LABOUR AND SOCIAL JUSTICE

FROM STREET PROTEST TO ›IMPROVISATIONAL UNIONISM‹

Platform-based food delivery couriers in Belgium and the Netherlands

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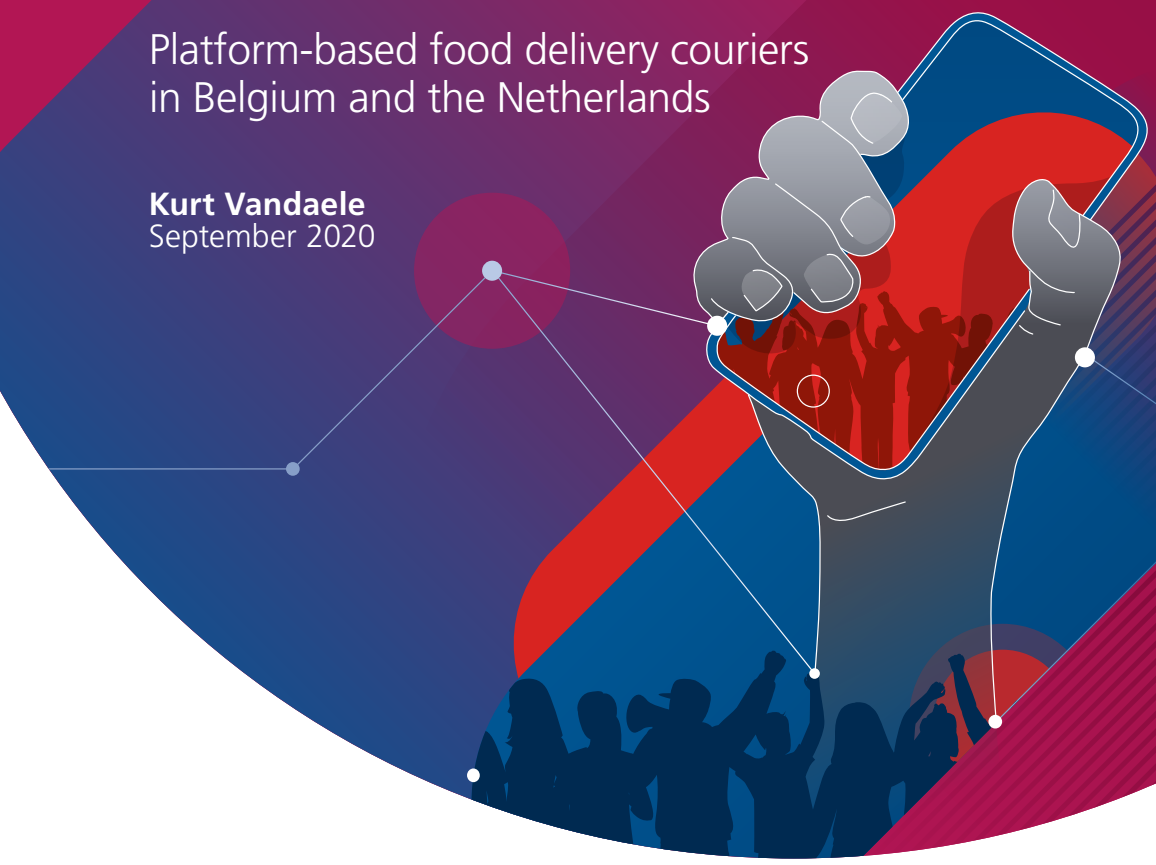

Online digital communities and offline self-organising in activist groups characterise the associational power of platform-based food delivery couriers in Belgium and the Netherlands.

Couriers mobilised and protested in winter 2017–2018 against Deliveroo's unilateral decision to assign them contractor status, receiving the support of mainstream trade unions, which helped compensate for their weak institutional power.

Especially the discursive power generated by the couriers has been instrumental in raising awareness in unions about the platform economy, while new mobilising and organising tactics have in turn led to certain union innovations.

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»Trade Unions in Transformation 4.0« examines unions' strategic actions to mobilize power resources in a »new world of work« in which capital uses digital technology to re-organize the labour process. The Global Trade Union Programme of the FES aims to understand how the power balance between capital and labour is impacted and how workers are responding to the threats of the digital rollback towards greater exploitation and precariousness of workers. Pursuing a dialogue and action-oriented approach, the project ultimately intends to contribute to trade unions' strategic reflections, experimentation and purposeful transformation.

Content

1 INTRODUCTION

Platform-based food delivery couriers mobilised and protested for a brief time in Belgium and the Netherlands in the winter of 2017–2018. They opposed in particular the unilateral decision by Deliveroo to switch from a genuinely dependent employment relationship to a contractor status, which went hand in hand with a shift from hourly wages to a riskier payment-by-delivery system. Mainstream trade unions in both countries have supported the couriers in their mobilising efforts, including by initiating litigation actions challenging the contractor status. This alliance between couriers and mainstream unions here stands in contrast to a number of other countries (like France, Italy, Spain or the UK and partly Germany), where the protest has (almost) solely been driven by the couriers themselves, or they have mobilised through grassroots unions (Vandaele 2021). This paper does not focus on this difference in the role of unions in different countries, however, as this would require a different research design. Instead, this comparative study analyses the relationship between the couriers and unions in Belgium and the Netherlands. This is done with the help of the power resource approach, and by focussing on several union capabilities.

Considerable power resources or working-class or other ideologies relating to union inclusiveness extending to couriers might explain why mainstream unions are engaging with them (Benassi and Vlandas 2016). Such a union engagement is less clear from a cost-benefit framework, however. Especially the high turnover among couriers negatively affects their associational power, and severely impedes any union recruitment efforts. Also, since many of the couriers are students, union membership is either free or offered at a reduced price in Belgium and the Netherlands, whereas regular payment of union dues is an unlikely scenario for most other couriers, as platform work is usually a secondary job. In either case, the financial balance for unions is in all likelihood negative. Therefore, the argument developed here is that the interest of mainstream unions lies less in recruiting couriers as such and rather in mobilising and organising them, as platform-based food delivery can be considered a symbolic industry within the platform economy. In particular, the industry's novelty might well serve as a laboratory for unions to develop and experiment with new or creative mobilising and organising tactics and strategies (Murray *et al.* 2020). Such an opening up to ›improvisational unionism' (Oswalt 2016) could thus bring about organisational change and innovation in unions in the longer run.

2 PLATFORM-BASED FOOD DELIVERY IN BELGIUM AND THE NETHERLANDS

This section provides a brief overview of the dynamics within platform-based food delivery in Belgium and the Netherlands in order to provide some contextual information. Although the Dutch company Takeaway.com, established in 2000 and known under the moniker ›Thuisbezorgd.nl‹ (›home delivery‹) in the Netherlands, is the market leader in food delivery in both countries, this company is excluded from the analysis here. Takeaway.com in essence provides a website enabling food to be ordered from restaurants near the location of the customer. Yet, the algorithmic management strategy, with digital labour platforms acting as a ›shadow employer‹ (Gandini 2019:1049), is far less important at Takeaway.com, and in this sense the company is not part of the platform economy. Its couriers can also be employed by restaurants themselves, although Takeaway.com has been increasingly offering deliveries via its own couriers for restaurants without couriers. Couriers working for Takeaway.com are generally in a genuine employment relationship in both countries, although usually employed through non-standard contracts like temporary agency contracts.

Little is known about the size and scope of the platform economy in Belgium. Yet it is clear that platforms active in the field of transportation, including food delivery, have for the most part dominated the debate on the platform economy in Belgium (Lenaerts 2018). The number of platforms officially licensed by the public administration stood at 111 in February 2020; these include a mixture of home-based and international platforms.[1] Both the London-based Deliveroo and Uber Eats, rooted in Silicon Valley, are licensed platforms. The first food delivery platform in Belgium was a home-based one, however: TakeEatEasy was established in 2013. This Brussels start-up was active in twenty cities in total, i.e. in Belgium and France, Spain and the UK, but went bankrupt in 2016. The platform failed to raise capital (*De Tijd*, 23 November 2016), while competitive pressures increased due to the entrance of Deliveroo and Uber Eats in the Belgian market in 2015 and 2016, respectively. The failure of TakeEatEasy has nevertheless been important, as it has kindled an awareness among a number of food delivery couriers of their precarious employment conditions.

Evidence relating to the Dutch platform economy is very much in line with findings from other European countries. Thus, platform work is marked by a high turnover, and functions as an additional income for most workers on top of their regular income (ter Weel *et al.* 2018). The percentage of workers engaging in platform work is marginal, at 0.4 per cent in 2017, although growing i.e. at least before the outbreak of the Covid-19 pandemic in early 2020. Platform-based food delivery was one of the fastest growing markets in the Netherlands before the pandemic (FNV 2019). About one-third of platform workers were engaged in this type of platform work in 2017, which equals about 10,000 workers, with half of them being in a contractor relationship at that time. Deliveroo came to the Netherlands in 2015, followed by Uber Eats one year later. Also, the German-based Foodora began operating in the Netherlands in 2015 but ceased its activities due to competitive pressures three years later, i.e. in September 2018. Foodora employed

1 This figure includes digital labour platforms, but also other types of platforms operating in the collaborative or sharing economy. See https://economie.fgov.be/nl/themas/ondernemingen/duurzame-economie/deeleconomie/actieve-deeleconomieplatformen

its couriers in a genuine employment relationship, and the platform adhered to the minimum wage in the Netherlands. These employment practices stood in contrast to the other international food delivery platforms. Uber Eats opted immediately for a piece-rate pay system instead of minimum hours, while its screening of potential couriers has also been minimal, which means that registering as a courier with it is easier than with other platforms (Lieman 2018). While Deliveroo initially opted for an employment relationship as well, the platform formally switched to only a contractor status in 2018. Thus, like in Belgium, platform-based food delivery has evolved towards a duopoly in the Netherlands, i.e. being dominated by Deliveroo and Uber Eats, although some local platforms are active there as well.

3 METHOD AND CASE SELECTION

This paper draws upon secondary literature for contextual information and personal communication via email, union documentation, informal interviews and eight formal, semi-structured expert interviews of participants from relevant unions and organisational union structures to obtain insider knowledge. Five experts were initially selected by the researcher, and additional experts were identified later on. Interviews were mostly conducted face to face. They were carried out in Dutch, i.e. the mother tongue of almost all interviewees, between September and December 2019, and analysed during the spring of 2020. They lasted between 44 and 90 minutes, and the average interview duration was 66 minutes. Audio recordings were made of the interviews. Six interviewees were men and two women. Two interviewees were (ex-)couriers, whereas the average experience of the interviewees with union work was 13 years. While differences in the position of the interviewees within union structures and their experience may influence their views and insights, this approach also enables one to compare unions' capabilities to recruit, mobilise and organise food delivery couriers.

Adopting a similar case study design, i.e. for highlighting variations between union responses, the following unions are considered relevant in identifying responses to food delivery couriers in the platform economy in Belgium: the Belgian Transport Workers' Union (*BTB/UBT, Belgische Transportbond/Union Belge du Transport*), affiliated with the socialist General Labour Federation of Belgium (*ABVV/FGTB, Algemeen Belgisch Vakverbond/Fédération générale du travail de Belgique*), the second largest confederation with 1,471,687 members in 2018; and United Freelancers, organising solo self-employed persons and affiliated with the Confederation of Christian Trade Unions (*ACV/CSC, Algemeen Christelijk Vakverbond/Confédération des syndicats chrétiens*), the largest confederation with 1,486,370 members in 2018.[2] In the Netherlands, the following unions and union structures have been identified as relevant: *FNV Zelfstandingen*, organising the solo self-employed; FNV Youth (*FNV Jong*), organising young people; and the internal departments ›Campaigning‹ and ›Enforcement & Compliance‹ within the Dutch Trade Union Federation (*FNV, Federatie Nederlandse Vakbeweging*).[3] With its origins mainly rooted in the socialist movement, the *FNV* is with its 1,014,000 members by far the largest confederation in the Netherlands, with an organisational level of 63.3 per cent in 2019 (Centraal Bureau voor de Statistiek online).

Union responses to platform-based food delivery couriers have been examined in two steps. First, the power resource approach is applied. Four main types of power resources of workers have been identified (Schmalz and Dörre 2017): institutional power, structural power, associational power and societal power.[4] Institutional power can simply be considered the crystallised outcome of workers' past struggles, whereby regulatory arrangements and institutions attempt to avoid future labour unrest by either granting or restricting individual or collective employment rights and social protection. The structural power of platform workers relates to their workplace and marketplace bargaining power. Workplace bargaining power stems from a worker's specific position in distribution or production systems, whereas marketplace bargaining power is influenced by the desirability of a worker's skills for individual clients or companies, the degree of unemployment in general, or to what extent a worker can live from other non-market income sources (Silver 2003). Associational power refers here to the formation of collective organisations by food delivery couriers, while the ability to foster supportive networks points to their coalitional power. Assessing power resources in sections 4 to 7 allows one to understand the potential power of the food delivery couriers. Section 8 explores how these power resources have been manifested in mobilisation and street protests by the couriers at the end of 2017 and beginning of 2018. In a second step, the analytical focus is shifted from a deductive approach, which is based on the power resources of the couriers, to an inductive one by examining the strategic capabilities of unions to represent them. Union capabilities for intermediation and organisational learning and flexibility are covered in section 9.

4 WEAK INSTITUTIONAL POWER EXPLAINED BY THREE ACTOR-CENTRED FACTORS

When assessing the institutional power of platform-based food delivery couriers, there is a clear shortage of regulatory and institutional security from their perspective. Three factors help explain this weakness, with each of them relating to another actor involved. First, apart from the brief activities of the platform Foodora in the Netherlands, platforms in food delivery have been deliberately making use of loopholes in labour law, or they simply ignore existing regulations. As

2 These figures exclude students, for whom membership is free.

3 No interviews have been undertaken with persons in the transport section, however.

4 There is a rather minor focus on discursive power as an element of societal power, and framing (as a union capability), as this demands another research design.

a result, a genuine employment relationship associated with relatively strong institutional power is circumvented or undermined. Contractual outsourcing by operating via so-called ›independent contractors‹ enables platforms to offer only limited to none employment rights and social protection and, for example, to shift health and safety risks to the couriers. Secondly, looking now at the couriers themselves, their weak institutional power is also due to lack of any legacy of struggle having a lasting impact to date. From a historical perspective, labour unrest is generally a prerequisite for building dedicated regulatory arrangements aimed at specific groups of workers. In comparison with workers in the conventional economy, such arrangements are largely absent here due to the novelty of platform-based food delivery in particular and the platform economy in general. Thus, only general employment rights and social protection are afforded to couriers, as existing practices with regard to company-based union representation, collective bargaining or social dialogue cannot be applied since they do not (yet) extend their membership platform-based food delivery in both countries. In other words, couriers suffer from a lack of regulatory arrangements specifically tailored to their needs, implying that existing arrangements will have to suffice to fill the regulatory-institutional void (Johnson 2020). These arrangements vary according to existing country-specific classification schemes and contexts, thus putting the spotlight on the state.

Thirdly, there has indeed also so far been a deficiency of state action to strengthen the institutional power of food delivery couriers in the period considered here. The sole exception to this absence of the state is the 2016 De Croo Act adopted in Belgium, named after the Minister of Development Cooperation, Digital Agenda, Telecom and Postal Services, which entered into force in March 2017. This law implies active encouragement of the so-called ›collaborative‹ or ›sharing‹ economy, and has to be examined in the context of the policy initiatives undertaken by the Michel I government in the years 2014–2018 at the federal level, comprised of economic liberals, Flemish nationalists and Flemish Christian Democrats, to deregulate the labour market and to foster labour flexibility (Lenaerts 2018; Zanoni 2019). Belgium was among the first countries to design specific legislation for platforms: the De Croo Act lays down a favourable tax regime of ten per cent for platform workers on their income retrieved from working on officially licensed platforms up to an (indexed) ceiling of EUR 5,000 per year.[5] Nor are platform workers obliged to register as self-employed persons, while they are also exempted from social security contributions, so they are not provided with any additional social protection. At the same time, the De Croo Act lends a certain transparency and provides for minor regulation of the platforms, as the act only applies to licensed platforms. Further deregulation by the Michel I government introduced the possibility for moonlighting exempt from income tax and social security contributions. This ›moonlighting regime‹ has made it possible for employees (if they have at least 4/5 of a full-time job), the self-employed and pensioners to earn up to EUR 6,000 (indexed) by working on licensed platforms from 2018 onwards – student jobs as well as housemen and housewives are excluded.[6] Down to the present, i.e. the summer of 2020, the majority of platform-based food delivery couriers in Belgium either make use of the De Croo Act or ›moonlighting regime‹, both of which have *de facto* created a new employment status with a special tax regime. These employment schemes stand in contrast with the period before February 2018.

Food delivery platforms initially had a strong financial incentive to engage students in Belgium (for details, see Drahokoupil and Piasna 2019). The so-called ›SMart arrangement‹ changed all this somehow in May 2016. This arrangement was a commercial agreement negotiated between the labour market intermediary, annex member-owned and member-governed cooperative SMart (*Société mutuelle des artistes*) and TakeEatEasy and Deliveroo (Charles *et al.* 2020).[7] Couriers could either work on a self-employed basis and invoice the platform directly, or bill their services through SMart. Most of them opted for the latter, which put them in a genuinely dependent employment relationship with SMart. As the legal employer, SMart had to comply with minimum legal employment rights under Belgian labour law.[8] This provided couriers an additional guarantee that these rights would be respected by food delivery platforms. At the same time, SMart acted partly as a ›quasi-union‹ by articulating the needs and concerns of the couriers vis-à-vis the platforms. In anticipation of a regulatory employment classification of the couriers, the unions considered the SMart arrangement a second-best option. The arrangement lasted until January 2018. Deliveroo announced in mid-October 2017 that it was unilaterally terminating existing employment contracts and would only be engaging so-called ›independent contractors‹ from February 2019 onwards. The very same announcement was made in the summer in the Netherlands: while most couriers were on non-standard employment contracts, this was to change as well from early 2019 onwards through individual self-employment contracts – so-called *Zelfstandingen zonder Personeel* or *zzp'ers* in Dutch. It is precisely this change in the employment arrangement that has sparked mobilisation and street protests by couriers in both countries, which calls for an analysis of other power resources to gain an understanding of this.

5 The normal percentage would be 33 per cent.

6 Self-employed cannot perform the same activities in the platform economy as their main activity in the conventional economy, however.

7 Couriers have been making use of SMart to invoice TakeEatEasy since 2013.

8 These minimum rights include a minimum shift duration, reimbursement for biking gear and cellular usage, safety training and accident and liability insurance.

5 THE SPATIAL FIX OF FOOD DELIVERY AND COURIERS' STRUCTURAL POWER

Food delivery couriers have a certain structural power compared to most other workers in the platform economy (Vandaele 2018, 2021). This is solely the result of couriers' workplace bargaining power, as they hold a strategic position in the supply chain of the ›four-sided‹ food platforms (Tassinari and Maccarrone 2020). App-ordered food can simply not be delivered from (ghost) restaurants to clients at the arranged time without couriers. This ›spatial proximity and temporal synchronicity‹ (Woodcock and Graham 2020:51) allows them to utilise their disruptive capacity. Hence, it is no coincidence that most labour unrest in the platform economy across the globe has taken place in food delivery and other related transportation industries (like courier services and ride-hailing) (Joyce *et al.* 2020), and most collective bargaining agreements, as a compromise, have been concluded in these industries in the platform economy (Kilhoffer *et al.* 2020:119). Although the impact of this labour unrest is primarily at a local level, i.e. the urban context in which food delivery platforms are operating, (international) platforms simply have no exit options. This brings the particular ›spatial fix‹ of food delivery into the analysis, whereby this fix refers to the geographical-temporal relocation of capital to new areas in order to maximise profit and labour control (Silver 2003).

The spatial fix of food delivery, as locally based platform work, differs from that of online platforms whose fix is largely removed from local regulatory frameworks (Johnson 2020; Vandaele 2021). This possibility for geographical-temporal relocation is not possible for food delivery platforms. With their physical, time- and place-dependent services, they are impervious to successive relocations, as they are ›geographically tethered‹ (Woodcock and Graham 2020:50–52). Platforms are predominantly contingent on local consumers who can afford food delivery as a personal service. Although the support facilities for couriers in locally based platforms (such as helpdesks) tend to have geographical mobility, this is not an option for their main services, i.e. food delivery. Alternatively, food delivery platforms could opt for a strategy of labour-saving automation via self-driving vehicles, or they could try to gain greater control over production through, for instance, so-called ›dark kitchens‹ or ›ghost restaurants‹, which are businesses in inexpensive areas set up for delivery only in certain high-demand urban locations – in the latter case, the prepared food still needs to be delivered of course. Food delivery platforms are thus either temporally embedded and interrelated with specific regulatory arrangements – or not. If competitive pressures are too high or their operation comes under pressure due to regulatory changes, or both, then such platforms tend to simply terminate activities (or at least threaten to do so) in given localities. This could explain the bankruptcy of TakeEatEasy in Belgium and the discontinuation of Foodora in the Netherlands.

While the distinction in the spatial fix between online and food delivery platforms says something about the workplace bargaining power of couriers and their degree of disruptive capacity, this has to be offset against their marketplace bargaining power (Silver 2003:97–103). The latter can be considered muted since the delivery job requires a rather low skill level, which means that food delivery couriers are easily replaceable from the perspective of the platforms. Moreover, due to low entry barriers, as a result of the recruitment practices of the platforms, there is almost a constant influx of new couriers, especially since most, but not all, of them consider this job as temporary and engage in it either to top up their income or because they are looking for other job opportunities. Therefore, there is a high labour market turnover among couriers (Lieman 2018; ter Weel *et al.* 2018; Vandaele *et al.* 2019). This does not exclude, however, platform-based food delivery serving as the main income for a small group of couriers (although sometimes combined with other (app-based) jobs). There is thus a segmentation among couriers based on different levels of labour market integration, which ›can create divisions in the ›interests‹ of various workforce components regarding remuneration models, contractual forms and attitudes towards ›flexibility‹, as well as in incentives to organise collectively to improve conditions' (Tassinari and Maccarrone 2020:38).

Table 1
The profile of platform-based food delivery couriers in Belgium and the Netherlands 2017–2018

	Belgium	Netherlands
Gender	Predominantly male	More even distribution between men and women
Age	Predominantly young	Predominantly young but also older couriers; non-Dutch couriers tend to be older
Nationality	About two-thirds Belgian and one-third non-Belgian	Unknown
Labour market status	Predominantly students to be employed under the ›De Croo Act‹	Predominantly students to be employed under *zzp* status

Source: author's compilation based on FNV (2019), ter Weel et al. (2018) and Vandaele *et al.* (2019).

Table 1 shows that the courier job is especially a gender-skewed job in Belgium, as most of the couriers are male. Couriers were found to be predominantly young and tend to be students in both countries, although there are some older couriers as well, particularly in the Netherlands. Recently, although their share is unknown, food delivery platforms have been intensely and increasingly relying on immigrant and domestic migrant labour in both countries, which opens up possibilities for segmenting labour markets as well. The prevalence of migrant labour differs between cities, however. In the first instance, reliance on migrant labour has been particularly salient at Uber Eats, but is also commonplace with Deliveroo at present i.e. following the establishment of a contractor relationship. Lower labour market barriers to entry are in particular incentivising migrants to favour platforms over the conventional economy, as the latter is regulated by immigration policies governing

employment and welfare (van Doorn *et al*. 2020). Looking at the Netherlands, legislative deregulation in 2018 in particular explains the growing share of couriers from outside the European Economic Area or Switzerland.[9] This deregulation has made it possible for international students to work without any restrictions on working time if they register as individual self-employed person, while their working time would be limited to maximum of 16 hours per week if they were employed in a genuine employment relationship.

6 DIGITAL COMMUNITIES AND OFF-LINE SELF-ORGANISING AS ASSOCIATIONAL POWER

Online digital communities and offline self-organising in activist groups characterise the associational power of food delivery couriers. A ›critical mass‹ of them have been informally involved in digital communities discussing shared employment terms and conditions in both Belgium and the Netherlands. Just like with platform-based ride-hailing (Maffie 2020), digital communities, based upon Web 2.0 social networking sites, have thus virtually overcome the spatial dispersion of couriers.[10] The spatial fix of food delivery work entails that couriers active in communities also meet offline in shared urban spaces. Easily recognisable by virtue of their platform-branded uniforms and equipment, they meet in so-called ›zone centres‹[11] where there are clusters of restaurants which serve as a physical workspace. This facilitates social identification processes enabling the shaping of collective identities to foster offline mobilisation and organisation (Cant 2019). Membership in these digital communities does not exclude union membership, so overlapping memberships are conceivable. This works in both directions. Unionised couriers can provide the connection between activist groups of couriers and unions, while union activists can anonymously engage in couriers' digital communities seeking to identify their needs and issues.[12] It is estimated that six per cent of Deliveroo couriers were unionised at the end of 2017 or beginning of 2018 in Belgium (Vandaele *et al.* 2019).

The origin and timing of activist group formation differs slightly between Belgium and the Netherlands. In Belgium, a virtual self-organised network of couriers was informally established in Brussels in 2015 (Dufresne *et al.* 2018). Initially, the Couriers Collective (*Koerierscollectief/Collectif des coursier.e.s*) had no particular focus on socio-economic grievances, but rather on sharing the enjoyment of cycling as such. This focus shifted when protests against the employment practices used by Take Eat Easy began to take place in 2016. The Collective especially rose to prominence and gained legitimacy among couriers by defending their interests in the procedure to settle the bankruptcy of this home-grown food delivery platform. Also, the initial policies of the platforms encouraged the formation of digital communities. Thus, to optimise the labour process, food delivery platforms like Deliveroo created a hierarchical division among couriers at the beginning. The more experienced couriers were appointed ›lead riders‹ – to use Deliveroo jargon. They pass on and explain information furnished by Deliveroo to the couriers, or they provide information on employment arrangements when so requested to new or less experienced couriers via social networking sites. Although Deliveroo discontinued the ›lead riders‹ system in 2017 (Lieman 2018:118–119), they would form the initial backbone of the self-organised, network-based on-line and off-line communities culminating in the Riders Union in the Netherlands. About 200 couriers were members of the Riders Union in September 2017. Digital communities have been present in many cities in the Netherlands; they are sometimes organised along ethnic lines.

7 COALITION-BUILDING WITH MAINSTREAM TRADE UNIONS

Both the Couriers Collective and the Riders Union have approached the mainstream unions in Belgium and the Netherlands, respectively. At first sight, it is not exactly self-evident, however, why they would try to build an alliance with unions, as there are notable differences in the organisational morphology between them (Vandaele *et al.* 2019). This section provides an overview of these differences, focusing on their ideological identity, their organisational form and membership domain, as well as the conception of membership and relationship to members, and also analyses the further development of activist groups vis-à-vis union structures.

A different organisational morphology, but complementarities

While activist groups of couriers appear to be neutral because they formally focus on the immediate improvement of their employment conditions, ideological frameworks historically underpin the identity of the mainstream unions in Belgium and the Netherlands. Also, while activist groups are network-based, fostering an occupational identity among couriers in urban settings, mainstream unions are bureaucratic workplace-based organisations commonly structured around multi-industries throughout the entire country. Furthermore, the membership of activist groups is exactly the opposite of union membership: it is informal and free, and, hence, members lack their own financial resources.[13] As

9 The European Economic Area unites the Member States of the European Union and Iceland, Lichtenstein and Norway.

10 The Internet structure of Web 2.0 needs to be differentiated from the digital communication architecture associated with Web 1.0, which left little room for real-time engagement and frequent interpersonal interaction.

11 These are the waiting locations for couriers in areas where restaurants are clustered.

12 Couriers might be union members because they are unionised in their primary job. Unionisation might be particularly more common among couriers in Belgium, as it can be expected that some of them will have spells of unemployment, creating incentives to unionise since unions are involved in the provision of unemployment benefits.

13 1,949 and 404 members have liked the Facebook Page of the Collective and the Riders Union, respectively (13 July 2020). There are closed Facebook Groups as well, but with far fewer members.

many couriers are students, however, union membership is free or they pay a reduced subscription (until a certain age) if they join the youth organisations of union confederations in both countries. Finally, couriers and their activist groups tend more toward a ›logic-of-membership approach‹, i.e. attending to couriers' immediate interests and needs, since they lack institutional power (Vandaele 2018, 2021). Strongly embedded in national systems of collective bargaining and social dialogue, mainstream unions tend to pursue a ›logic-of-influence approach‹, i.e. emphasising the relationship between these and their interlocutors, like employers' organisations and political authorities. Therefore, it is conceivable that mainstream unions will prioritise regulatory solutions in the institutional realm over recruiting or mobilising couriers. These approaches are not mutually exclusive, however, and they may even complement each other (Serrano 2014). A difference between Belgian and Dutch unions is apparent here. A systematic organising approach, emphasising the membership dimension, is rather unfamiliar to most Belgian unions today, while such an approach has been gaining prominence within the *FNV* since roughly the mid-2000s. This distinction can primarily be attributed to the different trajectories in union density between the two countries.

Union density has been marked by long-term stability in Belgium before the crisis of the finance-dominated accumulation regime in 2007–2008: this density hovered at around 55 per cent for about 25 years. This pre-crisis stability in the density level can be explained by a considerable mobilisation capacity among Belgian unions, including large-scale demonstrations and general strikes, combined with a relative solidity in the unions' institutional embeddedness in the labour market and welfare state regime. In particular, union involvement in the payment of unemployment benefits, i.e. a weakened variant of the Ghent system (Van Rie *et al.* 2011), a strong union presence at the workplace and collective bargaining at the industry level have all contributed to this stability. It is only recently that several unions have been confronted with declining memberships. So far, no studies have examined the reasons for membership losses, and to what extent this is being caused by a worsening membership inflow or outflow, or both. Even so, the ongoing and more widespread decline in the wake of the 2007–2008 crisis is moving unions to rethink their policies on organising and serving (new) members, with especially a renewed focus on young people (Vandaele 2020). Unions are again reporting an increase in membership since the outbreak of COVID-19 due to the Ghent system.

Whereas in the past individual, often multi-industry, unions were affiliated with the *FNV*, this has in principle no longer been the case since May 2013 (de Beer 2013). Since then, the overall organisational structure has been based on more narrowly defined economic industries, and no longer on individual affiliated unions, except for a number of smaller occupational unions. Thus, whereas the latter have remained virtually unaffected by internal reorganisation, the larger unions, usually with a membership domain in more than one industry, have ceased to exist and have been split into 26 economic sectors, although bundled into 13 sections, which are directly linked to the *FNV*. The immediate cause underlying this reorganisation was strong internal discord over a new governmental pension reform plan in 2010. An additional explanation, however, is deeper-lying tensions between unions explicitly engaging with an organising approach, influenced by transnational union learning, especially in cleaning (Connolly *et al.* 2012; Knotter 2017), on the one hand, and other unions emphasising their service-oriented identity embedded in an industrial relations system traditionally based on so-called ›social partnership‹ on the other. While the organising approach is anchored in *FNV* structures today through a separate organising department called ›Campaigning‹, this does not exclude some lingering issues regarding resource allocation and the very understanding of the approach.[14]

Alliance-building in Belgium and a virtual union body powered by FNV

Many of the aforementioned differences, if not all, between activist groups and mainstream unions in their organisational morphology are less significant when grass-roots unions are considered. Compared to mainstream unions, they are less bureaucratic and based on occupational identities following a logic-of-membership approach, which is reflected in organising efforts aimed at precarious workers in specific industries. Hence, it is probably no coincidence that activist groups of couriers have been forming coalitions with grassroots unions in countries where they are present, like in France, Germany, at least in Berlin, and the UK (Vandaele 2021). While such grass-roots unions are *de facto* absent in Belgium and the Netherlands, couriers have turned to mainstream unions with the aim of coalition-building, however. Indeed, platform-based food delivery couriers in Belgium, most of them students, do not differ from their counterparts outside the platform economy in terms of union attitudes (Vandaele *et al.* 2019): the fact that most of them are not unionised points instead to a lack of awareness and knowledge rather than clear feelings of antipathy towards unions per se. Similarly, much to their surprise, interviewees confirm that couriers' attitudes towards Dutch unions have not been marked by outspoken anti-unionism. This highlights the fact that couriers' negative or positive subjective attitudes towards unions, their collective identity and discursive practices should also be taken into account in explaining their relationship with mainstream unions (Tassinari and Maccarrone 2018).

Coalition-building with unions offers activist groups an opportunity to rely on unions' institutional power at the local level and beyond. In practice, in Belgium, the Couriers Collective initially approached the Christian white-collar union (*CNE*, Centrale *nationale des Employés*), organising non-manual workers in French-speaking communities to help them find a meeting place in Brussels in 2016. Ideologically neutral, the Collective is open to cooperation

14 O Organising departments were established in some unions in 2007, i.e. before the organisational restructuring.

and alliance-building with all unions irrespective of their ideology, however.[15] In practice, there appears to be some kind of geographical division, based on personal links between couriers in the Collective and unions. There is a closer cooperation with the socialist *BTB/UBT* in the Flemish cities of Antwerp and Ghent, while the relationship is stronger with the *CNE* in Brussels, although the different unions for the most part act together without much tensions. The Collective was also able to profit from the experience of unions in negotiating a collective agreement to improve the conditions of couriers employed by SMart in 2017.[16] These negotiations on a collective agreement were suddenly halted after the decision by Deliveroo to discontinue the SMart arrangement, which has reinforced alliance-building between the autonomous Collective and unions since then.

In the Netherlands, the Riders Union initially contacted the two main union confederations, offering its support in coordinating the couriers' movement as well as in their mobilising actions, while the (employer-sponsored) ›Alternative to Union‹ (*Alternatief voor Vakbond*) also tried to enhance its profile on the issue. Almost simultaneously, some *FNV* organisers and campaign leaders took initiatives to establish contacts with the couriers, and to listen to their issues and needs. The couriers opted to work exclusively together with the *FNV* and its youth organisation in September 2017.[17] In practice, this has in short meant that the Riders Union has been bolstered by the *FNV*, with the latter contributing financial resources, legal knowledge and experience in political advocacy (Lieman 2018:120). Hence, in contrast to the Couriers Collective in Belgium, the autonomous Riders Union has turned into a virtually existing formal body or, more aptly, a chapter of FNV Youth: the FNV Riders Union.[18] Other economic sectors or unions within the *FNV* have been considered less an option compared to FNV Youth. As long as couriers are *zzp'ers*, then economic sections or unions organising freelancers or the self-employed are not an alternative, as this is considered to legitimise the contractor status. It is argued, however, that the economic section in transport would be the ideal structure to represent couriers in the long run, i.e. on the condition that the contractor status is lifted.

8 MOBILISATION AND PROTEST BY FOOD DELIVERY COURIERS AND THEIR DISCURSIVE POWER

Table 2 provides an overview of the different power resources of food delivery couriers in Belgium and the Netherlands. Their structural power is in all likelihood quite similar in both countries, i.e. a relatively strong workplace bargaining power and a weak marketplace bargaining power. Institutional power is weak as well, although precise application of the contractor status differs between both countries. Whereas digital communities and offline activist groups reflect couriers' associational power, their coalitional power has developed differently. The Couriers Collective can count on the two main union confederations in Belgium, whereas the Riders Union has become a virtual body of FNV Youth (until mid-2018). This section analyses how the different power resources of the couriers coalesce into collective action and how this action has been framed by them and describes what has happened in the wake of the couriers' mobilisation and street protests.

Table 2
Power resources of food delivery couriers in Belgium and the Netherlands

Power resource	Belgium	Netherlands
Workplace bargaining power	relatively strong	relatively strong
Marketplace bargaining power	weak	weak
Institutional power	weak (De Croo Act and moonlighting regime)	weak (zzp status)
Associational power	Couriers Collective	Riders Union
Coalitional power	unions affiliated with ABVV/FGTB and ACV/CSC	FNV, and later a virtual body of FNV Youth

Source: author's own table.

Couriers' mobilisation and street protest during the winter of 2017–2018

Grievances and feelings of ›algorithmic injustice‹ are in all likelihood not shared by all couriers, as they have different perceptions of food delivery work. Their degree of job dissatisfaction depends on individual circumstances like their life stage, their need for income and expectations regarding their work (Goods *et al.* 2019; Vandaele *et al.* 2019). For instance, although one-third of their working time was unpaid, Dutch food delivery couriers displayed a high level of job satisfaction in 2017 (ter Weel *et al.* 2018). Nevertheless, the announcement by Deliveroo that it was shifting from a genuinely dependent employment status to a contractor relationship from February 2018 onwards, together with a switchover from hourly wages to a riskier payment-by-delivery system have fuelled shared grievances and a sense of injustice among couriers in both countries. The spatial fix of relative geographical immobility of time- and place-bound personal services like food delivery has offered them opportunities for mobilisation and street protest.

15 This union pluralism might also help advance the Collective, as it enables it to play off the unions against each other.

16 While concluding a collective agreement would have constituted a sort of derivative of the traditional bargaining locus, which is at the industry level, it is still a practice that is embedded in unions' dominant logic-of-influence approach.

17 The National Federation of Christian Trade Unions (*Christelijk Nationaal Verbond*) has been less appealing due to its strong focus on political advocacy without much involvement of couriers.

18 This implies that the membership of the Riders Union is paying dues, albeit a lower amount for certain age categories or students, and that couriers are entitled to strike benefits.

Combining smartphones with street protest, most actions staged by the couriers have been concentrated in the capital of Belgium, including occupation of the Deliveroo office by 15 to 20 couriers between November 2017 and January 2018.[19] Couriers mobilised a coalition with Critical Mass Brussels as well, as both shared the same perception of the danger posed by cycling in Brussels. In a joint action, the couriers and Critical Mass Brussels cycled to the headquarters of Deliveroo. Restaurants have also showed solidarity with the couriers by not opening their kitchens for platform-based food ordering. Couriers have also set up a small crowdfunding campaign to raise funds for a virtual strike fund. Interestingly, there have also been exchanges between the Couriers Collective and the FNV Riders Union, with the latter visiting the former in Brussels in a show of support for its actions. Looking at the Netherlands, Deliveroo already started up with a pilot project using contractor employment in several Dutch cities in spring 2017, while existing employments contracts were no longer, or only temporarily, extended despite assurances that this would not be the case (Lieman 2018:117–119, 126). The Riders Union has forwarded the following demands: to stop working with independent contractors, to establish a works council, and to negotiate a collective agreement.[20] The Riders Union had four formal rounds of talks with Deliveroo, but these did not produce any results. Its local management stated that it had no authority to roll back the decision to operate only with independent contractors. This was followed by escalating campaigns and industrial actions in Amsterdam and Haarlem – the two cities where Deliveroo first began operations – as well as Utrecht and some other cities. One of the actions involved dozens of couriers on New Year's Day 2018 – one of the busiest days of the year for food deliveries. The weak labour market bargaining power of couriers was somehow overcome because food delivery companies like Foodora and Takeaway.com refrained from taking on extra deliveries.

A strong discursive power, but an uneven reception

The very visible mobilisation though small-scale protest has caught the attention of local and national press and media. Judging by the neutral to positive press and media coverage overall, which quite surprised the unions, the discursive power of the couriers is relatively strong in both countries. Several reasons help explain this. First, the platform economy is novel and therefore considered ›sexy‹ by the press and media. At the same time, the platforms cast an attentive eye on their public image, and they make use of an obfuscating language to rebuff any attempts to create dependent employment relationships with their couriers. This Orwellian newspeak makes them vulnerable, especially when confronted with images like protesting couriers redubbing Deliveroo, for instance, to ›Slaveroo‹. Secondly, some (young) journalists' very own employment situation, increasingly marked by a freelancer status or other contingent arrangements, might have made them more sympathetic to the cause of the couriers. Finally, the couriers have been able to communicate the decision by Deliveroo to change the genuine employment relationship to an independent contractor status very easily to the press and media. Their narrative has focused on why a shift in the employment category was necessary when the delivery job profile remained unchanged. The reception of this narrative has been slightly different in Belgium and the Netherlands, however.

Looking at Belgium, there is no doubt that the alliance-building between the Couriers Collective and unions has been valuable to the couriers, as the unions could contribute their leverage with the press and media. Several opinion articles on the decision by Deliveroo have been published in the Belgian press. Centre-right and right-wing politicians have echoed the platforms' views, however, by labelling platform workers ›micro-entrepreneurs‹ (Zanoni 2019). Indeed, the De Croo Act was characterised by the Michel I government as a stepping-stone for certain groups in the labour market towards jobs with better employment terms and conditions (see, however, Piasna and Drahokoupil 2019). The transition towards a self-employment model lasted until January 2018, which happened to coincide with the expansion of policies promoting platform work. Deliveroo thus avoided being covered by a collective agreement improving employment terms and conditions of couriers employed by SMart, which was being negotiated at the time.

While the Michel I government encouraged labour market deregulation and flexibilisation, including via platform work, the public and political debate in the Netherlands has tended to instead move in the opposite direction. The sharp Dutch increase in the number of individual self-employed persons in recent years is at the same time seen as very symbolic of a wider phenomenon: their lower levels of social protection have been on the political agenda in the Netherlands for quite some time (Borstlap 2020). Couriers are regardless of this part of this debate since the food delivery platforms predominantly utilise temporary agency or individual self-employment contracts as revealed by the naming and shaming report by the *FNV* on their employment practices (2019).[21] This more open political opportunity structure can explain why the couriers' narrative has had more resonance with the press and media in the Netherlands as well as in the political arena. Their narrative has received extensive coverage, including being featured in some (very) popular

19 An initial ›symbolic action‹ by about 30 couriers was staged in Brussels in July 2017 with the logistical support of *CNE* and the transport workers union affiliated with the *ACV/CSC*. The couriers were protesting their working conditions and, especially, the offshoring of Deliveroo's call-centre for French-speaking customers to Madagascar, which resulted in layoffs.

20 Deliveroo established a so-called ›Rider Forum‹ in July 2017, but this non-independent body has no formal negotiating authority (Lieman 2018:137). A few couriers are elected by their colleagues from the same city to represent them in the Forum. Those couriers meet Deliveroo management at least four times a year and they are reimbursed for their expenses. For more on this, see: https://nl.roocommunity.com/rider-forum-2/

21 Only a minority is employed through a standard employment contract.

vlogs and on tv-programs, which has been instrumental in gaining the support of public opinion for the cause of the couriers.[22] The mobilisation and protest by the couriers has therefore been viewed as effective i.e. heightening pressure on the political arena to roll back labour market flexibilisation and deregulation, as demonstrated by a hearing in the Dutch Parliament on the Deliveroo case (FNV 2017). This discursive power might also explain why alliances with other organisations has not been fully explored in the Dutch case. Neither the street protest nor political debate have prevented Deliveroo from changing its policies, however.

Turning to more familiar union terrain afterwards

The mobilisation and street protests in Belgium and the Netherlands have not constituted any aberration from the wave of strikes in platform-based food delivery in other European countries in the winter of 2017–2018 (Cant 2018). The collective action of couriers has nevertheless been ephemeral: it began to peter out after January 2018. Many of the couriers, including informal leaders, have probably chosen ›exit over voice‹ i.e. simply quitting work in the area of food delivery, or Deliveroo has unilaterally terminated their contract. Only limited actions have occurred since then, like some strikes in the Belgian cities of Ghent and Liège in June 2019 and March 2020, respectively, and in the Dutch city of Groningen in March 2019.[23] Unions in both countries developed much more their own strategy towards the food delivery couriers from February 2018 onwards. They have initiated proceedings regarding the employment status of couriers. This should not be considered a shift to an alternative plan. Organising and the legal approach have gone hand in hand, although the latter is a rather more routine strategy, which unions are more comfortable with, although it could be a long, weary route with an uncertain outcome. Such a strategy is, however, the most effective way to alter the contractor relationship if the unions win the case.

Belgian unions have strongly opposed the moonlighting employment scheme, as workers under this scheme have no access to social protection, and it undermines the financing of the social security system, while the state also loses tax income (Serroyen 2015). Unions and some business associations organising small business owners – the latter fearing unfair competition – took action with the Constitutional Court in 2018. The Court overturned the special tax regime encouraging platform work two years later, arguing that it violated the principle of equality enshrined in the Constitution, although workers could still make use of moonlighting scheme until the end of 2020. It is currently unclear whether this scheme will be adjusted or not by the legislator. In addition, the Deliveroo case prompted the labour auditor to investigate the contractor status of couriers. Unions have supported the couriers when they have been called upon in hearings, although a ruling about the independent contractor status was still pending at the time this was being written. If the Brussels Labour Court decides that the contractor relationship is in fact based on sham self-employment, Deliveroo has threatened to leave Belgium in part i.e. only remain active in a number of cities (*Le Soir*, 20 January 2020). In the Netherlands, a test case against Deliveroo turned out in favour of *FNV* in 2019: a court ruled that couriers should be considered employees instead of independent contractors (*De Volkskrant* 6 September 2019). Based on this ruling, *FNV* brought a case to the court in August 2020 demanding an employment contract for two couriers. The state has abstained from any regulatory action so far, while Deliveroo has filed an appeal against the test case; the case was still pending at time this was written.

9 UNION CAPABILITIES AND RESPONSES TO THE COURIERS

This section places the focus on the unions themselves by analytically distinguishing between two union capabilities: intermediation and organisational learning (Lévesque and Murray 2010). Intermediation is defined as the unions' ability to build an internal consensus for developing common policies and strategies for representing the interests and needs of their members or workers in general. Organisational learning and flexibility refer to self-reflective and imaginative processes of (un)learning from past experiences of unions for addressing new challenges via innovative policies or strategies. Organisational learning and flexibility thus share with improvisational unionism an experimental focus, although the latter approach is less preconceived and more open to new possibilities (Oswalt 2016). Within improvisational unionism not fully planned decisions are taken as the action unfolds, though informed by minimal procedures, so that it can be considered a possible intermediary step to (a posteriori) organisational learning and flexibility.

The contractor status complicating consensus-building

A consensus within the confederations in Belgium and the Netherlands was quickly found regarding the principle that food delivery couriers are employed with sham self-employment contracts, and they thus cannot be considered genuine individual self-employed persons. Accepting the latter would undermine the regulation of employment relations in the conventional economy. Strategies to achieve and defend this principle were initially less clear-cut, however. In general, the proposed strategies have ranged from only keeping membership for workers within the bounds of lawful employment relationships, to legally challenging the contractor relationship of the couriers, and all the way to opening up membership for them regardless of the lawfulness of their employment status. While the first two strategies crystallise problem issues like especially a dearth of state action to regulate the platform economy, it is in particular the latter strategy that facilitates organising i.e. strengthening unions' associational power. The strategies are not mutually

22 See, for instance, https://www.youtube.com/watch?v=cbjUl0gAvRk

23 Strike regulations cannot be applied to the couriers who are employed with an independent contractor status. This also implies that official data on industrial action does not cover any industry working with independent contractors within the platform economy.

exclusive, however: in practice, the legal route, i.e. relying on unions' institutional power, has been pursued together with organising, whereby the latter is able to identify evocative testimonies regarding the experience of couriers with algorithmic management. Expertise on platform-based food delivery also had to be built up, and it has taken a while for coordination between different union structures to develop due to its novel character. Crucial to understanding all this is the absence of adequate structures for collective bargaining and social dialogue in platform-based food delivery and the platform economy in general, especially as long as platform workers are considered independent contractors. The latter explains as well why intermediation between different unions has not been without tensions. Platform-based food delivery couriers, in particular as self-employed individuals, do not really fit into existing union representation structures. Their status moreover touches upon the possible membership domains of several unions, which is rather unusual, so it has taken some time to clarify such issues.

From initial improvisational unionism to …

Initial union responses to the food delivery couriers was of a strong bottom-up nature: full-time union officers (FTOs) or organisers in Belgium and the Netherland, respectively, helped couriers in their mobilising efforts. Support from the union structures via dedicated resources for these efforts was rather half-hearted at first – though not much in the way of infrastructural or financial resources were needed.[24] FTOs and organisers have been cautious about imposing any ready-made union-led ›solutions‹ on the couriers, including because the traditional instruments of collective bargaining have not yet been established in the platform economy. They have tried first of all to gain a better understanding of the interests and needs of the couriers. In Belgium, this improvisational unionism was mainly driven by a strong commitment of some FTOs at the time of the couriers' mobilisation. This commitment is still the case today. Platform-based food delivery has simply been added to the responsibilities of these FTOs. They could only temporarily focus on the couriers, however, as FTOs are also responsible for other industries. The issues of the couriers have been commonly related to tax concerns due to the legal uncertainty of their unemployment status. Hence, individual servicing like helping the couriers declare their income is a prominent, but conventional union policy. Interpersonal connections between the FTOs and the Couriers Collective continue today despite the high turnover within the platform-based food delivery sector. Thus, coalitional power is maintained, whereby the autonomous Collective can be considered instrumental for its role as the permanent broker between the couriers and FTOs. While its members are among the more experienced couriers, the Collective is rather fragile, as it depends on a number of key persons, however, and their demographic profile is probably less representative of the couriers today who have increasingly a migrant background.

A similar bottom-up creativeness also marked the Dutch case in the first instance. The decision by Deliveroo to change the employment status created an atmosphere of urgency for the unions, although the allocation of resources somehow lagged behind, and the initial union response was not part of a broader well-thought-out strategy towards the platform economy. Instead, the response was especially driven by a small group of experienced and formally trained *FNV* organisers, and their pro-active engagement and intuition regarding the importance of platform-based food delivery for the *FNV*. They seized the opportunity of grievances and feelings of injustice on the part of the couriers through voluntary engagement with them, i.e. after working hours. Turning toward their intermediary capabilities, they quickly established informal contacts with the couriers' pre-existing networks of identity and solidarity, whereas the internal *FNV* department ›Enforcement & Compliance‹ swiftly got involved, providing legal support and preparing a lawsuit. Maintaining interpersonal connections between the organisers and the couriers' network has been more difficult in the Netherlands than in Belgium in the wake of the labour unrest. This is partially the result of the high turnover among couriers, the termination of contracts by Deliveroo and the feeling of urgency that began to ebb when Deliveroo simply continued to use the contractor relationship, but all of this could not clarify the difference compared to the Belgian context. Organising efforts have also been at a low level due to personal circumstances and the project-based nature of the organising campaign. After a while, the *FNV* took up the issue of the food delivery couriers once again, however, by establishing a working group for a more integrative approach by involving various internal departments and unions. Thus, a stronger internal coordination has been developed today and dedicated personal and financial resources have been allocated. The Riders Union has no longer been subsumed under FNV Youth since mid-2018, instead being assigned as part of a larger project to the ›Campaigning‹ department for the platform economy, which covers ride-hailing and hospitality as well. Although an autonomous mezzanine structure is missing, following the takeover of the Riders Union by *FNV*, the starting point of the project is to revitalise efforts to reach out to couriers' informal, digital communities; organising couriers working almost full-time for food delivery platforms has thereby been made a priority.

… new tactics and new initiatives on the union agenda

The spatial fix of platform-based food delivery has spawned some creative strategies for bringing together workers without a workplace in Belgium. Unions have reached out to the couriers, for example, through bike repair events or by ordering pizza via the platforms' apps from multiple restaurants so that the couriers would all end up gathered together at one location. The unions then offered the pizza to the couriers for free while listening to them describe their experiences with the algorithmic management of the platforms. Also, looking at unions' discursive power,

24 For example, in the Dutch case, it was possible to bring couriers together on the street and in public spaces by offering them hot chocolate during the winter of 2017–2018. Producing flags with the logo of the Riders Union is equally an inexpensive measure.

one of the actions of the *BTB/UBT* has involved setting up a pop-up restaurant in front of the headquarters of Deliveroo in Brussels and ordering food from the competitor Takeaway.com, which is at least engaging in social dialogue with the unions. Tactics have included one-to-ones as well and conducting a small survey to identify the profiles and issues of the couriers. Despite these tactics associated with an organising approach, the latter cannot be considered central in the union strategy towards platform-based food delivery or the platform economy in general.

One of the most prominent organisational reforms is the launch of ›United Freelancers‹ within the Belgian *ACV/CSC* in June 2019 – much to the disgrace of some organisations representing small business. Though its establishment is not a direct consequence of the mobilisation of and protest by the couriers, press and media coverage of the ongoing debate over couriers' employment status has been a fortunate circumstance promoting it. The initiative has its roots in the 2015 *ACV/CSC* Congress, where a common position has been sought to develop a union response towards the increase in the number of solo self-employed persons in the Belgian labour market (ACV 2015). Finding inspiration in similar initiatives by the German union ver.di and its *Mediafon* project as well as some Dutch unions organising solo self-employed persons, United Freelancers is not a union, but rather a platform within the *ACV/CSC*, although with an earmarked budget. United Freelancers aims to grow expertise on the interests and needs of solo self-employed persons, whether they work in the platform economy or not. Its organising principle is thus based on the contractor position of its members, i.e. it is indifferent to the industry in which they work. The focus lies on recruiting and servicing solo self-employed so far, and not on mobilising or organising them. United Freelancers thus aims to adequately respond to the challenge posed by this group of workers, who have no direct contact with the union because their workplace often changes or is wholly absent due to remote work. A member of United Freelancers is later on transferred to the union organising the industry in which (s)he is mostly employed. The platform might also be an inspiring model for unions representing workers in small businesses to reach out to their members. In August 2020, United Freelancers announced a research project, sponsored by the Flemish Government and European Social Fund, with the aim of bringing about better representation of solo self-employed persons. In addition, the *ABVV/FGTB* has launched a dedicated website, although its focus is narrower and more ad hoc: it is oriented toward platform workers only and not the solo self-employed as such.[25]

Turning to the Netherlands, organisers there have been predominantly inspired by US-style organising approaches in low-wage industries like cleaning. Transnational union learning has also been relevant, as the organisers have been aware of the mobilising and organising efforts of grassroots unions in platform-based food delivery, like in Italy or the United Kingdom. In particular, organisers have tried to mimic their approach, i.e. by deliberately cultivating a ›radical‹ appearance. In terms of content, issue-based organising has simply been made possible by a unilateral change in employment status by Deliveroo. In addition, new tactics have been tried out successfully by making use of social media and apps to recruit couriers. Just like in Belgium (e.g. Ulens 2017), the platform economy and digitalisation have gained greater prominence on the union agenda within the *FNV*. An internal working group already prepared a document on the platform economy back in 2017: a number of recommendations were made, among them national and European lobbying to address the employment status of platform workers, but also with regard to organising these workers (Lieman 2018:120–122). The document demonstrates that an articulated union response towards the platform economy incorporates multiple decision-making levels. The bottom-up approach of the organisers as a whole and in particular the couriers' mobilisation and street protest, and the press and media attention this has generated, have especially been instrumental in prioritising the interests and issues of food delivery couriers while promoting a growing awareness of the platform economy in general within the *FNV*.

10 CONCLUSION – LESSONS FOR UNIONS

At least four hypotheses can be forwarded on why mainstream unions have engaged with food delivery couriers in Belgium and the Netherlands. Firstly, there is an external motive that is based upon the considerable discursive power of food delivery couriers. Union involvement in mobilisation and street protest promotes a public image of unions also being active in the platform economy and engaging with young and precarious workers, who nowadays often have a migrant background. It offers an opportunity for unions to be portrayed as organisations taking the offensive to achieve better employment terms and conditions for a vulnerable workforce.

Secondly, unions have seen their involvement in platform-based food delivery as a learning curve to regulate other types of platform work. As a very visible industry in the urban context, platform-based food delivery can be considered an industry emblematic or symbolic of the biased ›an-app-as-a-boss‹ approach in the platform economy. The considerable discursive power of food delivery couriers was able to provide unions leverage in the political field and thus strengthen the weak institutional power of platform workers at present in general. Nevertheless, the Dutch political and public debate on labour market deregulation and flexibilisation, in which better political opportunities for unions in the Netherlands is noted compared to Belgium, has not resulted in significant improvements for platform-based food delivery couriers so far, although a recent court decision has been handed down in their favour. Furthermore,

25 The BTB/UBT has also commissioned research on automation and digitalisation to influence public opinion (Moreels 2018). Also, a regional branch has set up a dedicated website on digitalisation and the platform economy to foster transnational networks among union representatives interested in these topics. See http://e-tuned.org

many work arrangements in the platform economy are not novel, nor are they necessarily restricted to it. Most platform work can be conceived as a contemporary deepening of fissured workplaces and precarious work arrangements. Thus, union action in platform-based food delivery can provide important insights into such arrangements and algorithmic management, which is perceived as a threat to the conventional economy as well.

Thirdly, there is also an internal motive in organising food delivery couriers: mobilising and protest could serve as an inspiration for other unions to engage with an organising approach or at least innovative recruitment or mobilising tactics. Still, it would appear that improvisational unionism has become embedded in existing trends and patterns. Applying McAlevey's (2016) conceptual framework, Belgian unions are combining a representation strategy based more on political advocacy and mobilisation, and far less on deep organising (Vandaele 2020). While some tactics associated with organising have been adapted to organise the couriers, it is still too early to judge whether such tactics are spreading to other unions or will become part of an anchored organising strategy. This stands in contrast to the Netherlands, where unions in certain industries have undergone a shift towards organising, although there is still a predominant focus on political advocacy within the *FNV*, while mobilising has traditionally been muted (Tamminga 2017). The case of food delivery workers has once again revealed certain tensions between organising (in terms of allocated resources) and political advocacy. In both Belgium and the Netherlands, however, a prerequisite to bottom-up agency and improvisational unionism has been the autonomy of FTOs and organisers, respectively.

Finally, the profile of the couriers matters: they are young and students or they have a migrant background, or they combine these characteristics. It might be their first encounter with a union (in their school-to-work transitions). Engaging with them offers a possibility to make them aware about their employment rights and health and safety risks in platform-based food delivery and about unionism in general. It is a way for the unions to signal that the platform economy must not be considered the new ›normal‹ in employment relations. Moreover, from the viewpoint of union organising, self-organised, network-based digital communities and offline activist groups can be regarded as pre-existing structures of identity and solidarity which they can relatively easily tap into.[26] Engaging with them is a way for unions to understand the interests and needs of students, young workers, and, increasingly, migrants working in platform-based food delivery. A critical mass among food delivery couriers may well offer an untapped potential for union activists in the future, and possibly serve as a driver of union innovation and revitalisation.

26 The epithet ›pre-existing‹ is less appropriate from couriers' perspective, as this would imply an evolutionary perspective on organisational formation.

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FROM STREET PROTEST TO ›IMPROVISATIONAL UNIONISM‹

Platform-based food delivery couriers in Belgium and the Netherlands

Platform-based food delivery couriers recently mobilised and demonstrated in Belgium and the Netherlands in winter 2017–2018. They voiced their opposition to the unilateral decision by Deliveroo to solely operate with a contractor status, virtually eliminating employment rights and social protection, while health and safety risks have been shifted to the couriers themselves. Organising via online digital communities and offline activist groups, couriers contacted the mainstream trade unions in both countries in an effort to strengthen their coalitional power. For their part, the unions supported the couriers in their mobilising efforts, whereby initial responses were of a strong bottom-up nature, opening space for improvisational unionism, such as creative organising tactics.

The alliance-building showed that the couriers could count on the institutional power of the trade unions, such as their financial resources, legal knowledge and experience with political advocating. Simultaneously, the unions were surprised by the couriers' discursive power, as their mobilisation was afforded neutral to positive coverage in press and media, especially in the Dutch context. Neither the street protests nor the political debate were able to prevent Deliveroo from changing its policies, however. Yet, unions have also initiated litigation, taking legal action to alter the couriers‹ status as contractors: proceedings have been decided in their favour – although the Belgian and Dutch state have abstained from taking any regulatory action so far.

The couriers' mobilisation and street protests as well as the press and media attention this has generated have especially been instrumental in raising awareness about the platform economy within the trade unions. A consensus was quickly found regarding the policy that couriers were to be employed on the basis of bogus self-employment contracts. While the couriers do not really fit into existing union representation structures, unions have realised that platform-based food delivery is symbolic of the platform economy and they should therefore mobilise and organise the couriers.

For further information on this topic:
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