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journals.sagepub.com/home/cnc**Francisco Fernández-Trujillo Moares**

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Abstract

The food delivery app business has grown in recent years, with an increasing number of customers and workers on these platforms. Food delivery apps are also an iconic example of the increasing precarity of working conditions. Delivery app workers have mobilised to demand greater stability and regulation, with one of their main demands being to switch from their current status as self-employed workers to being employees of these companies. However, in Spain, those who want to remain self-employed have also mobilised, demanding better wages and improved conditions from the platforms. In this article, we focus on the mobilisation of delivery workers in Spain, exploring the characteristics of the main actors involved and the evolution and current situation of the conflict.

Keywords

gig economy workers, mobilisations, riders, social movement unionism, Spain

Introduction: the problems arising from delivery platforms in Spain

Delivery platforms began operating in Spain in 2016. They arrived promising innovation and the technological modernisation of the delivery business, accompanied by a labour model characterised by the deregulation of working conditions in the sector, the exploitation of legal loopholes and the segmentation of the labour market. This situation

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facilitated the mass entry of young, migrant and poorer workers into jobs in this industry. The arrival of these platforms was facilitated by the Great Recession and its devastating effects on the Spanish labour market, which included enormous job losses, labour deregulation and increased job insecurity (García 2018). This model, already present in other countries, expanded with the creation of Glovo, a Spanish company that received the largest round of financing in the history of Spain¹ and gained entry into the market of international competitors such as Stuart and Uber Eats.

Since the appearance of these digital platforms, there have been numerous conflicts between them and their workers (known as ‘riders’) and the workers’ lawyers and unions. Indeed, rather than ‘employees’, riders are called ‘collaborators’ by the companies due to their non-wage labour relationship. Instead of having an employment relationship with these companies, riders are freelancers or self-employed workers who provide specific services to the platforms. However, social scientists (Dufresne & Leterme 2021: 70–74) and the judiciary (Dufresne 2019: 31) have determined that there is clear evidence of an employer – employee relationship and thus have concluded that a salaried, contractual employment relationship should be established.

Delivery riders have pointed out that the work and conditions on these platforms have deteriorated and that their incomes have fallen (Fernández-Trujillo 2020). The business model of these platforms is based on the insecurity, flexibility and precarity of their workforce. This is the foundation of the conflict between riders and platforms in Spain. Riders have taken different kinds of action and their tactics have changed over time, and in response to their different contexts and working conditions, as we elaborate below. Those who have mobilised in pursuit of improved conditions have been relatively successful: they have used the media to change the discourse around precarious work in the wider society, have won significant legal victories and secured the passage of a law favourable to such workers.

Mobilisation in Spain in pursuit of salaried platform-work

The labour demands of these workers have focused on improving incomes. For example, claiming bonuses associated with orders or the full recovery of tips. In general, there have been demands for improvements in protection measures, occupational health and accident insurance. The latter is of great importance, as the lack of protection against traffic accidents was what triggered the first mobilisations. However, the element of greatest activation of mobilisation (for and against) during these years (at least from 2017 to 2022) has been the type of employment relationship, as can be seen below.

Deliveroo workers in Spain began to mobilise in the summer of 2017, triggered by the company’s announcement of a change that further worsened their conditions. This led workers to call a work stoppage in June,² motivated by the lack of workplace health policy, poor working conditions and the lack of safety protections for their dangerous work. A number of rallies were organised at the company’s offices, mainly in Barcelona and Madrid, a number of work stoppages occurred and the organisation *Riders x Derechos* (RxD) was launched. This has since become the main organisation advocating for improved working conditions and the recognition of platform workers as employees.

The relationship of riders with trade unions has changed since the beginning of the conflict. The movement was initially independent when the first protests and actions by riders took place during the summer of 2017. Particularly at the beginning of the conflict, delivery workers were reluctant to engage with traditional unions due to these unions' seeming inability to provide them with useful support. But, as the conflict has evolved, the local RxD organisations have established relationships with different unions. In different places, different unions have responded varyingly to the problems facing these delivery workers, offering better support more in tune with the approaches of the distinct local groups.³

RxD has subsequently developed a range of approaches to advocate for a framework to improve working conditions on these platforms. Much of the interest and significance of this process is that the riders' tactics have been framed within the repertoires of trade unionism and social movements, as we discuss further below. In the months and years that followed the emergence of RxD, a number of protest actions took place in pursuit of similar demands. Some of the main actions were organised in December 2018 in collaboration with trade union organisations, such as the Confederación General del Trabajo (CGT; a trade union with anarcho-syndicalist origins that is now a radical left-wing union), against the business model of the digital platforms and other forms of labour precarity. The protests were soon reactivated in different cities of Spain in response to the death of Pujan, an undocumented immigrant worker who died in May 2019 while working for Glovo without being registered in his own name on its platform.⁴ RxD has also made significant efforts to encourage and support legal challenges to the platforms, leading to the initiation of many legal proceedings on behalf of riders, both individually and collectively. The main grounds for these complaints have been that these riders are functionally employees despite being treated as self-employed workers (this common form of abusive employment practice in Spain is popularly known as *falso autónomo* – false self-employment). These legal efforts have been one of the main areas where the movement has worked closely with traditional trade unions, who have given the delivery workers' substantial support, such as paying for lawyers and court fees. Two of the key legal cases involve more than 500 delivery drivers in Madrid⁵ and more than 700 in Barcelona.⁶ These efforts have been facilitated and aided by trade unions, including the Unión General de Trabajadores (UGT) and Confederación Nacional del Trabajo (CNT) and by a group of lawyers known as Colectivo Ronda. These cases are part of a tactic of strategic litigation, which involves the selection of high-impact cases within a specific sector in pursuit of rulings that will require legal reforms.

The riders' movement has also lobbied political institutions directly. This has helped to place the conflict on the political agenda and promote legislative change. These efforts have focused on left-wing parties, especially Unidas Podemos (UP), the junior member of the current governing coalition led by the traditional social-democratic party, PSOE. At the invitation of UP, the riders have raised their demands at local, regional, and national assemblies and parliaments in Spain and in the European Parliament. This lobbying activity has been facilitated by the entry of UP in the Government of Spain, since in the pre-election campaign there were meetings to draft a law for the protection of riders (end of 2019), and once the Government was formed, the first group to be invited by the Ministry of Labour to draft the rider law were RxD. The movement has also engaged with right-wing parties, but without much success. Before the entry into force of this law (May 2021), the far-right

Vox party and its satellite union, Solidaridad, have made significant approaches to and established links with gig-workers organisations that seek to remain self-employed.

There have also been important efforts to create alternative, cooperative food delivery and courier platforms. These have been established by delivery workers in Madrid (La Pájara Ciclomensajería), Barcelona (Mensakas) and Valencia (Rodant) (Fernández-Trujillo 2019). These efforts have sought to challenge the precarious and exploitative model of the main platforms, offering improved working conditions in pursuit of more sustainable forms of work and consumption. These initiatives are closely related to the broader riders' movement, sharing activists, discourses and networks.

Mobilisation in Spain in favour of self-employment on the platforms

To understand the evolution of the mobilisation of platform delivery workers in Spain, it is necessary to distinguish two positions. On one hand, there are delivery workers who wish to be recognised as employees of the digital platforms. These workers have enjoyed a relatively consistent alliance with trade unions and their efforts have mostly been organised by RxD, as discussed above. Their proactive stance seeks to improve working conditions on digital platforms and develop a more stable regulatory framework for this kind of work. On the other hand, other delivery workers have mobilised to advocate for remaining self-employed and maintaining the more fluid labour-relationship with the platform companies that this implies.

These platform workers who defend self-employment have gained increasing prominence. They have organised themselves through professional associations that have established positive relationships with the digital platform companies and their employers' organisations.

They aim to improve their working conditions while maintaining their status as independent contractors rather than workers. Their discourse appeals more to freedom and flexibility than to stability, echoing the arguments of the platforms themselves. These workers have gained prominence and had a greater presence in street mobilisations in recent times, especially since the government began to develop a new legislative framework.

They have undertaken numerous demonstrations in defence of self-employment for platform workers and to demands that the companies improve their working conditions, mainly by paying more and by not taking on more workers, which would ensure a greater supply of jobs for existing workers. They oppose the proposed 'rider law', which would protect delivery workers on digital platforms. They have also undertaken the *#SiSoyAutónomo* campaign ('I am self-employed'), involving mass motorbike rides through urban centres.

A new situation

In recent months, the situation has changed in important ways among pro-employee organisations and pro self-employed organisations (see Figure 1 for the different positions) Court judgements and the development of legislation have established a new reality in the field of food delivery and courier platforms.

Until the passing of the 'Rider Law', one of the great victories in the course of the conflict has been the introduction of accident insurance in many companies, after several years of calling for this improvement. With regard to improvements in income, the

Position	Organisations	Campaigns	Relationship with platform companies	Relationship with other organisations
Workers (wage relationship)	Riders x Derechos FreeRiders	#GlovoMata or #StopFalsosAutonomos	Negative. Dismissals, confrontation and union repression	Trade unions, precarios workers' collectives, other international groups of riders, cooperatives.
Self-employed / collaborators (non-wage relationship)	APRA, AAR, Asoriders, ARAC	#SiSoyAutonomo or #StopLeyRider	Positive. Common discourse, supports and agreements.	Platform companies employers' organisations, like Adigital or Sharing España

Figure 1. Differences between the two groups of workers.

balance is mixed because income has been made up of many variables that have changed over time and has depended on how long and how one works. Nevertheless, the passage of the Law has been the great victory of the pro-wage labour movement. This has meant the assimilation of many workers (some are still self-employed) by companies and the obligation to share certain elements of the algorithms with the works councils of the trade unions represented in the company.

Two major milestones have changed the context of the conflict. First, the Spanish Supreme Court ratified a ruling that recognises 532 Deliveroo riders as employees, not self-employed. Second, the rider law has now been passed (Royal Decree-Law 9/2021). This law creates a register in which platforms will have to share their algorithms with the legal representation of workers (trade unions), making their employment model explicit. Among other guarantees and rights, this ensures that these workers have the right to union representation.

These developments are significant for the configuration of the movements discussed above. Food delivery workers will have a greater capacity to influence and control platform companies. Moreover, those riders who sought to defend their self-employed status are now in a position to advocate more explicitly on behalf of the companies, rather than against them, which may lead to them making contradictory arguments.

Discussion: the novelty of the rider mobilisations

The mobilisation of platform workers is a collective labour action with some novel elements arising from the lack of regulation related to the digital economy. This can be associated with the emergence of *social movement unionism*. The concept of social movement unionism has been recovered in recent years to describe labour struggles that are united with broader political struggles for human rights and social justice and are not limited to workplace issues (Engeman 2015).

In our exploratory analysis, we have emphasised that the riders' struggle meets the definition of social movement unionism in three respects: (1) the use of tactics of labour struggle different from strike action, (2) the creation of alliances with local community

organisations and (3) an innovative response to the crisis of traditional forms of representative and hegemonic trade unionism (Engeman 2015; Fairbrother 2008).

Other novel dimensions of the riders' contentious actions are their largely instrumental relationship with traditional unions (because they have not, until now, been recognised as workers), their extensive use of social networks as arenas of political contestation and their use of strategic litigation to politicise a labour conflict. These mobilisations thus come close to meeting Tarrow's definition of contentious action as actions in which 'ordinary people – frequently in alliance with more influential citizens and shifts in public opinion – join forces to confront elites, authorities and their opponents' (Tarrow 1994: 4). These efforts have taken place in the context of the evolving political economy of labour in Spain and, specifically, in relation to the devastating effects of the platform economy on workers' social protections.

During the first half of 2022, several processes have occurred in parallel to the evolution of the conflict. On one hand, large companies have reconfigured themselves in different ways: new companies have appeared in the delivery sector, and the most important existing companies have carried out different changes in the face of the new legal reality. For example, Uber Eats established fleets and subcontracted services to other companies, assimilating part of the workers in precarious working conditions. In addition, following the entry into force of the new law regulating the food delivery platform sector, Deliveroo ceased its activity in the country. Glovo assimilated some of its workers as employees, and for the rest it has only reformulated its work model to keep them as self-employed.

This is a big challenge for the Spanish government. In response, the Minister of Labour, Yolanda Díaz (UP), has already indicated several times that she will strengthen the Labour Inspectorate to enforce the law. This conflict will therefore persist in the medium term. For their part, unions have reformulated their strategy for establishing themselves in the delivery sector, given the possibility of standardised union practices in Spain: the creation of works councils, the pursuit of collective bargaining and union elections have begun to be held.

Finally, there is an element of continuity in the self-organisation of delivery workers, across both those who are pro-self-employment and those who have organised in opposition to the model of digital platforms. In the case of those pro-self-employment, they progress with networks that maintain their structure in the face of possible changes. In the case of RxD, they continue to lobby for an extension of the law in different ways – both for greater coverage of the Rider Law and for it to be extended to other forms of platform work.

A number of lines of analysis will be important in the immediate future, especially in relation to the recent double triumph of the riders: the judicial ruling that they are employees and the passage of the riders' law (although this law is insufficient and underdeveloped and so augurs further conflict). In the coming years, we can expect to see how the dispute develops, how the positions of the employers and riders evolve and how the riders' organisations develop their role within the broader workers' movement.

Notes

1. Visited 17 August 2022: <https://elpais.com/economia/2021-04-01/glovo-capta-450-millones-en-la-mayor-ronda-de-financiacion-de-una-compania-emergente-en-espana.html>.

2. We do not use the word 'strike' because, as self-employed workers, they do not, strictly speaking, have the right to strike.
3. For example, some of the main unions involved in the conflict have been the UGT (a social democratic, reformist trade union linked to the PSOE) in Madrid, Intersindical Alternativa de Cataluña (an: alternative, left-wing Catalan union) in Barcelona and Langile Abertzaleen Batzordeak (a prominent left-wing, pro-independence union) in the Basque Country.
4. Madrid, July 2019, see https://www.elespanol.com/reportajes/20190528/pujan-repartidor-glovo-sustituciones-clandestinas-sin-barcelona/401710914_0.html.
5. Madrid, July 2019, see https://www.elespanol.com/reportajes/20190528/pujan-repartidor-glovo-sustituciones-clandestinas-sin-barcelona/401710914_0.html.
6. Barcelona, January 2021, see https://www.eldiario.es/catalunya/riders-ganan-macrojuicio-deliveroo-barcelona-jueza-sentencia-748-repartidores-son-falsos-autonomos_1_6745634.html.

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Francisco Fernández-Trujillo Moaers research at National University of Distance Education (UNED, Spain) the transformations of resistance in the field of labour, especially related to precariousness, new forms of employment associated with platform capitalism and its alternatives. He is also involved in research projects on different fields such as “Capitalismo de plataforma, trabajadores digitales y techificación de la vida cotidiana en la ciudad contemporánea”, “Youth Activism” or “Collective youth actions during the pandemic Project”-CLACSO.

Gomer Betancor Nuez holds a PhD in Sociology and is Researcher at National University of Distance Education (UNED, Spain). He has been a visiting researcher at the Work and Equalities Institute (University of Manchester). He is currently the President of the Social Movements Research Committee of the Spanish Federation of Sociology (FES). He has published journal articles and book chapters on youth, collective action and social movements.