

Inequalities in the Platform Labor Market

A Study on Stratifications in the Italian Food Delivery Sector

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Abstract Riders' working conditions in food delivery platforms have been at the center of debate on the future of work. Yet, the situation has not changed much compared to the past. This article explains the differentiation of working conditions and social composition in the food delivery sector in Italy. The existence of three labor models will be highlighted: a 'high' one, where riders are classified as employees, with an hourly wage and whose labor process is contractually planned; a 'low' one, where they are self-employed, pieceworking and whose labor process is not contractually planned; an 'undeclared' one, where forms of gangmastering occur. Riders' social composition is specific to each of them in terms of social and economic marginality.

Keywords Food delivery. Platform work. Stratification. Legal status. Labor process.

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1 Introduction

Digital platforms are transforming the economy and the labor market: they innovate sales, distribution and consumption processes; they open up new job opportunities, favoring an initial position for disadvantaged groups in the labor market. However, significant challenges emerge on the labor rights front.

More than 500 digital labor platforms have been counted in the European Union. More than 28 million workers are employed and could reach the threshold of 43 million in 2025 (de Groen et al. 2021). On-location services, which take the form of performing manual tasks and face-to-face interactions, are prevalent. The European Commission estimates that 5.5 million platform workers are exposed to the risk of status misclassification (European Commission 2021, Annex 10). Furthermore, it is estimated that more than half (55%) receive a net wage below their Member State minimum hourly wage, and spend 8-9 hours per week in unpaid activities (Barcevičius et al. 2021, 100 ff.).¹

The most comprehensive attempt to quantify the phenomenon in Italy was conducted by the National Institute for Public Policy Analysis (Bergamante et al. 2022). It showed that, between 2020 and 2021, 1.3% of the population aged between 18 and 74 did platform work. Half of them worked in logistics: 36% in food delivery (so-called riders), while 14% in goods and parcel distribution.² Concerning legal status, 67.4% were classified as self-employed, while 31.1% had no contract. Most workers interpreted the platforms as a stepping stone in the absence of viable alternatives (50%), while fewer claimed to gain extra income from them (12%). 48% of workers considered this income as an important part of total household earnings, 32% depicted it as essential, while the rest as only marginal. The peculiar social background of these workers, who are often part of fragile households and subject to further forms of marginalization – as in the case of the immigrant population (Zwysen, Piasna 2024) –, accentuates their exposure to the risk of poverty and social exclusion.

The high percentage of workers employed in food delivery as riders has placed this sector at the center of the debate on the future of work in digital capitalism. Yet, the category's working conditions have not changed much compared to the past.

This article aims to bring the issue of riders' labor quality back to the forefront and to contribute to the sociological debate on labor market stratification. It also attempts to provide a detailed account of the differentiation of working conditions in the food delivery sector. The existence of different labor models will be highlighted and three

¹ On this topic, see Pulignano et al. 2021; 2024.

² Also relevant were domestic services (9%) and passenger transport (5%).

distinct segments in the sector's labor market will be identified: (a) a 'high' segment, where riders are framed as salaried employees, paid for the time spent at the company's disposal, and where the labor process is contractually planned in detail; (b) a 'low' segment, where riders are classified as self-employed, paid only for work assignments performed, and where the work process does not reflect what is provided for in the contracts nor is compatible with the method of remuneration adopted; (c) an 'undeclared' or 'underground' segment, where structured forms of illicit intermediation and labor exploitation occur (illegal gangmaster system). Finally, the social stratification corresponding to this tripartition is identified as follows: in the high segment are workers exposed to less severe forms of economic and social exclusion; in the low segment are riders characterized by an immediate need for income and affected by various forms of marginalization; finally, in the undeclared/underground segment are almost exclusively immigrant workers, who generally lack the qualifications to stay and work in Italy.

2 Labor Market, Stratification and the Gig Economy

In the 1970s and 1980s, economists and political scientists highlighted the emerging segmentation of the labor market (Sengenberger 1978; Berger, Piore 1980; Gordon, Edwards, Reich 1982). Early analyses on this topic focused on the micro level of corporate strategies and interpreted segmentation as the effect of these strategies to adapt to the economic cycle, technological change³ and globalization (Berger, Piore 1980). A second strand of studies has focused on the political dimension of production relations, interpreting stratification as a successful attempt to divide workers' interests to weaken their bargaining power (Gordon, Edwards, Reich 1982).

Stratification is now a structural character of the labor market, crystallized by a long process of institutionalization.⁴ Over the past thirty years, various changes at the macro level have reinvigorated the debate around the topic (Blossfeld 2006; Blossfeld, Mills, Bernardi 2006). The stratification process is most evident in Mediterranean countries, which are in subordinate positions in global value chains, and which continue to have a high demand for flexible and low-skilled labor – largely satisfied by immigrants (Devitt 2011; Afonso, Devitt 2016). The Italian case is emblematic: unlike the majority of

³ The assumption at the time was that employers temporarily pursued such strategies in times of high unemployment and intensified product and market competition. On this topic, see Sengenberger 1981.

⁴ Iversen 1999; Wallerstein 1999; Pontusson, Rueda, Way 2002; Bradley et al. 2003.

EU countries,⁵ the lowest segment has experienced marked growth during the last twenty-five years, exacerbating the historical structural polarization of its labor market (Fellini, Fullin 2018).

Dualization disadvantages weaker groups. Positioning in the labor market, career trajectories and career mobility paths are determined by individual resources and immediate needs, in a context of opportunities marked by structural constraints such as specific citizenship rules in the country of residence (Sørensen 1975; Kerckhoff 1993).

The processes of tertiarization, technological change, and globalization (Sennett 1998), in parallel with mechanisms such as the decline of trade union representation, the decentralization of collective bargaining, and the flexibilization of the discipline of labor relations, have contributed decisively to the transformation of the economic fabric as well as of labor supply and demand. Unprecedented modes of technological intermediation of production relations have gradually emerged, leading to the emergence of new models of enterprise and organization of human labor.

Recent digitization has further contributed to the polarization of the national labor market, fueling the schism between ‘winners’ and ‘losers’ (Støren, Arnesen 2011). On the one hand, it pushes the growth of a highly professional employment cluster, but on the other hand, it expands low-productivity and low-added-value employment areas. In particular, platforms expand employment in several pre-existing secondary sectors: catering, call centers, logistics, tourism, child and elderly care, etc. These sectors offer lower standards in terms of contractual frameworks, pay, work rhythms and access to social protection systems (Fuchs 2014; Antunes 2020a; 2020b). In turn, these are employment areas in which traditionally disadvantaged labor supply groups are positioned: students, young people, women (often housewives), older workers and immigrants.

Thus, the gig economy offers a new space for the analysis of stratification in modern labor markets, especially concerning traditional contractual, economic and social inequalities. Yet, the stratification within its compartments remains marginally explored. At the same time, the terms of correspondence between any intra-sectoral differentiation of working conditions and the social dimension of the workforce remained unclear.

5 During this period, the general trend was towards greater growth in the high-skilled segments of the labor market (Fellini, Fullin 2018).

3 Purpose and Methodological Notes

This article aims to highlight the current structure of the food delivery labor market, offering an up-to-date and original account of its stratification. Specifically, the differentiation of working conditions within the observed sector will be illustrated, as well as the correspondence of this differentiation with the socio-economic profile of its workforce.

In the context of several research projects (2020-4),⁶ this work has followed the evolution of the examined sector and the complex jurisprudential, legislative and union-related events that have affected it. Our field of investigation is limited to multinational platforms currently active in Italy and falling under the platform-to-consumer-delivery business model. In this model, the platform connects restaurants and consumers, directly taking care of the delivery service, including the recruitment and management of couriers (e.g. Deliveroo, Glovo, Just Eat, Uber Eats).⁷ The technological intermediation, therefore, occurs within the contractual relationship that binds the rider to the company that sells the delivery service.

This paper reconstructs the stratification of the labor market by analyzing three specific dimensions: (i) legal status, hence employment classification (contractual dimension); (ii) economic status, i.e. the mode of remuneration (economic dimension); (iii) the labor process, i.e. the human and technological mechanisms through which human labor fits into the enterprise's production cycle (organizational dimension). Next, the composition of the labor force is analyzed, i.e. the differentiation of the social characteristics of the workers employed in this work's identified segments.

Since this is a highly unionized sector covered by collective bargaining, the main approach adopted in conducting this research consisted of analyzing the two collective agreements applied by

⁶ The empirical material underpinning this reflection was produced as part of the authors' respective PhD courses, which took place at the Department of Political Science, Communication and International Relations of the University of Macerata (2019-22) and the Department of Political and Social Sciences of the University of Catania (2020-24). The survey and analysis activities continued with the project 'LECI-PEC - L'Europa e la crisi: istituzioni, politiche e cambiamento', financed by the University of Catania within the Pia.Ce.Ri 2020-22 Research Plan. The research activities concluded with the PRIN MOBS (*Mobilities, solidarities and imaginaries across the borders: the mountain, the sea, the urban and the rural as spaces of transit and encounters*), with a case study on the working and living conditions of immigrant riders working in Milan.

⁷ The Restaurant-to-Consumer delivery market, on the other hand, is not considered. In this market, the platform company performs a mere technological intermediation service to enable the connection between the various stakeholders mentioned above (e.g. Jobby). In this circumstance, the platform company does not intervene in the delivery service or deal with the workers.

multinationals active in the Italian market: the industry collective agreement signed in September 2020 by Assodelivery – representing companies in Italy – and UGL Rider; the company integrative agreement signed by Just Eat and the CGIL, CISL and UIL trade federations, which applies the National Collective Labor Agreement (CCNL in Italian) for Logistics, Transport, Freight and Shipping.⁸

The cooperation of the Milan Public Prosecutor's Office made it possible to find out what emerged from operations to fight undeclared labor. These operations concerned some companies that handled the recruitment and management of riders on behalf of Uber Eats in several Italian cities. Activity qualified by the courts as a form of illegal intermediation (gangmaster) and labor exploitation (603 bis Italian Criminal Code).⁹

The social composition of the labor force distributed in the different identified segments was carried out in different areas of the country: the city of Catania for the south of Italy and Milan for the north (06/2020-03/2024). In these contexts, long observation periods were conducted, as well as a series of semi-structured interviews with riders (N=37) [tab. 1] and trade unionists (N=9) [tab. 2]. The inclusion in the riders' WhatsApp groups from different platforms made it possible to monitor live the evolutions in the fleets' social composition.¹⁰ Concerning the undeclared/underground segment, the social characteristics of the riders were reconstructed from the detailed documentation of the Milan Public Prosecutor's Office.

⁸ FILT CGIL, FIT CISL, UILTrasporti. To assist workers who transition from self-employment to employment, NidiL CGIL, FeLSA CISL, and UILTemp also signed the agreement.

⁹ GUP, Court of Milan, Judgment no. 2805 of 15 October 2021.

¹⁰ On Catania: Glovo, Just Eat; on Milan: Deliveroo, Glovo, Just Eat, Uber Eats.

Table 1 List of interviewed riders (by order of interview date)

	Gender	Age	Nationality	City	Company	Interview date
Rider 1	M	29	Nigeria	Catania	Glovo	14.06.20
Rider 2	M	23	Guinea	Catania	Glovo	14.06.20
Rider 3	M	29	Italy	Catania	Glovo	16.06.20
Rider 4	M	26	Mauritania	Catania	Glovo, Just Eat	18.06.20
Rider 5	M	27	Mali	Catania	Glovo	18.06.20
Rider 6	M	23	Cameroon	Catania	Glovo	19.06.20
Rider 7	M	43	Guinea	Catania	Glovo	23.06.20
Rider 8	M	28	Venezuela	Catania	Glovo	01.07.20
Rider 9	M	23	Guinea	Catania	Glovo	01.07.20
Rider 10	M	42	Morocco	Catania	Glovo	02.07.20
Rider 11	M	23	Nigeria	Catania	Glovo	05.07.20
Rider 12	M	41	Tunisia	Catania	Glovo	08.07.20
Rider 13	M	32	Algeria	Catania	Glovo	09.07.20
Rider 14	M	24	Mali	Catania	Glovo	20.07.20
Rider 15	M	54	Italy	Catania	Just Eat	03.11.20
Rider 16	M	43	Italy	Catania	Just Eat, Glovo	23.11.20
Rider 17	M	40	Italy	Catania	Just Eat, Glovo	24.11.20
Rider 18	M	28	Italy	Catania	Glovo	14.01.21
Rider 19	M	20	Italy	Catania	Uber Eats	19.01.21
Rider 20	M	23	Tunisia	Catania	Glovo	10.04.21
Rider 21	M	28	Mali	Catania	Glovo	03.06.21
Rider 22	M	18	Italy	Catania	Uber Eats	10.07.21
Rider 23	M	36	Italy	Milan	Just Eat, Deliveroo	15.06.23
Rider 24	M	26	Nigeria	Milan	Uber Eats	19.06.23
Rider 25	M	43	Cameroon	Milan	Glovo	23.10.23
Rider 26	F	30	Ecuador	Milan	Deliveroo	26.10.23
Rider 27	M	25	Italy	Milan	Just Eat	30.10.23
Rider 28	M	23	Ecuador	Milan	Deliveroo	31.10.23
Rider 29	M	27	Gambia	Milan	Glovo, Uber Eats (gangmaster)	31.10.23
Rider 30	M	48	Ecuador	Milan	Deliveroo	01.11.23
Rider 31	M	42	Morocco	Milan	Deliveroo	02.11.23
Rider 32	M	33	Ghana	Milan	Uber Eats (gangmaster)	03.11.23
Rider 33	M	42	Italy	Milan	Deliveroo	03.11.23
Rider 34	M	32	Guinea	Milan	Uber Eats	04.11.23
Rider 35	M	29	Italy	Milan	Just Eat	03.02.24
Rider 36	M	32	Italy	Milan	Just Eat	05.02.24
Rider 37	F	30	Brazil	Milan	Just Eat	10.02.24

Source: Authors' elaboration

Table 2 List of trade unionists interviewed (by order of interview date)

	Category/Confederation	Role	City	Interview date
Trade unionist 1	Riders Union – Catania	Activist	Catania	12.06.20
Trade unionist 2	FeLSA-Cisl	Rider area	Catania	18.01.21
Trade unionist 3	Nidil-CGIL/FILT-CGIL	Rider area	Catania	12.04.21
Trade unionist 4	Slang-USB	National Executive	Milan	28.04.23/16.06.23
Trade unionist 5	Nidil-CGIL	National Official	Milan	15.06.23/21.11.23
Trade unionist 6	Slang-USB	Local Executive	Milan	07.07.23/21.10.23
Trade unionist 7	Slang-USB	Activist	Milan	21.10.23/30.10.23
Trade unionist 8	Nidil-CGIL	Local Official	Milan	21.11.23
Trade unionist 9	Nidil-CGIL	National Secretary	Milan	21.11.23

Source: Authors' elaboration. Four trade unionists were interviewed on two different occasions

4 Food Delivery Sector in the Italian Context

This section will illustrate an original periodization to describe the development of the sector in three distinct phases: (i) embryonic (2015-17); (ii) settlement (2018-19); (iii) context definition (2019-24). The periodization takes into account changes in the size of the delivery market, changes in the social composition of the workforce and the intricate events that led to the current regulation.

4.1 The Embryonic Phase

In the embryonic period (2015-17), experimentation began on this new sales, distribution and consumption model. Backed by high-risk financial capital,¹¹ multinational platforms offer advantageous conditions for all stakeholders in the supply chain (restaurateurs, riders, consumers). Perceived as something innovative and associated with suggestive imagery – in which human labor appeared free, independent and creative – the platforms attracted the local workforce, mainly students, young precarious workers and other underemployed categories looking for extra income. In this phase, the first workers' collectives were formed, such as Riders Union Catania and Deliverance Milan, Riders Union Bologna, Rome and Florence, and Deliverance Project Turin. Interesting experiences of metropolitan trade

¹¹ On the working conditions of the period, see Cavallini 2019; on the financial capital support, see van Doorn, Chen 2021.

unionism emerged from these organizational cores.¹² Italian courts first addressed the issue of riders' occupational classification, but without reaching favorable outcomes for workers.¹³ On 18 July 2018, a protocol was signed to regulate the employment relationship of riders under the CCNL for Logistics, Transport, Freight and Shipping, but none of the multinational companies adhered to it.

4.2 The Settlement Phase

In the second phase of this periodization (2018-19), the demand for delivery services consolidated, intercepting the perceived needs for innovation and flexibility of businesses and consumers. The pandemic, and the subsequent measures taken to contain the contagions, contributed to this process (Chicchi et al. 2020). Urban markets became more concentrated and competition intensified. This has resulted in reforms in the bargaining and remuneration practices adopted by platforms, which have become increasingly oriented towards the contraction of production costs. The contractual models of coordinated and continuous collaborations were replaced by casual forms of collaboration, also prompted by social security and insurance advantages. Wage systems were also reformed: the adoption of the piecework method allowed the transfer of business risk to the workers and the constant tariff modulation. Looking for a substantial number of enterprising couriers, who were willing to be 'on the road' for many hours even when it was not economically viable, the labor demand from the platforms succeeded in intercepting the labor supply of the immigrant population. In some cities, the composition of riders has changed rapidly, towards a prevalence of non-EU nationals, in particular African nationals (Fasano, Natale 2019). The first experiment in regulating the sector came from the Municipality of Bologna with the *Charter of Fundamental Rights of Digital Work in the Urban Context* (*Carta dei diritti fondamentali del lavoro digitale nel contesto urbano* in Italian).¹⁴ Added to this was Law 4/2019 of the Lazio Region, which banned pieceworkers and introduced a set of fundamental rights.

¹² On the topic, see Marrone, Finotto 2019; Pacella 2019; Marrone 2019.

¹³ On Foodora: Court of Turin, 7 May 2018, no. 778; on Glovo: Court of Milan 10 September 2018, no. 1853.

¹⁴ The charter recognizes certain fundamental rights of the riders of the signatory companies: the right to hourly wages and surcharges for work at night, on public holidays and/or in bad weather; the right to suspension of service in conditions of environmental impracticability; the right to clear and predictable working hours; the right to health and safety protection and insurance cover against social risks; the right to justified dismissal; the right to collective organization and strike rights. None of the multinational companies signed it.

Industrial relations became more structured: fruitful alliances were created between metropolitan trade unionism and the confederal trade union categories, and Assodelivery was founded, bringing together the sector's companies in Italy (Pacella 2019).

4.3 The Context Definition Phase

In the third and final phase (2019-24), significant events on the jurisprudence, legislation and collective bargaining front overlapped. After an unsuccessful mediation attempt between the social partners, the government decided to introduce regulations for riders with Law 128/2019. Thus, the scope of application of employment protections was broadened; a space was provided for collective bargaining; and the possibility of remunerating riders solely concerning work assignments performed was excluded. In January 2020, the Supreme Court of Cassation ruled on Foodora riders, holding that the protections of subordination as provided for employer-organized work collaborations were applicable.¹⁵ Significant developments took place in the field of health and safety. In September 2019 – following the involvement of several riders in road accidents in Milan – the Magistracy and the Carabinieri's Labor Inspectorate Unit, with the cooperation of the Local Police, found major health and safety violations.¹⁶ On 1 February 2020, the obligation of INAIL insurance coverage is extended to riders.¹⁷ After that, the Labor Courts ordered the platforms to provide the necessary Personal Protection Devices (PPD, or DPI in Italian) at their own expense to protect riders from COVID-19 infection and high temperatures.¹⁸ In May 2020, the Court of Milan issued a decree of judicial administration against Uber Italy s.r.l. (Uber Eats), due to the possible existence of forms of illicit gangmastering and exploitation of labor perpetrated by companies operating on its behalf.¹⁹ In June, the Milan Public Prosecutor's Office – with the cooperation of INPS and INAIL – acquired the positions of more than 60,000 riders employed between 1 January 2017 and 31 October

¹⁵ Court of Cassation 24 January 2020, no. 1663.

¹⁶ Carabinieri Labor Protection Command – Servizio straordinario di controllo sul territorio nazionale su nuove forme di sfruttamento lavorativo nel settore della gig economy, Press release, 25 March 2023.

¹⁷ INAIL, note of 23 January 2020.

¹⁸ On COVID-19: Court of Florence, 5 May 2020; Court of Bologna, 14 April 2020, no. 745. On working in high temperatures: Court of Palermo, order of 18 August 2022.

¹⁹ Court of Milan, Autonomous Section for Prevention Measures, 27 May 2020, decree no. 9.

2020.²⁰ In September 2020, Assodelivery signed an industry collective agreement with the UGL Riders Union. The agreement was contested by the Ministry,²¹ the confederal trade unions and part of the labor doctrine because of the alleged lack of greater comparative representativeness on a national basis of the signatory union.²² On the other hand, the agreement maintained the job classification and economic treatment contested by the riders. In November 2020, a rupture in the industrial relations system occurred: Just Eat withdrew from Assodelivery and disapproved its collective agreement. In the same month, for the first time in Italy, a rider was reclassified as a salaried employee by a court:²³ according to the judge, the margins of organizational autonomy provided for in the contract were rendered fictitious by the algorithmic regulation. In December 2020, the Court of Bologna²⁴ qualified Deliveroo's automated decision-making system as discriminatory and capable of perpetrating anti-union conduct. On 24 February 2021, the Milan Public Prosecutor's Office notified the multinational companies involved of fines amounting to over EUR 733 million, due to insurance, health and safety violations. In addition, the application of the protections of salaried employment was imposed (Art. 2, para. 1, Legislative Decree 81/2015). From that moment, Just Eat started radically reforming its business model. On 29 March 2021, it signed with the trade organizations of CGIL, CISL and UIL a supplementary company-level agreement, which applies the Transport, Logistics, Freight and Shipping CCNL.²⁵ This is the latest and most advanced breakthrough achieved in the regulation of riders' employment conditions in Italy.

5 Labor Market Stratification in the Food Delivery Sector: Key Analytical Dimensions

In the process of reconstructing the forms of stratification in the labor sector under investigation, the analysis focuses on three specific dimensions: (i) the contractual dimension; (ii) the economic dimension; and (iii) the organizational dimension. These dimensions are

20 Riders were distributed among the platforms to the following extent: Foodinho S.r.l. - Glovo (no. 28,836); Deliveroo Italy S.r.l. (no. 19,510); Uber Eats Italy S.r.l. (no. 8,523); Just Eat Italy S.r.l. (no. 3,642).

21 Ministry of Labor and Social Policy, Circular no. 17 of 19.11.2020.

22 Among the most critical commentators are Cavallini 2020; Martelloni 2020. More cautious are the positions of Ichino 2020; Tiraboschi 2020; Caruso 2020.

23 Court of Palermo, Labor Section, 24.11.2020.

24 Court of Bologna, Labor Section, 31.12.2020.

25 For a labor law commentary, see Recchia 2021.

indicative of the hierarchy mechanisms present in the sector and are decisive for the working conditions of its workforce.

The food delivery sector presents three different stratifications. Each of them corresponds to a particular model of human labor insertion in the production process, which in turn is marked by clear specificities in its fundamental elements. The 'high' segment is a minority model, introduced in 2021 by Just Eat, in which the digital brokerage of labor relations coexists with a salaried employment contract and hourly wages. The 'low' segment is the dominant model, adopted by the rest of the multinational companies operating in Italy (Deliveroo, Glovo, Uber Eats).²⁶ In this model, the salaried employment contract and hourly wage are used to ensure the availability of labor when, where and how it is needed. There is a third segment, which can be defined as 'underground' or 'undeclared', in which the illicit brokering of labor under exploitative conditions occurs. This segment seems to be concentrated in central and northern Italy (Costalunga, Di Cataldo 2024). In this case, riders are employed illegally, suffer significant forms of economic deprivation, and the labor process is punctuated by intimidating practices.

In the next three sub-sections, these dimensions of analysis will be extensively investigated: legal status; economic profile; and labor process. Subsequently, the terms of correspondence between labor market conditions and the social and economic stratification's unit of analysis (including class, ethnicity, gender, social groups, and nationality) will be explored in depth.²⁷

5.1 Legal Status

The first segment under analysis is the 'high' one. The Second Level Agreement signed by Just Eat recognizes the status of salaried employees through the application of the CCNL Logistics, Transport, Freight and Shipping. According to Article 1, under the heading 'Employment Contract', riders are hired under permanent employment contracts, without prejudice to the right to use other forms of flexible work within the limits set by the collective agreement (see *infra*).

Open-ended salaried employment is introduced with the part-time model – both horizontal and vertical – used without quantitative limits (Art. 5). Given the commitments agreed by the social partners, the use of flexible work contracts (fixed-term, temporary and intermittent) is permitted in cities under the 'start-up of new activity' scheme

²⁶ This platform left the Italian market in the summer of 2023.

²⁷ See, among many others, Poulantzas 1974; Marx, Engels 1887; 1976; Wright 1978; Roemer 1982; Mann 1986.

without quantitative limits (Art. 4). In any case, the full application of the protections and treatments provided for by law and collective bargaining remains unaffected. After the time set aside for starting the service in a new city, flexible contracts may not be used for more than 30% of the open-ended salaried employment contracts for each city on an annual basis.²⁸

Radically different is the approach concerning the ‘low’ segment, as provided for in the collective agreement signed by Assodelivery and UGL Riders. Platforms are defined as mere technological enablers, i.e. as “companies that provide the computer programmes and procedures that [...] are instrumental to the activity of delivering goods”. Riders, on the other hand, are defined as “self-employed workers who decide to carry out an activity of delivering goods on behalf of others based on a contract with one or more platforms”. Concerning the riders’ classification, the signatory parties define the autonomous nature of this work activity as a characteristic element of the production and organization of the sector. The collective agreement provides for riders to carry out their activities through independent employment contracts (Art. 2222 of the Italian Civil Code or Art. 409, no. 3 of the Italian Code of Civil Procedure). There are no formal constraints on riders (Arts. 3 and 7): there are no exclusivity constraints, even allowing services to be performed for other platforms in the sector; in addition, the rider has the right to reject delivery proposals and to choose how, where and when to make himself available; the rider can also decide whether or not to connect to the platform, without being obliged to provide minimum availability thresholds; finally, there are no on-call obligations.

Aspiring riders who came into contact with the companies brokering labor on behalf of Uber Eats were offered pre-contractual agreements or handwritten (on blank sheets of paper) independent labor contracts.²⁹ The only formal elements mentioned in them referred to the contractual model, indicating a ‘casual collaboration agreement’, and to remuneration (see *infra*). According to the statements made by the intermediaries, the riders were indeed free to organize their activities and, for this reason, were offered self-employment-casual

28 All categories excluded ex-lege from the percentage limits, including disadvantaged and very disadvantaged workers under Article 31, para. 2, Legislative Decree 81/2015 and Ministerial Decree of 17 October 2017, are not included in the calculation. The right of precedence provided in favor of fixed-term workers under Legislative Decree 81/2015 also applies to temporary workers when the same conditions are met.

29 Summary note on the results of the investigation carried out by the Milan Economic and Financial Police Unit (Group for the Protection of the Goods and Services Market – Intellectual and Industrial Property Rights Section) of the Finance Police, Criminal Proceedings no. 41492/19 RGNR – Form 21.

contracts.³⁰ This being the case, the investigations conducted by the Finance Police through the Tax Registry database found that in the vast majority of circumstances, the withholding tax (IRPEF in Italian) of 20% withheld from workers had not been paid.

Below is a summary of this paragraph [tab. 3].

Table 3 Employment classification by segment in the food delivery sector

Sector segments	Employment classification
High	Salaried employment
Low	Self-employment
Undeclared	None – Self-employment ('handwritten on a blank sheet of paper', often unregistered)

Source: Authors' elaboration

5.2 Economic Profile

Collective bargaining has introduced two distinct mechanisms for determining remuneration, which also differ in the supplementary allowances provided.

Just Eat's collective agreement qualifies the entire shift the rider spends on the street at the disposal of the platform as 'working time': it begins with reaching the predetermined place and ends at the scheduled time, or on completion of the last delivery assigned during working hours (Art. 10). It is provided that riders are entitled to the treatment for levels I and L of the CCNL Logistics, Transport, Freight and Shipping, except as otherwise regulated in the company agreement (Art. 14). Specifically, a gross hourly wage of € 8.50 is envisaged, to which € 0.60 is added as a provision for severance pay (TFR in Italian). In addition, increases are foreseen with the accrual of two years' seniority performed after the signing of the agreement, including non-consecutive periods of work.

During shifts, riders may take breaks, which will be remunerated (Art. 12): short breaks (e.g. eating, drinking, going to the toilet, etc.) may be taken freely as long as they do not interfere with work; other breaks are allowed in agreement with the line manager.

The gross hourly remuneration for the total time spent on the platform is supplemented by a set of variable entries: additional allowances for additional work, work on public holidays and night work

³⁰ This and other similar allegations were collected in other journalistic investigations and reported in the Summary of the results of the investigation conducted by the Milan Economic and Financial Police Unit of the Finance Police.

amount to 10%, while for overtime work to 30%;³¹ a flat-rate mileage reimbursement, covering all costs incurred for fuel/electricity, maintenance, vehicle insurance.

The industry collective agreement signed by Assodelivery provides for a method of calculating remuneration centered on the number of deliveries made (Art. 10). The elements taken into account for the calculation of the amount per delivery are five: distance travelled, estimated time, time slot, weekday or holiday, weather conditions. In this model, time spent on the street at the disposal of the platform, while waiting for an assignment, is not counted as working time. According to the social partners, certain characteristics of the client's organization imply that remuneration is limited to work assignments performed, thus excluding waiting periods: (i) there is freedom to decide whether or not to accept assignment proposals; (ii) there are no availability obligations; (iii) the only legal obligation is to execute accepted deliveries; (iv) there is freedom to make assignments for other platforms in the sector.

The collective agreement also provides for a method specifically aimed at determining the minimum remuneration (Art. 11): a gross remuneration of € 10.00 for every 60 minutes elapsed from the moment of acceptance of the assignment until its completion. This is a time-based piecework system, where the number of completed work assignments is not measured, but instead the time taken to complete them. In addition, there is a 10% cumulative allowance for work performed at night,³² on holidays³³ and in adverse weather conditions.³⁴

Concerning the undeclared work model, riders received wages that were blatantly not in line with the national or territorial collective agreements concluded by the most representative national trade unions. On the other hand, the fees received were significantly disproportionate to the quantity, as well as the quality, of the work performed. A situation that occurred in the light of repeated regulations violations on working hours and rest periods.

The handwritten contracts found during the inspections at the gangmasters' offices indicated a twice-weekly salary and a fixed amount for deliveries:³⁵ € 3.50 for those using a motorized vehicle, and € 3.00 for those using an electric or traditional bicycle. A proposed

31 Additional work is work performed more than the number of hours provided for in the part-time contract but within the 39 hours per week. Overtime, on the other hand, is work performed over 39 hours per week.

32 Work is considered to be performed at night between 00:00 and 07:00.

33 Work is considered to have been performed on public holidays on 25 April, 1 May, 2 June, 1 and 6 January, Easter and the following Monday, 15 August, 1 November, 8 December, 25 and 26 December, and the patron saint's day of the municipality.

34 Adverse weather conditions are defined as the presence of at least 2 millimetres of rain in 60 minutes or the presence of snow.

35 Note of the Finance Police, 8-20.

agreement with two alternatives was also found: a fixed daily amount of € 10.00 accompanied by a fee of € 2.00 per delivery, or a proposal of € 3.00 per delivery. The payments were therefore completely independent of the distance travelled, the time slot (day or night), holidays and weather conditions. As reconstructed by the Finance Police, gang-masters deliberately misappropriated large amounts of money from riders. The intermediaries kept the difference between the amount sent by Uber Eats for the delivery and the amount paid to the riders. The figures shown in the app also included any tips paid by customers via the platform, which were systematically deducted from the riders. The economic deprivation of riders was also perpetrated through economic sanctions (malus) for failure to achieve Key Performance Indicators (KPIs):³⁶ a penalty of € 0.50 if the assignments accepted during the week were below the 95% threshold, while the same applied when the reassignments exceeded the 5% threshold.

In addition to what has been described so far, the 20% withholding tax (IRPEF), which was not paid in many circumstances, must also be taken into account (see *supra* § 5.1.). In conclusion, the riders questioned by the police stated that they had suffered arbitrary deductions of their entitlements.³⁷

Below is a summary of this paragraph [tab. 4].

Table 4 Economic profile variations by segment in the food delivery sector

	Minimum fee calculation method	Amount	Offsetting expenses	Allowances (cumulative)	Other variables
High segment	Remuneration on an hourly basis (time of availability)	€ 8.50	€ 0.15 (motorized vehicle) € 0.06 (non-motorized vehicle)	+ 10% night, overtime and holiday work + 30% overtime work	+ € 0.60 TFR + € 1 (13th, 14th monthly salary)
Low segment	Piecework on an hourly basis (service time)	€ 10.00		+ 10% night work, holiday work, adverse weather conditions	
Undeclared segment	Pure piecework (number of deliveries)	€ 3.00 (+ € 0.50 motorized vehicle)			€ 0.50 malus when: accepted assignments < 95% reassignments > 5%

Source: Authors' elaboration

³⁶ Note of the Finance Police, 21-6.

³⁷ Note of the Finance Police, 69.

5.3 Labor Process

This section highlights the planning and control practices to which workers are subjected through the lens of labor process theory (Gandini 2019; Bagnardi, Maccarrone 2023). The notion of labor process includes the overall set of human and technological mechanisms through which the insertion of labor into the enterprise's production cycle takes place; it thus includes all those forces that shape the movement of converting human labor into a commodity (Smith 2015).

In platform capitalism (Srnicek 2017), humans and machines collaborate in the exercise of HRM functions to reduce the indeterminacy of human behavior within production, and consequently increase the value produced, and retained, by the enterprise.

In the 'high' segment, the labor process follows strict and detailed planning specified at the contract level. Planning is underpinned by precise obligations on riders concerning work location and time, but also for workload management. In addition, it is provided that shifts and weekly rest are distributed democratically, i.e. evenly among couriers, but within the limit of the regularity of service requirements (Art. 8).

The place of work is planned, stipulating that it can be a company site, the municipal area, or the entire metropolitan area (Art. 3). Working hours are also planned, with a clear set of hours weekly, diversified over three-time regimes: 10, 20 and 30 hours. Working hours are spread over six days per week – Monday to Sunday, including public holidays – between 07:00 and 00:00. Shift planning is precisely described in the collective agreement (Art. 9). Riders who do not provide their availability, or who refuse a reasonable proposal, are obliged to work on the established days. During working hours, riders may not work for other platforms (Art. 1).

The planning of working time also makes it possible to organize the use of breaks, weekly rest, holidays and leave in a way that complies with regulations (Arts. 12 and 13). Overtime and additional work are regulated to avoid forms of self-exploitation and to ensure the effectiveness of collective bargaining and the law provisions (Art. 15). To guarantee the right to compensatory time off and the recognition of enhanced rates, technical and computerized tools have been put in place to properly manage overtime and additional work hours (Art. 16).

In the 'low' segment, the labor process is formally entrusted to the rider's full self-determination, who can freely assess the time and place of performance, but also his or her workloads. In reality, even these platforms govern the labor process according to their needs: to do so, they exploit various gamification mechanisms, which are based on the processing of personal data, sophisticated people analytic techniques and automated decision-making processes (van

Doorn, Chen 2021). Data is acquired in real-time through the app installed on the rider's device, GPS technologies, standardization of procedures and the involvement of stakeholders in the supply chain (restaurateurs and consumers).

Profiling is used to measure the degree of alignment between the rider's behavior and the company's expectations. All behavior that favors, or conversely disfavors, the valorization of human labor included in the company's production: punctuality in presenting oneself on time for the shift and respect for the delivery service territorial limits (Di Cataldo 2023); availability given on high-demand weekend shifts (Di Cataldo 2021); the percentage of accepted and re-assigned assignment proposals (Bonifacio 2021); and the quality of the service as assessed by the other supply chain's stakeholders. The degree of the aforementioned alignment influences – positively or negatively – the possibilities of access to the earning opportunities conveyed by the platform. Such expedients put companies in a position to influence the behavior of a certain number of workers. This is how they are always able to find someone willing to perform the work where, when and how they need it.

In the 'undeclared' or 'underground' segment, the organization of the workers was planned by the managers of Uber Eats and concretely implemented by the gangmasters. The former required a certain number of riders at different times of the day. According to the data acquired by the Finance Police, supply hours ranged from 12:00 to 23:00. Thus, the whole day followed a pre-established schedule.³⁸ The labor process was supervised by the platform, which acquired and processed in-depth information concerning a set of KPIs:³⁹ (i) the acceptance rate; (ii) the rejection rate, which relates to pre-pickup cancellations; (iii) the reassignment rate, which relates to post-pickup cancellations; (iv) uncompleted assignments; (v) ratings by restaurateurs and customers. The concrete management of individual workers was discussed and agreed upon between Uber Eats managers and gangmasters.⁴⁰ Specific correction procedures were foreseen in the presence of negative values. Riders who did not meet the minimum thresholds received a direct notification, inviting them to improve their performance within a 'grace period'. Failure to improve resulted in a direct financial penalty or temporary deactivation of the account (3-5 days) that makes work impossible.⁴¹

Several wiretaps by the Finance Police showed that this system took place in full knowledge of the victims' state of need. This was

³⁸ Note of the Finance Police, 52.

³⁹ Note of the Finance Police, 53-4.

⁴⁰ Note of the Finance Police, 59

⁴¹ Note of the Finance Police, 61.

evidenced by the constant references to the riders' 'hunger' and their 'fear' of losing what little they had, but also by the use of blackmail as a habitual means of persuasion.⁴²

6 Social Stratification in the Italian Food Delivery Sector

This section highlights the relationship between the differentiation in working conditions in the sector and the socio-economic profile of the workers in it.

In the 'high' segment, two distinct socio-economic groups are prevalent.⁴³ On the one hand, we find a significant presence of natives: these are concentrated in the 25-50 age group and do not have an immediate need for income. On the other, we find a strong presence of immigrants, which is concentrated in the younger cohorts (18-35). In both groups, riders frequently work in multi-commission or have parallel employment. All respondents in these two ideal-typical groups stated that they preferred working in the 'high' segment because of the clear and predictable planning, which makes it possible to carry out other study or work commitments in parallel.⁴⁴ Some stated that they chose this job because it facilitates access to the credit market, allowing them to apply for a small loan to buy a car or a scooter, or to meet unexpected expenses. The female population is marginal in the sector and falls entirely within the immigrant group.

In the 'low' segment, the social composition is more homogeneous. These are largely immigrants – of African, Pakistani, Afghan, and Bengali origin, and from various South American countries –⁴⁵ who stated that they chose the platforms in this segment for several specific reasons: (i) the difficulty of gaining access to the 'high' segment, where access opportunities are more restricted, not least because of its peculiar labor organization model;⁴⁶ (ii) the immediate need for income, which leads to a preference for platforms that pay on a weekly or bi-weekly basis;⁴⁷ (iii) the possibility of operating in parallel and without restrictions for different platforms, especially

⁴² Note of the Finance Police, 59, 86.

⁴³ Whatsapp groups, Catania (last accessed 14.11.24). Whatsapp groups, Milan (last accessed 14.11.24). Riders 16, 17, 23. Trade unionists 3, 4, 6, 7, 8, 9.

⁴⁴ Riders 16, 17, 23.

⁴⁵ Trade unionists 4, 6, 8, 9. Riders 1, 2, 4, 13, 14. Whatsapp groups, Catania (last accessed 14.11.24). Whatsapp groups, Milan (last accessed 14.11.24).

⁴⁶ Riders 1, 8, 24, 34.

⁴⁷ Riders 20, 25, 29.

concerning high-demand weekend hours;⁴⁸ (iv) the possibility of circumventing the platform's requirements for opening an account.⁴⁹

In the 'undeclared' or 'underground' segment, finally, we find almost exclusively immigrants. Generally, these are people without the qualifications to stay and work in Italy. But there are also others who, despite having the necessary qualifications, have been unable to find an alternative placement. The riders recruited in this way were mostly asylum seekers, living in Extraordinary Reception Centers (CAS in Italian).⁵⁰ In many cases, these were people holding temporary residence permits pending the outcome of their application for political refugee status. In others, they were simply 'economic' migrants. Among these, the main nationalities are Malian, Nigerian, Ivorian, Gambian, Guinean and Pakistani.⁵¹ In addition to the instability of biographical trajectories, there is also a condition of strong social isolation and exclusion from the 'main' labor market. This makes these people willing to do anything to work and be able to support their families in their countries of origin.

7 Conclusions

The purpose of this article was to raise the issue of the riders' work quality and to contribute to the sociological debate on labor markets in the digital economy. To do so, a dynamic, multidimensional and detailed picture of the labor market stratification related to the food delivery sector in Italy was proposed.

Three distinct labor models were identified, marked by specific working conditions in terms of contractual classification (legal status), remuneration (economic profile) and the labor process organization. Each of them corresponds to well-defined segments of the sector and a peculiar social composition of their internal workforce.

There is a minority model to which a 'high' segment corresponds, involving Just Eat alone. The riders employed in it are classified as salaried employees, paid through a traditional wage regulated to the time spent at the company's disposal, and organized through a labor process that is contractually planned in detail and supported by clear obligations on the part of the worker. Classification as salaried employees justifies their subjection to technological disciplining mechanisms, which are to be exercised according to the procedures and within the limits provided by labor law. Remuneration of time

⁴⁸ Riders 3, 25.

⁴⁹ Riders 22, 25, 37.

⁵⁰ Note of the Finance Police, 18.

⁵¹ Note of the Finance Police, 18.

on stand-by and compensation for expenses incurred in the course of work prevents the economic treatment from being negatively disproportionate to the work performed.

In the 'low' segment, riders are classified as self-employed workers, paid on piecework, but are at the same time subjected to forms of algorithmic management that can constrain their formal freedom to organize their times, places and workloads autonomously. Advanced forms of personal data processing and profiling are used to influence workers' behavior through the allocation of scores, to which rewards and penalties are linked. In this way, platforms always manage to find someone willing to perform the required work assignments where, how and when they need them. This is the new frontier of 'responsible autonomy' (Friedman 1977), that makes workers active accomplices in the exploitative dynamics to which they are subjected (Burawoy 1985, 11), and thus engaging in behavior beneficial to the company. In addition, the method for calculating remuneration does not seem to have a valid correspondence with the amount of work performed. In light of their peculiar contractual classification and labor process management mechanisms, these workers cannot accrue overtime compensation, additional months' pay, holidays, severance pay or other institutions to which they might be entitled under the law and in light of case law guidelines.

In the 'undeclared' or 'underground' segment, riders are victims of illegal brokerage by gangmasters and labor exploitation. They are employed illegally, suffer significant forms of economic deprivation and are subjected to a labor process characterized by forms of intimidation that leverage their condition of need. Riders are subjected to automated monitoring systems that track their performance according to certain KPIs while sanctioning decisions are made by humans. Since economic transfers along the supply chain take place via the platform, the latter enabled a wide range of abuses against them: payment of insufficient and disproportionate remuneration; tips misappropriation; allocation of financial penalties; and arbitrary deduction of remuneration. Even in this circumstance, there is no correspondence between what was agreed between the parties at the hiring stage and the actual course of the labor process, which takes on the appearance of an illicit phenomenon in several respects.

In line with this reconstruction, the Fairwork Italy Ratings 2024 report (Ciarini et al. 2024) attributed a high score to the platform in the 'high' segment (7/10 points were assigned to Just Eat) and a significantly lower value to the platforms in the 'low' segment (4/10 points were Glovo's score, 3/10 Deliveroo's).

The analytical framework proposed in this article may change as a result of the Directive to improve working conditions in digital

platforms.⁵² The Directive establishes a set of guarantees for platform workers to counter the risk of employment misclassification and regulate algorithmic management in the workplace.⁵³ The Directive came into force on 1 December 2024 and must be transposed by 1 December 2026. In particular, it could lead to the disappearance, or transformation, of the ‘low’ segment identified in this article. The Directive pushes platforms to choose between contractualizing workers as self-employed, or subjecting them to invasive forms of algorithmic management. The results could be twofold: in one case, platforms could decide to maintain control and classify workers as salaried employees, following the path already traced by Just Eat and leading to the disappearance of the ‘low’ segment; in the other, platforms could decide to maintain the classification of riders as self-employed and give up the control mechanisms used until now to condition riders’ freedoms. In the latter circumstance, it would not be correct to qualify the second segment as ‘low’ to emphasize the presence of worse working conditions than the ‘high’ one. Instead, it would be a different working model, based on the real autonomy of workers, which justifies their classification as self-employed and their remuneration limited to the work tasks performed.

Future changes will be closely monitored to update this study according to developments in the sector.

⁵² Directive (EU) 2024/2831 on improving working conditions in platform work.

⁵³ For an extended commentary, see Di Cataldo 2024.

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