

FOCUS ON LABOUR EXPLOITATION

FLEX PARTICIPATORY RESEARCH WORKING PAPER 3

THE GIG IS UP: PARTICIPATORY RESEARCH WITH COURIERS IN THE UK APP-BASED DELIVERY SECTOR

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The quotes on the cover are from research participants responding to the questions: 'If you could tell the UK Government what they should do to help couriers, what would you tell them to do?' and 'If you could change anything about your job, what would it be?'.

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Focus on Labour Exploitation (FLEX) is a research and policy organisation working towards an end to labour exploitation. FLEX seeks to achieve this vision through the prevention of labour abuses, protection of the rights of those affected or at risk of exploitation and by promoting best practice responses to labour exploitation through research and evidence-based advocacy.

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NOVEMBER 2021

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EXECUTIVE SUMMARY

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This working paper finds that app-based delivery work, and platform work more generally, is a high-risk area for labour abuse and exploitation as it replicates many drivers of exploitation that are found in traditional sectors.”

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As the number of people doing platform work in the UK continues to increase, and more individuals are pushed into precarious and under regulated work, it is crucial to address the risk of exploitation in this type of work, and for the experience of workers affected to inform any attempts to regulate the sector.”

This working paper, based on participatory research carried out with app-based couriers in the UK, highlights key issues in the sector, and the drivers of risk that impact peoples' vulnerability to labour abuse and exploitation. It finds that app-based delivery work, and platform work more generally, is a high-risk area for labour abuse and exploitation as it replicates and reproduces many drivers of exploitation that are found in traditional sectors. The report outlines the experiences of couriers in terms of access to employment rights, finding frequent issues with pay and dangerous working conditions, including high levels of violence at work. It also identifies systemic and structural issues that create risk of labour exploitation, including the degree of control of platforms over workers, shifting of risk onto couriers and the absence of government regulation.

Drawing on 49 survey responses, ten interviews and four focus groups with app-based courier; as well as five stakeholder interviews with companies, academics and trade unions, this working paper is an important addition to the limited existing literature on working conditions in the UK app-based delivery sector. Moreover, its innovative Feminist Participatory Action Research (FPAR) approach allowed us to involve workers as 'Peer Researchers' in every stage of the research process, from design to data collection and analysis. This approach has enabled workers to shape the research findings and recommendations, including workers who are at high-risk of exploitation but less frequently represented in policy research, such as undocumented migrants, people who do not speak English and/or work long and unsociable hours. By involving couriers from some of the most at-risk groups, this report brings the voices of people with lived experience to the forefront and includes their perspectives in the policymaking process. As the number of people doing platform work in the UK continues to increase, and more individuals are pushed into precarious and under regulated work, it is crucial to address the risk of exploitation in this type of work, and for the experiences of workers affected to inform any attempts to regulate the sector. This working paper aims to assist in doing that.

This work is part of a three-year research project which seeks to address the knowledge gap concerning experiences and drivers of labour abuse and exploitation in three low-paid and precarious sectors of the economy – cleaning, hospitality and app-based delivery work. Two previous working papers on the cleaning and hospitality sectors were published in January and July 2021.

KEY FINDINGS

The findings are structured into two main sections: key problems experienced by participants at work and structural drivers of labour abuse. The first section includes the following findings:

ACCESS TO EMPLOYMENT RIGHTS

Our research found that most couriers lack access to employment rights such as sick pay, holiday pay and pension and National Insurance contributions. Not being able to access sick pay means that if couriers get ill or injured, they must take unpaid time off to recover or have no choice but to continue working despite being ill. Of our survey participants, 59% reported having no access to financial support when ill or injured, while 18% had access to an emergency fund. This inability to access support when sick

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Of our survey participants, 59% reported having no access to financial support when ill or injured, while 18% had access to an emergency fund. This inability to access support when sick was exacerbated during the pandemic, with couriers, despite being classed as essential workers, often unable to access Covid-19 support schemes like the Self-employment Income Support Scheme.”

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We found that couriers low pay and underpayment are caused by long unpaid times, costs associated with the job, and the piece rate payment system, that drives fees lower and lower.”

was exacerbated during the pandemic, with couriers, despite being classed as essential workers, often unable to access Covid-19 support schemes like the Self-Employment Income Support Scheme. Couriers also experienced difficulties in accessing toilet facilities during lockdowns. On top of employment rights that couriers feel they should have, participants raised concerns around the lack of transparency over the terms and conditions of employment between them and the platforms, including over terminations and appeal processes.

ISSUES WITH PAY

Of our survey respondents, 63% reported being paid below the minimum wage, based on self-reported wages after work-related expenses. We found that couriers' low pay and underpayment are caused by long unpaid times, such as waiting times at the restaurants and travelling times from one delivery to the other; costs associated with the job, such as equipment, fuel, and insurance; and the piece rate payment system, that together with an ever increasing workforce, drives fees lower and lower. For workers on low wages, income insecurity can lead to serious financial problems. 71% of respondents had experienced financial difficulties, including 33% who had to rely on loans or other financial help from family or friends to get by, 20% not being able to pay their rent or bills on time and 18% who had to rely on Government benefits.

SAFETY CONCERNS AND VIOLENCE AT WORK

82% of respondents experienced violence at work, including 59% who experienced being shouted or sworn at, 24% who had been threatened with physical violence while on the job, 24% who had had their vehicle stolen, 20% who had been assaulted or attacked, 16% who had been shoved, 16% who had the food or parcel they were delivering stolen and 10% who had their vehicle intentionally damaged. The safety risk faced by couriers is exacerbated by many factors, such as the fact that some apps don't allow drivers to see where they are delivering until they accept an order, making it hard to avoid dangerous areas.

In addition, we found research participants experienced high levels of gender-based abuse, specifically sexual harassment. In total, 18% of survey respondents had experienced some form of sexual harassment at work, however this percentage jumps to 57% for women and non-binary participants. Sexual harassment is often underdiscussed in the sector because of the lack of appropriate reporting channels acting as a barrier for workers to report/discuss sexual harassment; app-based deliveries being a male dominated sector where sexual harassment is not seen as a priority; and fear of repercussion/termination when reporting.

Of all survey respondents that had experienced safety issues on the job, 73% said they had not reported the incident as they felt reporting would not make a difference and 5% feared reporting it. Moreover, of those that did report an issue, 67% reported the accident to the platform company without them taking any action, and 22% reported it to the police but did not receive any help.

With regards to key drivers, we found these to be some of the most significant factors shaping workers' experiences of risk and resilience to labour abuse and exploitation:

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The report finds that this flexibility is often one-sided, only benefitting the company.”

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This reliance on individuals to bring forward cases to employment tribunals, the lack of an Employment Bill clarifying employment status and potential misclassification of workers, together with the absence of a Director of Labour Market Enforcement for over ten months, raises serious concerns over the effectiveness of the government in protecting vulnerable workers.”

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The classification of couriers as self-employed also allows companies to transfer excessive amounts of risk to workers, creating insecurity for workers.”

ONE-SIDED FLEXIBILITY AND CONTROL

Flexibility is the key concept in the gig economy, with platforms claiming that couriers can be their own bosses, able to work when and where they want, enjoying greater on-the-job autonomy. However, the report finds that this flexibility is often one-sided, only benefitting the company. Couriers report that often the only way to make decent earnings is to work during peak hours, such as mealtimes and weekends, when the demand and the boosts are good enough. Moreover, riders can be penalised for rejecting too many deliveries or if they are not available these times.

One-sided flexibility also means that couriers can have their supplier agreement with the platform terminated without any explanation or ability to challenge the decision of the platform. Unfair terminations make couriers' work much more precarious and insecure as they fear retaliation if they join a union or complain about working conditions or pay. When asked about whether they have been afraid of having their account closed, survey respondents answered yes if they complained about unfair treatment (43%), reported/complained about bad working conditions or pay (31%), organised a strike or a boycott (27%), joined a trade union (18%) and reported/complained about harassment or abuse at work (16%)

SUBCONTRACTING THE RISK

The classification of couriers as self-employed also allows companies to transfer excessive amounts of risk to workers, creating insecurity for workers. One way in which this is done is by companies putting all costs on couriers, including unpaid waiting times and unpaid time traveling between jobs, and any costs associated with the job, such as equipment, fuel, and insurance, which would normally be paid for by the companies. Platforms also avoid responsibility for costs that are normally expected of employers to cover such as pensions and National Insurance contributions and sick pay, creating a high risk of destitution for workers in an event of an accident or event that can cause them to lose their income. Lastly, platforms are able to set terms and conditions and wages for couriers but take no responsibility for below minimum wage payments and dangerous conditions. This is often the case in traditional sectors of the economy where outsourcing and subcontracting are the norm.

LACK OF GOVERNMENT REGULATION

Our research has found that since the introduction of platforms in the UK in 2012, there has been a significant inaction on the part of the government in attempting to regulate the gig economy. Many of the issues that couriers experience cannot be considered labour abuses because an outdated legal framework which cannot be applied to these new digital business models. They therefore cannot be considered breaches of the law until national and international law begin to understand and adapt to the gig economy. The only attempt at narrowing this gap has been through individual workers bringing cases to court to have their rights recognised. This reliance on individuals to bring forward cases to employment tribunals, the lack of an Employment Bill clarifying employment status and potential misclassification of workers, together with the absence of a Director of Labour Market Enforcement for ten months, raises serious concerns over the effectiveness of the government in protecting vulnerable workers.

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Migrant workers are overrepresented in platform labour, where they will experience a set of compounding vulnerabilities, such as immigration status, difficulty or impossibility to access social protections, lack of knowledge over their rights and where to get support, and language barriers.”

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People who are pushed into working through rented accounts are at high risk of experiencing an additional layer of exploitation.”

VULNERABILITY LINKED TO IMMIGRATION STATUS

In addition to failing to regulate the labour market, other government policy decisions are also acting as drivers of risk for workers, most notably immigration policy. Migrant workers are overrepresented in platform labour, where they experience a set of compounding vulnerabilities, such as immigration status, barriers to accessing social protections, lack of knowledge over their rights and where to get support, and language barriers. One of the main factors pushing migrants into platform work are restrictive immigration policies, which limit people's right to work and access to welfare support. This is clearest in the case of undocumented migrants who, due to their immigration status and the UK's hostile environment policies which criminalise unauthorised work, are prevented from entering better regulated employment or accessing employment rights. While some platforms check people's right to work, it is often possible to get around such checks for instance through the renting of accounts. People who are pushed into working through rented accounts are at high risk of experiencing an additional layer of exploitation.

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TO WORK**

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Survey response
Irish App-based Courier

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While there are clear differences between the app-based delivery sector and the two previous sectors of research, such as the use of a digital space to organise work and the predominance of dependent self-employment, this paper shows how similar many of the structural drivers of abuse and exploitation are.”

INTRODUCTION

This is the third and final working paper of a three-year research project seeking to address the knowledge gap concerning experiences and drivers of labour abuse and exploitation in three high-risk sectors of the economy – cleaning, hospitality, and app-based food and goods delivery¹ – focusing specifically on the experiences of women and young migrant workers with EEA passports². By examining sectors where work is largely outsourced, either to companies or individuals classed as self-employed, this study also contributes to addressing evidence gaps related to the risk of labour exploitation in domestic service supply chains.

This publication focuses on the experiences of app-based couriers in the food and goods delivery sector of the ‘gig’ or ‘platform’ economy³. It investigates the different ways in which risk of exploitation is perpetuated in the platform economy compared with sectors with more traditional employment models. While there are clear differences between the app-based delivery sector and the two previous sectors of research, such as the use of a digital space to organise work and the predominance of dependent self-employment, this paper shows how similar many of the structural drivers of abuse and exploitation are.

This working paper, like all FLEX’s work, builds on the understanding that labour exploitation is part of a spectrum that ranges from decent work through to progressively serious labour law violations culminating in extreme exploitation, including offences that fall under the Modern Slavery Act 2015. Labour abuses that may seem less impactful when considered in isolation can accumulate over time to create increased dependency and heightened vulnerability for workers. Research also shows that continual violations of labour standards contribute over time to a more general undermining of the conditions of decent work, enabling more extreme forms of violations, including forced labour, to flourish (Skrivankova, 2010). As the United Nations Special Rapporteur on Trafficking in Persons, Maria Grazia Giammarinaro, has summarised: “Exploitation, and therefore trafficking, begins with the enabling of a breeding ground for the disregard of fundamental labour rights” (Furneaux, 2019). Therefore, rather than attempting to isolate the most severe cases from their wider context, addressing and preventing labour exploitation requires a better understanding of workers’ experiences across the spectrum.

¹ Two previous working papers, focused on contract cleaning and hospitality, were published in January and July 2021. See more at: FLEX. 2021. [“If I Could Change Anything About My Work...” Participatory Research With Cleaners In The UK](#). Participatory Research Working Paper No. 1. and FLEX. 2021. [“To help workers, I would tell the government to...” Participatory research with workers in the UK hospitality sector](#). Participatory Research Working Paper No.2.

² For simplicity, we will use the term ‘EEA nationals’ and ‘EEA migrants’ to refer to nationals of all European Union (EU) member states as well as Iceland, Norway, and Switzerland. Please note that some data sources quoted refer explicitly to EU nationals, European Economic Area (EEA) nationals, or EEA nationals plus Switzerland and are therefore mentioned in the report as such.

³ While the term ‘gig economy’ is commonly used to describe the use of online platforms to find small jobs, the term better describes labour markets characterised by the prevalence of short-term contracts or freelance work, as opposed to permanent jobs (Ainsworth, 2017). Platform economy refers to the use of IT systems to facilitate and connect opportunities for gigs (*Ibid.*). This means that individuals use a digital ‘platform’ provided by a company to find and perform short-term jobs. In this working paper we will use the terms interchangeably.

This research also recognises the fact that workers facing risk of labour exploitation have gained important insights about the issue and its contributing factors through direct experience. They are experts in their own right and, as such, their knowledge can help identify and shape better policy solutions. Despite their expertise by experience and despite being the ones most affected by such policy decisions, workers at risk are rarely involved by policymakers in developing solutions to labour exploitation. With the aim of directly engaging marginalised workers in a meaningful way, FLEX has adopted a Feminist Participatory Action Research (FPAR) approach through which workers inform all phases of the project (see methodology section below).

The findings and recommendations presented in this working paper result from this collaboration and FPAR approach, which has enabled workers, including those who are less frequently represented in policy research, such as undocumented migrant workers and people who do not speak English, to shape the research findings and recommendations. Rich primary data highlighting workers' own words are presented to illustrate the issues, supported by figures from our survey and by previous literature.

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As the project moved to this last sector, we sought to increase workers' say in the design by establishing a new, Peer Coordinator role, a part-time staff position aimed at facilitating longer-term and more sustainable worker engagement in the project. The Peer Coordinator, who had experience working in the app-based food and goods delivery sector, recruited, co-delivered training, and supported workers to become Peer Researchers and engage in joint action and advocacy.”

METHODOLOGY

This research is based on desk-based research and primary data collected between March 2020 to November 2021, using a Feminist Participatory Action Research (FPAR) approach developed to investigate drivers of labour exploitation and to develop better, worker-informed policy recommendations. Adopting an FPAR approach means doing research ‘with’ rather than ‘on’ or ‘for’ the community being researched, with the aim of enabling those most affected by an issue to generate knowledge and advocate for social change. Most Participatory Action Research approaches are intrinsically feminist in the sense that, like feminist research, they aim to transform society and challenge power relationships within research. However, what makes FPAR different is its focus on women and other minoritised groups, and the intersecting forms of oppression they face (FLEX, 2021c).

As part of our FPAR approach, we have worked with couriers as paid **Peer Researchers** who have engaged at every stage of the project, from research design to data collection, analysis, and advocacy. Peer researchers were consulted on the design of data collection tools (interview templates, focus group design, and survey questions) and received training on research methods, ethics, safeguarding and signposting, as well as ongoing support. As the project moved to this last sector, we sought to increase workers' say in the design by establishing a new Peer Coordinator role. The Peer Coordinator role was a part-time staff position aimed at facilitating longer-term and more sustainable worker engagement in the project. The Peer Coordinator, who had experience working in the app-based food and goods delivery sector, recruited, co-delivered training, and supported workers to become Peer Researchers and engage in joint action and advocacy.

Qualitative data was collected through six peer-to-peer semi-structured interviews and four worker-led focus groups, as well as four worker interviews and five stakeholder interviews (with companies, academics, and trade unions) carried out by FLEX staff. Findings from the interviews have been triangulated through a desk-based review of existing literature and quantitative data from a comprehensive survey completed by 49 workers. Overall, this working paper is based on the responses of 76 workers, of whom 22 identified as women, 52 as men and 2 as non-binary, 25 were young people aged 16-24, and 50 were migrants. Of the survey respondents (49), 18 worked for more than one platform in the sector and 24 reported doing this job as their main source of income, while 21 did it to supplement income from another job or other sources of income such as a student loan.

Peer Researchers carried out interviews and focus groups using a snowball sampling technique. This enabled us to reach workers who are traditionally less likely to participate in research, including people who do not speak English, are undocumented, or are working long and unsociable hours. The survey used to triangulate our findings ran in two languages (English and Portuguese) to enable the participation of non-English speakers. Portuguese was chosen as the second language based on a mapping of languages spoken by our target group of EEA passport holders at risk of exploitation, which found Brazilians to be a key nationality group, especially in London. The survey reached 19 nationality groups and migrant workers account for 62% of respondents.

As with any methodology, the possibility of having this level of reach and engagement with minoritised groups comes with some limitations, such as needing to focus on some language and nationality groups over others. It is also likely that those workers who have experienced problems at work are more willing to engage in research. We also note that this research was carried out during the Covid-19 pandemic, which restricted our ability to engage with potential participants face-to-face. We adapted to this challenge by recruiting participants through online forums, such as social media and WhatsApp groups. Noting these limitations, this working paper does not attempt to provide a fully representative picture of the experience of workers in the sector as a whole but seeks instead to shed light on the nature of the problems that workers are experiencing, and what factors are driving risk or supporting resilience to labour exploitation.

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The number of people working in the gig economy in the UK was estimated at approximately 4.7 million in 2019 – double the number in 2016 – and is expected to continue increasing.”

BACKGROUND

The platform economy has generally not created new jobs, but rather introduced new ways of organising, managing, and performing existing ones. There are different types of work within this sector, from food and parcel delivery to transportation, manual labour, care, domestic work, and creative services like graphic design (Ainsworth, 2017; Fairwork, 2021). This working paper focuses specifically on food and goods delivery services in the UK.

In the UK, there are various platforms for food and goods delivery. These platforms connect restaurants and takeaway outlets with couriers in nearby areas through ‘geo-positioning’. Restaurants tend to use multiple platforms to get their food delivered. Goods delivery platforms offer a similar intermediary service between shops or warehouses and customers. Couriers working ‘through’ platforms can make deliveries via bicycle, motorcycle, car, or van, though generally each platform will predominately offer one or two of these methods. Some operate on a nationwide basis, whereas others (particularly cycle courier firms) only operate in major urban centres.

While food and goods delivery platforms tend to operate in a similar way, there are a variety of different business models in the sector. Most often couriers will be classed as independent contractors and they will carry out deliveries operating on an on-demand basis using their own vehicles. The couriers are paid per delivery or ‘drop’ instead of by hour depending on multiple factors, including distance, time of day, and whether ‘boosts’ (bonuses used to incentivise couriers to work during busy periods) are available. A smaller percentage of couriers are employed directly by the platform as employees or workers. In this case, couriers will work shifts and be paid an hourly wage instead of a piece rate, and will be entitled to employment rights, such as sick pay, holiday pay, minimum wage, pension and National Insurance contributions.

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Delivery drivers face consistent issues around pay, including low pay, fluctuating income and underpayment and non-payment of wages. In addition, the report highlights serious safety concerns, such as high risk of injury, theft and aggression.”

The number of people working in the gig economy in the UK was estimated at approximately 4.7 million in 2019 – double the number in 2016 – and is expected to continue increasing (University of Hertfordshire *et al.*, 2019). A more recent estimate showed that the percentage of individuals in England and Wales doing platform work is now 15% of the adult working population, compared with about 6% in 2016 (University of Hertfordshire *et al.*, 2021). Platform workers are more likely to be men and young (31.5% of workers are aged 16-24 and 28.7% are aged 25-34), and while platform work seems to be quite evenly spread throughout the UK, the strongest concentration is in Greater London (University of Hertfordshire *et al.*, 2019). Platform workers are also more likely to be from migrant or ethnic minority backgrounds, with only 68% of the workforce describing themselves as White British, compared to 85% of the overall labour market (CIPD, 2017). Adding to that, migrant workers are overrepresented in platform work in urban gig economies (van Doorn *et al.*, 2020).

With the gig economy growing and the world of work changing, it is important to ensure that workers have the protections they need. However, various reports warn of an erosion of the standard employment relationship because of an increase in gig work mediated through digital labour platforms (Fairwork, 2021). More and more workers are relying on casual and insecure platform work, often on top of other jobs, without the rights and protections associated with more traditional models of employment.

Gig economy is part of a this broader trend of casualisation and informalisation of work and spread of non-standard forms of employment (De Stefano, 2016).

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Platform labour perpetuates similar gendered and racialized divisions of labour that are found across the labour market, with women, non-binary, and ethnic minority workers overrepresented in low-paid roles.”

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Couriers who are in false self-employment must take legal action through the court system to be able to access those rights. This is often a too expensive and lengthy process for workers in low-paid jobs. As a result, automatically classifying couriers as self-employed can be an effective strategy for platforms to reduce costs and avoid employer responsibilities.”

A recent study from Cornell University and workers' collective Los Deliveristas found that New York City app-based delivery drivers face consistent issues around pay, including low pay, fluctuating income and underpayment and non-payment of wages. In addition, the report highlights serious safety concerns, such as high risk of injury, theft and aggression. Lastly, and given their classification as independent contractors, platform workers were found to be left out of any labour protection that could address those issues (Figueroa *et al.*, 2021). Similarly, a review of UK-based platforms by Fairwork, a project based at the Oxford Internet Institute, showed that no platform guarantees local living wage after costs, which results in workers across the country earning less than the minimum wage. Moreover, platform workers experience high levels of unpaid work, including time spent training, traveling, and waiting between jobs; as well as externalisation of costs of production such as fuel and vehicle insurance (Fairwork, 2021). These findings are consistent with a recent investigation by The Bureau of Investigative Journalism, which surveyed 300 couriers working in the UK and found that a third of UK couriers are paid below minimum wage (currently £8.72 per hour), with some earning as little as £2 per hour (TBIJ, 2021).

Adding to this, a survey by the trade union Independent Workers Union of Great Britain (IWGB) found couriers in the UK facing alarming levels of abuse and aggression. The survey showed that 9 in 10 couriers have endured harassment at work, with almost two thirds reporting physical assault (IWGB, 2021). The study also found that Black, Asian and minority ethnic (BAME), women, and non-binary couriers are disproportionately affected by violence at work, with 6 out of 10 of the BAME respondents having been subject to verbal abuse at least once a week and to physical violence at least once a month. Platform labour perpetuates similar gendered and racialised divisions of labour that are found across the labour market, with women, non-binary, and ethnic minority workers overrepresented in low-paid roles (van Doorn, 2017).

Previous research documents an abundant number of issues within the platform-based food and goods delivery sector. However, given the existing regulatory framework, many of these practices are not currently considered illegal. By classifying couriers as 'self-employed contractors', these businesses avoid the majority of the costs and responsibilities associated with being an employer, leaving workers with few protections and bearing high levels of risk. Even for those entitled to employment rights, the UK labour market enforcement system is severely under-resourced (FLEX, 2017) and therefore relies heavily on individuals enforcing their own rights via employment tribunals. In 2021, the International Lawyers Assisting Workers Network reported over 40 court cases from around the world, which resulted in £628m in fines for the misclassification of 60,000 couriers as self-employed contractors (ILAW Network, 2021). Their report highlights how couriers who are in false self-employment must take legal action through the court system to be able to access those rights. This is often too expensive and lengthy a process for workers in low-paid jobs. As a result, automatically classifying couriers as self-employed can be an effective strategy for platforms to reduce costs and avoid employer responsibilities (*Ibid.*).

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In the UK, a number of cases have been brought to employment tribunals across the country over the past five years, with most of them resulting in platform workers being recognised as “workers” and receiving the minimum wage and holiday pay.”

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In addition to considering whether the existing legal framework is suitable in the new context of the platform economy, it is also important to consider the implications of platform work for the way in which we frame and understand labour exploitation.”

In the UK, a number of cases have been brought to employment tribunals across the country over the past five years, with most of them resulting in platform workers being recognised as “workers” and receiving the minimum wage and holiday pay⁴. For instance, the ruling against the final appeal by Uber to the UK Supreme Court stated that private-hire drivers working through its platform were effectively workers, as drivers were found to be in a position of subordination to Uber. The key elements that led to this judgment were that the company set the fare, dictating how much drivers could earn; that it set the contract terms without drivers having any say in them; that drivers could be penalised if they rejected too many rides; and that the platform would use customer ratings to monitor drivers and could terminate the account of those with sustained low ratings.

While the Uber sentence was ground-breaking, it did not have immediate implications for other platform workers. However, it does open the door for others to bring similar legal challenges and provides a precedent. Uber has since extended worker status to all its private hire drivers, but not to its Uber Eats couriers. Other ride-sharing apps have not yet changed the status of their drivers. Moreover, in June 2021, just a few months after the Uber Supreme Court ruling, Deliveroo won a legal battle over its riders’ employment status and collective bargaining rights, given that the company was able to show that some of its couriers make effective use of their ‘right of substitution’ (i.e., to contract someone else to carry out a delivery). Having the option of substituting their work, even if only used by a minority, was considered as sufficient evidence of independent contractor status.

In addition to considering whether the existing legal framework is suitable in the new context of the platform economy, it is also important to consider the implications of platform work for the way in which we frame and understand labour exploitation. Athreya (2020), for example, argues that existing definitions, such as what constitutes force, fraud, and coercion within the context of forced labour, need to change in response to digital ways of managing labour. Platforms can now exert control over workers in new ways through the use of data, algorithms and customer ratings, as well as by acting as intermediaries. For instance, in May 2020, a Milan tribunal ruled that a senior Uber Eats Italy manager had worked together with two labour intermediaries to exploit hundreds of riders, by purposefully targeting vulnerable migrants and asylum seekers from conflict areas and from migrant reception centres (Allaby, 2021). The riders were paid only €3 per delivery, robbed of voluntary tips from customers, had their pay docked if they accepted less than 95% of orders, and were arbitrarily punished by being locked out of their Uber account if they complained (Tondo, 2020; Allaby, 2021). This type of exploitation has been called ‘digital caporalato’, given its similarity with cases identified in Italy’s agricultural sector.

In light of these developments, this working paper, centred on couriers’ experiences, seeks to shed light on drivers of labour abuse and exploitation in app-based courier work, while acknowledging the additional layer created by the digital realm and how this fits within our existing understanding of drivers and vulnerabilities.

⁴ Ruling against Uber (2016), Addison Lee (2017), City Sprint (2017), Excel (2017), Hermes (2018) and Stuart (2021).

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**IF I COULD CHANGE
ANYTHING ABOUT MY JOB
IT WOULD BE EVERYTHING.
HIGHER PAY, AN HOURLY
LIVING WAGE AND PAY
PER DELIVERY. WORKING
WITH OR FOR OTHER
PEOPLE, AS OPPOSED TO
AN ALGORITHM. BEING
ABLE TO UNDERSTAND HOW
SAID ALGORITHM WORKS.
ENTITLEMENT TO HOLIDAY
PAY AND SICK PAY.**

”

Survey response,
British-Japanese App-Based Courier

FINDINGS

This research highlights a broad range of labour rights violations and examples of poor working conditions within the sector, which are reported in this section and grouped under three macro areas: rights, pay and safety. This section focuses on issues highlighted by peer researchers and research participants. Many of these practices – such as being paid below the minimum wage – are not necessarily illegal, as couriers classed as independent contractors have very limited employment rights and protections.

1. KEY ISSUES EXPERIENCED AT WORK: ACCESS TO EMPLOYMENT RIGHTS

[I]t is the easiest and quickest way to get a job. And you know what is at stake. You know that you don't have any rights – working rights – but you still need to earn some money and there's so much competition.

Maria, Chilean App-based Courier, Interview, 25 March 2020

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This means that if couriers get ill or injured, they must take unpaid time off to recover. Many have no choice but to continue working despite being ill.”

When asked about what they would change about their job, most research participants answered that they would want to have access to employment rights, such as sick pay, holiday pay, minimum wage, and employer pension contributions. Most couriers will not have access to any kind of sick pay, including Statutory Sick Pay (SSP), due to being classed by platforms as self-employed. The UK is one of only four countries not to extend sick pay entitlements to the self-employed (Council of Europe, 2018). This means that if couriers get ill or injured, they must take unpaid time off to recover. Many have no choice but to continue working despite being ill.

[...] if I feel unwell, feeling like a fever, or a little bit of flu, not something which I can hurt someone else with or something. But I used to feel very tired. Or having some fever or something like that. And I carry on working.

Said, Algerian App-based Courier, Interview, 15 April 2021

Some companies offer insurance⁵ for riders so they can take time off for health reasons. During the pandemic some emergency funds were created to allow couriers to take time off sick or to self-isolate. However, most couriers do not have access to this kind of support or are not aware of it. Of our survey participants, 59% reported having no access to financial support when ill or injured, 18% had access to an emergency fund, and only 12% qualified for Statutory Sick Pay (paid at £96.35 per week in 2021/22).

⁵ Some companies offer insurance that covers issues such as injury and illness, hospitalisation and, in some cases, even maternity and paternity cover.

TABLE 1. RESPONSES TO THE QUESTIONS 'ARE YOU ABLE TO ACCESS FINANCIAL SUPPORT IF YOU BECOME ILL/INJURED?'

Answer	N.	%
No	29	59%
Yes, I have access to an emergency fund (e.g., Deliveroo's Rider Support Fund/Covid Fund)	9	18%
Yes, I have access to Statutory Sick Pay	6	12%
Other	3	6%
Don't know	2	4%

* Total number of respondents: 49

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Couriers, despite being classed as essential workers, were often unable to access Covid support schemes like the Self-employment Income Support Scheme.”

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Despite it being a legal requirement for drivers to be provided with safe and easy access to welfare facilities such as toilets and handwashing facilities by restaurants most restaurants denied couriers access to their toilets during lockdown.”

The pressure on people to work despite being ill has intensified since the start of the coronavirus pandemic, with reports showing that workers in low-paid jobs have had to continue working despite having Covid-19 symptoms (Grant, 2020). This was especially true for couriers who, despite being classed as essential workers, were often unable to access Covid support schemes like the Self-Employment Income Support Scheme (SEISS). Since March 2020, 20% of respondents experienced financial difficulties, 18% had applied for SEISS but had not been able to access it and 6% had applied for Universal Credit but had not been able to access.

Couriers participating in the research also raised concerns over lack of access to pension contributions, including missing out on employers' pension contributions. Studies have reported that younger people are less likely to pay their pension contributions, with over one in five young workers expecting to either retire after 70, or never actually stop working (BIT, 2020). With young people facing rising unemployment rates, financial vulnerability and struggling with low income, it's difficult to imagine putting aside a percentage of their earnings for the future (Bain, 2021).

It would be nice if they paid our pension. Because, otherwise, if we want to [have a pension] then it'll be from our income. Even though for normal people working, that's taken out of their wages as well. But, you know, it would be nice if this happens because sometimes, they treat you like you're a worker, but that's only in terms of what they require from you and not what they offer in return.

Nikolay, Bulgarian App-based Courier, Interview, 27 November 2020

Even very basic rights, such as access to toilet facilities, are not a guarantee. Given that many couriers are on their vehicles all day, they must rely on restaurants' toilet facilities while on the job. Despite it being a legal requirement for drivers to be provided with safe and easy access to welfare facilities such as toilets and handwashing facilities by restaurants (HSE, 2021), most restaurants adopted a 'staff only' policy during the pandemic, and denied couriers access to their toilets during lockdown, forcing many to enforce their own rights through union intervention.

This is just a general staff decision or a venue decision which could be dealt with just a little bit of common sense; that we are also humans and just because we spend ninety percent of our time on machines, we are not one of them and access to toilets and amenities are everyone's rights by law.

Andrei, Bulgarian App-based Courier, Focus Group, 17 February 2021

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On top of employment rights that couriers feel they should have, participants raised concerns around the lack of transparency over the terms and conditions of employment between them and the platforms.”

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Multiple participants said that termination often happen without prior notice, and individuals find themselves being locked out from their account without knowing why. Moreover, couriers reported difficulties in getting clear answers from platforms on deactivations and not having any way to appeal the decision. ”

On top of employment rights that couriers feel they should have, participants raised concerns around the lack of transparency over the terms and conditions of employment between them and the platforms.

These algorithms do ultimately shape our job on so many levels, but we don't have any access to knowing how that works, and we don't have access to push back and say, 'Actually, this is one thing that we have a problem with'.

Erin, British App-based Courier, Focus Group, 18 January 2021

There is significant lack of transparency over how payment is calculated, making it difficult for couriers to make informed decisions about which orders to accept. This is compounded by the fact that some platforms do not allow couriers to see the final destination of a delivery until after they have accepted it, making it very difficult to decide whether an order will be financially worth accepting or not. Some platforms are updating their apps to show the full itinerary of the delivery, including the end destination, but for those apps this feature is currently only available on an IOS operating system.

I think having a consistent fee or transparency about why fees are what price now, what time, to allow people to decide if they think that that's fair enough for them.

Alan, British App-based Courier, Interview, 22 September 2021

It's incredibly frustrating. Inconsistencies with fees, we've all talked about that one. [...] I mean, knowing the location of where orders are going and being able to make an informed decision seems absolutely fundamental, and I just quite frankly find it shocking. I use the iPhone hack that you've mentioned, like on every single order I check where it's going, but I think it's insane that I had to buy an iPhone just to have that basic level of control over my work.

Erin, British App-based Courier, Focus Group, 18 January 2021

In addition, there is little transparency around terminations and account deactivations. Multiple participants said that termination often happen without prior notice, and individuals find themselves being locked out from their account without knowing why. Moreover, couriers reported difficulties in getting clear answers from platforms on deactivations and not having any way to appeal the decision.

Even though we're meant to be self-employed, there were a lot of people who seemed to be getting fired for seemingly no reason [...]. There wasn't really a reason given, they were just told like, "You're..." I was going to say "fired" but there's no, there's nothing like that.

Cecilia, British App-based Courier, Focus group, 18 January 2021

Research participants called for platforms to be held accountable and meet their responsibilities, giving couriers rights and protections as workers, including access to benefits like sick pay, holiday pay and pension contributions. They demanded more clarity over how platform algorithms work, including a more transparent terminations process and the right to appeal terminations.

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One research participant, working in the East of England doing deliveries by bicycle, reported working around 20 hours per week and earning only £2.50 per hour after factoring in all work-related expenses.”

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This payment system does not account for time spent waiting for orders through the app or waiting for deliveries at restaurants and other pick-up locations. This unpaid work time, combined with costs associated with the job, can significantly reduce gross earnings.”

2. KEY ISSUES EXPERIENCED AT WORK: PAY

Another key area of concern was issues linked to pay, in particular income insecurity and difficulty earning the minimum wage. Couriers’ hourly pay can end up below the minimum wage when factoring in all working hours, including time spent waiting for deliveries, and expenses such as fuel, protective clothing, vehicle repairs and maintenance, insurance, and internet data to use the app. Overall, 63% of our survey participants reported being paid below the minimum wage, based on self-reported wages after work-related expenses⁶. One research participant, working in the East of England doing deliveries by bicycle, reported working around 20 hours per week and earning only £2.50 per hour after factoring in all work-related expenses. Our findings are consistent with previous literature reporting a high percentage of workers earning below National Living Wage (TBIJ, 2021).

We say living wage plus costs because we believe that every worker, whatever they are doing and regardless of their employment status, is entitled to a real living wage not just the minimum wage, and certainly in London minimum wage is not good enough. Then of course we say plus costs because if you’re going to pay me £10 an hour but I’m spending £2.50 every hour on equipment and so on, then my take home pay is £7.50.

IWGB representative, Interview, 27 August 2021

Most couriers are paid ‘per drop’ – i.e., for each delivery. This payment system does not account for time spent waiting for orders through the app or waiting for deliveries at restaurants and other pick-up locations. This unpaid work time, combined with costs associated with the job, can significantly reduce gross earnings. Of our survey respondents, 37% reported waiting an average of 30 minutes to one hour every day to receive orders from restaurants, while 18% reported waiting a daily average of one to two hours.

⁶ The calculations were based on participants average daily earnings, average weekly working hours and monthly expenses.

Sometimes, if we calculate from the morning, waiting for ten orders for example. Ten orders for fifteen minutes, it's two hours and a half just waiting. This time is cut from our own time. So instead of working eight hours a day we work twelve, thirteen hours to meet our own earnings target.

Mustafa, App-based Courier, 17 February 2021

Once you've stayed more than five minutes, it's going to be ten or fifteen minutes. It's not worth it for three pounds. Three pounds, fifteen waiting. It's not worth it.

Said, Algerian App-based Courier, Interview, 15 April 2021

Couriers, especially those who have been doing the job for many years, highlighted how fees per delivery and boosts have reduced significantly over time, leading couriers to increasing the number of hours they need to work to make ends meet. Of our survey participants, 29% reported having to work more hours than usual since March 2020 and 27% said they had seen the availability of work decrease in the same period of time.

...the worst thing is that you have no source of guaranteed income. It gets lower and lower by each month.

Nikolay, Bulgarian App-based Courier, Focus Group, 17 February 2021

Adding to this, the sector has witnessed an increase in people moving into it since March 2020. The causes of this shift can be found in both companies' continuous recruitment efforts, as well as people who were put on furlough during the pandemic or who lost their job moving into the platform economy. The increase in the number of people working as couriers, combined with less work being available during lockdowns, has led to higher competition for the work available and to falling fees, forcing couriers to do more deliveries to maintain their earnings. This has significantly reduced couriers' bargaining power, including their ability to reject orders that are not profitable.

I got an order on the app and I've declined it, because it's had a really low fee, and then had nothing for five minutes, and then the same order's come back again for the same price and I've done it the second time because I know I'm not going to get anything else. And they can probably see, well, I mean, they can definitely see that I've rejected it the first time and accepted it the second time. So, that's probably something that they're aware people are doing, and they know that if they continually show us the order again, even if we're rejecting it that there may be a chance that we can accept it [later].

Kate, British App-based Courier, Focus Group, 18 January 2021

The fees have dropped massively. Like, massively, I can tell there's a massive difference between when I started versus now. And I think they over-hired on purpose to make us... basically what one rider won't take another one will.

Justine, British App-based Courier, Focus Group, 18 January 2021

You can see nowadays too many drivers in the street with this pandemic. Everyone joined this. I've even seen black cabs doing the picking from restaurants.

Mustafa, App-based Courier, 17 February 2021

“

The increase in the number of people working as couriers, combined with less work being available during lockdowns, has led to higher competition for the work available and to falling fees, forcing couriers to do more deliveries to maintain their earnings.”

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For workers on low wages, income insecurity can lead to serious financial problems, such as debt and difficulties in paying bills and rent on time.”

“

Research participants called for a guaranteed hourly wage to help stabilise their incomes and for waiting times to be paid time. They also called for more transparency on how payments are calculated so that they can make informed decisions about when to work and which orders to accept.”

For workers on low wages, income insecurity can lead to serious financial problems, such as debt and difficulties in paying bills and rent on time. Overall, survey respondents reported having to rely on loans or other financial help from family and friends (33%), not being able to pay rent or bills on time (20%), having to rely on Government benefits (18%), having to go into their overdraft (14%), and facing other financial difficulties (27%) because of their work. Adding to this, 20% of our survey respondent had to borrow money in order to start the job, with sums ranging from £200 to £3000, adding to their financial vulnerability.

TABLE 2. RESPONSES TO THE QUESTIONS ‘WHILE WORKING AS A COURIER, HAVE YOU EVER EXPERIENCED ANY OF THE FOLLOWING BECAUSE OF YOUR WORK?’

Issue	N.	%
Having to rely on loans or other financial help from family and friends	16	33%
Other financial difficulties	13	27%
Not being able to pay rent or bills on time	10	20%
Having to rely on Government benefits	9	18%
Having to go into your overdraft	7	14%
Having to rely on credit card debt	3	6%
Having to use payday loan companies	2	4%

* Total number of respondents: 49. Note, several respondents experienced more than one issue

It doesn’t cover much, so I need the help from the Government. That’s what I applied for last time, Universal Credit. And the Government helped me because with the rent, the cost with my family and my children, I have to pay for so many things.

Said, Algerian App-based Courier, Interview, 15 April 2021

Research participants called for a guaranteed hourly wage – which should be at the minimum wage after costs - to help stabilise their incomes and for waiting times to be paid time. They also called for more transparency on how payments are calculated so that they can make informed decisions about when to work and which orders to accept.

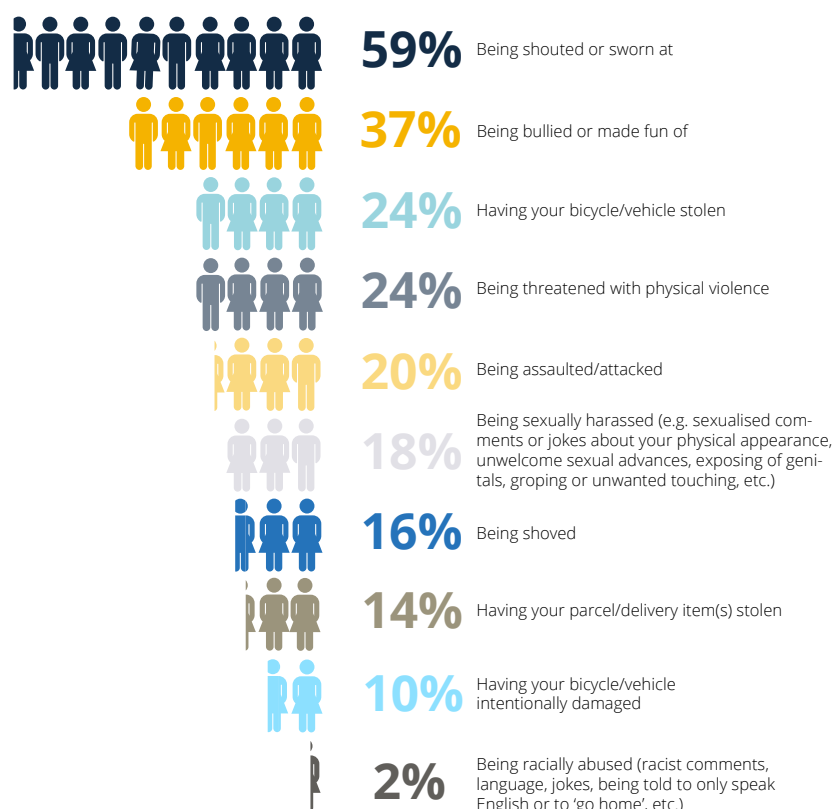
3. KEY ISSUES EXPERIENCED AT WORK: SAFETY

In terms of safety... Honestly speaking, no one cares about you except the insurance company and your parents.

Ali, Syrian App-based Courier, Focus Group, 17 February 2021

Couriers face high levels of violence at work, such as verbal and physical abuse, theft and sexual harassment. Of our survey respondents, 59% had been shouted or sworn at, 24% had been threatened with physical violence while on the job, 20% had been assaulted or attacked, 16% had been shoved and 10% had their vehicle intentionally damaged.

TABLE 3. RESPONSES TO THE QUESTION 'WHILE WORKING AS AN APP-BASED COURIER, HAVE YOU EXPERIENCED ANY OF THE FOLLOWING AT WORK?'



* Total number of respondents: 49. Note, several respondents experienced more than one issue

These findings are consistent with our previous working paper (FLEX, 2021b), which found verbal and physical abuse particularly affecting workers in customer-facing roles. However, we found this risk to be heightened for couriers due to a combination of factors including their employment status, the lack of health and safety risk assessment, difficulties in avoiding dangerous areas, working alone and lack of proper channels to report accidents.

I've been through some things, yes. I've been cursed at a lot, like going to deliver the food and not finding the correct address, and when you arrive the person starts cursing at you, saying you're dumb because you took a long time to find the location. Things like that.

Felipe, Brazilian App-based Courier, Interview, 05 October 2021

I've had people throw stuff at me when I'm cycling past, like bottles and stuff. I've not been hit, but I can't believe that happened to me when I'm just out on my bike, working. It's quite scary.

Erin, British App-based Courier, Focus group, 18 January 2021

Couriers face significant risks while doing their job and reports of attacks on food delivery drivers can be found all over the world, including reports of deaths on the job (Wharton, 2020; Om, McDonald and Prihantari, 2021; Warekar, 2021).

Our own personal safety is one of the most difficult topics at the moment. Lots of colleagues unfortunately have lost their lives recently [...] There is no way we can protect ourselves, even if we want to.

Andrei, Bulgarian App-based Focus Group, 17 February 2021

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We found this risk to be heightened for couriers due to a combination of factors including their employment status, the lack of health and safety risk assessment, difficulty to avoid dangerous areas, working alone and lack of proper channels to report accidents.”

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Couriers face significant risks while doing their job and reports of attacks on food delivery drivers can be found all over the world, including reports of deaths on the job.”

“

The safety risk faced by couriers is exacerbated by many factors, such as the fact that some apps do not allow drivers see where they are delivering until they accept an order, making it hard to avoid dangerous areas. Adding to that, riders often have to take personal risks by going into blocks of flats, leaving their vehicle unattended.”

“

For individuals dependent on their vehicles to work, vehicle theft translates to a sudden loss of income and great financial strain”

In addition to the threat of verbal and physical abuse from customers, members of the public, and restaurant staff, couriers experience a high risk of theft, including vehicle theft and theft of delivery items. Of our survey respondents, 24% had had their vehicle stolen and 16% had the food or parcel they were delivering stolen.

It was the first bike, they stole it. I got an order, they asked me to go on third floor or something. I remember when I reached there, I was looking at the bike, two guys with a small van. They just lifted it, put it in the van and went away. And when you report it to the police, they will say something like, “Welcome to England”, or something like that. Then he tells me they have fifty-six motorbikes weekly stolen from London. I say, ok, so where’s my bike now? He said we’ll do our investigation, we’ll check CCTV. After two weeks they sent me a letter that they closed the case.

Ali, Syrian App-based Courier, Focus Group, 17 February 2021

The safety risk faced by couriers is exacerbated by many factors, such as the fact that some apps do not allow drivers see where they are delivering until they accept an order, making it hard to avoid dangerous areas. Adding to that, riders often have to take personal risks by going into blocks of flats, leaving their vehicle unattended.

I feel unsafe all day every day because there are thieves on the street. They steal motorbikes. I’ve been in many situations, four situations, where they have tried to take my motorbike. One time they came to take my motorbike at a petrol station with a machete. [...] I have a friend, he’s been attacked as well, with acid. It’s very unsafe.

Said, Algerian App-based Courier, Interview, 15 April 2021

There are many dangerous places here, so we try to avoid these places. Like courts and places like that, we don’t go there. We work towards an area that is calmer. You always look for the best place to work so these things won’t happen. Because if you’re robbed or mugged, the company will not give you anything because of that. They won’t give you a bike, nothing. We have to look out for ourselves.

Felipe, Brazilian App-based Courier, Interview, 05 October 2021

For individuals dependent on their vehicles to work, vehicle theft translates to a sudden loss of income and great financial strain:

In London it is particularly difficult to keep your vehicle’s safety to be able to keep your job, obviously. We rely on our way of transport, doesn’t matter if it’s a bicycle, a push bike, moped, even car. My bike got stolen during the first quarantine, it was not nice. [...] There’s a lot of money invested, and it just disappears, literally, in five to ten minutes depending on how experienced people who want it are.

Andrei, Bulgarian App-based Focus Group, 17 February 2021

Risking your £600 bike outside for £4, is kind of like, you’re scraping minimum wage, and you know, if your bike is stolen that’s what, like, a month or more of earnings just gone.

Katherine, British App-based Courier, Focus Group, 18 February 2021

Lastly, the only form of support available for couriers is to get private insurance but insurance is very expensive given the high likelihood of theft. Very few insurance companies offer theft insurance with most of them only offering food and content insurance.

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We found research participants experienced high levels of gender-based abuse, specifically sexual harassment.”

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Sexual harassment is an underdiscussed issue in the sector. This is caused by multiple factors, including: a) the lack of appropriate reporting channels acting as a barrier for workers to report sexual harassment; b) app-based deliveries being a male dominated sector where sexual harassment is not seen as a priority; and c) fear of repercussion.”

We pay extortionate amounts for the food insurance. It's at least double a regular insurance, but we don't get covered for theft.

Olivier, French Courier, Focus group, 27 January 2021

In addition, we found research participants experienced high levels of gender-based abuse, specifically sexual harassment. In total, 18% of survey respondents had experienced some form of sexual harassment at work. This percentage jumps to 57% for women and non-binary participants, who also face other forms of gender discrimination (see Box 1 below).

I had an incident in my first year of working for [company name redacted], where I'd gone to a customer's house who was drunk, who had grabbed me by the arm and asked me to come inside and fuck him. [...] But for me it's been an issue of safety, of discrimination from customers. I'm getting jobs to certain areas [that are rough] [...] there's a lot of drunk people always outside and when I get a job going there, I'm really afraid by myself as a lone non-binary person just walking down the street there. Someone could attack me; someone could do anything. I definitely feel an issue with the sexual harassment side of things, but also just a fear for my safety in certain areas. Especially at night when it's getting to this time of year when it's getting dark out early.

Phoebe, British App-based Courier, Focus group, 18 January 2021

BOX 1: GENDER AND APP-BASED FOOD AND GOODS DELIVERY

The gender segregation that we see in traditional sectors of the economy is also replicated in the gig economy. Where women do work in male dominated sectors, such as app-based food and good delivery, they are more likely to face discriminatory treatment (Galperin, 2019). Our women and non-binary research participants all recounted how their treatment at work was significantly different from their male colleagues.

I've been in some restaurants, and I've consistently just been made to feel really awkward, like the staff ignore me, don't even like look at me, and they'll serve, other male courier before they ask me, or won't even listen to me. 'Oh, my God, like I'm doing the same job'. I like to think I'm a really good worker, and I just can't believe that you are stopping your own customer from getting food quickly because of your attitude towards me.

Erin, British App-based Courier, Focus Group, 18 January 2021

Standing out because of your gender and experiencing discrimination can put women off working as riders. This is further compounded by safety concerns and the fact that women still do a disproportionate amount of unpaid care work, which limits their employment options. Many delivery platforms pay higher rates during weekends and in the evenings, which is when women riders may have childcare responsibilities or hold concerns about their personal safety. This limited flexibility to work during peak times and safety concerns also sustains a gender pay gap in the platform economy (Cook *et al.*, 2018).

Platforms need to take steps to address these issues, introducing minimum wage policies, or addressing underlying issues like safety risks that may deter women from specific roles, including developing effective strategies to tackle abuse and sexual harassment.

There have been times where I've felt uncomfortable, where I am aware I am alone at night, waiting for orders, realising I am the only female in the room. I had a few times where customers and restaurants accessed the app and got my personal contacts and called me in a non-working capacity. Customers contacted me hours after I have finished the order and that shouldn't happen. There is a third-party call centre that handles phone calls so that our phone number is anonymous.

Erin, British Courier, Interview, 19 November 2020

Sexual harassment is an underdiscussed issue in the sector. This is caused by multiple factors, including: a) the lack of appropriate reporting channels acting as a barrier for workers to report sexual harassment; b) app-based deliveries being a male dominated sector where sexual harassment is not seen as a priority; and c) fear of repercussion. To help bring visibility to issues like sexual harassment, members of the Couriers' Branch at IWGB have set up a Women and Non-Binary Committee:

[...] because it's so male dominated, these issues would never be discussed, until we formed the Women and Non-Binary Committee. It's really interesting having that space, a kind of space where people suddenly felt comfortable to have these conversations [...] So I think that's probably another barrier to reporting. It's a minority of people in the union that experienced this. It can feel quite isolating when you don't get a chance to discuss it with other people. And it doesn't seem like a union issue because no one else is talking about it.

Women Organiser and Courier Organiser at IWGB, Interview, 18 October 2021

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The experiences of sexual harassment recounted by our interview and focus group participants were mainly perpetrated by restaurant staff and customers, who are often in a position of power over couriers as complaints from restaurant staff and customers can result in account termination.”

The experiences of sexual harassment recounted by our interview and focus group participants were mainly perpetrated by restaurant staff and customers, who are often in a position of power over couriers as complaints from restaurant staff and customers can result in account termination. In addition, workers are highly reliant on customers' tips and good ratings through the app. Our research across low paid and precarious sectors in the UK has also highlighted how factors like low pay, income insecurity, language barriers, age, gender inequalities, outsourcing, and immigration status can compound power imbalances at work, increasing risk of experiencing sexual harassment and making it harder for workers to address it (FLEX, 2021a, 2012b). Power imbalances are often further exacerbated in contexts where people work in isolated conditions or late at night.

In the context of gig work, the digital platform itself can also perpetuate power imbalances that make it harder to address sexual harassment, for instance through ratings and feedback systems that are skewed toward businesses and customers. While customers and business' complaints can have real repercussions, such as account termination, it is unclear whether couriers' reports have any consequences.

I reported this to the company and said, "Look, can you put some kind of marker on this guy's address, so other couriers don't go there, especially female or non-binary couriers – this is not safe". And they... [...] "Oh yeah, you can report it like this, this is the help page where you go if you need to report something".

Phoebe, British App-based Courier, Focus group, 18 January 2021

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While customers and business' complaints can have real repercussions, such as account termination, it is unclear whether couriers' reports have any consequences.”

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Some participants were also reluctant to report sexual harassment to the platform company out of fear of being 'noticed' and facing termination.”

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Participants highlighted the lack of preventative measures taken by the platforms to help couriers stay safe, particularly as they felt unable to refuse orders in areas they perceive as dangerous.”

I was speaking to a female rider who was physically assaulted for the third time since she's been working, and it was another person working for the same platform, she said it was a car driver. She had the number plate; she knew what he looked like and stuff. And she couldn't find anywhere to report it, she was really struggling how to report it through the platform. Which I think is just awful. We should have more space to report these things and have them taken seriously.

Katherine, British App-based Courier, Focus Group, 18 February 2021

Research participants described putting up with low-level harassment from restaurant staff for fear of jeopardising their relationship with restaurants if they complained or objected. This was especially true for couriers working in smaller towns where most orders come from one or two restaurants, though couriers working in larger cities also expressed this concern. Furthermore, some participants were also reluctant to report sexual harassment to the platform company out of fear of being 'noticed' and facing termination.

I don't want to say anything because I don't want to have a bad relationship with the restaurant, especially because my town is so small, like there are only a few places where you can pick up from. [...] I don't know if the restaurant might make a complaint. But for me it was pretty uncomfortable. [...] so you kind of just have to [take it]. And I didn't raise it, there was nobody to really say anything to, because I was the only woman working in town, as well. [...] So, yeah, that's one that really sticks out for me. I think it was actually the guy who owns it, so that really made me not want to bring it up at all.

Camilla, British App-based Courier, Focus Group, 18 January 2021

I think that kind of unequal power balance between us and the restaurant, and us and the company is so core. And the way that we just can't take it upon ourselves to take some action, like boycotting or telling them, "Actually, that's not appropriate, that's not ok". That really worries me, because how much of this do we have to put up with?

Erin, British App-based Courier, Focus group, 18 January 2021

Considering the high risk of experiencing verbal and physical abuse, theft, and sexual harassment, it is concerning that platforms lack clear reporting mechanisms. When couriers experience traffic accidents or find themselves in dangerous situations, they can either report it to the platform support chat or, in the case of a criminal offence, to the police. However, participants highlighted the lack of preventative measures taken by the platforms to help couriers stay safe, particularly as they felt unable to refuse orders in areas they perceive as dangerous.

So, when you try to explain this to support, that this is dangerous, they will tell you, "Please tell me, are you in danger now?". It's a dangerous area, if I'm in danger now I will not be talking to support, I'll be talking to 999. So, they're waiting all day thinking that you need to be facing a knife in order to call them.

Ali, Syrian App-based Courier, Focus Group, 17 February 2021

In-app support was not seen as an appropriate tool ensuring safety, forcing couriers to take additional measures to try and keep themselves safe, such as refusing jobs and risking termination, or using other apps developed for driver safety. As the participant below notes, some of these measures could be integrated into the platforms themselves.

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In-app support was not seen as an appropriate tool ensuring safety, forcing couriers to take additional measures to try and keep themselves safe.”

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Couriers participating in this research demanded better policies from platforms to protect them while on the job, including the possibility to report accidents anonymously to avoid terminations and transparency over the outcome of the report, including outcomes over abusive behaviour from restaurants and customers; improvement of rider support and allowing couriers to refuse jobs in areas they perceive as unsafe without suffering repercussions.”

There’s nothing inside the platform app that I know of that, if you have an accident, would alert someone as to your location or [tell them] if you’re OK or not. But the platform has been pushing this other app called Busby. And it’s like a road safety app which has like, a proximity sensor. [...] If you get in an accident, that’ll ping your emergency contact straight away. But they should try to find a way to integrate that into the platform app.

Bianca, British App-based Courier, Focus Group, 18 January 2021

TABLE 4. RESPONSES TO THE QUESTION ‘IF YOU EXPERIENCED ISSUES AROUND YOUR SAFETY AT WORK, DID YOU REPORT THE INCIDENT?’

Answer	N.	%
No, reporting it would not have made any difference	29	73%
Yes, to the company, but nothing was done	6	15%
Yes, to the police but I did not receive help	2	5%
No, I was scared of reporting it	2	5%
Yes, to the police and they helped me	0	0%
Yes, to the company and something was done	0	0%

* Total number of respondents: 40

Out of all survey respondents that had experienced safety issues on the job, 73% said they had not reported the incident as they felt reporting would not make a difference and 5% feared reporting it. Moreover, of the eight participants who did report an issue, six reported the accident to the platform company without them taking any action, and two reported it to the police but did not receive any help.

Couriers participating in this research demanded better policies from platforms to protect them while on the job, including the possibility of reporting accidents anonymously to avoid terminations and transparency over the outcome of the report, including outcomes over abusive behaviour from restaurants and customers; improvement of rider support; improvements to the app, such as the ability to share one’s location and send alarm messages in case of emergency; and allowing couriers to refuse jobs in areas they perceive as unsafe without suffering repercussions.

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Many of the elements that characterise platform work, such as one-sided flexibility, income insecurity, and the shifting of risk from businesses to workers, have been a reality long before the digital platform economy was developed.”

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None of the judgements affected the flexibility of the work, leaving us with the question that maybe the issue at hand is not, in fact, flexibility versus workers’ rights – given that the two can coexist – but of precarity versus workers’ rights.”

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In-app support was not seen as an appropriate tool ensuring safety, forcing couriers to take additional measures to try and keep themselves safe.”

4. STRUCTURAL DRIVERS OF LABOUR ABUSE AND EXPLOITATION

This section focuses on the structural drivers of the issues presented in the findings section. In doing so it compares the experiences of app-based couriers with the experiences of workers in other sectors FLEX has carried out research in, such as cleaning, hospitality, and agriculture, and finds that platforms are in some instances reproducing existing structures of exploitation within a digital realm of work and in the absence of an up-to-date legal framework (Mawii and Aneja, 2020). Many of the elements that characterise platform work, such as one-sided flexibility, income insecurity, and the shifting of risk from businesses to workers, have been a reality long before the digital platform economy was developed (De Stefano, 2016).

4.1 NEW TECHNOLOGY, SAME OLD RISKS: ONE-SIDED FLEXIBILITY AND CONTROL IN PLATFORM LABOUR

Become a rider and enjoy the freedom to fit work around your life.

Platform recruitment ad

Flexibility is often the main term used to describe the benefits of gig work, with proponents arguing that it allows individuals to work when and how much they want to. We acknowledge that the concept of flexibility is a very polarising one, with a portion of workers being appreciative of it, especially people doing courier work occasionally to top up other sources of income. However, others, mainly those depending on this source of income, would prefer better security and protection.

Some people do this as a full-time job, and they want that stability and regular aspect of the income, and some people want to use it as a top up, flexible, fully logging in and out. Both of those are correct, because everyone’s got an individual situation, and I’m wondering whether this is something that the gig economy, rather than it just being this total free for all thing, is that there’s a kind of separation between more stable contracts which might be slightly more restrictive and less flexible, but offer a higher degree of safety and security, for yourself, but also in terms of your rights at work.

Erin, British Courier, Focus group, 18 January 2021

Platforms argue that being self-employed is the only way to guarantee flexibility for couriers. However, recent court cases and legislative changes show that rights do not have to come at the cost of flexibility. In Spain, a new Riders Law guarantees couriers access to employment rights, as well as establishing the right of trade union representatives to access information on the algorithms used by digital platforms. In the UK, in 2021, two separate court sentences (*Uber BV and others (Appellants) v Aslam and others (Respondents)*; *Stuart Delivery v Augustine*) declared that workers were indeed workers employed by Uber and Stuart and entitled to employment rights. A representative from Uber mentioned how the court judgment offers clarity to allow the company to bring together the protection that workers deserve under worker status, while retaining the flexibility to choose if, when and where they drive (BBC, 2021). Similar court cases are happening across Europe, with courts in the Netherlands, France and Italy coming to similar conclusions (Cour de Cassation, 2021; Deutsch and Sterling, 2021; Cater, 2021). None of the judgements affected the flexibility of the work, leaving us with the question that maybe the issue at hand is not, in fact, flexibility versus workers’ rights – given that the two can coexist – but of precarity versus workers’ rights (Černušáková and Perolini, 2021).

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Over-hiring to maintain a fleet of constantly available workers, which allows companies to lower the fees they pay per delivery. This increases unpaid waiting times and pushes earnings down, forcing couriers to work very long hours, often splitting their shifts multiple times, to make a living.”

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The removal of hourly wages has significantly shifted financial risks onto the workers, as they risk not getting paid at times of reduced orders. As a result, couriers need to make sure they work at certain times, such as lunch and dinner, weekends or when it rains or snows, as these are the only times when the demand and the boosts are good enough to make decent earnings.”

But – and here comes a big but – flexibility is not everything; a stable income is not a thing in our profession, and also the safety in general when we are on the streets.

Nikolay, Bulgarian courier, Focus Group, 27 January 2021

Flexibility is the key selling point of these business models, with platforms claiming that couriers are ‘digital entrepreneurs’, able to work when and where they want, enjoying greater on-the-job autonomy. However, it is important to examine how flexible couriers’ work actually is, and who benefits from said flexibility.

Whilst couriers are free to decide how many hours and when they work, there are several factors pressuring them to work a high number of hours, including during specific days and times. The first is the use of over-hiring to maintain a fleet of constantly available workers, which allows companies to lower the fees they pay per delivery. This increases unpaid waiting times and pushes earnings down, forcing couriers to work very long hours, often splitting their shifts multiple times, to make a living (Cherry, 2009; Felstiner, 2011; Eurofound, 2015; Aloisi, 2015). A similar practice can be observed in agriculture, where growers send workers not picking quickly enough back to their caravans without work (FLEX, 2021d). In sectors like cleaning and hospitality, where zero-hour contracts are common, employers can also overrecruit and keep multiple people employed to work very short shifts (FLEX 2021a, 2021b).

The second factor that limits couriers’ ability to decide which times to work is that platform companies have shifted from paying workers an hourly rate to paying them per drop. The removal of hourly wages has significantly shifted financial risks onto the workers, as they risk not getting paid at times of reduced orders (Woodcock, 2016). As a result, couriers need to make sure they work at certain times, such as lunch and dinner, weekends or when it rains or snows, as these are the only times when the demand and the boosts are good enough to make decent earnings.

We used to get a flat fee of £4 per delivery, and before that we used to get paid for petrol, as well, and it just seems to be going downhill. I think the more drivers we have; they know that if we don’t accept a job for a 25% decrease in pay, someone else will snap it up straight away, and where does it stop? Is it going to carry on going lower and lower? I don’t know. It looks bleak, and a lot of drivers are starting to reconsider whether it really is worth carrying on with these sorts of gig economy jobs, because we’re not covered, we don’t have any sort of safety net, and we’re open to the elements.

Olivier, French App-based Courier, Focus Group, 27 January 2021

Moreover, riders feel like they are being penalised if they are not available during these times or for rejecting too many deliveries.

Although we’re given flexibility to make a decent wage, you are forced to work during boost and peak hours, like on weekends. For instance, say I was only available to work during the week, start of the week like Mondays and Tuesdays, I wouldn’t really be making enough, and it would probably be a lot of waiting around.

Robert, British App-based Courier, Focus Group, 18 February 2021

The third factor limiting how flexible platform work actually is, is the lack of transparency around how platforms’ algorithms work, which limits couri-

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Because platforms act as gatekeepers, deciding which couriers get assigned which jobs, and how much they are paid for them.”

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Not knowing how fees – which fluctuate significantly – are calculated makes it difficult for couriers to know how much they will need to work each day to make ends meet. This reduces their power to decide when to work and for how long, and many end up working longer hours or at peak times to avoid drops in earnings.”

ers’ access to crucial information and creates a significant power imbalance between them and the platforms. When a job becomes available, couriers receive a notification on their phone via the company application or ‘app’, and can accept or reject each job, which is done with a simple click. This mechanism, which seems to provide workers with absolute control over which jobs they take, is far from it. This is because platforms act as gatekeepers, deciding which couriers get assigned which jobs, and how much they are paid for them. Platforms’ intermediation is grounded in an ‘asymmetry of information’ (Atrheya, 2020) with key decisions made using an algorithm, the workings of which are not transparently available to couriers. This lack of transparency makes it extremely difficult for couriers to make informed decisions about their work.

I mean, they want us to be self-employed because it helps them, but they also don’t want us to be... [It’s] like, “Ooh! Not that kind of self-employed, not that kind of, you know, empowered so that you can make your own informed decisions”. I mean, I think that’s just, it’s just, I don’t know, it’s like, dystopian.

Erin, British App-based Courier, Focus Group, 18 January 2021

For instance, not knowing how fees – which fluctuate significantly – are calculated makes it difficult for couriers to know how much they will need to work each day to make ends meet. This reduces their power to decide when to work and for how long, and many end up working longer hours or at peak times to avoid drops in earnings. This mirrors the experiences of research participants on zero-hours contracts in the hospitality sector (FLEX, 2021b), who also reported having little or no control over their hours, having to accept more work when demand was high in case there was not enough work available in the future.

We should be able to see how it’s calculated. Because it seems to change in terms of, like, some people speculate that we’re not paid for the journey to the restaurant anymore, we’re only paid for the journey to the customer. I mean they’re all just theories, I guess, but [we should know] how the pay is calculated, how the work is allocated vehicle by vehicle, which is the next problem as well, and how it’s allocated based on your location, and stuff like that. To be able just to figure out a bit more whether it’s worth cycling in circles, or, just waiting outside a restaurant [laughs].

Katherine, British App-based Courier, Focus group, 18 February 2021

Couriers are also constantly being monitored by the app and measured by their productivity, delivery speed, route taken, customer ratings, and which orders they accept or reject. All this information contributes to affecting the deliveries that each courier is assigned in the future (Deliveroo, 2021).

I find it quite alarming to what extent these companies have as much control over us, yet they don’t have any responsibility. I kind of feel like it gets into this bigger conversation about how much control internet companies have over different things, and the technology and these different things have kind of just evolved so quickly, and how it actually affects people on the ground, our work.

Erin, British App-Based Courier, Focus group, 18 January 2021

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Couriers are also constantly being monitored by the app and measured in their productivity, delivery speed, route taken, customer ratings, and which orders they accept or reject. All this information contributes to affecting the deliveries that each courier is assigned in the future.”

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Abrupt and unexplained terminations create an environment of fear, pressuring couriers’ into accepting conditions and jobs they might otherwise refuse, and acting as a barrier to joining a union, reporting incidents, or complaining about or reporting abuse.”

At its most extreme, this monitoring can also lead to couriers having their supplier agreement with the platform terminated, often without any explanation or ability to challenge the decision.

I think it comes back to transparency. Actually, I think this should be really a legal obligation. Like that somebody should be able to find out why their contract has been terminated. And I think that’s something that maybe government should be pushing on. Like, you know, everyone has the right to a fair termination process.

Katherine, British App-based Courier, Focus Group, 18 February 2021

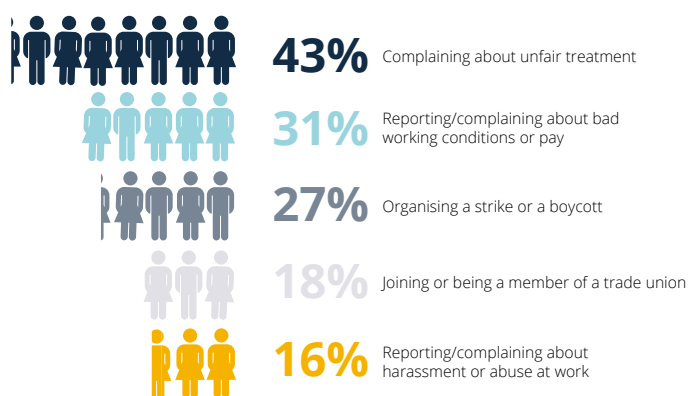
Abrupt and unexplained terminations create an environment of fear, pressuring couriers’ into accepting conditions and jobs they might otherwise refuse, and acting as a barrier to joining a union, reporting incidents, or complaining about or reporting abuse.

It’s kind of interesting, how the balance of power between the apps and riders, is just like basically on one side.

Marco, Italian Courier and Union Organiser, Focus Group, 18 February 2021

When asked whether they had been afraid of having their account closed, 43% of survey respondents answered yes if they complained about unfair treatment, 31% if they reported or complained about bad working conditions or pay, 27% if they organised a strike or a boycott, 18% for trade union membership and 16% for reporting or complaining about harassment or abuse at work.

TABLE 5. RESPONSES TO THE QUESTIONS ‘WHILE WORKING AS AN APP-BASED COURIER, HAVE YOU BEEN AFRAID OF HAVING YOUR ACCOUNT CLOSED FOR ANY OF THE FOLLOWING REASONS? (PLEASE SELECT ALL THAT APPLY)’



* Total number of respondents: 49. Note, several respondents experienced more than one issue

I’m so scared of drawing attention to myself from the company at all. I was actually fired from [other platform] for no reason that they actually gave. So, I feel like, because this is my main income, I’m really scared to draw any attention to myself.

Erin, British App-Based Courier, Focus group, 18 January 2021

In order to push back against this power imbalance, couriers are organising to demand changes to the ways in which platforms operate, with some considerable successes. For example, after longstanding pressure from IWGB and strikes by couriers to protest unfair account deactivations and demand that platform introduce a fair and transparent termination process in line with Acas guidelines (Chapman, 2021), Stuart has introduced an appeal process for terminations.

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Adding to that, platform work is organised as a non-collective process: on a day-to-day basis, workers interact almost exclusively with the app which allocates delivery jobs. This creates a perception of the work as individual, especially given the lack of a natural space to interact with other couriers and the absence of a managerial structure, and might undermine the basis for collective action.”

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If power imbalances between platforms and couriers are not addressed, the issues detailed in our findings section, such as underpayment, unpaid work, and dangerous working conditions, will continue to put workers at risk.”

In spite of these successes, there are still significant barriers preventing couriers unionisation. First, the fact that couriers are classified as independent contractors makes it very unlikely that the platform will engage in any form of collective bargaining. This was the case in a series of appeals that rejected the claim that Deliveroo riders were workers for the purposes of the UK's trade union recognition legislation in *R (on the application of the IWGB v CAC and Rooffoods Ltd t/a Deliveroo)*.

Adding to that, platform work is organised as a non-collective process: on a day-to-day basis, workers interact almost exclusively with the app which allocates delivery jobs (Tassinari and Maccarone, 2020). This creates a perception of the work as individual, especially given the lack of a natural space to interact with other couriers and the absence of a managerial structure, and might undermine the basis for collective action (*Ibid.*).

Because we have to say it's difficult for everyone. Everyone is focussed now on getting as much money as possible to be on the safe side, because given the current situation is generally difficult to have a steady income or, in general, have an income. [...] I guess there might be an institution or someone who can hear us. But for start, we have to say it. Unless more of us step up and raise our voices and speak on behalf of ourselves or in general, then there is no way.

Andrei, Bulgarian App-based Courier, Focus Group, 17 February 2021

The ability of couriers to organise for change and collectively bargain with platforms is crucial for changing how gig work operates, especially in a context where the government is failing to proactively regulate the sector (see section 4.3). If power imbalances between platforms and couriers are not addressed, the issues detailed in our findings section, such as underpayment, unpaid work, and dangerous working conditions, will continue to put workers at risk.

In conclusion, the role of the algorithm is central in redefining new forms of coercion and control of the labour force. The one-sided flexibility and control over workers can act as drivers of exploitation, as they lead to unpredictable working hours, insecurity of income and barriers to workers asserting their rights (BEIS, 2019). In platform work, this imbalance is exacerbated by the pressure created by the algorithm combined with a growing vulnerable workforce that cannot collectively push back.

The power imbalance and fear of retaliation mean that riders will accept risky working conditions that they would otherwise refuse. While in traditional sectors we find this pressure to come from managers and employers, in platform work this hierarchy is replaced with an algorithm.

I think we should sign a contract because what they make us sign is like 'we [the company] have no obligation with you and you have obligation with us'. That's what we have to sign. I think it shouldn't be like that. It should be [a mutual] obligation from both parts, and that would improve the quality of life for everyone who works in the gig economy.

Maria, Chilean App-based Courier, Interview, 25 March 2020

4.2 SUBCONTRACTING THE RISK

The worst thing is that it's on your own risk. There are no holidays, whatever happens on the road it's only me. And there isn't any guarantee for the salary. So far, that's it.

Ali, Syrian App-based Courier, Focus Group, 17 February 2021

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Platforms shift many of the costs and responsibilities that are usually borne by employers onto couriers, leaving them at the receiving end of any risk, financial or otherwise, that might arise from the job.”

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Not only do the platforms not have to pay workers who are left sitting idle when the volume of orders is lower than expected, or those who must travel long distances between orders when the number of available couriers is low, but they can also over-recruit to ensure shorter wait times for customers. Meanwhile workers carry the costs in the form of low earnings and insecure incomes”

Another key driver of the issues outlined in the findings section stems from the widespread treatment of couriers as independent contractors by platforms. This allows platforms to shift many of the costs and responsibilities that are usually borne by employers onto couriers, leaving them at the receiving end of any risk, financial or otherwise, that might arise from the job. This is a similar business model to what we have seen in sectors like cleaning and hospitality, where lead companies regularly outsource or sub-contract key services to other businesses, often with the aim of reducing their own costs and liabilities (FLEX 2021a, 2021b).

One of the main costs that platforms have shifted onto couriers is that of matching the supply of couriers to the demand for their services. Since most couriers are paid ‘per drop’ instead of receiving an hourly wage, much of their working time, including time spent waiting for orders and travelling between jobs, is unpaid. This is highly beneficial for platforms: not only do they not have to pay workers who are left sitting idle when the volume of orders is lower than expected, or those who must travel long distances between orders when the number of available couriers is low, but they can also over-recruit to ensure shorter wait times for customers. Meanwhile workers carry the costs in the form of low earnings and insecure incomes.

When you take into consideration all the waiting time, the distance, coming back to the area where you work. Sometimes you’re on £5 an hour. It’s absolutely criminal. It shouldn’t be allowed in this day and age.

Olivier, French Courier, Focus Group, 27 January 2021

We have seen a similar dynamic in the hotel sector, where most room attendants and other housekeeping staff are employed through outsourced companies on zero-hour contracts so that hotels do not have pay them when occupancy rates are low (FLEX, 2021b).

As independent contractors, couriers must also cover costs that would normally be paid for by an employer, such as for insurance and equipment necessary for the job, like their vehicle and protective clothing (Fairwork, 2021). The same applies to National Insurance and pension contributions, sick pay and holiday pay. Usually, independent contracts would set their rates high enough to compensate for the fact that they do not receive these employment benefits, but this is not possible for app-based couriers as their rates are set by the platform.

Companies save considerable amounts by avoiding these costs. In a parliamentary commission inquiry in 2017, headed by Rachel Reeves MP, the ex-Deliveroo executive Dan Warne admitted the company would have to pay a substantial amount, around an additional £1 per hour for each worker, just to cover their couriers’ National Insurance contributions (Business, Energy and Industrial Strategy Committee, 2017). Other stakeholders present at the hearing identified their missed National Insurance contributions to be ranging from £30 to 50 million a year (*Ibid.*). The independent contractor model comes with several financial and administrative advantages for companies adopting it, while workers bear the cost of any tax hike. There is therefore a substantive interest for delivery companies to make sure couriers remain classed as self-employed.

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The independent contractor model comes with several financial and administrative advantages for companies adopting it, while workers bear the cost of any tax hike. There is therefore a substantive interest for delivery companies to make sure couriers remain classed as self-employed.”

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Classifying couriers as independent contractors also allows platform companies to avoid liability for poor working conditions. This applies to everything from payments that fall below the national minimum wage to dangerous working conditions and can lead to a dynamic where profit comes before the welfare of workers.”

Why do all these companies refuse to classify individuals as workers? [...] It is because of National Insurance contributions. It costs so much less for businesses to have people as independent contractors. Then maybe a reform of the taxation system and a change in the fact that is more financially viable to employ someone as an independent contract rather than as a worker or employee could be an incentive to end misclassification workers, within the gig economy and outside of it.

Academic, Interview, 01 November 2021

This loss of employer contributions not only affects couriers now but society in the future, as taxpayers will have to cover what companies are not paying for. It is important to ask whether this is what we want the future of work to look like and how we will cope as a society in twenty, thirty or fifty years when a whole generation of people have entered the workforce on such precarious terms and with so few entitlements.

Classifying couriers as independent contractors also allows platform companies to avoid liability for poor working conditions. As with more traditional outsourcing where lead companies – despite having significant control over terms and conditions through their purchasing practices – are not legally responsible for labour abuses experienced by outsourced workers (López-Andreu *et al.*, 2019), platform companies are also able to wash their hands of the issues experienced by couriers. This applies to everything from payments that fall below the national minimum wage to dangerous working conditions and can lead to a dynamic where profit comes before the welfare of workers. We found several examples of this in our research, with participants described a worrying disregard by platforms for the physical wellbeing of couriers. For instance, when couriers reported traffic accidents to platforms’ support lines, they felt that support staff were more concerned about whether their orders could be completed than if they courier concerned was ok.

A friend of mine had an accident while he was picking up food. So, I called them [the company support line], and my friend was inside the ambulance, I called them and said, there is a driver in an ambulance, he has crashed his bike with a car, blah, blah. They asked me, “Oh, can you tell us what’s the food number, and are you able to pick up this food?”. And I said, “Listen, I’m just calling to say this driver had an accident in the street, he is actually now inside the ambulance” [...] and this service, the people we talk to every day, they’re not designed for that. They are just there to guide you if you lost the address or what’s the food number, if you damage the food or if you dropped the food. They don’t listen to [anything else].

Mustafa, App-based Courier, Focus Group, 18 January 2021

I basically clipped the back wheel on the roundabout, and my back wheel had punctured. Because I was delivering food they were like, “Well, can you not deliver it to the customer, still?”. And I was like, “I’ve got a flat, I can’t move my car”. And they were like, “OK, well, if you’re unable to deliver the food we’ll get another courier to come and collect it from you, so they can deliver it”. And they literally got another rider and assigned a job to get them to basically come to this roundabout, collect the food and go and deliver it to the customer. No “Hope you’re OK, you’ve just knocked your car, had a bit of a panic attack”, or anything like that. It was literally just, “Well, can you deliver the food? And if not, let’s get someone to collect it off you so we can”.

Phoebe, British App-based Courier, Focus Group, 18 January 2021

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When work is subcontracted through long labour supply chains, it becomes even harder to hold companies to account of the final terms and conditions due to lack of liability for abuse and confusion about who workers are ultimately employed by.”

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Outsourcing companies' responsibilities is leading to an erosion of public safety nets, through avoidance of National Insurance and pension contributions and a complete absence of safety nets for couriers, because as self-employed they are excluded from benefitting from almost any level of economic security guaranteed by the government.”

In addition to outsourcing work to independent contractors, platform companies in the UK have also started subcontracting work to other platforms. For instance Just Eat and Tesco's Whoosh subcontract work to independent contractors through Stuart, while Ocado Zoom does the same with Ryde (RTIH, 2021; Wall, 2021). This is also happening in other countries, with platforms adding more and more layers to their supply chains by using outsourced agencies and extensive subcontracting to other platforms. For instance, in France, it was recently revealed that couriers delivering goods for a major retail chain were employed through four other subcontracted companies before ultimately being classed as self-employed (Legrande, 2021).

This is a concerning development for workers, as long and complex labour supply chains often lead to worse terms and conditions for those at the bottom of the chain, increasing the risk of exploitation (LeBaron *et al.*, 2019). For example, when Ryde took over from Ocado's previous delivery partner, drivers reported seeing their earnings fall by between 50% and 70% and ending up making as little as £5 per hour (Wall, 2021). When work is subcontracted through long labour supply chains, it becomes even harder to hold companies to account of the final terms and conditions due to lack of liability for abuse and confusion about who workers are ultimately employed by (FLEX, 2017). When responsibility for working conditions is obscured by layers of subcontracting and mechanisms for remedying abuse are unclear, workers are left with little recourse to address problems and claim their rights.

Moreover, outsourcing affects workers' ability to push back against the erosion of their terms and conditions by making it harder for trade unions to organise workers and bargain collectively (Huws and Podro, 2012). Furthermore, the increasing reliance on subcontracting, outsourcing and agency work is making the employment relationship fragmented, informal and fissured as workers are managed and employed by different organisations (López-Andreu *et al.*, 2019). As we have seen in the section above, this adds to other barriers preventing gig economy workers from organising.

In conclusion, it is widely regarded that subcontracting of risk and responsibility leads to a greater risk of labour exploitation (FLEX, 2017). This is due to the fact that the risk of any sudden adversity that workers might face, such as an injury, sickness, or lack of work available, is solely on them to carry. Workers can then end up destitute or with high levels of debt, making them more vulnerable to exploitation. Adding to that, outsourcing companies' responsibilities is leading to an erosion of public safety nets, through avoidance of National Insurance and pension contributions and a complete absence of safety nets for couriers, because as self-employed they are excluded from benefitting from almost any level of economic security guaranteed by the government. Overall, outsourcing and subcontracting lead to a general erosion of employment standards as companies benefit from low labour costs without being held accountable for the pressures that allow them to profit – such as low pay and high risk for workers or subcontracted companies – and with lower chances of reputational damage over bad employment practices.

4.3. OVERDUE GOVERNMENT REGULATION OF PLATFORM WORK

It just doesn't make sense; it's an unsustainable model and it worries me because so many people are becoming reliant on this type of work. It comes down to government, someone has to be higher than these companies to force them to look at themselves, and be like, "You can't just operate in this unsustainable way". You can't just like take, take, take, take, take, take out of a system and expect it to keep working.

Bianca, App-based Courier, Focus Group, 18 January 2021

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More needs to be done by the government to address the vulnerabilities resulting from platform work, including steps to ensure that employment law catches up with new digital business models.”

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Reliance on individuals to bring forward cases to employment tribunals has been proven to be ineffective for workers in low pay who have limited access to legal advice and the financial resources needed to engage in litigation.”

Since the introduction of platform work into the UK economy in approximately 2012, there has been a concerning lack of regulatory action from the Government. In October 2016, the Government commissioned Matthew Taylor to carry out an independent review into the UK employment framework. The outcome of this review, known as 'The Taylor Review', focused on changes in the labour market due to the emergence of new business models and different forms of 'gig work'. The review concluded that the legislative framework must be reviewed to accommodate the reality of people's working relationships (Taylor *et al.*, 2017).

In response, the Government set out its Good Work Plan, which outlined how it planned to implement Taylor's recommendations, and held several public consultations between 2018 and 2019, covering reforms to the law related to employment status, one-sided flexibility and addressing unfair working practices and the establishment of a single enforcement body for employment rights (BEIS, 2018). A new Employment Bill was announced in the December 2019 Queen's Speech, which was expected to contain some of the recommendations; however, the bill has not been introduced yet and there is no confirmed timeline for it. There has been no confirmation on when this will happen or what it will cover in relation to this sector. By the end of 2021, Government is yet to implement any of the recommendations aimed at addressing issues in the gig economy and the role of Director of Labour Market Enforcement, newly appointed at the end of November, had previously been vacant for ten months.

Moreover, in a recent response to the Work and Pensions Committee and the Business, Energy and Industrial Strategy (BEIS) Committee around the state of the Employment Bill, the current Secretary of State for BEIS, Kwasi Kwarteng MP, provided a limited response and instead moved on to praise the role of court judgments in clarifying matters of employment law and in allowing "laws to evolve and develop to reflect changing working practices" (Kwarteng MP, 2021), which further signals Government's deprioritisation of this agenda.

More needs to be done by the Government to address the vulnerabilities resulting from platform work, including steps to ensure that employment law catches up with new digital business models. Currently, efforts to narrow this legislative gap have been left to individual workers bringing cases to employment tribunals to have their rights recognised. This reliance on individuals to bring forward cases to employment tribunals has been proven to be ineffective for workers in low pay who have limited access to legal advice and the financial resources needed to engage in litigation (Cominetti *et al.*, 2021).

They [the government] could do so much, but they choose not to. They could de-motorise roads, or at least provide safe cycling infrastructure throughout the country. They could recognise us as employees and provide us with the rights that accompany that status, instead of

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It is imperative for government to uphold its commitment to the protection of workers' rights and ensure that such rights keep pace with the changing labour market. The most impactful change would be to clarify platform workers' employment status.”

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One of the main factors pushing migrants into platform work are restrictive immigration policies, which limit people's right to work and access to welfare support. This is clearest in the case of undocumented migrants who, due to their immigration status and the UK's hostile environment policies which criminalise unauthorised work, are prevented from entering better regulated employment or accessing employment rights.”

allowing gig companies to do whatever they want without regulation. They could make access to lawyers open and affordable. They could employ people to carry out actual health and safety checks, to expose what kinds of conditions a lot of these restaurants are leaving riders in.

Survey Response, British-Japanese App-based Courier

It is imperative for Government to uphold its commitment to the protection of workers' rights and ensure that such rights keep pace with the changing labour market. The most impactful change would be to clarify platform workers' employment status.

When it comes to food delivery to make a real difference on any of this, the reform has to be industry wide, requiring all platforms to offer benefits and protections that are standardised across the sector.

Uber Eats representative, Interview, 10 September 2021

At a minimum, the Government should implement the recommendations it has already accepted from the Taylor Review in the upcoming Employment Bill, including adequately setting out the requirements that need to be met to establish employee or worker status, with an emphasis on control exercised by employers over their staff rather than on the requirement to perform work personally, and adapting the piece rates legislation to ensure those working in the gig economy are still able to earn the National Living Wage and National Minimum Wage.

We cannot rely on platforms to regulate their own practice or on sporadic case law that does not apply to the whole sector. The Government needs to regulate the sector and level the playing field for all actors involved.

4.4. IMMIGRATION POLICY: CREATING A VULNERABLE WORKFORCE

In addition to failing to enforce workers' rights and regulate the labour market, other Government policy decisions are also acting as drivers of risk for workers. The most notable one of these is through immigration policy.

As is noted in the background section, migrant workers are overrepresented in platform labour. In fact, in many countries including the UK, platform labour is predominantly migrant labour. The prevalence of migrant workers within platform labour can be explained by a number of factors (Bandeira, 2019; Petuzzi and Benton, 2019; van Doorn *et al.*, 2021). Elements that make the work seem attractive and easy to access include simplified recruitment processes with no interviews, no obligation for employers to check people's right to work, and minimal entry requirements. As such, platform labour can enable people who might otherwise struggle to enter the formal labour market – due to factors like immigration restrictions, discrimination, language barriers, and lack of recognised qualifications, among others – find work more easily. Through 'boosts' and sign-on and referral bonuses, platform labour also creates the potential to earn above the minimum wage, which can make the work attractive compared to other low-paid and insecure work, even if this potential is not realised in practice.

However, it still needs to be considered that platform work is generally not regarded as decent work as it is under-regulated, frequently unprotected, usually does not guarantee a minimum wage, presents high levels of income insecurity, has no health and safety risk assessment and offers no opportunities for career development (Adamson and Roper, 2019; van Doorn *et al.*, 2020).

One of the main factors pushing migrants into platform work are restrictive immigration policies, which limit people's right to work and access to welfare support. This is clearest in the case of undocumented migrants who, due to their immigration status and the UK's hostile environment policies which criminalise unauthorised work, are prevented from entering better regulated employment or accessing employment rights. Despite not being a requirement for self-employed people, some platforms perform right to work checks when couriers start to work for them. However, it is often possible to get around checks by using someone else's account. As explained in Box 2, people who are pushed into working through rented accounts are at high risk of labour exploitation.

BOX 2. RENTING OF ACCOUNTS

As independent contractors, couriers have the right to subcontract or 'substitute' their work to another independent contractor. Substitution is a legal practice often encouraged by platforms and one of their main arguments justifying their classification of couriers' as self-employed.

Throughout our research, we encountered a related practice in the form of renting accounts. When renting an account, a person pays either a fixed monthly sum or a percentage of their earnings to use someone else's platform account. The owner of the account might be a friend or family member, an acquaintance, or a stranger found for example through word-of-mouth or social media. The earnings of the person renting are paid into the account owner's bank account and then transferred to the renter.

There are many reasons why someone might want to rent an account, including having had their own account terminated by the platform or wanting to avoid right to work checks or the sharing of personal data. People renting accounts tend to experience much higher risks of exploitation for several reasons: 1) renters have even fewer protections compared to other couriers – they cannot access platform-provided schemes like insurance or welfare funds; 2) they often cannot risk drawing attention to themselves by complaining about pay or conditions, or by organising; 3) the owner of the account has considerable control over the renter, including the ability to withhold their wages, withdraw their access to the account and, where relevant, threaten them with immigration enforcement.

Of our survey respondents, three rented their account from someone else. Two rented through family or friends and one through social media. In all three cases, money earned through the app was paid into someone else's bank account before being transferred to the renter or paid to them in cash. Of the three participants, two had had their pay withheld. One of these two had also been threatened with immigration enforcement and had their ID/passport confiscated by the account owner. Withholding of wages, abuse of vulnerability, including vulnerability stemming from a person's immigration status, and retention of identity documents are indicators of forced labour (ILO, 2012) and it is extremely concerning that we came across them in our survey.

Vulnerabilities linked to migration are often layered with other, intersecting vulnerabilities, such as language barriers, inequality and discrimination related to race, gender and other protected characteristics. It is this accumulated disadvantage that make people more likely to have to resort to renting in the first place. In order to mitigate the risks attached

to account renting, it is necessary to address the root causes of those risks rather than, for instance, mandating right to work checks or cracking down on account renting. As the evidence shows, restricting people's access to formal employment options does not deter people from working, it only pushes them into even less regulated sectors (Griffiths and Yeo, 2021).

It is not only undocumented migrants for whom immigration policy acts as a push-factor from more secure forms of work and into the gig economy. Other groups of migrants whose labour market mobility is limited because of their immigration status are also affected. For example, non-EEA students in Holland have been found to seek work in the gig economy because their right to work in regular employment is limited to 16 hours per week, yet they can work as much as they want as self-employed contractors. As a result, many work as app-based couriers, especially during holidays, though they would “prefer the safety of an employment contract” (van Doorn et al, 2021). In the UK, it is possible to see a similar dynamic play out in the historic case of Romanian and Bulgarian (or ‘A2’) nationals who, due to transitional migration limits imposed by the UK government from 2006 to 2013, could only work in agriculture or food processing, or as self-employed workers. As a result of these restrictions, many A2 nationals were pushed into false self-employment, with employers taking advantage of workers limited alternative employment opportunities to avoid having to pay national insurance contributions, sick pay, or holiday pay (Harvey and Behling, 2010; Migration Advisory Committee, 2011; Bejan, 2019).

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In addition to restricting labour market mobility, immigration policies can restrict people's access to social security measures, exacerbating their vulnerability to exploitation.”

In addition to restricting labour market mobility, immigration policies can restrict people's access to social security measures, exacerbating their vulnerability to exploitation. For example, an estimated 1.4 million migrants in the UK have a ‘no recourse to public funds’ (NRPF) condition attached to their visa, meaning they are excluded from most welfare benefits (Migration Observatory, 2020). Other groups of migrants, such as EEA nationals and their family members with Pre-Settled Status under the EU Settlement Scheme, also have restricted access to welfare and must meet additional requirements to qualify for support, some of which can be hard to evidence (Barnard and Costello, 2020). Where people do not have access to welfare support – either in times of illness or unemployment, or to top up low wages – there is an increased pressure to accept work that might otherwise be rejected, leading to a heightened risk of labour exploitation (Dwyer et al, 2011; FLEX, 2021e).

For migrant workers in the platform economy, barriers to accessing welfare support related to their immigration status can intersect with barriers related to employment status as independent contractors, compounding their vulnerability. For example, during the Covid-19 pandemic many gig workers struggled to access the Self-Employed Income Support Scheme (SEISS) due to its eligibility criteria (Fairwork, 2020). As a result, many were forced to keep working despite health risks and falls in earnings, especially if they also had NRPF.

To be honest, you need to work, so I'm working. I have to work. I have to do my job. I know it's unsafe or maybe it's very difficult, but I have to do it.

Amine, Algerian app-based courier, Interview, 1 December 2020

The platform economy is, in many ways, a double-edged sword for migrants in that it can provide much-needed opportunities to improve livelihoods,

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To tackle the risks experienced by migrant platform workers, the government needs to look hard at how its own policies are making people vulnerable, creating a workforce with fewer options who are therefore more willing to engage in platform work.”

but it also requires migrants to take significant personal safety risks (Adamson and Roper, 2019; van Doorn *et al.*, 2020). This is not a new issue, but one which migrants whose labour market and welfare access is restricted by Government policy have frequently faced (Anderson, 2007; Wills *et al.*, 2009; Dwyer *et al.* 2011).

To tackle the risks experienced by migrant platform workers, the Government needs to look hard at how its own policies are making people vulnerable, creating a workforce with fewer options who are therefore more willing to engage in platform work. This is especially important in the current context where free movement has ended and new, highly restrictive short-term work visas are being introduced for sectors like agriculture, meat processing, and logistics, with potentially more to come.

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IT WOULD BE A GOOD IDEA TO GET UNIONS TO PUSH THE COMPANIES TO BE MORE TRANSPARENT. WE KNOW SO LITTLE ABOUT THESE ALGORITHMS THAT GOVERN OUR LIVES, AND I JUST DON'T THINK IT'S THAT FAIR. WE DESERVE TO SEE BEHIND THE VEIL A BIT.

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Bianca, British App-based Courier,
Focus Group, 18 January 2021

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Many of our research participants described issues that would be considered as labour abuse in any other sector but which, given the inadequacy of the current legislative framework, cannot be considered as such when it comes to platform work.”

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There is room to build effective resilience to exploitation, but for this to happen the government needs to step up and take a proactive role in regulating the sector and enforcing existing legislation.”

CONCLUSIONS

This report provides evidence of a sector where decent work standards are not being met. Many of our research participants described issues that would be considered as labour abuse in any other sector but which, given the inadequacy of the current legislative framework, cannot be considered as such when it comes to platform work.

Key experiences of couriers in the sector include lack of access to employment rights, such as sick pay, holiday pay, pensions, and access to toilets; as well as clear terms and conditions. Issues with pay included underpayment, unpaid time and inconsistent fees; while dangerous working conditions ranged from high levels of verbal and physical abuse, to theft and sexual harassment. A wider analysis of the structural drivers of risk in the sector shows that while seemingly different from other sectors analysed in previous FLEX working papers (i.e., cleaning and hospitality), app-based delivery presents similar drivers of abuse and exploitation, such as one-sided flexibility, control over labour and extensive outsourcing and subcontracting.

As concerning as many of our findings are, there are several steps that can and need to be taken to address the issues couriers are facing and to effectively prevent and tackle labour abuse and exploitation in the sector. There is room to build effective resilience to exploitation, but for this to happen the Government needs to step up and take a proactive role in regulating the sector and enforcing existing legislation. Any concrete, meaningful action needs to address the role of algorithms in reinforcing control over workers and guarantee transparency over terms and conditions of employment so that couriers can make informed decisions over how to organise their work. As platform work continues to grow, there is a need to establish some clarity over employment relations and ensure access to basic protections for all workers.

Moreover, it is extremely important for any relevant stakeholder involved in the protection of workers' rights to acknowledge how technology and new forms of work are changing our traditional framework of analysis. For organisations and individuals in the anti-trafficking sector, this means understanding and addressing how new forms of coercion and control redefine indicators of forced labour and our definitions of exploitation.

While it is clear that much needs to be done – and urgently – to improve the situation of workers in the app-based delivery sector, it is also crucial that the solutions taken forward are informed by those most affected by them. Workers have a wealth of knowledge and intelligence about the factors contributing to and driving labour exploitation in the the app-based delivery sector, and we hope that by shedding light on these matters we will start to see meaningful change on the ground.

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