforms, Valerio de Stefano points out another distinction between “work on demand via apps” and “crowdwork”. Work on demand refers to traditional, localised working activities in which the app is merely an intermediary between the client and the worker. These activities are often unskilled, such as transport (Uber), cleaning (Helping) or delivering (Deliveroo). “Crowdwork”, non-localised, refers to online tasks that can be performed directly via platforms. The majority of the work done in this way is also unskilled and comes in the form of micro-task such as transcription or forum activities.

Five categories of platform

1. The advertising platform (Google, Facebook) extracts information on users and analyses it to use the result of the process and sell advertising space.
2. The cloud platform (Amazon Web Service) is based on owning IT equipment and software which are then leased to companies.
3. The industrial platform (General Electric, Siemens) centres around the manufacturing of equipment and software needed to transform traditional industrial production into online processes which means transforming goods into services and reducing production costs considerably.
4. The product platform (Spotify) uses other platforms to transform traditional merchandise into services for which they can charge rent or subscription fees.
5. The lean platform (AirBnB, Uber, Deliveroo, Helping, Upwork) attempts to reduce their ownership of assets to a minimum and to free up profits by reducing costs as much as possible.

Source: Nick Srnicek, Capitalisme de plateforme. L’hégémonie de l’économie de plateforme, Lux, 2018: 54

3. Regarding these people, the risks they face, their difficulties with regulation and taxation, the resistance and alternatives they engender, see the file on economic alternatives: “GAFA: how to tame them?”, No. 385, 12/2018.
4. Almost, as capturing data is also a means of producing merchandise at a second stage: Deliveroo has already created kitchens to produce their clients’ favourite meals until now delivered by their couriers whereas Amazon is moving into production, particularly in the textile sector.
5. Upwork is an American platform recruiting self-employed workers on the internet who it brings together with clients to perform online tasks in 180 countries.

cleaning (Mechanical Turk, Upwork)\(^1\). However, there is not always a clear distinction between these two categories of “work on demand” and “crowdwork”, as crowdwork is also supplied on demand and on-demand services require a multitude of workers\(^2\).

Work platforms cover a diverse range of tasks and professions. Here we are focusing on the specific sector of hot food delivery, not only because everyone is familiar with it (couriers are seen in all of Europe’s major cities), but also because the sector stands out in particular for its collective action which has been gaining traction in recent years. Indeed it has been the workers from the meal delivery transport sector (Deliveroo & Co) as well as those from transport (Uber) who have spearheaded the platform backlash. With the platform sector covering a much more vast field, these early experiences could give some of the other sectors ideas. Even so, for the moment, and without exception\(^3\), the two other categories of digital workers, crowdworkers and solo self-employed workers, have yet to mobilise in significant numbers\(^4\). This is especially because the sectors where platforms are most commonly found generally share low levels of trade union membership and large numbers of self-employed workers.

**Lean hot food delivery platforms**

In the hot food delivery sector in Europe, we have identified four main multinational platforms: Deliveroo, Foodora, Uber Etats, Glovo; four foodtech monsters, for whom the couriers at the GA in Brussels were delivering\(^5\).

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1. It should be noted that when online tasks require semi- or highly-skilled work (graphic design, legal services, data analysis, IT, design or accounting), workers in these sectors are called “solo self-employed people” and not crowdworkers.


3. In the cleaning sector, a unique experiment has already been conducted in Denmark: a collective agreement has been signed between the platform Hilfr.dk and the workers’ representatives.

4. Without a shared space or working time, unskilled micro-tasking crowdworkers often only manage to have informal exchanges of information and receive advice via forums such as Turker Nation whereas solo self-employed workers have the traditional reticence of “real” self-employed workers when it comes to collective forms of organisation. See Degryse Christophe, “Digitalisation of the economy and its impact on labour markets”, Working paper, ETUI, 2016.

5. We are not dealing here with the platforms whose activities extend beyond hot meal delivery in the stricter sense such as the platforms Stuart, TakeAway and Deliveryhero which are French, Dutch and German respectively, Nor will we be studying Take Eat Easy, the Belgian platform with a limited lifespan (2013-2016).
<table>
<thead>
<tr>
<th></th>
<th>Deliveroo</th>
<th>Glovo</th>
<th>Foodora</th>
<th>Uber Eats</th>
<th>Delivery Hero</th>
<th>Takeaway.com</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Year first appeared</strong></td>
<td>2013</td>
<td>2014</td>
<td>2014</td>
<td>2015</td>
<td>2011</td>
<td>1999</td>
</tr>
<tr>
<td><strong>Headquarters</strong></td>
<td>UK</td>
<td>Spain</td>
<td>Germany</td>
<td>USA</td>
<td>Germany</td>
<td>Netherlands</td>
</tr>
<tr>
<td><strong>Parent company</strong></td>
<td>Roofoods Limited</td>
<td>Glovoapp</td>
<td>Delivery Hero Take Away (since 12/2018)</td>
<td>Uber Technologies Inc.</td>
<td>Delivery Hero</td>
<td>Takeaway.com</td>
</tr>
<tr>
<td><strong>Shareholders</strong></td>
<td>Will Shu, fondateur</td>
<td>Oscar Pierre and Sacha Michaud 15,95% Deliveroo</td>
<td>Takeaway.com</td>
<td>Uber Technologies</td>
<td>22,5% Naspers 6,95% Insight Venture</td>
<td>29,63% Gribhold 7,09% Capital Research 18% Delivery Hero</td>
</tr>
<tr>
<td><strong>Geographical Presence</strong></td>
<td>14 countries of which 8 UE 500 cities</td>
<td>24 countries of which 6 UE 75 cities</td>
<td>25 countries of which 10 countries UE*</td>
<td>57 countries of which 9 UE 580 cities</td>
<td>41 countries</td>
<td>12 countries</td>
</tr>
<tr>
<td><strong>Number of restaurants</strong></td>
<td>80,000</td>
<td>15,000</td>
<td>36,000</td>
<td>220,000</td>
<td>290,000</td>
<td>43,763</td>
</tr>
<tr>
<td><strong>Number of couriers</strong></td>
<td>60,000</td>
<td>40,000</td>
<td>22,000</td>
<td>3 m (of which 750,000 in the US)</td>
<td>4,200</td>
<td></td>
</tr>
<tr>
<td><strong>Turnover</strong></td>
<td>313 m €</td>
<td>350 m €*</td>
<td>n.d.</td>
<td>1,236 m €</td>
<td>665 m €</td>
<td>232 m</td>
</tr>
<tr>
<td><strong>Net profit</strong></td>
<td>-208 m €</td>
<td>-90 m €</td>
<td>-136 m €</td>
<td>n.d.</td>
<td>-42 m €</td>
<td>-14 m €</td>
</tr>
<tr>
<td><strong>Estimated value</strong></td>
<td>3.618 m €</td>
<td>250 m €</td>
<td>n.d.</td>
<td>16.925 m €**</td>
<td>6,656 m €</td>
<td>2,500 m€</td>
</tr>
</tbody>
</table>

Sources: Roofoods Ltd, Annual Report and Financial Statements 2017 (il n'y a pas de rapport plus récents); Uber Technologies, Amsterdam n°1 to form S-1 Registration Statement under the Securities Act of 1933; Delivery Hero, Annual report 2018; Takeaway.com, Annual report 2018.

All data has been converted into euros and into millions.

**Estimate produced by the banks Goldman Sachs and Morgan Stanley in October 2018.

*Foodora has left 3 countries: Austria, Germany and the Netherlands since the GA.
The first of the four platforms in the sector listed here to set up in Europe was the British platform Deliveroo in 2013, closely followed by Foodora from Germany and Glovo from Spain in 2014, then by the American Uber Eats in 2015. Regarding their geographical presence, we see that whilst Deliveroo and Uber Eats are found in the majority of countries in Western Europe, the German platform Foodora was concentrated (before its decline) essentially in the countries to the North of the continent, whereas Glovo invested in the South (see map below). Their ambition, however, is planetary: small player Glovo is seeking to expand into America and South Africa, whilst the three others are expanding (albeit it to varying degrees) into North Africa, North and South America, Asia, Australia and New Zealand.

The Americans are the champions of the sector, ahead of the Germans who are losing speed in the race for a monopoly: whereas Foodora (and its parent company Delivery Hero) have been declining since August 2018, the company Uber Eats is setting its sights on expanding its delivery range to 700 cities throughout the world (including 118 in Europe) in which their taxi services range to 700 cities throughout the world (including 118 in Europe).

Competition in the sector and the profits that go with it are booming. After Uber’s first takeover attempt of Deliveroo in November 2018, it was ultimately Amazon which became a Deliveroo shareholder in May 2019. The American online distribution giant was then the main contributor raising capital of some 575 million dollars (515 million euros) from the delivery platform. Thanks to Amazon, Deliveroo started gaining on Uber Eats and took the lead over its other competitors. Platforms are also seeking to forge partnerships with large restaurant chains so as to control the whole supply chain. Uber Eats, for example, is looking to team up with McDonald’s which represented almost 9% of the platform’s partner restaurants in 2018...

Guests at the Global High-Tech at the Élysée Palace with Emmanuel Macron, before a summit named “Tech for Good”, 23 May 2018.

Whilst watching this race for the monopoly we nevertheless see that, at the moment, all of these firms have deficits. Since 2015, the year in which the parent company of Deliveroo began to publish partial accounts, the increase in the British firm’s turnover (from 16 million euros in 2015 to 313 million in 2017) is still proportionate to the growth in its losses (26 million in 2015 to 208 million in 2017). According to forecasts, the global market for food distribution is still expected to grow by 30% during the next four years. "Although the sector is witnessing very rapid growth, from the employer’s point of view, there is little scope for making substantial improvements to working conditions." What, then, do these

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1. It was in 2014 that the Munich platform Volo was created, which delivered meals to Berlin, Frankfurt and Munich. In June 2015, it was bought up by Rocket Internet and took on the name Foodora. It then expanded to Cologne, Hamburg and Dusseldorf before investing in Scandinavia.

2. Firstly named Uberfresh in August 2014, it was officially named Uber Eats in 2015 when it launched its own app separately from Uber.

3. In August 2018, the Foodora couriers disappeared from three countries: Germany, Austria and the Netherlands. In December 2018, Takeaway.com bought the activities of Delivery Hero on German soil and lieferando.de for 930 million € of which 45% in shares which allowed Delivery Hero access to Takeaway.com capital to the tune of 18%.

4. Uber Eats currently represents around 17% of Uber’s activities.


8. The turnover in the online meal delivery sector was announced as US$ 94.385m in 2019. https://www.statista.com/outlook/374/100/online-food-delivery/worldwide

This is how, in all of Europe’s major cities, couriers remain under-employed (in the sense that either they work as bogus self-employed workers or they are devoid of any employment status), under-paid (under 5 euros per trip) and under-protected (without social protection and with minimal accident insurance)².

What we are witnessing is a return to employers’ practices of the 19th century with “mini-contracts”, or even piecework, sometimes in the form of micro-tasking³. It is as though the transformations made by the platform economy⁴ are taking us back to the first industrial revolution, before social legislation existed. This was the criticism of a Belgian courier, Jean-Bernard Robillard, in the open letter he wrote to the Belgian manager of Deliveroo (see box below). By spelling out couriers’ real working conditions, he dispelled the communication arguments regularly used by the company, which values what is described as ‘chosen’ flexibility.

This exacerbated flexibility strategy for work and employment is part of a long-term societal project in and of itself, that of deconstructing the welfare state. The proposed economic model makes it possible to avoid national solidarity mechanisms (social protection and taxation) as much as possible and is leading to a new definition of the social norm of employment⁵.

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2. On the working conditions of couriers, see the insert below, and the demands on the subject in the last article of this issue p.34.

3. Focused here on work on demand in meal delivery, we will not enter into detail on the work of crowdworkers, the new “web pieceriners” who perform fragments of tasks for cents at a time. For more on this question, read the remarkable survey by Casilli, “En attendant les robots. Enquête sur le travail du clic”, Seuil, Paris, 2019.


Dear Mathieu,

You and I know each other quite well; I worked for you as a courier on an employment contract via SMar which you rescinded in October 2017.

I was riding 35 hours a week, making 5,347 deliveries, over a total of almost 20,000 km for Deliveroo between April 2016 and January 2018. Little by little, I began to open my eyes to the objectives and the systems in which your backers based in London wanted to recruit us into. I would like to revisit a number of points that came up in your interview published in Le Soir on 25 September, as the way in which you presented things was misleading.

1/ Insurance

The insurance you are championing as if it were a progressive move is well below that we had as salaried workers via Smart which gave us the right to broad protection. Today, on the other hand, Deliveroo’s insurance has extremely limited coverage. For example: loss of a limb: 50,000 euros and then… nothing. Permanent total incapacity: 50,000 euros and then nothing. Quadra- or hemiplegic: 100,000 euros and then nothing. When you think about the average age of couriers, if they are involved in an accident that leaves them incapacitated for life, these young people will have nothing to live on and will spend their many remaining years living in abject poverty.

2/ Remuneration per order

You say: “Before we paid them (couriers) a minimum for three hours, and sometimes they were sitting around doing nothing”. Sitting on your bike waiting for an order to come in: talk about living the dream! Do we need to remind you that whilst working, a courier has to be available in a specific area, close to restaurants, out in the cold, the rain, whatever the weather?

3/ Flexibility

You often mention couriers’ desire for flexibility, but this flexibility is a total illusion as, to maximise their possible wage, couriers have to be available at times of peak demand, which mainly coincide with evenings and weekends. Furthermore, the statistics system put in place to keep the most lucrative spots for the best performers forces the others to have to fill in the remaining shifts.

4/ Made-to-measure laws:

You don’t say much about the huge gift that Deliveroo received from the State of Belgium: the economic recovery and social cohesion law which allows workers to work up to 500 €/month tax-free, but which mainly allows you to recruit 2,500 couriers paid by the task without having to pay any employers’ contributions. This law, made to measure for platforms such as Deliveroo and Uber, conceals a worrying societal project, where work comes without constraints or duties for employers, with extreme competition among workers, without minimum hours worked, piecemeal work for all. This is a law that has already done away with self-employed workers within Deliveroo, given that in April 2018, there were only 142 workers left listing self-employment as their main activity against 1508 workers recruited under this law.

5/ Distance-based remuneration

This summer saw the introduction of distance-based remuneration. This is how it works: order charge of 2 € + amount per delivery of 1 € + variable amount based on distance. It also states that this variable amount based on the minimum distance will be reviewed every month. This means that Deliveroo could apply a lower rate each month for the same route, without any agreement or input from the courier. Behind this communication based on “coolness” which you abuse, this is the real project for society, straight from the 19th century, which Deliveroo is putting in place with the blessing of our current leaders.


But what are States doing about these companies operating outside of the law?

Some States, such as France and Belgium, are using platforms to organise exemption zones and encourage the deregulation of working conditions. Let’s start with Belgium where two successive laws have been passed moving in this direction: the De Croo law which promotes self-employed status with tax relief measures in force since January 2017 and the economic recovery and social cohesion law which grants platforms the possibility of using, for their workers, “voluntary” status since July 2018. To contradict these developments in employment status, in April 2018, Belgium’s Administrative Committee for Regulating Labour Relations (SPF Social Security) adopted an opinion regarding a request to reclassify the labour relationship of a courier concluding that

1. Thanks to this law, since 1 March 2017, if a platform is authorised to do so, it can collect at source only 10% taxes on income rising up to 5,100 euros per year, as opposed to 33% previously.
In France, there is now article 20 in the law on the orientation of mobility (LOM) which seeks to create an exemption zone. It offers platforms the possibility of adopting a charter setting out their rights and obligations where workers are concerned. The principle of adopting such a charter includes the relationship that links workers to their platform(s) in commercial law and not in labour law, which allows platforms to decide unilaterally on working conditions and remuneration, as well as social protection for workers. This type of charter, initially proposed as part of the “law on the freedom to choose one’s professional future” was already thrown out of the Constitutional Court in September 2018 and then by the Senate at the beginning of April 2019. At the end of April, it was the National Digital Council that opposed it.

This shows us how the Belgian, French and other legal systems that apply to couriers and which promote “status-free” employment or self-employed work, are being increasingly called into question by certain structures at national level.

There is another question to be addressed on a European scale: will these regimes be compatible with the very recent European Directive from April 2019 that establishes minimum rights and calls for greater transparency for those with “on demand” jobs? (See insert)

A European Directive setting out minimal rights for (platform) workers

On 16 April 2019, the European Parliament approved a series of new EU rules aimed at protecting workers in the gig economy. This law, in the form of a directive, sets out a number of minimal rights and calls for greater transparency for those performing “on demand” jobs, such as Uber or Deliveroo. It proposes more transparent timetables and compensation for cancelled deliveries, as well as an end to “abusive practices” concerning occasional contracts. The Member States now have up to three years in which to apply the new rules. The European Parliament is indicating that the new legislation will apply to the most vulnerable workers, under atypical or non-standard contracts, including those on zero hour contracts.

The EU legislation will oblige employers to inform all workers of the “essential aspects” of their job from their very first day, especially:

- Description of their duties
- Start date and information about remuneration
- Ideas about what constitutes a normal working day or indicative hours
- Right to compensation for the late cancellation of an order
- One single probation period for a maximum duration of six months
- Authorisation for employees to take on other jobs by banning “exclusivity clauses”

The new rules ought to apply to all those working at least three hours per week on average over four weeks, which already represents at least three million people and this is a growing category of workers. The rules will also apply to trainees and apprentices in similar circumstances.

Enrique Calvet Chambon, MEP, declared that this was the first EU legislation to set out minimum rights for workers in twenty years. “All workers in limbo will now be allocated minimum rights thanks to this directive (...) from now on, no employer will be in a position to abuse the flexibility of the labour market”.

This directive is not only aimed at platform workers but at workers in general. Essentially it is a set of obligations for the employer to inform the worker about his/her working conditions. The definition of “worker” has been amended in the latest version of the European law to no longer comprise exclusively salaried workers. This means that precarious and casual workers will be covered by the European law,
but not workers employed by platforms under self-employed status.

However, according to jurisprudence of the EU’s Court of Justice (FNV Kunsten), “bogus self-employed workers” are also included in the definition of “workers”. This means that in the States where the jurisdiction has decided that Uber or Deliveroo workers were concealed employees, the directive could potentially apply to them too. It would be for the national judges to decide. This leaves us very far away then from application of the directive to include all platform workers in general.

Employees or self-employed workers?

With regard to the new order of employment status, it is all the more important to highlight the two existing models at the moment in the countries platform workers in general. This leaves us very far away then from application of the directive to include all platform workers in general.

If we start with the status of salaried worker, this implies some form of legal subordination and social protection linked to the employment contract. It is apparent that this protective status is reserved for couriers in countries where collectives have ties to “institutional” trade unions. The status is under threat to varying degrees depending on the country: in Norway, it still applies solidly as “couriers have always been salaried workers thanks to existing legislation” (transport trade union, Norway); the same applies in Switzerland, “on the basis of federal laws governing postal services, couriers are all salaried workers and benefit from social protection. Incidentally, capitalist platforms have not really come to the country” (No Time couriers’ collective, Switzerland). In Austria, on the other hand, platforms have already reduced the number of permanent salaried jobs: “the real danger is of collective agreements only applying to salaried workers and employers only taking on freelancers. At Foodora in Vienna, only 60 couriers out of 600 are now salaried workers. We have to stop this bogus self-employment strategy” (Vida, Austria). In the Netherlands, given that the same logic of reducing the salaried workforce applies, the trade union is staging a counterattack at sector level: “a new complaint has been lodged by the trade union FNV so as to place these companies under the jurisdiction of collective agreements in the transport sector, which are very favourable to employees (wage increases, weekend bonuses, etc.)” (Couriers’ collective/FNV, Netherlands).

Whilst the status of salaried worker is sometimes in peril in the countries where it still exists, for many others, salaried couriers have never existed. Self-employed status is systematically used, a status which allows the worker to enter into a commercial relationship with the platform by providing a service and without benefiting from any protection. As a Dutch courier explains, really this is bogus self-employed work, as shifts [services] are mandatory, just like if you were an employee, and the argument they use at court that states “you can refuse a shift” is also rather pernicious. In reality, they get all the money, and we get all the risk” (Couriers’ collective/FNV, Netherlands).

Definition of “disguised” work, bogus self-employed worker or dependent self-employed worker

Two criteria distinguishing disguised salaried work:
- An economic criterion: when a self-employed person only works for one client, his/her turnover depending on one contracting party.
- A judicial criterion: when there is a subordinate relationship. When the worker is obliged to respect the working conditions and rules laid down by the contracting client, as a salaried worker would do.

It should be noted that the type of contract chosen depends not only on the country, but on the company too. Uber Eats, Deliveroo and Glovo work exclusively with the self-employed, whereas Foodora is the only platform offering salaried contracts, which partially explains the geographical spread of this company (see map) and its current decline (see table on page 7).
The Finnish couriers explain: “The problem with bogus self-employment is that it is not only a problem for couriers, but a problem for society” (couriers’ collective, Finland) as it extends far beyond the sector, to the point that the question is being increasingly asked as to how to represent this rapidly growing category of workers. “What can be done to bring together disparate self-employed people and change public opinion in favour of having a new law that protects them?” (SCVG, Bordeaux, France). This question is becoming increasingly urgent as the new rules in the European directive to be transposed into national law must not be applied to “real self-employed workers” who work for themselves. But how do we distinguish the real self-employed from the bogus? That is the real challenge of the reclassification efforts that have already been taken before the courts since 2015, their objective being to prove that a bogus self-employed platform worker is in reality a salaried worker “in disguise”. Whilst the legal void regarding status has allowed platform companies to evade national laws, also being scaled back, with national case law being more and more favourable to workers as well as the interpretation of the new directive, could this lead to a reinvention of labour law?

Some are getting on with the task. For example, the Research Group For Another Labour Code (GR-PACT, Groupe de recherche pour un autre code du travail) believes that “Reclassifying work into an enlarged concept of salaried work, including the paradoxical relationship between independence and dependence, between autonomy and monitoring, making it possible to open up statements of law on the challenges posed by digitalisation, without being exclusively the forms of self-organisation and cooperation emerging around the platform”. Lastly, given the major growth of non-salaried status, certain jurists are wishing to save the right to work by recasting it around the notion of economic dependence rather than on its current foundations: legal subordination.

1. For details on these legal decisions regarding classification requests, see table on page 31.
Since 2013, we have been used to seeing bike couriers gathering around crossroads and roundabouts in Europe’s major cities. Despite being fragmented, this working community is managing to create collectives and get organised. What are the new forms of identification and collective representation at work? And what role is being played by the trade unions in their desperate search for the employer behind the apps and platforms?

The European general assembly (GA) of couriers on 25 and 26 October 2018 saw sixty couriers in attendance, from 23 workers collectives and/or trade unions from twelve countries. They gathered over the two-day period with 17 trade union representatives with observer status. Completing the line up were five members of cooperatives, about fifteen journalists, researchers and organisers to total a hundred participants: a figure that had never been anticipated.

On the day itself, the room was packed and there was a palpable sense of the GA members wanting to create something together. One of the British couriers set the tone for the two days beautifully by underscoring the importance of building a community: “We have come here to breathe new life into the sentiment of unity. Feeling like members of a community is what feeds into our strength, what allows us to stand up against this individualism that seems to be triumphing everywhere. It is the understanding that the root of all of our struggles is the same. This is why we have to fight together in the struggles we face, but also those facing all workers. It is only by standing shoulder to shoulder that we can feel part of this community” (IWW, United Kingdom).

This gathering of activists was inspiring and full of energy and hope, largely due to this powerful feeling of becoming a community. The collectives and trade unions present, with varying identities and interests, were seeking to construct a shared identity in the face of multinational delivery platforms. There are three distinct processes of identification (or identity construction) that we will go on to explain in detail: firstly, within the workers’ collectives forming city by city and where heterogeneous courier population categories rub shoulders; then in the links being formed between these very diverse collectives and “combative” or more “institutional” trade unions depending on the countries, with the latter group finding it more difficult to act as representatives for what has long been called the “grey area” of labour. Finally there is the collective identity that has yet to be created, this time at transnational level, between actors from varied trade union cultures and policies. Quite a challenge to overcome all of these differences, or divergences…

Quite a challenge too, to attempt to seek out and work on, in the space of just one meeting, the ways in which the dynamics of mobilisation contribute towards the emergence of collective forms of identification and their associated strategies. The collective identity of bicycle couriers is not a given, it is constructed via ways of expressing work, listing common demands, via mobilisation especially… In this sense, what we find here are points that occur frequently when studying labour conflicts which show that generating solidarity and the feeling of belonging to a community is always contingent upon how it can support the job and territorial links, but other aspects too.

In a study on a long-lasting cashiers’ strike, Marlène Benquet showed, for example, how the forms of identification that were dividing workers before the conflict were completely put to one side during it. What about couriers?

4. “Combative” trade unionism represented at the GA comprises several trends: the German anarchists (FAU), the British libertarians (IWW and IWGB), as well as the Spanish autonomists (intersindical Valenciana, CIG, LAB).


1. Germany, Austria, Belgium, Spain, Finland, France, Ireland, Italy, Norway, Netherlands, United Kingdom, Switzerland.

2. For detail of those present, see annex, page 19

3. With very few of them present at the GA, the cooperatives were mainly represented by Coopcycle which currently brings together about twenty from five countries. See https://coopcycle.org/fr/
A heterogeneous collective: not so easy to set up!

The 23 collectives that gathered in Brussels were all groupings of self-managed workers that had recently set up in their respective cities. What they have in common is that they are seeking to unite the whole population of couriers around common interests. For the leaders of these groups, this is a difficult exercise. The study on setting up the Belgian collective1 and the tales of forming various collectives at the GA give us some insights into the specificity and fragility of organising couriers. The sector is dealing with three particular organisational difficulties linked to the fragmented time and space as well as the diversity of the workers involved.

Firstly, the working community of couriers is fragmented. As one French courier explained: "We are individualised, there is nowhere we can meet, no coffee machine like in so many other businesses." (Sud Commerce, France). Only the platforms have the contact details for all of the workers in a given area. The second obstacle to organisation has to do with the lack of continuity in periods of work and working time: on average, a courier works for about two or three months and puts in 10 hours a week: this is how the high rotation (or turnover) of workers in the sector and the intermittence of shifts worked create real difficulties in their ability to organise. An Austrian courier confirmed: “one of the biggest challenges is the short duration of employment contracts. The majority of people only stay for about three months so it is hard to mobilise them” (Vida, Austria). Finally, even if the vast majority of couriers are young men2, the diversity of their sociological profiles means that overlapping demands have to be sought out between workers with very different interests: indeed, what is the common link between the student only putting in a few hours a week to save up for a holiday; the artist who is self-employed on the side, who works to top up his greatly fluctuating income and the under-qualified worker, often belonging to a racial group, who has no other choice than to work 40 to 50 hours a week because there are no other jobs on offer due to qualifications or legal status issues? This latter category opens up a fourth which is that of “username borrowers”: minors or undocumented migrants who, with no national number that would allow them to apply on the platform, purchase usernames to anyone wishing to provide them with one. These “subcontractors” then only receive half of the order, depending on the whim of their lessor3.

Furthermore, it has been observed that over time and given worsening salaries and working conditions, workers’ profiles have changed yet again. The couriers of the first platforms which appeared in 2013 (Take Eat Easy and Deliveroo4) did not come from the same social strata as those who are now delivering: they have gone from “middle class couriers, mainly bike lovers, who were bored of their jobs and wanted to change their lives by doing some sport, to a relatively young population facing discrimination on the labour market or indeed students”.

Despite all of the sector’s difficulties, self-organised collectives have been created wherever platforms are active. Even if some are more active or creative than others, the stages in their creation look similar from one country to the next. A French courier tells us: “Facebook, WhatsApp or Telegram groups were used to organise the first meet-ups. You have to start by having groups that are slightly structured, organised”. In this way, when the anger starts to rise, the collective (or the trade union) may “suggest meeting up and getting organised so that it isn’t only virtual action. (…) And then, when action is to be taken, we print flyers the week before and hand them out to all couriers during our shifts5. We circulate information using social networks. This produces a snowball effect.” (Sud Commerce, France).

In the same way, in Italy, “it is thanks to the giving out of flyers and the WhatsApp groups that we have managed to send information around and bring couriers into the collective” (Riders Union, Bologna). And in the United Kingdom, “in addition to social

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1. For a detailed analysis of how the Belgian collective was set up, see Dufresne Anne, Leterme Cédric, Vandewaterney Jean, “Les mobilisations du Collectif des courriers e.s contres Deliveroo” in Courrier Hebdomadaire, CRISP, No. 2383-84, 2018, pages 45-58
2. The figures that follow are taken from Smart, “Dossier on the social experiment conducted by Smart in the delivery sectors in Belgium”, 2017.
3. For example, in Belgium in 2017: 84% of couriers were between 18 and 24 years of age and 89% were men, see Smart, ibid., 2017.
4. Or even precisely because they are from a racial group and their qualification is not recognised.
6. For detailed identity cards from the main platforms in the sector, see table on page 7.
8. In courier language, a “shift” corresponds to a period of work.
networks created in each city, we have had some success using paper materials, handouts, flyers, and circulating them around the workers. This strengthens the collective conscience” (IWW, United Kingdom).

So as to respond to the fragmentation referenced above, one other necessity “that unites all couriers is that of creating and sharing common areas for breaks and resting periods. Places where we can meet up with our colleagues and get organised. This is a fundamental demand, applying to all couriers wherever they work (…). It lays the foundations for other forms of organisation” (Couriers’ collective, Finland).

These common areas for creating communities could be “workshops where bikes could be repaired free of charge, which encourages self-organisation and mutual social assistance” (Riders Union, Bologna), or “a dedicated place for meeting (up), as it is important to meet in person. This helps the collective a great deal” (Vida, Austria). Or even: “specific meeting points in the city, among colleagues”. But this is not what the platforms want: “It was so important that Deliveroo cancelled them. You now have to go to restaurants to make contact and recruit colleagues” (courier from Ghent, Belgium).

Social networks, flyers and meeting places are therefore three key elements in the first phase of forming a collective that aims to bring together as many workers as possible in each city, with a view to working on joint future actions. Then, three factors make it possible to consolidate and grow these groups so as to move from aggregation to organisation. Firstly, the change of geographical scale. Local collectives need to meet each other, or even scale up to national level. For example, “in April 2018, we held a coordination assembly at national level bringing together the couriers from all local platforms, and we launched a joint 1st May initiative in Bologna, Milan and Turin” (Riders Union, Bologna, Italy). It is striking that, among the 23 collectives present at the GA, nine have already achieved national representation. When it comes to the transnational level, it is in a gestation period with the European GA.

Secondly, it is obviously the taking part in mobilisations that allows them to consolidate (or not)². And finally, reinforcing them also creates links with certain trade union organisations, albeit in different ways, depending on whether these organisations present themselves as heirs to the revolutionary trade unionist currents, are focused on the grassroots or consider themselves more as “institutional/reformist” actors.

What alliances with which trade unions?

The diverse links (formal to a greater or lesser extent) existing between the couriers’ collectives and trade union organisations should be underlined here to better understand their differences, both in their forms of collective action and their demands.

Participants’ contributions allow us to distinguish between two major categories of “actors behind the struggle” according to groups of countries. A British courier explains: “It seems to me that there are two very different models in the room. There are the more regulated States which have opened up their laws (…) and countries such as the United Kingdom, Italy and Spain where we have had to depend more on the development of ‘class power’ outside of the State” (IWW, United Kingdom).

These national models allow us to track the different trade union trends at work, in the way in which they contribute towards defining the challenges of the couriers’ struggle. A first trend, which seeks to extend the heritage of anarcho-trade unionism or revolutionary trade unionism, considers that trade union action is aimed at both bringing about improvements in workers’ daily lives and at building strike movements with the objective of radically transforming society. For those backing this approach, the emancipation of salaried workers can only come from workers’ direct action,

1. Norway, the Netherlands, France, Germany (two collectives), the United Kingdom, Finland and Austria. See details in the table in annex on page 19.

2. We will cover the mobilisations in the various countries in the next article.
in other words, their capacity to shape the course of history by their struggles, outside of providential recourse to political parties or the State. This trade unionism, which favours the self-organisation of workers and struggles, can also be defined by its opposition to what is referred to as the “reformist” or “institutional” trade unionism invested in agreement and bargaining committees and deemed to be putting up with the system in place which it seeks to improve through reforms¹.

If we start with the first category of actors mentioned here, that based on the “class struggle”, we see that it corresponds to the participants who, during the meeting, took the time to describe in detail the steps involved in setting up their respective collective (see the quotes in the first part of the article), in other words those more focused on self-organisation and mobilisations off the institutional trade union radar. A British representative put it like this: “For those of us who have to depend on direct action, we have to give priority to organisation among couriers by using very specific forms with the aim of taking over platforms from the grassroots. (…) The priority for our movements is therefore to get organised, not with regard to the State but among workers” (IWW, United Kingdom).

**The “combative” trade unions organising couriers at grassroots**

This category of “grassroots or combative trade unions” could be further subdivided into three sub-categories (see table below) according to the degree of dependence that members of the collective maintain among themselves.

Let’s start therefore with the self-organised workers’ collectives that are not linked to trade unions. These are the Italians, in particular the Riders Union collective hailing from Bologna and Padua who prefer to work on solo campaigns, as well as other collectives from Turin and Milan (Deliverance, Italy)². Similarly, the Finnish couriers’ collective with their “Justice4Riders” campaign have managed to achieve widespread media coverage without trade union links, for the time being. But, unlike the Italians, the Finnish riders would like to make contact with the institutional trade unions in the future who “have, for the time being, been following the situation in the sector, but have not acted” (Couriers’ collective, Finland).

A second type of collective corresponds to those “linked to” or “which have been created by” trade unions with “anarcho-trade unionist” sensibilities in the United Kingdom, in Germany and in Spain. The two British trade unions, the IWGB (Independent Workers Union of Great Britain) and IWW (Industrial Workers of the World) are the frontrunners here. They have been the first to support the sector’s collectives as well as the spontaneous strikes accompanied by manifestations which were carried out in summer 2016 by the couriers of Deliveroo³. The IWGB is a small trade union, founded in 2013. It is the result of a split from the major British trade unions⁴ “during a number of struggles in which some groups of members judged their trade union to be insufficiently combative and too limited to legal action (…). It carries out grassroots mobilisations with strikes, occupying symbolic locations, manifestations on public highways and imaginative use of the media⁵. It wishes to represent precarious salaried workers, often immigrants, especially working in sub-contracting and the platform economy. On their side, the British section of the IWW⁶, which has also created a “Couriers’ Network”,

### Types of links between collectives and trade union organisations at the time of the GA, October 2018.

<table>
<thead>
<tr>
<th>Countries concerned</th>
<th>Type of collective/trade union links</th>
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</thead>
<tbody>
<tr>
<td>1. Italy, Finland</td>
<td>Collectives not linked to trade unions</td>
</tr>
<tr>
<td>2. United Kingdom, Germany (FAU), Spain</td>
<td>Collectives linked to trade unions with anarcho-trade union sensibilities (or “combative”)</td>
</tr>
<tr>
<td>3. Belgium, France</td>
<td>Collectives informally linked to trade unions</td>
</tr>
<tr>
<td>4. Germany (NGG), Austria, Norway, Netherlands, Switzerland</td>
<td>Collectives formally linked to “institutional” trade unions</td>
</tr>
</tbody>
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2. The names of all collectives and trade unions present at the GA are listed in the table in annex page 23.

3. These actions are explained in a detailed way in the article “Forms of the struggle”, page 24.

4. UNITE for the private sector and UNISON for public services.


6. The IWW is an international trade union founded in the United States in 1905 with headquarters based in Chicago. In its heyday, in 1923, the organisation had approximately 100,000 active members. Today it has 4000. The IWW, self-management advocates, see workers’ unity within “One Big Union” as a fundamental principle and aim to abolish the notion of salaried work.

7. This network has always benefited from a great deal of independence with regard to IWW and represents workers whether
In France and in Belgium, a third type of structure is characterised by collectives with informal links to large trade unions, which make up the main actors in the trade union landscape and which combine institutional activities and combative practices. In Belgium, the couriers’ collective in Brussels has been heavily supported both from a logistics and an argumentative point of view in particular by the national central employees’ organisation (CNE) and by Transcom on the Christian Trade Union Confederation side (CSC). The FGTB2 got involved within the food sector, the Belgian Transport Union (UBT) and the Trade Union of Employees, Technicians and Managerial Staff (SETCa), as well as the FGTB-Youth.


2. On the FGTB side, three professional central FGTB organisations are concerned with meal delivery: HORVAL, mainly responsible for catering establishments; CTI, mainly responsible for the catering service of the army; and FGTB, the social committee of the FGTB.

3. For a detailed analysis of how the Belgian collective was formed, see Dufresne Anne, Leterme Cédric, Vandewattyne Jean, “Les mobilisations du collectif des coursier.e.s contre Deliveroo” in Courrier Hebdomadaire, CRISP No. 2383-84, 2018, pages 45-58; and for a survey on the relationships between Belgian couriers and the trade unions, see Vandaele, Kurt, Piasna Agnieszka, Drakoupol Jan, “Algorithm breakers are not a different species: attitudes towards trade unions of Deliveroo riders in Belgium,” ETUI, 2019.

All of these small combative trade unions are particularly active in the delivery sector and have been waging long-fought mobilisation campaigns. They are “on the other hand completely absent from other sectors of the on demand platform economy such as domestic services or occasional jobs”1.

In France and in Belgium, a third type of structure is characterised by collectives with informal links to large trade unions, which make up the main actors in the trade union landscape and which combine institutional activities and combative practices. In Belgium, the couriers’ collective in Brussels has been heavily supported both from a logistics and an argumentative point of view in particular by the national central employees’ organisation (CNE) and by Transcom on the Christian Trade Union Confederation side (CSC). The FGTB2 got involved within the food sector, the Belgian Transport Union (UBT) and the Trade Union of Employees, Technicians and Managerial Staff (SETCa), as well as the FGTB-Youth.


2. On the FGTB side, three professional central FGTB organisations are concerned with meal delivery: HORVAL, mainly responsible

has adopted the same trade unionism targets and the same combative strategy as the IWGB. In a similar way, the anarchist German trade union the FAU (Freie Arbeiterinnen- und Arbeiter-Union, free workers’ trade union) claims to be “closer than our British colleagues working on ‘grassroots bases’ and carrying out more direct action than the German NGG which is more institutional”. The FAU has created a collective especially for couriers. Called “DeliverUnion”, it is 500-members strong and has created local groups in each company to have action from bottom to top. Finally, the Riders4Derechos collectives have ties to trade unions from different autonomous regions of Spain: the Intersindical Valenciana, the LAB, Langile Abertzaleen Batzordeak (patriotic workers’ commissions) and the CIG, Confederación Intersindical Gallega (Confederation of Unions of Galicia).

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for catering establishments; CTI, mainly responsible for the catering service of the army; and FGTB, the social committee of the FGTB.

3. For a detailed analysis of how the Belgian collective was formed, see Dufresne Anne, Leterme Cédric, Vandewattyne Jean, “Les mobilisations du collectif des coursier.e.s contre Deliveroo” in Courrier Hebdomadaire, CRISP No. 2383-84, 2018, pages 45-58; and for a survey on the relationships between Belgian couriers and the trade unions, see Vandaele, Kurt, Piasna Agnieszka, Drakoupol Jan, “Algorithm breakers are not a different species: attitudes towards trade unions of Deliveroo riders in Belgium,” ETUI, 2019.
We now move onto the fourth type of collective with formal links to “institutional” trade unions.

“Institutional” trade unions desperately seeking platforms

For the five countries that have not yet been mentioned, their respective couriers’ collectives are structurally linked to trade unions heavily involved in institutional action in particular sectors, from countries with a dominant tradition of social partnership: Switzerland (Unia and Syndicom, media and logistics), Norway (transport trade union, Oslo), Germany (NGG, food), Austria (Vida, logistics), and the Netherlands (FNV, Federatie Nederlandse Vakbeweging, Netherlands’ trade union confederation). The strategy used by these organisations aims to build a workers’ representation from the top, in other words, by keeping to the “institutionalised representation trail”. They are pushing for the creation of consultation committees (such as works councils) or sector-level collective bargaining with the idea of expanding existing rights to new categories of workers. But they are only achieving this very partially, with commercial platforms cultivating avoidance strategies.

Only Switzerland and Norway are the exceptions and are actually managing to regulate the sector. Switzerland was the first country in Europe to sign a collective agreement for bicycle couriers. Binding upon the whole sector, its aim is to continue to prevent platforms from setting up in the country. Indeed, up to now, no commercial delivery platform has entered the market given the conditions introduced by the law on postal services which existed long before the appearance of Deliveroo on the global market and which encompasses the whole delivery sector: parcels and hot food. “Swiss couriers have always therefore all been salaried workers and benefit from social protection coverage” (UNIA, Switzerland). The objective of signing the recent agreement is so that “all of the sector’s workers enjoy the same rights and are treated in an equal manner”. Similarly, in Norway, the trade union representative explained: “We managed to obtain a works council and a collective agreement thanks to a law requiring it. These platform companies are therefore improving. (…) We feel very civilised in the way we have behaved” (TV, Norway). Whilst the Swiss and Norwegians seem satisfied with what they have been able to obtain in terms of status and working conditions, this is not the case for the German and Austrian trade unions.

In Germany and in Austria, although the trade unions and couriers’ collectives associated with them have certainly set up works councils (WC) – in Hamburg and Cologne in Germany with the NGG (food); in Vienna, Austria, with Vida (logistics) – they are, however, much more sceptical about the results obtained.

It should be noted that in all of these countries, these structures have most often been created around the German platform Foodora. This platform has taken the market in countries with strong traditions of collective representation and where the couriers are salaried workers. Over time, however, and looking to the model of its competitor Deliveroo, Foodora has driven down working conditions and been seeking to avoid all types of worker representation as much as possible. With each new WC created, Foodora has decreased the wages of permanent staff in favour of self-employed workers, so as to reduce the number of worker representatives in the company.

In the same way, Delivery Hero, the parent company of Foodora, which has been seen demanding the presence of staff representatives on a works council, quickly set up a European public limited liability company (SAE) and a European works council (EWC) to avoid having stricter German laws applied to it. This strategy allows it (amongst other things) to have only one information meeting per year with the worker representatives.

1. Even if the systems governing professional relations differ greatly between themselves.
2. Unia is the largest trade union in Switzerland with 200,000 members covering almost the whole private sector.
4. The collective agreement was signed on 4 February 2019 and has guaranteed minimum standards since 1 May 2019.
6. Thomas Schnee, ibidem.
In Austria, the platforms are also attempting to evade “institutional constraints”. The trade union which organises the couriers explains: “We chose the traditional route of going via institutions. (...) We managed to sign a collective agreement and the platforms were forced to admit that there had been no alternative” (Vida, Austria). Whilst it is true that they signed it, the companies are now trying to get around it: “the real danger is with the collective agreement only applying to employees, the platform letting them go only to hire self-employed workers. This is why, today in Vienna, there are only 60 couriers out of 600 at Foodora who have remained salaried employees and are therefore covered by the collective agreement”.

These examples are good illustrations of how the trade unions focusing on “social partnership” and seeking at all costs to get into platform companies as part of the industrial relations they know, are clashing with their “partner’s” ability to evade them. For example, wanting to negotiate at sectoral level requires the platform to be a member of a sector-level employers’ organisation or to create a platform employers’ organisation. This is unlikely given that one of the characteristics of platforms’ economic model is precisely to resign as bargaining partners/ employers and resist all forms of institutions and social legislation. Some trade unionists are seeing the limits of official negotiating bodies and would like to add mobilisation to their list of possible action to take. The German representative from the NGG explained: “At Foodora, we are paid below the minimum hourly wage and sometimes we don’t get paid at all. From now on, with the works council, we have been trying to push the platform to respect the law. But that is not enough. We are reaching our limits and need direct actions too” (NGG, Germany).

Mutual distrust and crisis of collective representation

It is interesting to note a posteriori that the questions “who are the people behind the new struggles?” and “what role are the trade unions playing?”, which this article is attempting to answer were put repeatedly to the organisers from the preparatory phase of the European GA onwards, revealing both the divergences between actors on the matter and the different collective identities being formed. To reach the interested workers’ collectives, the decision was made to have a centralised email registration via a first network of French and British couriers’ spokespersons, then banking on news of the Brussels gathering being passed on via social networks all across Europe. The GA was then coordinated by using regular Skype meetings involving the available collectives’ spokespersons to iron out issues as the organisation progressed. The WhatsApp group worked so well that in the space of only a few months, the maximum number of collectives that could be registered, given the logistical capacity, had already been reached.

The organisers also found themselves, however, facing a barrage of demands from trade unions in different countries. The couriers preparing the event decided that for coordination purposes, the first meeting would focus firmly on the initial idea: the idea of creating a transnational “area of trust” exclusively reserved for workers’ collectives and not for informal or potential trade union representatives. The primary criterion when registering was being a courier or a former courier. The many non-trade union members interested in taking part were therefore invited to the GA as observers, apart from sessions in which decisions were being taken. They attended on the first afternoon of the event, which had a parallel workshop running alongside it in order to discuss problems relating to the platform economy and the delivery sector in particular. Some were frustrated about not being allowed to take part in decision-making sessions in the presence of (former) couriers, especially those who consider themselves, quite rightly, as part of the struggle, close to the collectives and having supported them during mobilisations. Whilst it was not easy for the organisers to manage the separation between workers’ collectives on one side and non-courier trade unionists (observers) on the other the moment, however, revealed a great deal about the state of collective identities in the sector at that particular time.

This first assembly created a transnational “area of trust” reserved for workers’ collectives

1. See the first article in the issue pages 9-13.
The tensions created by the non-courier trade unionists’ lack of participation are the manifestation of the crisis in collective representation, much more general, that the trade union movement is currently witnessing. It is the manifestation of a reciprocal distrust which is partially expressed by workers who have been ravaged by the extreme individualisation in fragmented work, and on the other hand, the representation structures who, for over 40 years, have considered precarious workers, the unemployed, and now “uberised” workers as the “grey area” of salaried work, without ever (or only rarely) including them in their organising strategy. Whilst it appears possible in our view to generalise this weakness in collectively representing the precarious to include the majority of traditional trade union organisations, it is all the more important to recognise the underground work being performed by a certain number of extremely invested activists who have actually understood what is at stake and are attempting to organise these workers lacking representatives, of which couriers are an extreme example.

In this current phase of accelerated digitalisation, the “institutional” trade unions could well need couriers or other platform workers to claim their legitimate status as representatives of a population of increasingly precarious workers. And yet, some trade unions continue to defend or manage collective bargaining in an institutional way and restricted only to high quality jobs, whereas even they no longer have bargaining power. Without “asking themselves what underpins the commitment to a salaried society, in other words the sidelining or exclusion of groups of the population from the full time and permanent employment standard, they (trade union management) give priority to strategies that are party to the legitimacy of placing of boundaries between those who have access to high quality jobs and those who don’t”. This historic legitimising of barriers between protected workers and precarious workers clarifies the mismatch, or even the distrust of those directing the institutional apparatus towards “uberised” workers. This distrust works both ways: the vast majority of mobilised couriers, already wary of any institution, find either no place at all or only a very minor one in the trade union structures which they consider most often to be “places of power where they do not belong”. But the couriers, ultra-precarious, are not the only ones with trust issues. This is seen by the many forms of mobilisation taking place outside of trade unions and often creating conflict with them. Very recently, the gilets jaunes, verts and roses (yellow, green and pink vests) mobilised “at the source” below the radar of the official organisations representing workers. Against this backdrop, there are two possible scenarios: either the trade union movement manages to win back its role of representing these workers and have new life breathed into it through the creativity of collectives and new activist movements, or trade union renewal will continue to develop outside of existing structures.

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1. For a specific analysis of the loss of sociological legitimacy of representative structures, and along with it the normative and integrative power of trade unions, see Christian Dufour and Adelheid Hege, “Légitimité des acteurs collectifs et renouveau syndical”, La revue de l’IRES, No. 65, 2010/2, pages 67-85.
2. Sophie Béroud, Paul Bouffartigue (dir.), “Quand le travail se préca-rise, quelles résistances collectives?”, La Dispute, 2009.
4. The wage blockages in the majority of EU countries show this very clearly. For Belgium, see “Le salaire en Belgique”, Gresea Échos, No. 97, January 2019.
6. Without entering into detail about each one of these specific struggles, in Belgium, they gained momentum at the end of 2018: the yellow vests blocked sites and occupied roundabouts from 16 November 2018, the “women’s strike” of 8 March which was different to women’s rights’ days, and the climate march on 15 March was prolonged by “climate strikes” by students every Thursday.
7. This scenario is being pushed by a whole fringe of transformational trade unionism. For example, in France, the Copernic and Syndicollectif Foundation propose to launch a public debate on trade unionism and social movements, http://syndicollectif.fr/pour-un-renouveau-syndical-syndicollectif-et-copernic-appellent-a-debatte/; in Frankfurt, in Germany, is preparing a conference entitled: “pour une politique syndicale combative!” in 2020.
Couriers’ collectives and trade union organisations that took part in the European GA on 25 and 26 October 2018

Source: Map produced for the European couriers’ GA on 25 and 26 October 2018. The names that the various acronyms refer to can be found in the appended table.
### Annex: Those actively involved in struggles and present at the European Couriers’ Assembly

<table>
<thead>
<tr>
<th>Country</th>
<th>Platforms</th>
<th>Couriers’ collectives</th>
<th>Trade unions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norway</td>
<td>Foodora</td>
<td>- Riders Club Norway</td>
<td>- Oslo Transportarbeiderforening (transport trade union)</td>
</tr>
<tr>
<td>Switzerland</td>
<td>Uber Eats</td>
<td>- Couriers’ collective (Geneva)/ UNIA</td>
<td>- UNIA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Couriers collective No Time (Bern)/UNIA</td>
<td>- Syndicom (media and logistics trade union)</td>
</tr>
<tr>
<td>Austria</td>
<td>Foodora</td>
<td>- Couriers’ collective/ Vida</td>
<td>- Vida</td>
</tr>
<tr>
<td></td>
<td>Uber Eats</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Netherlands</td>
<td>Foodora</td>
<td>- Riders Union/FNV</td>
<td>- FNV, Federatie Nederlandse Vakbeweging (trade union confederation of the Netherlands)</td>
</tr>
<tr>
<td></td>
<td>Uber Eats</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Deliveroo</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td>Foodora</td>
<td>- Riders United/FAU</td>
<td>- FAU, Freie Arbeiterinnen- und Arbeiter-Union (free workers’ trade union)</td>
</tr>
<tr>
<td></td>
<td>Deliveroo</td>
<td>- Liefern am Limit/NGG</td>
<td>- NGG, Gewerkschaft Nahrung-Genuss-Gaststätten, (trade union for the hotel, restaurant, café and hospitality sectors)</td>
</tr>
<tr>
<td></td>
<td>Uber Eats</td>
<td></td>
<td></td>
</tr>
<tr>
<td>France</td>
<td>Deliveroo</td>
<td>- CAVAL (national), Coordination d’Action Visant l’Autonomie des Livreurs (coordination of action aiming at delivery workers’ independence);</td>
<td>- Sud-Commerce (Solidaires)</td>
</tr>
<tr>
<td></td>
<td>Uber Eats</td>
<td>- CLAP (Paris), Collectif des Livreurs Autonomes de Paris (collective of autonomous delivery workers of Paris);</td>
<td>- CGT-Commerce (services to individuals)</td>
</tr>
<tr>
<td></td>
<td>Glovo</td>
<td>- SCVG (Bordeaux), Syndicat des Courriers à Vélo de la Gironde (trade union for bicycle couriers in the Gironde);</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>- Bikers Nantais (Nantes);</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>- CCLM (Lille), Collectif des Courriers de Lille Métropole + Coopératives : traboulette (Lyon) - Les couriers bordelais (Bordeaux)- Coopcycle (Paris/Europe)</td>
<td></td>
</tr>
<tr>
<td>Belgium</td>
<td>Deliveroo</td>
<td>- Collectifs des Courriers (Brussels)</td>
<td>- CNE, Centrale nationale des employés</td>
</tr>
<tr>
<td></td>
<td>Uber Eats</td>
<td></td>
<td>- FGTB, Fédération générale du travail de Belgique</td>
</tr>
<tr>
<td>UK</td>
<td>Deliveroo</td>
<td>- Couriers Network/IWW</td>
<td>- IWW, Industrial Workers of the World (syndicat des travailleurs de l'industrie)</td>
</tr>
<tr>
<td></td>
<td>Uber Eats</td>
<td>- Couriers &amp; logistics/IWGB</td>
<td>- IWGB, Independent Workers Union of Great Britain (syndicat des travailleurs indépendants de Grande-Bretagne)</td>
</tr>
<tr>
<td></td>
<td>Glovo</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spain</td>
<td>Deliveroo</td>
<td>- Riders4Derechos (Valence)</td>
<td>- Intersindical Valenciana</td>
</tr>
<tr>
<td></td>
<td>Uber Eats</td>
<td>- Riders4Derechos (Barcelone)</td>
<td>- LAB, Langile Abertzaleen Batzordeak (nationalist workers’ committees, Basque Country)</td>
</tr>
<tr>
<td></td>
<td>Glovo</td>
<td></td>
<td>- CIG, Confederación Intersindical Galega (Galician confederation of unions)</td>
</tr>
<tr>
<td>Italy</td>
<td>Deliveroo</td>
<td>- Deliverance Project (Turin)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Uber Eats</td>
<td>- Deliveroo Strike Riders (Milan)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Foodora</td>
<td>- Deliverance Project (Milan)</td>
<td></td>
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<tr>
<td></td>
<td>Glovo</td>
<td>- Riders Union (Bologna)</td>
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<tr>
<td></td>
<td></td>
<td>- Riders Union (Padoua)</td>
<td></td>
</tr>
<tr>
<td>Ireland</td>
<td>Uber Eats</td>
<td>- couriers Network/IWW</td>
<td>- IWW, Industrial Workers of the World</td>
</tr>
<tr>
<td></td>
<td>Deliveroo</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finland</td>
<td>Foodora</td>
<td>- Finnish couriers’ collective</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>24 = 14 city-level collectives + 10 collectives at national level + cooperatives</td>
<td>17 = of which 5 sector-level federations (transport, logistics, 2 Commerce, Food)</td>
</tr>
</tbody>
</table>

Source: Anne Dufresne, Gresea, table produced for the European couriers’ assembly “Riders4Rights”, 25/26 October 2018, Brussels, and updated in June 2019. Foodora means that Foodora has withdrawn from the country concerned since the GA; Traboulette means that the cooperative has closed since the GA.
Forms of struggle: from the wave of national strikes to the challenges of salaried work

Since 2016, all over Europe, couriers have been organising and mobilising. The protest movement has been spreading like wildfire through cities, and then countries. Protest activities take two main and articulated forms: direct action, mainly strikes and demonstrations, and legal action to reclassify self-employed workers with salaried status. These actions are complemented by raising awareness as much as possible among the public at large and are extending to include other precarious sectors.

1. DIRECT ACTION: THE STRIKES OF 2017

The year 2017 saw no fewer than 40 demonstrations by delivery platform workers take place in approximately fifteen European cities. Whilst it is always difficult to compile statistics on strikes, the form that the couriers’ displays of resistance take make it even more difficult to collect data. As we will see, the direct actions taken in the sector are most often characterised by heavy decentralisation within the movement, a tenuous link to the trade unions and spontaneous demonstrations as a direct response to working conditions through aggressive use of social networks. The couriers involved assume that: “For those of us having to rely on direct action, we have to prioritise organising workers with the aim of taking over the platforms from the ground up” (IWGB, United Kingdom). We set out here what these struggles have looked like thanks to the personal accounts of couriers from seven countries during the European general assembly (GA).

London leads the way

The first to set the ball rolling on the demonstration front was a collective of British couriers who organised a mass action in London, in August 2016. We suggest analysing this first experience. We are using it as a sequence-yardstick for better understanding the stages of mobilisation, which have partially been seen in the other countries we will look at.

In London, what triggered the response was the shift from an hourly wage to a wage per delivery: Deliveroo workers went from £7 per hour (8.20€) and £1 (1.17€) per delivery to a flat rate of £3.75 (4.4€) per trip. This sudden and enforced drop triggered the first wave of strikes involving about a hundred couriers in the following week. Every evening, they gathered outside the company headquarters, based in London. “No drivers, no Deliveroo”, read their placards. The strikers used social networks to amplify the struggle. The hashtag “BoycottDeliveroo” was widely used on Twitter and the couriers communicated using WhatsApp. Solidarity was shown through crowdfunding.

It is the many immigrant workers in particular, often riding motorbikes or scooters, who are at the forefront: “When bikers call a strike, they are able to bring the whole city to a halt. We used this opportunity to build a collective force capable of bringing platforms to their knees” (IWW, United Kingdom). The strike lasted seven days, before the strikers were vindicated. The action forced Deliveroo to return to the initial payment method in the form of a minimum hourly wage, and not a wage per order. “Even

PROPER FOOD, PROPER DELIVERY, PROPER WAGE SLAVERY

...
if the average hourly wage is still low, between 6 and 7 pounds, it is deemed satisfactory for 51% of respondents (against 19% of those unsatisfied), as it allows them to top up their income.

After these first few victorious uprisings, two trade unions decided to organise couriers: the Independent Workers of Great Britain (IWGB) and the Industrial Workers of the World (IWW) representing couriers in Bristol, Brighton, Leeds and Plymouth (where strikes were also held) as well as at national level. Victories followed: in the city of Leeds, disconnected workers (in other words workers who had been dismissed in abusive ways) rejoined and the manager responsible was thanked. A hiring freeze meant that work was guaranteed for the couriers of Brighton. In the process, Rebel Roo, a self-published newspaper produced by couriers, started up and 1500 copies were handed out. Then, the level of workers’ organisation and actions grew and expanded both geographically and in terms of sectors. Over the months, many UK cities signed up: Bath, Middlesbrough, Liverpool, Portsmouth, Manchester, Glasgow, Edinburgh and Cardiff, but also new sectors of precarious workers. The couriers in Brighton created a coalition with the latter, which culminated in the “precarious Mayday” demonstration on Labour Day, 1 May.

These first British strikes worked so well that they inspired a transnational couriers’ and precarious workers’ movement to appear which expanded across Europe. Callum Cant described the movement as a “wave of transnational resistance” thanks to three trends he saw emerge in the statistics: “Between July 2016 and December 2017, there was a gradual increase in the number of demonstrations. Then, regarding the total number of mobilised couriers, there was a sporadic increase month by month, but a considerable increase per quarter. Finally, there was an increase in the number of simultaneous demonstrations across the countries”.

**Stages of mobilisation**

The protest movement which has grown all across Europe gives us a better insight into the state of collective action being taken against platforms, especially against Deliveroo. The majority of the action indeed focused on the British platform, although they sometimes extend to others too: Foodora, Ubereats and Glovo. Initially, we will go through the mobilisation sequence which has been replicated in the majority of countries: the detonator, direct action, media coverage, police repression and geographical and sector growth. Then we shall see what precise results were obtained by the couriers and the employer pushback that followed.

The trigger for strikes is most often a return to piecemeal work. “These companies always act in the same way. They start by luring us in with pleasant working conditions and end up forcing us to work in appalling conditions. This is something we cannot accept” (Riders4derechos, Valencia, Spain). When in

October 2016, shortly after the London movement, the Italian couriers’ collective Deliverance Project called a strike against Foodora in Turin, it was again the move from an hourly wage (5.40 euros) to a rate per order (2.70 per order) that was the prompt. The same happened one year later, in October 2017, when Deliveroo announced to Belgian couriers that “as of 1 February 2018, all couriers will have to work under self-employed status and will move from an hourly payment to payment per delivery”. This announcement spread through the different countries, at different paces, with the change in salaried status to self-employed going hand in hand with the shift from an hourly wage to a rate per order, which ultimately makes the average

1. By way of comparison, the National Living Wage (minimum wage for the over-25s) entered into force in April 2016 at a rate of 7.20 pounds.


3. Cant Callum, Deliveroo courier in Brighton and member of the IWW trade union is a privileged observer. His work entitled “Working for Deliveroo”, is soon to appear in Polity Press.


5. Arianna Tassinari, Vincenzo Maccarrone, “The mobilisation of gig economy couriers in Italy: some lessons for the trade union movement”, Transfer 23(3), 353-357

6. The demands being more broad, as they also affect self-employed status, GPS tracking and the lack of insurance.

7. Before this date, Belgian couriers were working via the employment cooperative Smart with contracts of at least 3 hours, the legal minimum for a salaried contract. See Jan Drakokoupi, Agnieszka Piasna, “Work in the platform economy: Deliveroo riders in Belgium and the SMART arrangement”, working paper, ETUI, Brussels, January 2019.
wage go down, but also makes it more uncertain, individual and linked to performance. This is why a shift towards work by the task systematically triggers demonstrations and reactions from collectives. The exception to the rule was Spain, where the first strike in July 2016 was not triggered because of wages, but because Deliveroo had disconnected 13 couriers.

Traditional modes of action: strikes and demonstrations

European couriers do not hesitate to move to direct action. The most frequently used set of actions is the well-trodden path (except in Germany) of the assorted manifestation strike, sometimes extended to include other precarious workers. Half of the couriers from Turin (50) who answered the call for the first Italian strike in the sector formed a demonstration procession. Together with other social movements, they managed to encircle the city and achieve greater visibility. The couriers of Milan took over from them on 15 July in the same year with a new mass strike. The movement also began to grow in France, where in Marseille in March 2017, a demonstration gathered approximately 100 couriers from Foodora and Deliveroo. French strikes, however, seemed less coordinated between the cities than those in the UK or Italy. Finally, Spain had the best-supported movement seen up to that point (150 couriers out of 230) with a national 3-hour strike for Deliveroo couriers in Barcelona, Valencia and Madrid. For Germany, on the other hand, no strikes were planned. Organisation began in April 2017 when the FAU, anarchist trade union¹, launched its own delivery platform by organising a campaign in Berlin. Eighty couriers demonstrated and demanded negotiations. In June, a demonstration took place outside the headquarters of Deliveroo and Foodora. In Brussels, Belgium, a strike took place in January 2018, followed by demonstrations² and a sit-in at Deliveroo’s headquarters³.

But, specifically, what does “going on strike” mean for couriers? “Disconnecting” from the app? European couriers have been pondering and considering the various ways of staging a “switch-off strike”: “Is it just a matter of switching off and stopping work? Staying on the app but not accepting orders? Accepting orders and never picking them up? Picking up the orders and then sharing them out with other couriers to eat?” (CLAP, France). The new economic model of platforms means having to test out new forms of mobilisation. Especially because the lack of employee status brings at least one advantage: couriers, self-employed, are not subject to traditional rules for salaried workers such as having to provide advance notice of strike action stating which groups of workers are involved. For example, in the United Kingdom, the right to strike is extremely well-regulated: it requires a vote and a minimum number of workers taking part and picket lines supporting strikes of third parties are completely illegal. “As self-employed workers, we are not really workers in the eyes of the law, so this gives us free reign” (IWW, United Kingdom). In France too: “A demonstration can be agreed upon one evening by angry couriers. They suggest meeting two days later and switching off unexpectedly” (Sud Commerce, France). In all cases, regardless of the type of strike planned, the idea is to prolong the waiting time or stopping clients’ orders from going through to put pressure on the employers hiding behind the algorithm.

These “switch-off strikes”, often accompanied by demonstrations, are couriers’ main mode of action. But there are others too, for example, the obstruction of restaurants, which can also take various forms, with greater or lesser degrees of peacefulness. Couriers can, if they choose: “go around visiting partner restaurants and asking owners to switch off their tablets in solidarity with the strike” (CLAP, France). If the restaurant owner refuses, they can “set up picket lines in front of the restaurants to stop orders being delivered” (Riders4derechos, Valencia, Spain).

1. The FAU is described in the previous article on those behind the struggle.
As well as going around restaurants one by one, more recently, in October 2018, the Collective of Autonomous Delivery Workers of Paris (CLAP) decided to **picket Deliveroo’s “central kitchens”**, also known as **Dark kitchens**, to hit the British platform where it hurts, the place it centralises its profits. Deliveroo has decided to set up these kitchens itself which work for several restaurants and make the most popular dishes: “There are 4 locations in Paris where 8 restaurants work in this way. Output is crucial as they receive 50 or 60 orders per hour. This was why we decided to stop them in their tracks. Deliveroo is starting to get seriously afraid. And I invite all countries where these “dark kitchens” exist to do the same thing” (CLAP, France)1.

Another type of action is to **occupy the company headquarters**: “In Paris, we storm the premises. 80 of us went in demanding a meeting and the possibility to negotiate. It is fundamental to demand and negotiate collectively, and not to deal with the platform alone” (CLAP, France). Whilst French law has recognised that since 2016 couriers have the right to “collectively switch-off”, meaning unionising and going on strike (which incidentally remains very theoretical), it does not grant them one essential thing: the right to be able to bargain2.

**Trade union repression!**

“What is needed is to manage to get organised collectively with as many couriers as possible, as this is what protects us from repression, from sacking and what allows us to pool our collective forces” (Sud commerce, France). This important question came up during the GA: how can we offer protection against the repression that follows these types of action? While it is true that self-employed workers don’t need to give notice to strike, employers don’t need to give notice to fire them either.

*When some form of mobilisation occurs, the platforms “deactivate” couriers seen as too demanding: expedited firing process, no warning!* If mobilisation does occur, the platforms fight back, often very quickly, by “deactivating” the couriers who are too demanding for their liking: an expedited firing process and without warning: overnight! In Italy, “our collective strength is limited as during a strike, despite the support and solidarity, the repression came from Glovo immediately: colleagues lost their wages and the striking couriers were replaced during a major hiring spree” (Riders’ Union Bologna, Italy). In Belgium, as soon as a collective formed, when the couriers attempted to connect to one another, they found themselves cut off from various platforms. And we have lost count of the letters terminating contracts with dubious pretexts: “It has come to our attention that on numerous occasions you have failed to meet your contractual obligations, especially by failing to respect Deliveroo’s clothing standards”, for example, as the termination letter from the founder of the couriers’ CGT in Bordeaux said.

In the face of this abuse, one Scottish courier explained that he had called a trade union to help him find out why he had been fired. Deliveroo only gave “lack of professionalism saw his contract terminated suddenly, with no other procedure” as a reason (IWW, United Kingdom). The trade union then tried to use the data protection regulation. Thanks to an access request which makes it possible to request from a company all of the information it has on file regarding a worker, he finally received a very thick file, which still didn’t explain the reasons for his firing.

We have seen that there is little in hiring and firing processes that is legally binding. Whilst the employer and the worker are difficult to apprehend, do the struggles listed here sometimes lead to tangible results from direct negotiations? This is relatively rare. And even when negotiations do go ahead, there is always a fly in the ointment. In Italy, mobilisation actions led to a wage increase of 1.10 euros per delivery. But, in return, Foodora disconnected 15 active couriers and hired a large number of couriers to water down any possible future demands. In Belgium, as in the majority of countries, the various

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1. For further explanations, see page 35.
2. In French law, the obligation to negotiate only exists if there is a trade union section.
actions undertaken have not managed to re-establish salaried working contracts and payment by the hour. Negotiations with Deliveroo only led to the obtaining of civil liability and accident insurance for couriers (with very low coverage of risk). In Germany, it was repeated actions with broad media coverage that finally forced Foodora to negotiate with the FAU in Berlin. This raises the question of media coverage of mobilisation as an important means of exerting pressure on platforms.

Raising awareness among the public and politicians

The media loves new things! Young couriers who have been exploited and are going on strike are, in their eyes, much more “sexy” than striking metal-workers or even Uber drivers protesting. This huge interest of the mainstream press and television stations is a weapon for the “courier-strikers” who use them to greater or lesser degrees depending on the country and key moments in their respective struggles.

This can be used as a simple communication tool for greater visibility like in Finland, where the young collective “has launched an online campaign. It rapidly gained 1500 followers on Facebook and attracted huge levels of attention from the mainstream media and public at large “(Couriers’ collective, Finland). In the Netherlands, “a lot of the media covered our struggles and our demands. For example, an extremely popular Sunday show “Zondag met Lubach” gave us some visibility whilst ridiculing Deliveroo” (FNV, Netherlands).

The heavy media coverage of these struggles which affect the image of platforms, i.e. their “immaterial capital”, may become a means of pressurising them to meet or even negotiate with collectives and trade unions: in the United Kingdom, the first national strike (previously mentioned), blending couriers and workers from McDonald’s (see below) was a great success both from a mobilisation point of view as well as a media standpoint: “The media are attacking the platform’s image which then feels obliged to meet with the representatives of the collective or trade union” (IWW, United Kingdom). And the visibility of this fight was reinforced even more when, in London, the IWGB managed to occupy the premises of Uber Eats. Similarly, in France, “The way in which the media covered the strike had a steam roller effect. If Deliveroo was obliged to meet with CLAP and the trade unions it was because the company needed an image overhaul at all costs” (CLAP, France). In Spain too: “There were only a few of us, but thanks to the media coverage, Deliveroo’s management agreed to meet us” (Riders4Derechos Valencia, Spain). When these meetings took place, it was often to calm fraying tempers but, apart from the UK where “it is thanks to the strike and its media coverage that we managed to get what we wanted” (IWW, United Kingdom), the companies aren’t agreeing to anything (see further down).

The feeling of being on a fool’s errand is even more prevalent for some: in Italy, the RidersUnion collective considers that “we need to be extremely careful with the media, as it can sometimes be a double-edged sword” (Riders Union Bologna, Italy). The last Italian Government, elected in March 2018, had proposed launching a round of negotiations bringing together the collectives of Milan and Turin and the platforms involved. The couriers had promised and advertised, at local level, a “social chart-ter of rights” and committed the town hall to paying particular attention to this exercise. Their demand was to be granted the minimum social rights guaranteed by law. Despite intensive media coverage highlighting the policies, in the end the charter was only signed by one single platform which didn’t even respect it thereafter. It was therefore with the feeling of having been tricked that the collective pursued their mobilisation efforts. On their side, the German FAU thinks that if it had been “more concentrated on the strike and disruption than on the media attention, it would certainly have been more effective for the cause. We became aware that focusing on media pressure is not always a good method” (FAU, Germany).

The media is also interested in platforms’ malfeasance. In three large Spanish cities, Madrid, Barcelona and Valencia, the labour inspectorate issued Deliveroo with a one million euro fine: “It’s only when the media starts covering this kind of thing that these companies start to quake” (Riders4Derechos, Spain). In Cologne, Germany, “Deliveroo has tried to avoid setting up a works council. This triggered a media storm against the company and a huge boycott on behalf of consumers” (Liefern am Limit, Germany).

Finally, a representative from the Belgian collective advocated having a strategy at political level. He believes that a media strategy reaching out to the public at large is essential in “attacking governments who, as a bare minimum, are facilitating the work of all platform companies. After occupying the Deliveroo headquarters in January 2018, we received authorisation to meet the Labour Minister, Kris Peeters. He launched an enquiry which was supposed to last 6 months and is now going to take 3 years! In three years, there will be no point, Deliveroo will have done exactly what it wants” (Couriers’ collective, Brussels).
In Germany, this link to politics has a different form; it is more of a partnership: “We turned to the Federal Minister for Labour and Social Affairs and expressed our needs as well as underlining the necessity to regulate our work. We are now in permanent dialogue with the minister” (NGG, Germany).

Convergence of struggles with the precarious workers of McDonald’s!

Extending the couriers’ struggle to other precarious sectors is another important stage which does not seem to have been explored sufficiently in a large number of countries. Here we are presenting the first national couriers’ strike in the United Kingdom. Everything started from Glasgow, where the British had got workers from the fast food sector involved, especially those working for McDonald’s which is the biggest client of Uber Eats. Couriers from the Couriers Network – affiliated to the IWW1 had learned that workers from three restaurants McDonald’s, TGI Friday and Wetherspoons were organising a national strike. They were demanding a wage increase to reach 10 pounds per hour in all fast food companies. “This was a golden opportunity to launch some form of converging national action between these workers and the couriers” (Courier Network/IWW, United Kingdom). "We then asked the IWW – represented in 15 cities in the country – to organise couriers’ groups locally and quickly who wanted to join the national action”. Joint activities (full or partial day strikes) were carried out in 8 of the 15 cities and expressions of solidarity were seen in the others. No Uber Eats courier worked on that afternoon. A trade unionist explained the convergence movement: “We went with the couriers from restaurant to restaurant. We gave out a letter aimed at McDonald’s workers, with whom we interact daily, by telling them that we were workers like them, under-employed and underpaid” (IWW, United Kingdom).

This made the ties stronger between the couriers’ network and several grassroots trade union organisations focusing on fast food workers: “It was very important to reach out to other precarious and young workers like us”. The work is precarious, work where there has traditionally been very little trade union presence or none at all. “It is important to spread the word about being able to join up to a trade union in the sector”.

The ambition of the two British trade unions IWW and IWGB is therefore to organise the whole sector by working up the chain: “We need to create disturbances and relays at all levels of the logistics chain. We have to organise not only couriers, but also get in touch with fast food employees from platforms, as we have already done, but those from call centres too. And we need to find out what problems they are facing so that we can coordinate our efforts” (IWGB, United Kingdom). In companies as fragmented as platforms, collective bargaining also needs to be thought about in supply chain terms. Starting with couriers, we can work up to platforms’ IT technicians, the kitchens, restaurants, etc. Structuring the trade union movement according to job or sector could hamper these developments.

What we see here is a need to renew trade union organisation methods so as to support the spontaneous strikes erupting in all of Europe’s cities. It is indeed difficult to achieve collective bargaining with resistance alone when the legislative framework does not act in workers’ favour and only grants them self-employed status as well as denying them access to trade unions (in the majority of countries) and collective bargaining.

This was where the double-headed strategy came from that was expressed by some of the GA members. The Spanish couriers from Valencia explained: “We are implementing a strategy on two fronts: judicial procedure on the one hand and traditional trade union campaigns with gatherings and demonstrations
and explains why they have been so successful with a very large clientele.

On their side, the couriers have been asking the courts for their self-employed contract to be turned into an employee contract. They often have very solid arguments to draw on, too: the situation of platform workers, geolocalised, unable to set the price of their services, forced to respect working time restrictions, carry pre-determined equipment, likely to be “disconnected” by the platforms… this situation looks very different from that of real self-employed workers. The legal action undertaken by the couriers with a view to obtaining jurisprudence that is favourable to workers has been supported by the trade unions in each one of their countries. They are legally well armed and often have previous experience from other sectors, as the problem of bogus self-employment arose long before the platform economy. In the face of these growing demands, we are looking at how the legal strategies have been changing.

We have listed here the recent court decisions about the legal status of the employment contract linking platforms to their “providers”.

The table opposite allows us to identify 14 legal decisions made between 2015 and 2019 in Europe and the United States. We see that the countries where workers had launched legal action to have their status reclassified are mostly the ones where the main platforms come from: the United States, the United Kingdom, Italy, Spain, the Netherlands and finally France which is the country with the largest number of decisions handed down up to now (six as opposed to one or two for the other countries).

On the employer side, the platforms that have been prosecuted are the ones that have the most workers working for them: the American has the largest number of proceedings against them, followed by Britain’s Deliveroo and Germany’s Foodora. Take Eat Easy, the small Belgian platform, stands out as an exception as, although its appearance was fleeting (2013-2016), it still had time to find itself on the wrong side of the law. The other smaller platforms such as Glovo and Stuart, have not yet been taken to court, even though they use the same type of employment status. More generally, we now see what the inflection points have been in recent jurisprudence.

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1. Take Eat Easy declared bankruptcy in 2016, after two years of being in business. Over two years later, between November 2018 and March 2019, the former delivery platform was to be sentenced three times following reclassification attempts for having organised “concealed labour”.

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2. Legal action: towards salaried work for platform workers?

The legal action taken by members of the collectives and supported by trade unions need to be read from the very particular institutional context of the platform economy. The majority of governments seem to be actively supporting the “uberrisation” of society and are therefore contributing to the rolling out of a more and more “flexible” labour law. So what can be done on the legal front?

Judges facing platforms

We must remember firstly that the challenge here is to define the nature of the relationship between digital platforms and the “providers” they use to offer their services, such as private transport or meal delivery. Social legislation provides recognition of a large number of rights (minimum wage, maximum number of hours worked, regime favourable to social security) when there is an employment contract signed between both parties. The business model of platforms depends on having a large number of “workers” available who are paid per task and who are prepared not to be paid between tasks allocated to them by the platform. This intermittence is a first source of precariousness. Furthermore, the economic model of platforms only holds up if these workers provide their services on a self-employed basis and not as part of a salaried arrangement. It is only by using the services of the self-employed, far less costly, that allows them to keep their costs very low
**Court rulings regarding the legal reclassification of employment contracts linking delivery platforms and service providers**

In the following cases, the judge had to rule on a request to reclassify the self-entrepreneur contract (self-employed) as a salaried employment contract.

<table>
<thead>
<tr>
<th>Date</th>
<th>Country</th>
<th>Platform prosecuted</th>
<th>Décision</th>
<th>Argument(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/6/2015</td>
<td>USA</td>
<td>Uber</td>
<td>x³</td>
<td>- Uber is involved at all levels of operations and controls some of them (prices, threat of disconnection,…)</td>
</tr>
<tr>
<td>28/10/2016</td>
<td>UK</td>
<td>Uber</td>
<td>x</td>
<td>- Impossible for the courier to create his/her own client base</td>
</tr>
<tr>
<td>10/1/2017</td>
<td></td>
<td></td>
<td>x²</td>
<td>- Control exerted by Uber (setting of prices and journeys, scoring system)</td>
</tr>
<tr>
<td>9/11/2017</td>
<td>France</td>
<td>Deliveroo</td>
<td>x</td>
<td>- Deliveroo is not alone in determining the terms and conditions of carrying out the contract</td>
</tr>
<tr>
<td>29/1/2018</td>
<td>France</td>
<td>Uber</td>
<td>x</td>
<td>- No control exerted by Uber (no minimum connection period, freedom with working hours)</td>
</tr>
<tr>
<td>11/4/2018</td>
<td>USA</td>
<td>Uber</td>
<td>x</td>
<td>- Freedom for the courier to decide whether to work or not</td>
</tr>
<tr>
<td>7/5/2018</td>
<td>Italy</td>
<td>Foodora</td>
<td>x</td>
<td>- Lack of mutual obligations between the platform and the courier</td>
</tr>
<tr>
<td>1/6/2018</td>
<td>Spain</td>
<td>Deliveroo</td>
<td>x</td>
<td>- The reality of carrying out the contract takes precedence over the form decided on by the parties</td>
</tr>
<tr>
<td>16/11/2018</td>
<td>Australia</td>
<td>Foodora</td>
<td>x</td>
<td>- The reality of carrying out the contract takes precedence over the form decided on by the parties</td>
</tr>
<tr>
<td>28/11/2018</td>
<td>France</td>
<td>Take Eat Easy</td>
<td>x</td>
<td>- Subordination link characterised in the real execution of the contract</td>
</tr>
<tr>
<td>10/1/2019</td>
<td>France</td>
<td>Uber</td>
<td>x</td>
<td>- Characterised subordination link</td>
</tr>
<tr>
<td>11/1/2019</td>
<td>Italy</td>
<td>Foodora</td>
<td>x</td>
<td>- Lack of subordination link</td>
</tr>
<tr>
<td>15/1/2019</td>
<td>Pays-Bas</td>
<td>Deliveroo</td>
<td>x</td>
<td>- The platform uses employers’ methods (standardise hiring, wearing of the company logo)</td>
</tr>
<tr>
<td>22/1/2019</td>
<td>France</td>
<td>Take Eat easy</td>
<td>x⁴</td>
<td>- Subordination link (power to control and impose sanctions)</td>
</tr>
<tr>
<td>4/3/2019</td>
<td>France</td>
<td>Take Eat easy</td>
<td>x</td>
<td>- Subordination link</td>
</tr>
</tbody>
</table>

*Intermediate category*

1. Sentenced to pay costs
2. Worker
3. “Protected” self-employed
4. Offence of concealed work with deliberate intention

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31 - Gresea Échos N°98
The “freedom” to switch on the app and that of switching off labour law

Until June 2018, judges in Europe and elsewhere had mainly ruled against the couriers, with court cases systematically ending with the impossibility of reclassifying self-employed status as salaried work status (see table on page 31). These rulings were justified in particular by the platforms’ failure to exercise prerogatives of control and management that would normally befall an employer, especially that of giving instructions about working time. Meeting this condition turned out to be particularly complex for the employment relations in question, characterised by a high degree of precariousness. The central point in the judges’ reasoning for ruling out an employee relationship comes from the (so-called) freedom of platform workers (couriers or Uber drivers) to switch on the app, in other words to be able to choose freely whether to work or not, as well as the times and places of providing their services.

It should be noted that, well before this jurisprudence existed, there was already a grey area, halfway between salaried worker and self-employed worker. The workers in the United Kingdom only have access to a limited pillar of rights (minimum wage, paid leave, statutory sick pay, protection from forms of discrimination) or the status of parasubordinato in Italy, listed as the status of “protected self-employed worker” (see third column in the table on page 31). According to Marco Rocca, these “third statuses” which seem to be capable of providing certain guarantees are not an appealing solution in reality as, when the associated guarantees are relatively high like for the workers in the United Kingdom, platforms attempt to evade this status. And when they are low, like in Italy, the very existence of this sub-status prevents any request for reclassification of self-employed status into genuine salaried worker status.

Justice to the couriers’ rescue: beacons of hope for salaried workers

It was in June 2018 that the tide started to turn! For the first time in Europe, the Juzgado de lo Social (employment tribunal) of Valencia delivered a verdict reclassifying relations with the platform Deliveroo as a salaried working relationship. The verdict was based on new criteria estimating that “the reality of executing the contract takes precedence over the form decided upon by the parties”. In other words, even if formally the platform claims only to play the role of intermediary between one individual and another, the judge held that it was in reality exerting control over the courier, with various points indicating subordination: GPS tracking, price setting, time slots and delivery zones, propriety of means of production identified on the website and on the app, wearing of the company logo.

This decision was then confirmed by a new victory in France in November of the same year. The Court of Cassation, the highest level of French jurisdiction, delivered a verdict on the contractual relations existing between couriers and the platform Take Eat Easy. It stated there were essentially two criteria characterising the subordination link:

1) the app comes equipped with a geotracking system making it possible to track the courier in real time and add up the total number of kilometres covered. There is therefore no simple forming of a relationship;

2) the company has the power to impose sanctions upon the courier: any delays in deliveries cause the courier to lose his/her bonus and could even lead to the courier’s account being deactivated once several delays have been incurred.

These important decisions paved the way for a series of other decisions similar to those of other disputes with similar platforms. Indeed, in the three months following this verdict, three other verdicts followed, ruling along the same lines. Again, judges pointed out the indications of a subordination link and proved the power that the platform has to control and sanction the couriers. This applied to Deliveroo on the couriers of Amsterdam and for Take Eat Easy prosecuted by the prud’hommes councils in Nice and Paris (see the table above for details).

Judges appear to be the first line of defence in the weakening of couriers’ social protection and platform workers more generally. Will these recent rulings call into question the economic model

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1. Here we are using the subtitle of Marco Rocca for his contribution to the symposium “Quel droit social pour les travailleurs de plateforme?”, held on 18 April 2018, by the CRIDES Jean Renauld, in Brussels.

2. In the United Kingdom, “The whole challenge of the current legal conflicts is to classify people working for platforms as ‘workers’ when the platforms consider them as ‘self-employed’” (Freyssinet, 2019: 38). And beyond this, with worker status remaining precarious, the TUC- confederation also demanded the lifting of the distinction between workers and employees, with the latter category having rights to all forms of protection contained by employment legislation and in collective agreements.

3. Marco Rocca spoke at the conference-debate on the first evening of the GA with the title: “The transformation of labour and employment in the platform economy” and made a very clear and hard-hitting contribution in which he resumes this argument. See his presentation on: http://www.econospheres.be/Deliveroo-nous-du-mal-839
they use which leads to the extreme exploitation of workers? Only time will tell.

The fragile worker faced with the invisible employer behind the app

The specific exploitation of couriers in particular and workers in the platform economy in general is based on one key element: management by algorithm. Faced with this invisible employer, workers find themselves vulnerable and at the mercy of a “disconnection-firing” with total impunity, given the legal vacuum that has broadly governed their status and still does, despite the handful of decisions that have gone in favour of a reclassification.

This article shows that, in spite of the real difficulties platform workers have in organising themselves, couriers are building a new laboratory of social protest, adapting the list of collective actions to the precariousness of their status. It shows how workers who have been excluded from salaried work can make use of the traditional trade union tools: strikes and demonstrations. This is why these struggles are so important in all sectors subject to algorithms, especially when they converge and create new collective identities which go beyond the delivery sector and tend towards a supply chain trade unionism or, more broadly, a trade unionism for net precarious workers. For example, in Belgium and Italy, the couriers of Deliveroo, Foodora and Glovo voluntarily went on strike on Black Friday, at the same time as the Amazon employees: this convergence revealing the reality of work in the 21st century.

Even if there is still a long way to go, these incipient experiences and the handfuls of legal victories that have been wrested thus far are evidence of the validity and perseverance of historic struggles for the winning (back) of the right to have rights.

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1. Black Friday is an American tradition, dating back over 50 years. It takes place on the last Friday in November, the day after Thanksgiving, and marks the start of Christmas shopping. In Europe, this sales period has been made popular by the brand Apple and other retailers including Fnac.
On 25 and 26 October 2018, Brussels hosted the first European assembly of couriers. The title of the event neatly summed up its aims: “Riders4rights”. The aim was for all couriers present, all members of collectives and trade unions active in their respective countries, to consider their strategy in the face of FoodTech giants: how to develop demands, actions and tools around this brand new arrival, the Transnational Federation of Couriers (TFC)?

The initiative of the European couriers’ assembly was launched by Alter Summit (a European network of trade unionists and social movements from a dozen countries), with support from ReAct (a network for transnational collective action1). Starting in 2016, Alter Summit has been involved in debating new forms of work associated with digitalisation. It was a combination of these early discussions within Alter Summit and the increasing frequency of courier-led action all across Europe during 20172 that sowed the seeds of the idea of a first transnational meeting. The idea rapidly gained traction and the forming of a network between various collectives led to exceptional levels of support. Sixty riders, representatives from approximately twenty national collectives and/or trade unions from twelve countries3, met over the two-day period, along with about twenty trade union representatives4.

Preparations for the event got underway with Skype coordination between the spokespersons from various collectives, using a shared document as a basis which summarised the country-specific information compiled prior to the event. Slowly but surely, an ambitious programme began to take shape. As the topic was so dense, the meeting had to be divided into three distinct phases: the first afternoon consisted of an exchange between the collectives to draw up a broad panorama of their respective national experiences. On the following morning, the couriers were split into four working groups examine three subjects in smaller committees: ways of organising workers, their struggles and their demands. Finally, the assembly concluded with a plenary session with the aim of producing some tangible outcomes5. The programme was designed so that the intermediary working groups would progressively result in a country-by-country exchange of information about the transnational proposals on the same three horizontal subjects addressed over the two days: demands, action and organisation.

### 1. CoORDINATION OF NATIONAL DEMANDS

The aim of the sub-group workshops was to explore the areas of convergence in the demands on the basis of the many national grievances. Participants were pleasantly surprised to see that their demands were often being made in other countries too. This meant that it was possible during the final plenary session to produce a common list to act as a charter (see box opposite).

We classified the disparate transversal demands into six broad categories and in order of importance6: data transparency and a minimum hourly wage for all couriers appeared to be the main demands expressed by the majority of collectives present. Aside from these two flagship themes, four other categories of demands emerged: those relating to employment status, collective representation, working conditions in the stricter sense of the term, as well as more “political” issues such as broadening the reach to include other sectors and categories of workers.

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1. For more detailed information on these two networks, see the editorial boxes.
2. More information is given on these national action days in the article “The people leading the struggle”, pages 14-23.
3. Germany, Austria, Belgium, Spain, Finland, France, Ireland, Italy, Norway, Netherlands, United Kingdom and Switzerland.
4. For a list of actors, see the full table, page 23.
5. In addition to the intense internal work of the GA and between couriers, two events were added which were open to the public: a conference-debate entitled “The transformation of labour in the platform economy” (see http://www.econospheres.be/Deliveroo-nous-du-mal-839) and a bicycle-led manifestation as a first joint action (see below).
6. The importance of the category of demands for the TFC is assessed by the number of times mentioned when giving feedback from the four working groups to the plenary.
Deliveroo might create its own restaurants or prepare food supplied by restaurants beforehand. The platform would therefore no longer be a mere intermediary. It would be looking at replacing restaurants. After years of harvesting data, Deliveroo could use its urban consumption mapping to turn it into profit in food production activities.

According to the couriers, the source of this wealth is indeed their work and the data supplied by consumers. They consider that this wealth partially belongs to them and therefore ought to be redistributed both to workers and consumers. This is why they are calling for “access to compiled data and the means to understand, even in broad terms, how the app works. This might be by turning it into open source, or by having a certain understanding of the technology that determines their routes”2. More specifically, the demand concerns transparency over the use of personal data, on the one hand and on the apps (in other words, how the algorithm works), on the other hand. To achieve this, one possible option (among others) is to push for improved European legislation (GDPR3) and taxation concerning use of data.

An hourly wage and a “fair” definition of working time

The second demand in the list drawn up by couriers in order of importance is a more “traditional” one: an hourly wage. An important characteristic in the way in which work has been transformed by platform capitalism is the return to piecemeal work, which means payment upon delivery for couriers. The remuneration system is then constructed around the performance of the bogus self-employed, often calculated with the number of kilometres covered by the worker. Unaccounted for are the hours spent by couriers waiting for deliveries in public squares and on street corners, with their backpacks constituting veritable advertising billboards for these companies. Whilst the platforms’ attractive slogans exclaim: “The more you pedal, the more you earn!” a French courier at the GA explained: “Platforms’ main weapon is pricing based on delivery, which they are still fine-tuning by adding distance-based pricing. That’s the real danger of this job! That’s where the stress comes from which sometimes leads to accidents”.


2. The quotations in this article are most frequently taken from reports in the plenary session from the four working groups and can therefore not be attributed to one particular courier.

3. The General Data Protection Regulation (GDPR) is a regulation from the European Union, which acts as the reference text on protecting personal data. In force since 25 May 2018, it reinforces and unifies the protection of data for individuals within the European Union, as of 25 May 2018.
After some intensive debate, the conclusion was as follows: “It seems to me that it is difficult to decide on a minimum wage because each country has its own labour laws. But we can always decide on a general direction whilst waiting for political alignment”. The demands that ultimately made their way into the charter were to have a “guaranteed minimum hourly wage” and a “fair definition of working time”.

Whilst the question of wage decreases appears to be essential to couriers, they do not always make the link with their self-employed status that leads them to work according to task and not by the hour. There is another more “fundamental” demand which follows on from the hourly wage issue, and that is the question of employment status: are couriers salaried workers or self-employed?

The freedom for workers to choose between salaried or self-employed worker

Among the couriers who had not mobilised, there were some tensions between those preferring the status of employee with the security this affords them and those preferring to work on a self-employed basis, often forming the larger group. “In fact, for many people, freelance work gives them the impression of having a certain control over the way in which they divide their time between work and private life. Even though this is a myth!”. Collectives’ spokespersons, on the other hand, are theoretically very much in favour of employee status, which goes hand in hand with recognition of “courier” as a profession, which could then be inserted into a socio-professional category with a full range of associated rights (minimum wage, health/safety...). Despite the spokespersons being in favour of this form of protection, the majority of them shared the view that many couriers do not want this protected status. For example, “In the United Kingdom, the majority of our members are not interested in becoming employees. What they want are the highest rates. They say they enjoy the flexibility. We would not be representing their wishes by being staunchly opposed to freelance status” (IWW, United Kingdom).

Tactically then, it would be better to offer workers the freedom to choose their status (and not the employers) to engage them in the struggle and defending real progress. In a bid to raise awareness gradually of the importance of a wage contract and debunking the advantages of freelance work, there could be a second stage: “We have to get self-employed people to understand that job security does not necessarily contradict with freedom” (IWGB, United Kingdom).

In addition to these different types of wage-related demands, there was also the idea of wages building up over time: “The obligation to maintain the proposed payment conditions over a given period via fixed contracts with a minimum of three years, rather than revising them downwards almost on a weekly basis”. What the couriers are calling for here strangely resembles a wage agreement negotiated over a given period. Aside from the wage itself, there was also the question about the definition of “fair” working time. This involves “factoring into working time the time spent on the streets when we are not delivering, because that is still work”.

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1. These same questions were asked during the debate on the European minimum wage at an intersectoral level at the ETUC. For more details, see Anne Dufresne, “Difficile riposte des syndicats européens” in the Dossier “Main basse sur les salaires”, Le monde diplomatique, no 695, February 2012, pages 10-11.
Kingdom). The Italians are also attempting to raise awareness; as of November 2017, the couriers of Bologna have been gathering on Black Friday, in the form of a flashmob to “denounce the lies of flexibility and freedom of the platform economy which aims to expand concealed salaried work without any protection or employment rights” (Riders Union, Bologna, Italy). The Dutch too, at first glance, are in favour of the freedom to choose employment status but for other reasons: “We also have to protect the most vulnerable workers. Some immigrant workers, especially those without papers, would lose their source of income if forced to become salaried workers as they do not have access to the labour market without a work permit” (Riders Union/FNV, Netherlands).

The Spanish collectives are the exception. They are the only ones demanding “wage contracts on a truly unconditional basis” (Riders4Derechos, Spain). After having been the first to secure a court victory about turning self-employed contracts into paid employment contracts1, they are fiercely opposed to the idea of workers having the freedom to choose between the two statuses. Finally, for the more “institutional” German or Austrian trade unions represented at the GA, what distinguishes self-employed workers from salaried workers is that they cannot elect representatives to the works council. This is obviously problematic! Some then called for exceptions to be made to the legal framework of European works councils by allowing self-employed workers to take part in them.

This clearly shows just how differently the matter of workers’ status (a very important issue for couriers) is treated depending on the country in question. “As a transnational federation, putting forward precise demands may not be suitable for all countries and could even make certain situations worse”. This was why the decision was made during the European assembly, to the Spaniards’ great displeasure, to side with the majority and add to the charter the “freedom for workers to choose between salaried or self-employed status”.

Collective representation

The fourth category of demands listed at the assembly was about collective representation. The first demand in this category was freedom of association which is fundamental for couriers: in their view, they want to call for the protection of workers who are organised and engaged in trade union activities when faced with the many unfair dismissals occurring in the form of one-sided lay-offs: “It is not normal for protesting or leafleting to lead to the risk of losing our jobs”. This demand overlaps with that regarding recognition of couriers as workers (see above) and platforms as employers, allowing them to move towards the right to collective representation. On the workers’ side, this is about “structuring legal personalities to defend our rights so as to be able to, among other things, go knocking on the government’s door” (Riders’ Collective of Brussels, Belgium).

Furthermore, following the Bologna experience, some couriers would also like to see “regular negotiations with platforms via the city or municipal councils” (Riders Union, Bologna, Italy) so as to set out their demands. “The city could be a potential speaking partner to look towards” (IWW, United Kingdom). For the French, regular rounds of negotiations must also be conducted on other levels: national and international.

Working conditions

There are many demands as far as working conditions are concerned. The first have to do with dedicated areas and times allocated for rest periods. Couriers are calling for “common resting areas in which to spend a break, get changed or eat in between deliveries”. These areas could also be used for socialising and are very useful in building collectives. Couriers are also asking for sickness and accident insurance coverage to tackle a twofold negative effect. Firstly, platforms do not pay employers’ contributions. Then, they sign a contract with private insurance companies (such as Axa) to offer protection to couriers in the event of an accident. The upshot? No social security contributions are being paid but private insurers are claiming some of the wealth whilst exploiting the system’s loopholes so that they don’t have to pay out to couriers following an accident. Also, couriers of course are not entitled to claim unemployment benefit.

A third demand concerns abolishing performance reviews. Couriers have spoken out about the algorithm, which creates a discriminatory hierarchical system based on performances. They are calling for the possibility of accessing working hours without having to compete against their colleagues. Finally, a much more general claim has to do with “respect” for workers, which seems to be difficult to conceive of when applied in practice.

The working conditions set out here, and which the TFC are fighting against whilst putting

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1. On the legal actions regarding re-classification, see pages 30-33 in this issue.

2. This experience is detailed in this issue on page 16.
forward demands, are becoming more widespread in many other sectors of society, and this suggests extending the struggle to include these sectors and other categories of workers.

The questions raised about converging struggles were quite rightly presented on the first banner created on the TFC’s birthday: 26 October 2018. It displayed a surprising level of political maturity: "Not just for us, but for everyone".

With this slogan, and following a number of similar national initiatives, couriers want to “act to express solidarity with other precarious workers and those in the platform economy”. And beyond precarious work itself, they are also calling for “protection and recognised legal status for all non-EU migrant platform workers”. On the same day, to celebrate the happy event of joining the TFC, the Brussels assembly concluded with a demonstration on bikes with participants joining the Critical Mass.

2. Coordination of National Action Campaigns

Looking beyond this highly first successful experience, the assembly’s working groups put forward many proposals for coordinated future action, with the idea of supporting the demands in the common charter: “When we decide upon an action plan, our demands need to be broadcast as widely as possible”. Starting with their respective experiences of national struggles, the couriers then began to think about which activities could be carried out simultaneously at transnational level.

One idea that received broad backing was that of organising an international day of coordinated actions behind one single banner based on the common demands. Each local collective would then have the possibility to highlight the demand/s best suiting their country and use the most appropriate method: picket lines, sit-in protests at platforms’ offices and headquarters, demonstrations with the critical mass in city centres, blockades at Deliveroo’s central kitchens, information campaigns using all possible communication channels. The couriers prefer to remain vague so as to leave local organisations with as much freedom as possible: “The question is not necessarily about finding a demand that unites us all. The demands we must act upon are those that lead to agreement among the couriers in our cities. This is a first step in creating movements”.

There was also a lengthy discussion on the best symbolic dates to choose for these action days: 29 November (Black Friday); 1 December (Will Shu’s birthday, founder and CEO of Deliveroo): “A day of action would be a fitting gift!”. Or even the day of the Amazon workers’ international strike. There was also the proposal of 1 May, as it “is still a useful date if we manage to march under one and the same banner, with the same slogan used in all countries. For example: ‘Against platform capitalism, against the gig economy and in favour of dignity and work for riders’, in an attempt to join forces with other workers in precarious and “uberised” sectors. More generally, “We also propose intersectoral activities with other precarious workers along the lines of what our British colleagues managed to do with the fast food shut down”.

Alongside action days, participants also came up with strikes of various kinds which could be coordinated at European level: a simultaneous European micro-strike (a one-hour strike, for example); a go-slow day when all riders would work, but at a much slower pace. Even if many couriers were not prepared to go on strike, the latter idea seemed to be more of a hit: “The couriers would find it easier to support, it would upset the algorithm, slow down the flows and ultimately damage platforms”. To facilitate the slowdown, a dispatcher present at the assembly also explained that “there are ways of disrupting the algorithm without being able to identify each courier personally”. The final type of strike that was proposed: the work-to-rule strike: “When you have finished your shift [a courier’s period of work], you stop working even if the last order is still underway”.


2. The Critical Mass is a bicycle protest organised simultaneously on the last Friday of the month in over a hundred cities in the world. The order of the day is “bikes in the city”.

3. See details on this action, page 29.
For every demand: action! Whilst the international action and strikes proposed above are to push demands on wages and working conditions, three other types of action were also considered regarding the first demand: a new one, on data transparency. Firstly, there must be legal motions to request information from companies about the data collected and used on apps. Secondly, the couriers wish to make a simultaneous demand for data from platforms, on a precise date, by preparing this action in conjunction with consumers with the help of a “standardised document to facilitate GDPR requests”. Lastly, there is still work to be done on raising awareness around the issue: this works by alerting the public through organising self-training sessions on the data economy, but also by “distributing flyers at the same time as delivering meals. Clients need to be bombarded with information so that they can become aware and it helps to construct a positive image of our job whilst attacking that of the platforms who exploit us”. Finally, regarding the demand for an employment status under a wage contract, it is mainly the trade unions attending to this through legal reclassification procedures’.

3. The TFC or the Driver of the Transnational Struggle

After having covered all of the demands and the transnational actions proposed during the European assembly, we are now going to attempt to understand why, despite being fragmented by platforms and incurring a high turnover, riders’ collectives wanted to bring together their multiple local struggles within the Transnational Federation of Couriers. How did it move from a simple assembly to a federation? From the European level to the transnational scale?

From an assembly to a federation

The original idea behind the assembly was to ensure that as many couriers from as many different countries as possible could come face to face so that they could exchange information on the many forms of exploitation they were experiencing locally, the actions they were already working on in their respective cities and what their demands were. This gathering finally led to the creation of a formal network with a definition clarifying the precise criteria for belonging to the new structure:

“The ‘Board’ of the TFC has the power to name the representatives for each collective or grassroots trade union organising couriers to be represented at the first European GA. Several members may join the federation individually, but the Board representatives must be members of an organised couriers’ group”.

To achieve the precise formulation of the committees to be put in place, there had to be a long debate. The real question was about determining the nature of the TFC representatives: should they be representing their country, their city or their organisation at the GA? After much discussion, the couriers decided: “the level of the organisation being the most appropriate; the city level being too narrow and the country level being too vast”. This would then mean having one representative per original organisation/committee who is not systematically the same, but belongs to a delegation, as happened during this first GA. This is especially so that “there are no fears of generating excessive red tape in the sense that the TFC has no binding power over member organisations”.

It was subsequently decided that “The federation ought to remain as open as possible to new members”, the idea being that those wishing to join the TFC at a later stage would join the “original” collectives and trade unions identified at the GA. The aim is to “avoid becoming polluted by solo couriers sent by the employers” (FNV, Netherlands). When sifting through applications, it was also decided to draw up a charter defining the TFC, which new members have to sign up to. “I support a federation of self-organised collectives, as this is a way of forming them where they do not yet exist and helping them to grow where there are couriers’ trade unions” (Couriers’ collective, Finland). “We are in the process of creating a federation of couriers who share the objective of speaking with one single voice to reveal our working conditions to the world and extracting ourselves from this situation” (SCVG Bordeaux, France). It was also stated that the TFC ought to be open to all couriers, in the broader sense (car, motorbike) and not just to those transporting hot meals, such as those represented at the first GA.

After this clarification on the criteria defining the characteristics of the future organisation’s members, the couriers also wanted to equip themselves with the means to act by thinking up transnational tools that would move towards action and shared demands.

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1. We have devoted a major chapter to this in the third article in this issue, pages 30-33.
**Tools linking people**

The GA participants suggested developing several types of **online communications** so as to keep the lines of communication between members open permanently and to become more visible. Two types of tools were selected during the working groups. For external communication, the proposal was to have “a shared website and a blog with links to all of the organisations and national campaigns to represent the TFC and its objectives, which would open us up to the outside world, especially to countries outside Europe”. The website is not yet online. For internal communication, this time to be shared only by the representatives appointed to the TFC Board, the couriers wanted to set up “a group on slack or discord, where discussion forums can be set up with variable configurations, as well as shared platforms for storing documents (minutes from the assembly, mapping changes…)”. Following these proposals, a slack group was set up, but is very rarely used. Couriers prefer the more simple and direct use of the WhatsApp group “PrecariousRiderUnite” where they are very active. There, they share details about the action going on in the different countries and ask precise questions about legal matters. Very recently, at the beginning of June, a **major campaign** was launched there in the wake of a series of fatal accidents involving couriers at work. The slogans: “Precariousness kills”, “Glovo kills”, “Uber kills” repeatedly decried the fatalities. To lead the campaign, the couriers created a “transnational awareness-raising **webvideo**” in which couriers from various countries announced “I am Pujan”, “I am Karim”… in homage to all couriers killed in recent months. Speaking out about the dangerous nature of the job, they set out some important demands about work being paid by the hour and not per order as well as abolishing the performance-based system that forces them to speed up delivery times so as to get the next order.

Creating a network for sharing information on direct action in real time is important: “as soon as couriers mobilise in one country, it gives hope to others”. Another idea for the long term is to produce a database: systematic counter-information to companies’ communications.

The insistence on having TFC-branded materials shows the desire to find a medium: a shared visual identity. A logo has already been created and appears on the WhatsApp group1. Furthermore, there are plans to produce **labels, hashtags and common flyers** that are easy to locate online, right down to local level for every planned national action. For example, #fairwagesforworker #respectforrider, whilst adding the name of the city to it. Some are also imagining “a double-sided flyer, one side with the international demands of our movement and the more local, precise and technical demands on the other”.

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1. It is the colour logo that can be found on the back cover.

Couriers’ obituaries: twelve couriers in twelve months have lost their lives whilst doing their job. A campaign has been launched by the TFC: “Precariousness kills!”
Finally, there was the suggestion to hold regular Skype meetings and transnational gatherings. Just six months after the first assembly on 25 and 26 April 2019, a second couriers’ meeting took place in Barcelona. Organised by the collective Riders4Derechos, it was entitled “My boss is not an algorithm”.

It saw the participation of couriers from Spain, Italy, the UK, France and Germany (FAU), but also from Argentina and Chile! The TFC isn’t just limited to Europe…

From the European to the transnational, or even to the “glocal”

There are platform enterprises operating all over the world, each with a different rhythm and agenda according to the country, which makes coming up with a joint and simultaneous response complex. The idea behind the assembly, which was called “European” at the outset, was therefore to create a sufficient critical mass of mobilised couriers, a “common front” to be stronger in the face of platforms which are multinational in essence. Over the course of the discussions, it transpired that even if the call to the assembly had gone out from Brussels, at the heart of Europe, the counterattack should not be limited to the continent but should be scaled up, internationally. There had to be some “thought given to opening up the organisation to riders in North and South America” (Riders Union, Bologna, Italy), among others. This is where the idea came from, during the final plenary session, of calling the instrument being created the “Transnational Federation of Couriers” (TFC) rather than a European federation.

The shift from a “European” federation to a “transnational” federation is not merely a question of semantics when it comes to the different levels and how they interact. It reveals the immediate transnational character of the new TFC structure coordinating, for the main part, collectives and trade unions fighting back at local level, city by city. More than “transnational”, these non-institutional actors are in fact “glocals”. They think globally and are organised locally. They are not rooted in the national sphere as they plan action outside of the State’s recourse. The various couriers’ collectives, even with different levels of formality in their relations with trade unions all claim to be internationalists. They will therefore progress much more directly to the transnational scale in terms of mobilisation and to form new collective identities than traditional trade union organisations. The latter are attached to the institutional context in their respective countries and are already formally affiliated to pan-European trade union committees, as they themselves take part in European social dialogue. Regarding the hot food delivery sector, the European sector-specific federations directly concerned are EFFAT (for food) and the ETF (for transport) whilst the European Trade Union Confederation (ETUC) is interested in platform workers more generally.

We might then wonder about the conditions for creating a European system of professional relations implementing European collective bargaining based on the political recognition of the parties’ autonomy in the current legal framework, the Euro-trade unions, transformed into “co-legislators” find they have no means of exerting pressure either legally (as the social protocol of Maastricht excludes rights of association or transnational strikes from EU-competences) or factually (given the lack of coordination of national mobilisations) in order to support their demands. How can we then think up a system that can be recast outside of the framework of institutionalised social dialogue? Is it possible to found an “autonomous” trade union actor at this level?

Perspectives on an “autonomous” new arrival on the European stage

We are using the “production of the representative function of trade unionism” approach created by Jean-Marie Pernot (see insert below) to better understand where we are in the process started by the couriers at the European assembly which gave rise to the Transnational Federation of Couriers (TFC) (Read the text opposite).

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1. The complete videos from this meeting are available, see: https://www.facebook.com/pg/ridersxderechos/videos/?ref=page_internal

2. It should be noted that the German FAU co-founded in May 2008 the ILC (International Labour Confederation) with militant trade unions from seven other countries (Argentina, Canada, United States, Greece, Italy, Spain and Poland) so as to strengthen ties in the same companies and sectors at transnational level, starting with the sectors of food, logistics and transport.

3. Social dialogue is a procedure that takes place in a political climate marked by actors being represented as “partners” in search of consensus as a primary aim, which has clear consequences for the weakness of the texts negotiated since 1991. Moreover, at a sector level, it has been particularly in the spotlight since 2013, when the Commission refused to change a sector-level agreement into a directive (in the hairdressing sector).

4. EFFAT, European Federation of Food Agriculture and Tourism Trade Unions; ETF, European Transport Federation.

5. The ETUC has, among other things, called for the setting up of ad hoc structures for collective bargaining with platforms. See ETUC, “Online platform workers deserve better”, 27/10/2017, Brussels.

6. EFFAT and the ETUC also participated in the European assembly as observers.
If we apply the “representative function production” approach to our case study on couriers at transnational level, we see that the first stage, that of the “autonomous” function, was triggered during the European assembly (see diagram opposite). The workers’ collectives or trade unions indeed made progress in the discussion over how to coordinate national demands (1, in the diagram). We can therefore identify this first assembly as a space for “autonomous” ideological production, which led to the drafting of a charter of demands shared by all participants. This presented an opportunity to forge a positive identity between actors from the different countries by sharing relevant information and drafting a shared strategy. From that point, would the TFC move on to a higher stage with a more binding structure on the basis of voluntary actions from its members? This would allow the common practices to be published and would bring about the progressive unification of bargaining agendas. And regarding the second sequence of the autonomous function, the production of support, in this exact case it corresponds to “coordination national mobilisations” (2, in the diagram). This is still in its early stages with plans for various decentralised European activities that have yet to take place.

On the other hand, we clearly see that the second stage of “integration”, involving negotiations with a representative speaking partner, does not currently apply. Negotiating at European sector level1 would mean having already identified the employers’ side at this level. On the employers’ side, platforms would have to become members of an existing sector-level employers’ organisation or create a platform employers’ organisation themselves. At present, this seems unlikely given that one of the characteristics of their economic model is precisely to eschew their role as a social speaking partner and to resist institutions of all forms and social legislation2. There is then the question as to the conditions for European collective bargaining, not at a sectoral level, but at the level of each platform enterprise, possibly taking the form of transnational company agreements.1 On the trade union side, currently, the actors do not have the legal instruments needed to exert pressure on employers. The alternative would then be to dedicate a European law to transnational collective action which would have to be recognised in national law (therefore doing away with the national legislative limitations on solidarity strike action and striking in public services); but also to demand an affirmation of the right to association, the right to bargain and the guaranteed autonomy of trade unions at EU level.

This is because if European trade unions do not have the capacity to establish a position of strength in workers’ favour, it would obviously be very difficult for them to develop European collective bargaining to protect and reinforce their rights. This is why it is so crucial for the European trade union movement to have autonomy over their ideas and be bold enough to step forward as a player in the conflict. A first step in this direction could be the strengthening of “autonomous” players’ power as initiated by the Transnational Federation of Couriers (TFC). This is the coordination of demands supported by transnational mobilisations which would be a way of reintroducing the reference to social conflict, which has disappeared from social dialogue. Forcing the employers’ side to appear as a speaking partner would then achieve genuine European collective bargaining.

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The Transnational Federation of Couriers is therefore an important milestone along the long journey of constructing a European social movement as called for by Pierre Bourdieu since 1999. The European general assembly for delivery platform workers was historic, not only because it fanned the flames of the struggle of all couriers across Europe, but also because it sowed the seeds for this “autonomous” actor on the back of a society project opposed to that of platform capitalism.

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1. For a more general approach to European sector-level collective bargaining, see Anne Dufresne, “La fédération de branche européenne: partenaire dans le dialogue social et en quête d’autonomie dans la coordination salariale”, Les mondes du travail, n° 20, October 2017, pages 83-100.

2. This eschewing is not a characteristic of platforms alone. It is a characteristic of “transnational employers” (regardless of the sector) who are always seeking to evade all forms of national regulation.


42 - Gresea Échos N°98
This diagram shows how trade union representation is divided into two stages: autonomy and integration of trade unionism. Each of these stages can be further broken down into two separate sequences, but both are interdependent:

1. demands,
2. production of support,
3. negotiations,
4. results.

The drawing up of demands is the starting point, as it makes it possible to start identifying from among the group the objectives of “acting together”. The second stage is to produce support (for the demands) which encompass the various forms of mobilisation. These early moments come under the “autonomous” function of the trade union.

The following stage, as part of a “traditional” trade union approach to producing the representative function, is that of negotiating with a speaking partner, with this being more intense than that created by the preliminary stages and makes it possible to build a strong position. With regard to the final moment, the result, it concludes one cycle of trade union practice and initiates the next. These final two stages of the approach fall into the category of testing “integration” and presupposes that there is a trade union side and an employers’ side that have been identified and are in a position to negotiate.

If we come back to the two stages mentioned here, the need to manage all aspects of the representative function process do appear to be a combination of autonomy and integration (social movement and institutions), the “dialectic” translating the fundamental ambivalence of trade unionism.

The road could be long. But the “grey area” (i.e. all the work outside of employment law) developed by platforms could also be considered as an “opportunity structure” for coming up with new lists of actions and new actors’ alliances. If the links between collectives and trade unions manage to be strengthened in each country, would this not be the embryo of a dynamic that extends beyond the national level? Could this cross-border mobilisation build transnational resistance?

Whilst we have chosen to focus here on the pioneer sector of hot food delivery, the same thinking could be applied to many other sectors faced with platform capitalism. Along with this, comes the undermining of labour and workers. This is why these “new” forms of collective actors and transnational struggles are so important. And beyond this, there are the links to forge between movements of precarious workers, women, migrants. When will an international general strike become an inevitability?
Uberisation exploits workers, violates their rights and takes away employers’ responsibility. We will listen to workers’ experiences from across Europe about their fight against precarity and discuss alternatives to uberisation.

**Program**

2h30pm - Introduction : Idoia Villanueva, Member of European Parliament, Podemos

2h35pm - Pannel : Uberisation, new forms of precariousness

Moderator : Leïla Chaibi, Member of European Parliament, La France Insoumise

- Sarah Abdelnour, Senior Lecturer in Sociology, University of Paris Dauphine
- Karim Asnoun, CGT Taxi
- Sergi Cutillas, economist proposing taxi drivers in Spain
- Maria da Paz Campos Lima, sociologist
- Felipe Corredor, ex Deliveroo Rider anda researcher
- José Gusmao, Member of European Parliament, Bloco de Esquerda

3h15pm - Pannel : Fights, victories and alternatives against the world of platforms

Moderator : Idoia Villanueva, Member of European Parliament, Podemos

- Jean Daniel Zamor, CLAP, rider in Paris
- Anne Dufresne, Gresea, researcher
- Lison Noél, Coopcycle France
- Tito, Élite Taxi Espagne
- Nuria Soto, Riders X Derechos
- Ernesto Iglesias, Ryanair en Lucha

4h45pm - Break

5h00pm - Pannel : Legislative perspectives, build new rights or institutionalize precariousness?

Moderator : Pernando Barrena, Member of European Parliament, EH Bildu

- Leila Chaibi, Member of European Parliament, La France Insoumise
- Barbara Gomes, Doctor of Law
- Idoia Villanueva, Member of European Parliament, Podemos
- Rafael Mayoral, member of the congress Podemos
- Ainhoa Beola, program director of EH Bildu

6h10pm – Discussion

6h25pm - Conclusion : Leïla Chaibi, Member of European Parliament, La France Insoumise

- Nuria Soto, Riders X Derechos
- Ernesto Iglesias, Ryanair en Lucha
- Rafael Mayoral, member of the congress Podemos
- Ainhoa Beola, program director of EH Bildu
This series of paintings has been produced by Dalila Dalléas Bouzar

“Ma Demeure is a series of self-portraits representing the human being beyond conventional features in postures signifying resistance.”

Title: Ma Demeure (series)

60x40 cm, huile sur toile

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