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Unpacking the role of workers' heterogeneity in the representation and regulation of platform work. A focus of the case of the Just Eat Takeaway agreement in Italy

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ENG **Abstract:** This article examines the issue of heterogeneity in relation to workers' representation within digital platforms. Specifically, the research analyses the regulatory process that took place within the food-delivery sector in Italy, investigating how the heterogeneity of couriers is reflected in the Just Eat Takeaway agreement signed in 2021. The novel contribution of this paper is to relate two perspectives – those of workers and unions – that have rarely been considered together in the literature on digital labour platforms. Based on extensive qualitative research in Milan, the heterogeneity of riders is synthesized into a threefold typology identified by three metaphors: the explorer, the entrepreneur and the labourer. It is argued that the introduction of a standard employment contract has led to an increase in workers' rights and social protection. However, the current form of the agreement favours less vulnerable riders – the explorer – at the expense of those who are more numerous and dependent on platform income – the entrepreneur and the labourer. We conclude that this agreement can be interpreted mainly as a means for trade unions to legitimise their institutional role in the socio-economic arena and strengthen their power resources for future negotiations.
Keywords: food-delivery riders; digital platforms; trade unions; Just Eat agreement

ES Desentrañando el papel de la heterogeneidad de los trabajadores en la representación y regulación del trabajo de plataforma. Un análisis del caso del convenio de Just Eat Takeaway en Italia.

Resumen: Este artículo aborda la heterogeneidad como una cuestión crucial para la representación de los trabajadores en el contexto de las plataformas digitales. Específicamente, la investigación se centra en el proceso de regulación que afectó al sector del reparto de comida a domicilio en Italia, investigando cómo se refleja la heterogeneidad de los *riders* en el acuerdo firmado por Just Eat Takeaway en 2021. Un aporte novedoso de este trabajo consiste en vincular dos perspectivas –la de los trabajadores y la de los sindicatos– que raramente han sido consideradas conjuntamente por la literatura sobre plataformas laborales digitales. A partir de una extensa investigación cualitativa basada en el contexto de Milán, la heterogeneidad de los repartidores se sintetiza en una triple tipología identificada por tres metáforas: el *explorador*, el

empresario y el *trabajador*. Se argumenta que la implementación de un contrato de trabajo estándar ha supuesto un avance en los derechos de los trabajadores y en la protección social. Sin embargo, también se destaca que la configuración actual del contrato beneficia a los repartidores menos vulnerables –el *explorador*– en detrimento de aquellos que dependen más de los ingresos de la plataforma –el *empresario* y el *trabajador*–. Concluimos que este convenio puede interpretarse, principalmente, como una herramienta para que los sindicatos legitimen su papel institucional en el ámbito socioeconómico.
Palabras clave: repartidores ; plataformas digitales; sindicatos; convenio colectivo de Just Eat.

Contents: 1. Introduction. 2. The *endemic* heterogeneity of platform labour. 3. Atypical workers and trade unions initiatives. 3.1. The Industrial Relations field in Italy. 4. Research Design. 5. Riders' heterogeneity in the Milan context. 6. The Just Eat Takeaway agreement. 6.1. The background. 6.2. The content of the Just Eat agreement. 6.3. The trade unions' interpretation of the heterogeneity among riders. 7. Conclusions. 8. References.

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1. Introduction

After the waning of a first enthusiastic narrative that associated the emergence of digital labour platforms with a post-capitalist scenario, scholars now agree in placing it downstream of long-term deregulation processes (Vallas and Schor, 2020) concerning the erosion of institutions of social protection (Wood et al., 2019), the crisis of the wage labour system (Cicchi et al., 2022) and the decline of trade unions power (Vandaele, 2018). The workforce fragmentation observed in digital labour platforms has been reported to undermine unionisation processes and discourage conflictual practices in the workplace. In particular, the resilience of trade unions has been questioned, as platform workers have demonstrated to be "unsurprisingly hostile to any efforts at organizing genuinely independent worker representation" (Prassl, 2018, p. 65). In this scenario, the standard employment contract is usually claimed to be the most effective solution to regulate the anomalies inherent in the platform model, since it implies undoubted benefits to workers in terms of regular pay, security, overtime and social protection in general (Defossez, 2022).

In this article, we are interested in understanding how the standard employment model interacts with another distinctive but underappreciated feature of digital platforms: the heterogeneity of platform workers. The empirical literature on platform labour has already found significant heterogeneity in terms of workers' temporal commitment (e.g. Rosenblat, 2018), migration status (Holtum et al., 2022) and, more crucially, financial dependence on platform earnings (Schor et al., 2020a, 2020b). Schor and colleagues have recently taken this analysis a step further, theorising heterogeneity as an *endemic* feature of platform labour (2023). According to the authors, heterogeneity is driven by the on-demand nature of the platform business model, which requires a flexible workforce with different temporal commitments to meet a highly fluctuating service demand. The structural coexistence of such a diversity of economic needs, motivations and socio-economic backgrounds contributes to the formation of a highly fragmented workforce with different work experiences and potentially conflicting interests. The main aim of this article is to understand how this heterogeneity of interests relates to the processes of platform labour regulation, and how it is perceived and addressed by trade unions. In particular, the article focuses on the food-delivery sector in Italy, examining the processes that led to the signing of the company-level agreement by the Just Eat Takeaway platform in 2021.

The paper is organized as follows. The next section discusses how the literature on digital labour platforms has examined the issue of workers' heterogeneity. The third section provides a summary of how this issue has been addressed by industrial relations scholars since the spread of so-called atypical workers – e.g. those engaged in temporary work, part-time employment, freelancing, and other flexible employment arrangements. Here, it is argued that although heterogeneity is often recognized as a distinctive feature of non-standard employment arrangements, and digital labour platforms in particular, it is less often taken into account analytically in the study of unionisation initiatives. We then concisely reconstruct the industrial relations scenario in Italy, with a particular focus on the actors that played a decisive role in the process of regulating the food-delivery sector. The methodological section paves the way for the empirical analysis, which is divided in two main parts. Section five describes the heterogeneity of food-delivery riders in the context of Milan. This part is based on ethnographic research conducted by one author in Milan between 2020 and 2021, during which he worked as a food-delivery rider. Previous elaborations have shown the emergence of a contested work identity within a supposedly homogeneous work context (Bonifacio, 2023). In this paper, we interpret these data to argue that riders' heterogeneity also reflects different needs and interests for representation, which are summarised in a tripartite typology of workers. Section six analyses the bargaining processes that took place in the food-delivery sector in Italy, with a particular focus on the signing of the company-level agreement with the Just Eat Takeaway platform. This section examines how riders' interests and social needs are differently reflected in the agreement. Moreover, based on semi-structured interviews with trade union delegates, this section examines how they perceive riders' heterogeneity.

In the conclusions, we argue that the introduction of a standard employment contract in the sector has increased workers' rights and social protection. However, the current form of agreement privileges the less vulnerable part of this workforce, which is less economically dependent on food-delivery platforms and perceives this work as temporary, and therefore are less likely to be unionised. The Just Eat Takeaway agreement can be a useful tool for trade unions to legitimize their institutional role in the socio-economic arena, providing a more solid basis for future negotiations.

2. The *endemic* heterogeneity of platform labour

In Western post-industrial societies, work is frequently described as highly heterogeneous. Heterogeneity is observed both in expert work (Parding et al., 2021) and in low-skilled occupations (Milkman 2023) and is often associated with some macro-trends: the growth of precarious employment conditions and the emergence of hybrid areas of work (Murgia et al., 2020); the flexibilization of organizational forms, driven by processes of globalisation and digitalisation. These processes are epitomized by the so-called platformisation of work, which refers to "the emergence of platforms as replacement for pre-existing modes of economic coordination" (Casilli and Posada, 2019).

Digital labour platforms have been described as a new organisational model, characterised by a boundaryless structure and the ability to co-opt – and *assettisize* (Jarrett, 2022) – workers as self-employees (Stark and Pais, 2020). The structural openness of digital platforms results in an unprecedent capacity of enrolling a highly heterogeneous workforce, in terms of motivations, needs and socio-economic backgrounds. Nevertheless, heterogeneity as an analytical dimension in the study of platform work has been rather sparsely addressed and, as argued by Schor and colleagues (Schor et al., 2023), usually with a purely descriptive scope.

First, heterogeneity has been examined in terms of occupational segregation, revealing that there is no *such thing* as platform labour. For instance, Hoang and colleagues (2020: 684) have documented that disadvantaged and affluent social groups do not participate in the same types of platform work. In a similar vein, Schor and colleagues (2020) found that capital-based platforms, such as Airbnb, have more supplemental earners – that is, people whose income is not part of their regular income and who do not rely on it for basic expenses (ibid. p. 841) – compared to low-skilled labour-based platforms.

A second level of analysis concerns the heterogeneity of platforms' working conditions. Alasoini and colleagues (2023) reported that platforms vary in how they prefigure workers' ability to express their digital agency, which affects their hourly wages and perceived autonomy. Similarly, Bonifacio (forthcoming, 2024) highlighted that food-delivery platforms encode different regimes of organizational control, providing couriers with varying degrees of autonomy.

More recently, scholars have highlighted that heterogeneity is not accidental, but intrinsic to digital labour platforms as a specific model of production (Maury, 2023; Schor et al., 2023). From a critical perspective, Maury (2023) has referred to "algorithmic production of difference" as a constitutive strategy to extract value from the entrepreneurial functions of platform workers. Schor and colleagues (2023) have argued that heterogeneity is endemic to the provision of on-demand services, which require a flexible workforce to meet highly fluctuating demand. In this view, the open employment relationship set up by digital platforms is understood not only as an organisational strategy to reduce costs, but also to give workers relative control over their schedules and to build an on-demand workforce (ibid).

As we mentioned in the Introduction, heterogeneity has mainly been understood as stratified financial dependence on platform income. Schor and colleagues (2020) found that platform workers who rely on alternative sources of income tend to experience higher job satisfaction in terms of perceived autonomy, higher hourly wages, and generally better conditions. In contrast, job dissatisfaction and precariousness are associated with greater financial dependence on platform income. In the food-delivery sector, Piasna and Drahokoupil (2021) relate riders' preferences regarding their employment status and working hours to their position in the labour market. In particular, they found that workers with higher platform dependence are less likely to take advantage of the temporal flexibility of platform work. Similarly, Lee (2023) found that food-delivery workers' reactions to the exit of the Foodora platform from the Canadian food-delivery market varied according to their level of dependence on platform income. Also, the author found that workers' dependence on the platform is positively correlated with their attitudes towards unionisation.

The literature reviewed in this section challenges the inclination to think of platform labour as either a monolithic corpus or as a peripheral island in the labour market. While precarious working conditions are generally inscribed in the platform model, how workers "perceive and experience the risks of platform work" (Schor et al. 2023: 5) is highly dependent on their position in the wider labour market. The "differential embeddedness" (ibid.) of platform workers' has implications for their hourly wages, perceived autonomy, preferences for employment status and representation. Building on these assumptions, this paper aims to explore the role played by the heterogeneity of food-delivery riders in the representation of their interests, focusing on the regulatory processes that have affected this sector in Italy. The following section situates this issue within the broader industrial relations debate on the representation of atypical forms of employment.

3. Atypical workers and trade unions initiatives

Since the Nineties, the representation of atypical workers has emerged as a central concern for trade unions. Atypical workers face higher levels of job insecurity than their standard employment counterparts, due to the temporary nature of their contracts, fluctuating work hours and limited access to social protection. On the other hand, traditional industrial relations mechanisms, such as collective bargaining and unionization, face challenges in representing the growing heterogeneity of labour, interests and social protection needs (Hyman 1992, 1999). To reassemble this fragmentation and defend their role in the socio-economic arena, trade unions have sought to implement revitalisation strategies that vary according to the specific national context (Meardi et al., 2021), the institutional environment (Kornelakis and Voskeritsian, 2018; Doellgast et al., 2009;) and the structure of power resources (Gumbrell McCormick, 2011; Benassi and Dorigatti, 2015; Benassi and Vlandas, 2015). Moreover, the proliferation of atypical employment has led to an internal reorganisation of the unions themselves, with the creation of internal sub-unions to represent the interests of atypical workers (Leonardi and Pedersini, 2023). For instance, within the main Italian trade union organisation, several sub-unions have proliferated in order to be more flexible in their

organisation and to resemble the independent and smaller unions that use more confrontational tactics and challenge the existing industrial relations order (Pilati and Perra, 2022; Leonardi and Pedersini, 2023).

Similar forces of change and adaptation are also evident in relation to the rise of digital labour platforms, which have been termed "accelerators of precarity" (Vallas and Schor, 2020) due to their capacity to minimise "the outside regulation of the relationship between employer and employee" (Graham et al. 2017, p. 140) and reduce workers' bargaining power to build an increasingly on-demand workforce. As noted by Pérez de Guzmán and colleagues (2023), platform workers do not collectively define their interests, making it very challenging for trade unions to represent them. Virtuous examples come from the food-delivery sector, where the spatial proximity of workers has facilitated the emergence of self-organised collectives at global scale. Riders' unions have become a laboratory for building a collective identity (Johnston and Land-Kazlauskas, 2018) and promoting counter-imaginaries (Borghi and Murgia, 2022) aimed at challenging platforms' misrecognition of digital labour (Quondamatteo and Marrone, 2023). According to Marenco (2024: 7), trade unions have adopted a three-folded strategy with regard to the representation of food-delivery riders. First, they have advocated for the reclassification of autonomous workers into standard employment contracts. Second, they have pushed for the extension of collective bargaining to independent gig workers. Third, they have collaborated with grassroots unions. Consistently with their previous actions and resources, this strategy can be assumed to be similar to that described by Keune and Pedaci (2020) in their account of trade unions initiatives on precarious work.

While differences in terms of actions and imaginaries have been underlined between traditional and informal unions (Borghi and Murgia, 2022), both actors converge in claiming the same level of social protection that employees are entitled to (Marrone, 2019). In this vein, the standard employment contract has been usually considered the most effective solution to regulate the specificities inherent to the platform model, as it brings undoubted benefits to workers in terms of regular pay, security, overtime and social protection in general (Defossez, 2022). The signing of the company-level agreement with the platform Just Eat Takeaway in 2021 in Italy is illustrative of these strategies and is emblematic of the struggles for institutional recognition in the food-delivery sector (Quondamatteo and Marrone 2023). In fact, in the Italian context – at least in local cases – grassroots unions have gradually gained institutional recognition (ibid.), incentivising also the mobilisation of traditional actors (Cini et al., 2022).

Before analysing the case, it is important to give a brief reconstruction of the industrial relations scenario in Italy, with particular reference to the unions representing atypical workers, which played an active role in the bargaining process that led to the signing of the Just Eat Takeaway agreement.

3.1. The Industrial Relations field in Italy

The Italian industrial relations scenario is characterized by the presence of three principal trade unions. The CGIL (Italian General Confederation of Labour – *Confederazione Generale Italiana del Lavoro*), the largest among them, draws from a communist-socialist tradition. The CISL (Italian Confederation of Workers' Trade Unions – *Confederazione Italiana Sindacati Lavoratori*), the second-largest union, derives inspiration from Catholic social doctrine. The UIL (Italian Union of Work – *Unione Italiana del Lavoro*) embodies a moderate socialist-republican orientation. Despite recent challenges, the organizational structures and associative power resources of these unions have remained quite stable, and the bargaining coverage is still very high, being over 80% (Dorigatti and Pedersini, 2021). Collectively, trade union membership stands at 12 million, including retired people (Leonardi and Pedersini, 2023). The unions are territorially organized, maintaining a presence at the provincial, regional, and national levels. National agreements, applicable to entire sectors, delineate fundamental regulations for employment conditions, including working hours and wages. However, as noted by Leonardi, since the spread of non-standard work arrangement, in all sectors the level of bargaining has gradually moved towards the company and territorial

levels, where negotiating the specific features of each atypical contract is more feasible (Leonardi, 2008). As we already noted, the gradual reorganization of trade unions led to the creation of internal sub-unions dedicated to representing the interests of atypical workers. In 1998, Nidil Cgil (*Nuove Identità di Lavoro* – New Identities of Jobs) was founded within Cgil for protecting the rights and interests of para-subordinate work and autonomous work (occasional collaborations, extra-curricular internships etc.). In 2009, Felsa Cisl (*Federazione Lavoratori Somministrati Autonomi ed Atipici* – Federation of Autonomous and Atypical Administered Workers) was founded with the aim of defending the rights of atypical workers within Cisl. Within Felsa Cisl, it has been established vIVAce! which represents only autonomous workers. In 1998, UILTemp was founded within UIL, with the aim of representing atypical workers, including temporary workers, para-subordinate workers, project workers, workers with VAT registration number and workers with self-employment contracts.

These trade unions have been key players in the bargaining and regulatory processes affecting the food-delivery sector in Italy, together with FIT (Italian Federation of Transportation – *Federazione Italiana Trasporti*), which organises and represents environmental and service transport workers), F.I.L.T. Cgil (*Federazione Italiana Lavoratori Trasporti* – Italian Federation of Transport Workers), which organizes aeronautic, maritime, and land transport, and UIL Trasporti (Transport Federation), which represents workers in the transport, services and logistics sector.

Another key actor is UGL (Unione Generale del Lavoro – General Workers' Union), a right-wing inspired[1] trade union formed in 1996, following the merger of 30 smaller trade unions. UGL did not take part in the negotiations with Just Eat Takeaway but played a key role in the bargaining process with the employers' association of the food-delivery platform, Assodelivery, which led to the signing of the first national collective agreement in 2020.

4. Research Design

This paper aims to triangulate workers' and trade unions' perspectives on the regulatory processes taking place in the food-delivery sector in Italy, addressing three main questions:

> RQ1) How does the heterogeneity of riders reflect different social needs and representation interests?
>
> RQ2) How does the company-level agreement signed with the platform Just Eat Takeaway reflect this heterogeneity?
>
> RQ3) How do trade unionists perceive and deal with the heterogeneity of food-delivery riders?

The empirical section is divided in two parts. The first part answers to RQ1 and is based on a fieldwork conducted by one author in Milan between 2020 and 2021. More specifically, the research was based on seven months of participant observation, during which the author worked as a food-delivery rider, 21 in-depth interviews with couriers and a survey physically administered to 130 couriers. It is worth noting that data collection was mainly concentrated before the Just Eat Takeaway agreement was signed. Until then, all food-delivery platforms classified couriers as self-employed workers and set similar working conditions. Most of the platforms, including Just Eat, used an algorithmic reputation system to regulate riders' access to work. In particular, the access to the booking of shifts is determined by their own rating, a numerical score that is constantly updated based on several parameters – such as the total number of orders delivered, check-in punctuality, and customer and restaurant reviews. Riders with lower ratings have later access and are less likely to find shifts during the most profitable times of the day, such as lunch and dinner. Scholars have repeatedly denounced algorithmic control as a primary source of precarity and increased surveillance in the context of food-delivery platforms. However, for the scope

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1 In the UGL website, it is posted that "among the main objectives [UGL has] the definitive overcoming of the political class concept and its ideological consequences, as well as the achievement of the co-responsibility of workers in the choices of the company, and the concrete and operational reaffirmation of the unity of the world of work".

of our analysis, it is worth noting that the meritocratic system encoded in algorithmic management tends to create winners and losers, reproducing pre-existing inequalities (Hoang et al. 2020; Bonifacio, forthcoming 2024).

In addition, it is also important to emphasise that most riders have accounts on several platforms and move from one app to another depending on the fluctuations in their wages. This is confirmed by the trade unionists interviewed, who emphasized that the introduction of the Just Eat Takeaway agreement has even increased this tendency. For the purposes of this paper, therefore, it is reasonable to assume that riders' perceptions of their working conditions and their attitudes towards the Just Eat Takeaway agreement are relatively independent of the specific platform for which they work.

Section 6 answers to RQ2 and RQ3. Methodologically, we rely on a preliminary analysis of the documents produced by key figures in industrial relations – including trade unions, think thanks and consultancies – and on semi-structured interviews with 5 trade unions' delegates who have been involved in the signing of the Just Eat Takeaway agreement. Specifically, we interviewed the delegates from FIT CISL (Federation of Italian Transport) and FILT CGIL (Italian Transport Federation of Workers), which represent workers in the transport sector. Also, we interviewed representatives from Felsa CISL, vIVAce! and Nidil CGIL, which represent atypical workers. Finally, information from UilTemp and Uil Trasporti was collected through a secondary analysis of interviews and reports issued by delegates[2].

5. Riders' heterogeneity in the Milan context

Our classification of food-delivery workers takes into account three dimensions: 1) their temporal commitment to the work (part-time or full-time); 2) their level of material resources (such as their means of transport and economic dependence on the platform) and work-related skills (such as algorithmic skills, language skills, and geographical knowledge); 3) their subjective identification with food-delivery work. This taxonomy adds two analytical dimensions to the "platform dependency" framework (Schor et al. 2020), which explains workers heterogeneity primarily in terms of a stratified dependence on the platform income. First, the distribution of material and immaterial resources that can be spent at work, which is expected to influence couriers' hourly wage and perceived autonomy. Second, couriers' subjective identification, which is considered a proxy for how (long) they see themselves in this occupational field. Based on these three indicators, couriers can be divided into three profiles, identified by three metaphors: the explorer, the entrepreneur and the labourer.

Explorer riders are part-time workers who consider this job as a second source of income and a temporary occupation in their professional trajectory. This profile includes students and young people at the beginning of their work career, but also freelancers, creative workers and artists who use food-delivery work to integrate their unstable income, while maintaining a significant degree of flexibility. The *explorer* metaphor denotes a material distance from this work – what Bourdieu has called "distance from necessity" (1998). It suggests that riders can explore the possibilities offered by food-delivery platforms and choose the type of commitment that best suits their needs. Their low platform dependence is not only related to financial aspects, but also to a temporary and anti-instrumental professional identification, where post-materialist values – e.g. the work-related lifestyle – are highly valued. In particular, time flexibility, the absence of a predetermined daily routine and the absence of a "flesh and blood boss" are highly valued. Matteo, a 24-year-old student who works as a part-time rider, explains:

> I've never seen myself as an employee: having a fixed schedule, waking up at the same time every day, a routine marked by the same events over and over again. This job is not like this, and I appreciate it

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2 Uil Trasporti website: 4th May 2019, 11th June 2019, 29th March 2021, 25th February 2021, 6th December 2021, 26th January 2023, 2sd February 2023; LaStampa 9th January 2018; FerPress 14th Janaury 2019, 24th November 2021; Uiltucs Network 9th November 2022; Repubblica 13th November 2023; La Nazione 3rd October 2023; LaPresse 13th June 2023; Terzo Millennio 1st June 2023; LaStampa Torino 14th January 2019.

> very much, although I am aware that many things could be improved. I do not intend to make it my life's work. I have other goals, more consistent with my educational background, but I would recommend it to those looking for a temporary job. (Matteo, 24, M)

Similarly, Valentino, an artist who works less than 20 hours a week as a rider, says to appreciate the relative flexibility provided by this job:

> All the things that food-delivery platforms hype about this job work very well for me: flexibility, for example. Of course, I am aware that it is not a real flexibility. But if you have limited financial needs, as I do, you can really manage yourself as you like. [...] Also, the fact that there is not a flesh-and-blood boss to control what you do perfectly suits my needs and my personality. (Valentino, 36, M)

The high perceived flexibility of both Matteo and Valentino is associated with a limited economic dependence on the platform. Both interviewees stressed that they have limited financial needs and do not see themselves as riders in the long term, also because their social trajectories are directed towards higher qualified occupations. In contrast, they project an anti-instrumental identification with this work, where temporal flexibility is relatively more valued than monetary returns. Compared to the entrepreneur and labourer profiles, explorer riders are more socially protected and less economically dependent on food-delivery platforms' income. Their temporary identification with this work also makes them less likely to get involved in unionising.

On the contrary, income is a main source of interest for the so-called *entrepreneur*[3] *riders*. This second profile refers to full-time couriers who perceive their self-employment status as an opportunity to work as much as they want – in some cases up to 60 hours a week – in order to satisfy higher economic needs. They have more material resources (e.g. electric bicycles) and work-related skills (e.g. geographical knowledge, algorithmic skills, language skills needed to interact with restaurant staff and customers), which are associated with higher outcomes in terms of wages and perceived autonomy. As Alberto explains in the following excerpt, the possession of material and immaterial resources – for example, the ability to select more profitable deliveries – denotes greater investment and long-term identification with the work[4].

> A rider like me, who does this job professionally, knows everything: which deliveries to accept and which to refuse, which roads to take, how to behave with customers. [...] I have invested my future in this job. Let's say: I'm a senior rider now. I have been working for 3 years and I am familiar with all the mechanisms of the algorithms. I therefore expect to take home a salary every month that will allow me to live a more than decent life... (Alberto, 36, M)

As Alberto illustrates, entrepreneur riders proudly claim to have transformed a gig work into a *professional* one. For this reason, they present themselves as an aristocratic part of the workforce, deserving relatively higher wages because of their higher professional skills and commitment. On the basis of this meritocratic legitimation, many entrepreneur riders have been critical of the introduction of the free-login model by some platforms, such as Deliveroo. In fact, by eliminating the distributed access to work based on the reputation system, the free-login system has also eroded their privileged position in the labour market, increasing internal competition. On the other hand, while they call for a restriction on the release of new riders' accounts, they do not demand the recognition of a standard employment relationship, which they fear could reduce their temporal

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3 It is important to clarify that the metaphor of the entrepreneur does not reflect the authors' opinion on riders' employment status. Rather, it refers to the subjective identification expressed by some riders in the way they practice and discursively represent their work. Furthermore, the social meanings of each metaphor must be understood in a relational sense. In other words, a particular way of doing and representing food-delivery work is analytically defined as *entrepreneur* in relation to the *labourer* representation projected by other riders.

4 Most of these competencies are acquired by means of experience, but their accumulation is based on prior assets that are highly stratified in the workforce. For example, algorithmic competencies (Jarrahi & Sutherland 2019), which inform the decision to accept or reject a delivery, are intertwined with other intangible resources – for example, geographical knowledge (Bonifacio, 2023).

flexibility. The following is an extract from an interview with Sharif, a rider who took part in several demonstrations organised by the Deliverance Milanese union since June 2020:[5]:

> I do not complain against the self-employment, I like this job because of its *flexibility*. I joined the demonstrations in July because the platforms have gradually decreased wages again and again, putting more riders than orders in the streets. We don't want this to happen: our fundamental stance is that food-delivery companies hire as much riders as the orders they have. Otherwise, it is not beneficial for us nor for new riders... (Sharif, 31, M)

Sharif claims are by evidence paradoxical and informative of the *aristocratic* attitude noted above. While defending his self-employment status, which has allowed him to invest more time and material resources in this work, Sharif also demands that the platforms behave like employers and limit the supply of new accounts in order to curb the growing overcrowding of riders. His own participation in the demonstrations was motivated by the uncontrolled growth of the workforce, which has contributed to impoverishing this work. This confirms that the interests of representation of entrepreneur riders are primarily related to their wages. In this vein, they are also concerned that the Just Eat Takeaway agreement may redefine food-delivery work as a part-time occupation, which is incompatible with their economic needs. Claudio expresses these concerns in the following interview excerpt:

> Currently, this contract reflects a part-time job of 20 hours per week. I support my family with this job. Pension contributions are not a priority when I am struggling to afford groceries for the month. It is clear that those who support this agreement do not rely on this job as their main source of income. If you propose 10 euros gross for 40 hours a week, we can talk about it. But if you propose 7.50 euros for 20 hours, I will leave this job to the students!. (Claudio, 43, M)

Among the entrepreneur riders, others value the relative flexibility of this job based on a comparison with previous negative work experiences as employees. This is particularly the case for middle-aged Italian men who are on the margins of the labour market for a variety of reasons – e.g. long periods of unemployment, low levels of education, previous periods of imprisonment. It also includes migrant workers with higher levels of education, who prefer this work to other low-skilled jobs they have held in the past. Dolores, for example, a Venezuelan rider who arrived in Italy a few years ago, appreciates the working conditions of food-delivery platforms, both in terms of pay and perceived autonomy:

> People say we're badly paid. Sure, you don't get rich doing this job. But what is the alternative? Here, I usually get 10 euros an hour. In the last bar I worked in, I was paid 7 euros an hour, without a contract, and I used to work until 2 or 3 in the morning, with a very annoying boss. [...] It may sound paradoxical, but I can assure you that food-delivery platforms have given me a working condition that I never experienced in my first three years in Italy. (Dolores, 33, F)

The third ideal type, the so-called *labourer rider*, refers to young migrant workers – typically from sub-Saharan Africa – with short-term and highly precarious documents. As the entrepreneur type, labourer riders are full-time workers who see this job as their first source of income. However, their lack of basic material and immaterial resources – such as linguistic, geographical and digital skills – makes them particularly vulnerable and subject to the negative consequences of algorithmic control. In this respect, the *labourer* metaphor is illustrative of a passive attitude towards both algorithmic and client control. Lacking a basic technical understanding of algorithmic decision making, most of them display a compliant attitude towards the platform, exemplified by the passive acceptance of any proposed delivery. In addition, their poor linguistic skills expose them to greater risks when dealing with customers and restaurant staff, who are enabled to rate their performances.

Most of the *labourer riders* live in reception centres in the hinterland of Milan, arrive in the city by train and spend the whole day in the public space. However, only a small proportion of this time

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5 Deliverance Milano is a grassroots unions of riders formed in 2016 in the city of Milan.

results in paid work, because their usually low platform ratings prevent them from having regular access to work and therefore wages. As illustrated by Amadou, a Nigerian rider living in a refugee centre in the periphery of Milan:

> In terms of wages, I can get few money with this job. In some months 500 euros, in some others 400 euros. Most of the time, I don't have savings at the end of the month. So, this is a poor job [...] The only thing I like about the job is that I depend on my own, I don't have any boss. So, if I want to go home, anytime, I can go home and take my time. You can decide where to stay when you don't have orders. So, that is the difference between working with a boss and this kind of work. (Amadou, M, 30)

It is worth noting that, compared to the other two types of workers, labourer riders see the self-employment contract granted by food-delivery platforms as an unprecedented opportunity to obtain a more stable residence permit. Finally, like the other two types of riders, labourer riders also see the absence of a "flesh-and-blood boss" as an opportunity to escape from the authoritarian dynamics to which they have been exposed in the past.

Finally, it is fundamental to note that these three profiles are not equally represented. In the Milan context, the last profile has gradually become the most numerous. The growing presence of highly precarious migrant workers, which has also been noted in other contexts (see van Doorn et al. 2023), is accompanied by a decrease in the quantitative presence of *explorer riders*, who now occupy a marginal part of this occupational field. In the next section, we analyse how this heterogeneity relates with the standard employment agreement signed with the Just Eat Takeaway platform.

6. The Just Eat Takeaway agreement

This section is divided into three subsections. The first reconstructs the background of the negotiations. The second describes the content of the agreement. The third analyses how unions interpreted the heterogeneity of riders.

6.1. The background

As we already observed in the Introduction, the food-delivery sector has become a testing ground for new ways of organising and representing workers. Since 2016, mobilizations of riders across Italy and Europe have been mainly orchestrated and managed by grassroots unions and self-organized worker associations (Trappman et al., 2020), with traditional trade unions playing a limited role (Cini and Goodman, 2020). The role of traditional unions became more prominent as they embarked on a process of reconfiguration, blending traditional tools, like collective bargaining, with innovative approaches such as social media activism (Tassinari and Maccarrone, 2020). Also, a significant turning point in the process of institutional recognition of food-delivery work occurred in 2019, when the Italian government approved the legislative degree n. 128/2019, inviting digital platforms and social parties to collaborate on issues regarding safety, security and health of food-delivery workers (Rota, 2020). Our interviewees with trade unions highlight that the public and mediatic visibility of riders had influenced the strategies implemented by social actors:

> Today there is less focus on standard employment contract, perhaps because there is no Minister talking about it on a daily basis as there was a few years ago. [...] This public attention has increased interest and pressure around employment contracts and has constrained our actions. (vIVAce Representative, INT2)

> Since 2016, the public interest around the riders has exploded and many mobilisations and strikes have been organised. The attention of social and political actors has been massive, and our actions have been constantly monitored. (Nidil Cgil, INT3)

One year after this legislative degree, in 2020, the first National Collective Agreement in the context of the platform economy was signed between the UGL and Assodelivery, the Italian employers' association of food-delivery platforms. Assodelivery was founded in 2018, when it included Deliveroo, FoodToGo, Glovo, SocialFood, Just Eat and Uber Eats. The agreement between UGL and Assodelivery confirmed the legal status of riders as autonomous workers and the payment system based on piecework. However, traditional and grassroots unions challenged the

legitimacy of the agreement in Court, delegitimising it as a "pirate agreement" and claiming that UGL did not meet the legal threshold of representativeness. The agreement was also accused of failing to adequately protect workers' rights while supporting the interests of the platforms (Borghi and Murgia, 2022). In June 2021, the Court of Bologna declared that the agreement was not valid to regulate the employment status of riders in Italy (Quondamatteo, 2021).

Following the signing of this agreement in November 2020, Just Eat decided to leave Assodelivery and announced its intention to recognise riders as employees (Quondamatteo, 2021; Recchia, 2021). The platform then started negotiations with Filt Cgil, Fit Cisl and Uil Trasport, together with Nidil Cgil, Felsa Cisl and Uiltemp, and the grassroots unions gathered in the *Riders for Rights* associations, to draw up a company-level agreement. The type of agreement chosen is the logistics agreement, in line with the fact that the first contract to formally describe the work of food-delivery couriers in 2017 came from the logistics sector. The company-level agreement was successfully negotiated and signed by the parties in March 2021, covering approximately 2550 riders employed by Just Eat in 24 cities. The content of the agreement signed is reported in the following section.

6.2. The content of the Just Eat agreement

The agreement signed between Just Eat and the unions is a step forward in the struggle to represent platform workers, particularly in terms of social protection[6]. As noted by Quondamatteo, the part-time contract designates the "common form of work of the company" (2021:107). As stated in article 9, riders can be assigned to three types of contracts: 10, 20 or 30 hours per week, with a minimum of two hours per day. Every Tuesday, at midnight, riders are required to indicate or confirm their time availability for the following week through the *Scoober App*. By the end of 2023, 10-hours contracts have fallen by 70% and now represent only 30% of the total. Meanwhile, contracts of more than 20 hours have increased to 50% of the total (Ferrante, 2023). Regarding the planning of shifts, the Company states to consider workers' preferences as much as possible. Shifts are communicated to the rider no later than midnight on Thursday for shifts that begin on the following Monday. If riders do not communicate their availability in time or refuse the shifts proposed by the platform without a "reasonable reason", they are obliged to respect the work schedule assigned to them without any changes. Breaks are only allowed for shifts longer than 6 hours: they can only last 30 minutes and are unpaid (article 12). Another important organisational change concerns the fact that riders cannot refuse orders assigned by the platform, a practice that is discursively used by many entrepreneur riders to legitimise their professional status. In addition, the inability to refuse orders assigned during the evening hours also has a negative impact on riders commuting from the Milan hinterland – typically labourer riders – whose hourly availability depends on the trains timetable.

The wage is still structured as a mix of hourly salary and piecework. Specifically, the fixed part of the salary is 7.50 euros gross per hour, plus the thirteenth and fourteenth monthly salary (article 14). The piecework part of the salary includes a mileage allowance (article 17) and a performance bonus (article 18) of 0.25 € cents per delivery for up to 4 deliveries per hour, which doubles if riders reach 250 deliveries per month. In addition, during the negotiation process, the unions ensured that the hiring of riders who already had a Just Eat account was prioritised over the hiring of new couriers. Finally, an interesting innovation of the Just Eat agreement is the introduction of a middle management role in a previously flat organizational model: the so-called *captains*. This is a figure who coordinates limited groups of couriers spread across local hubs in the city. Unlike riders, captains are employed on a standard contract of 40 hours per week. While this outlines an

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6 The agreement states that Just Eat Takeaway operates as a *new business start-up scheme* until 31 March 2022 for the cities in which the service has been activated by 30 April 2021. For other cities, the period of new activity extends to nine months from the contract signing. During this nine-month period, the platform is permitted to hire riders through fixed-term and leasing contracts without limitations. However, following this timeframe, the number of fixed-term contracts is restricted to 35% of the total riders in each city.

unprecedented career path for food-delivery workers, it also reintroduces forms of direct and hierarchical control that, as we noted in the previous section, are rejected with varying degrees and motivations by all rider types.

Overall, the agreement designates a rider type based on part-time contract, with a low salary but with significantly increased social protection and rights. In its current form, the agreement does not seem to be equally suited to the variety of worker profiles summarised in the previous paragraph. In particular, the condition of part-time work does not satisfy the material interests of highly dependent workers such as the so-called entrepreneur and labourer riders, who are highly dependent on platform income and see themselves as riders in the long term. Not surprisingly, as the trade unionists interviewed testified, most of the riders employed by Just Eat Takeaway continue to work also on other platforms as solo self- employees, in order to supplement their income. On the other hand, the part-time contract seems to privilege the profile of the explorer rider, who, as we observed in the previous section, has become relatively marginal in large metropolitan contexts, and projects a short-term and anti-instrumental identification with this work.

6.3. The trade unions' interpretation of the heterogeneity among riders

The analysis of the semi-structured interviews with trade union delegates shows that they are aware that riders cover different interests and needs. All of them – without distinguishing one category from the other – synthetize riders' heterogeneity into a threefold typology that corresponds to the one presented in section 5. However, the Nidil Cgil delegate underlines that the composition of the riders is not fixed, but changes over time and from context to context:

> In the context of food supply platforms, heterogeneity will always be there, but it will always change in terms of its internal composition. Nevertheless, within each category we can find common interests that we can protect. (Nidil Cgil, INT4)

The volatility of workforce composition makes it difficult for unions to develop an effective agenda that encompasses all riders' interests. Union delegates emphasise that their focus should be on improving working conditions for the whole sector, regardless of the ever-changing composition of the workforce. They therefore prefer to consolidate their bargaining objectives, focusing on the protection of basic rights and leaving more complex issues for future rounds of negotiations. This approach has already proved effective in the regulation of atypical workers (Burroni and Pedaci, 2014). In this way, trade unions seek to establish their presence, reinforce their symbolic power and maintain their role in the socioeconomic arena for future negotiations.

At the same time, trade unionists are aware of the mismatch between their achievements and the heterogeneity of riders' interests. However, they claim that the majority of riders ignore the positive effects of the agreement, in terms of safety and security, while focusing on the negative consequences in terms of reduced pay and autonomy.

> At the beginning, workers did not understand nor appreciate the agreement. They were not aware of the positive aspects, but things are slowly improving. For example, we increased the amount of fuel paid by the platform, we improved their level of safety and security, and we established a branch in each city. (Fit Cisl, INT1)

Union delegates also attribute the autonomy valued by entrepreneur and explorer riders to a lack of awareness of the business logic of food-delivery platforms. In particular, they see the monetary returns that entrepreneur riders associate with their relative autonomy as temporary and unsustainable in the long term, arguing that the platforms have strategically set high wages in order to demonstrate the profitability of the market and attract workers. However, as also noted in section 5, wages have been gradually reduced, and aggressive recruitment practices have increased competition among riders. As the Nidil Cgil delegate explains:

> Some food-delivery riders will be disappointed, because we want a structured system with a work schedule and social protection. However, riders are not aware of the high volatility of this market: the price of deliveries has gradually fallen over time [...] The platform model is based on a surplus of workers; if the platform needs 10 riders, it will recruit 100 riders to meet any demand. This creates a very

> strong competition, because there will always be someone who will accept the delivery that you refuse, even if the platform lowers its price. This is something we can contrast with the standard employment contract. (Nidil Cgil, INT4)

With regard to the payment system, the Fit Cisl representative explains that the introduction of an hourly payment system is the first attempt to reinforce a wage mechanism in this sector. The trade unionist is also confident that the next round of negotiations will improve pay conditions and introduce more social measures, such as health insurance. However, the Felsa delegate stresses the persistence of piecework and argues that this agreement could encourage riders to work simultaneously for different platforms, increasing the fragmentation of the workforce and the likelihood of working in irregular conditions, especially in the case of workers who are less familiar with Italian labour law, such as labourer riders.

In sum, trade unionists are aware that the Just Eat Takeaway agreement prevents this work from being a first source of income. They also see a risk that this agreement will displace more dependent workers or force them to work for multiple platforms, thus undermining the higher protection guaranteed by the agreement itself. In this respect, both Felsa and vIVAce trade unionists admit that this agreement creates a prototype of the "Just Eat rider", which is very close to what we have called the *explorer rider*.

> The agreement is only targeted at riders who accept the conditions offered by Just Eat, meaning people who want to work a few hours a week with a guaranteed salary. (Felsa, INT2)

> Throughout the negotiations, the different needs of all categories of riders were not taken into account. The current conditions have led to the establishment of a standard employment contract that is considered meaningful for only a part of the riders. (vIVAce, INT3)

On the other hand, despite their affiliations and differences in ideology and power resources, all trade unionists agree that the signing of this agreement plays a fundamental role in strengthening the institutional presence of industrial relations actors in the platform economy, particularly in the food-delivery sector.

7. Conclusions

Digital labour platforms have been observed to challenge the capacity of trade unions to represent a spatially dispersed, increasingly heterogeneous and individualized workforce (Tassinari and Maccarrone, 2020). In this article, we addressed the workforce heterogeneity as a main crucial issue for workers representation, assuming that it is endemic to the open structure of digital labour platforms (Schor et al., 2023). This article pursued a twofold goal. First, it shed light on how the heterogeneity of riders, in terms of material and immaterial resources, economic dependence on platform income and professional identification results into different interests and social protection needs. Second, it shows how this heterogeneity is considered by trade unions, taking into analysis the bargaining process that led to the signing of the Just Eat Takeaway agreement in Italy, in 2021. In this sense, a novel contribution of this paper is to have related two perspectives – that of workers and that of unions – that have been rarely considered together by the empirical literature on this field.

The paper has been organized around three main research questions.

With regard to RQ1, which focuses on how the heterogeneity of the workforce relates to a standard form of employment, we found three main profiles of workers, identified by three metaphors: the *explorer*, the *entrepreneur* and the *labourer*. Explorer riders are less concerned with the recognition of their employment status. They have a relatively low economic dependence on platform income and see this work as a temporary step on a career path towards higher-skilled jobs. For these reasons, they are also less interested in being involved in union organising. On the contrary, both *entrepreneur* and *labourer* riders are highly dependent on platform income and see themselves in this occupational field in the long term, partly due to the lack of alternatives. However, they project two opposing work identities that reflect their broader social trajectories. Entrepreneur riders claim to have driven the professionalisation of this work, legitimising their

higher wages on the basis of the possession of specific work skills and more than full-time commitment. Labourer riders, on the other hand, have a highly precarious work experience, which reflect their subaltern position in the wider social space. This job is their unique source of income and represents an opportunity to obtain a more stable residence permit.

RQ2 asked to what extent the agreement signed by Just Eat Takeaway and the trade unions actually reflects riders' representative interests and needs. On the one hand, our research indicates that regulating this work within a standard form of employment increases labour rights and protections. However, the signed agreement maintains piecework as a residual wage system and, more importantly, it does not account for the heterogeneity of riders' interests. The agreement does not align with the material interests of more economically dependent workers, such as entrepreneur and labourer riders, who are incentivised to continue working as solo self-employees with other food-delivery platforms due to the poor wages granted by the part-time contract. In contrast, the agreement does align with the characteristics of explorer riders, who occupy a marginal part of this labour market and are less likely to be involved in forms of organising. More generally, the current transition from a non-standard to a standard employment model seems to homogenise the internal differentiation of the workforce, erasing what Schor and colleagues identify as a distinctive feature of the platform model (2023). In this vein, one of the most immediate and perhaps less considered consequences of the regulation of platform work is the closure of the open structure that had previously facilitated the confluence of highly heterogeneous workers. In other words, regulation not only provides a standard arrangement for this work, but also indirectly contributes to the creation of a standard profile of worker.

Additionally, the agreement introduces some changes to the organization of the labour process. First, it reintroduces forms of direct labour control through the involvement of so-called *captains*. From the riders' perspective, the introduction of middle managers negates the absence of "flash and blood bosses" which was positively valued, for different reasons, by all three worker profiles.

With RQ3, we examined how trade unions interpret riders' heterogeneity and have taken it into account during the bargaining processes that led to the signing of Just Eat Takeaway agreement. Our research indicates that union delegates recognise the heterogeneity of riders and interpret it similarly to the typology described in section 5. However, they defend the introduction of a standard employment contract, emphasizing the importance of gaining initial institutional recognition and strengthening their representation in this sector. The Just Eat Takeaway agreement exemplifies the challenge faced by trade unions in balancing their institutional role as a "sword of justice" with the need to protect their "vested interests" (Flanders, 1970: 15) and to strengthen their power resources in this bargaining arena. Previous research on the representation of atypical workers, such as that conducted by Kornelakis and Voskeritsian (2018), has obtained similar findings. The agreement is one of the first attempts to negotiate at the company-level with a digital platform. Therefore, it provides unions with a tool to legitimize their role in the bargaining arena, by representing workers on issues that align with their traditional subject matter.

The main limitation of this research is that the ethnographic study focuses on a circumscribed territorial context, albeit emblematic of the workforce differentiation. This prevents from generalising riders' positions with respect to social protection needs and representative interests. In more general terms, the long-term outcomes of this process will have to be evaluated in the future to understand whether, as trade unions expect, the agreement will enable them to increase their level of memberships, reinforcing their bargaining power and improving all riders' working conditions. Moreover, the future outcomes of national trade unions should be related to the supranational context, particularly at the European level, which has the potential to maximise or weaken initiatives taken at the national level (Lamannis, 2023).

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