

# Inequalities

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# **Inequalities**

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# Inequalities

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## **Digital Labour Platforms and (New) Inequalities**





# Introduction

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This issue of *Inequalities* is dedicated to the impact and consequences of digital platform labor on inequalities and the system of inequalities. Platform capitalism is the result of long-term socio-economic transformations in the wake of the transition to a regime of flexible accumulation. Developments and innovations in the electronics industry, in ICTs, and in digital technologies have played a significant role in these transformations. With the advent of the second machine age and the digitalization of just about everything (Brynjolfsson, McAfee 2015), the pervasiveness of digital technologies in the various spheres and activities of social life has had multiple effects at the economic, social, cultural, and ecological levels. But the digital sphere is not neutral: its consequences on the entirety of social life and on the world of work do not derive directly from new technologies, but from the capitalist conception and application of them. Contrary to a perspective founded in “technological neutrality”, the digitalization of labor is not simply a technical matter in which technical means dominate over capital. In digitally driven labor transformation processes, the technological element appears on the surface to prevail over the social relations that actually subsume it.

From a technological point of view, the digitalization of work is driven by digital discoveries and innovations in the context of increasingly complex ICTs, increasingly powerful computers and information systems, and total connectivity. However, these technologies are

conceived and used for the appropriation of the value produced by living labor – today more rarefied than dead labor, but precisely for this reason more essential than ever to the production of value. The activation of an extensive range of activities and services brought about by the expansion of platforms and the vertical and horizontal integration of the entire economic-productive process into industry by means of automation, robotization, and digitalization have taken place within a context of extreme centralization, in which economic-productive process is almost totally controlled by a market logic aimed at generating profit. These are the main factors behind the production and reproduction of inequalities.

On the one hand, digital technologies have opened up once unimaginable opportunities and spaces for – albeit technologically mediated – communication between people and organizations. On the other hand, they have had severe consequences on working conditions (Antunes, Basso, Perocco 2021). Thus, digital platform labor represents a space in which are condensed the broader tensions and contradictions of the accumulation regime and contemporary modes of production.

From the perspective of the production and labor process and the transformations of workplaces, the implementation of digital technologies has given new emphasis to studies on capitalist command and control in these spheres, linked first to mechanization, then to robotics and automation and their potential effects on the replacement of the labor force by machines (Frey, Osborne 2013; Kagermann 2015). Other studies have highlighted the degradation of work, increases in working hours, the intensification of work rhythms, and the fragmentation of work into micro-tasks increasingly mediated by information and digital technologies that opacify the employment relationship (Aneesh 2009; Antunes 2023; Huws 2014; Pfeiffer 2018; Scholz 2016).

Some studies have also pointed out the international division of digital labor (Fuchs 2014), characterized by processes of capital accumulation based both on a multiplicity of modes of production and exploitation of labor (forced labor, extra-salarial coercion, servile labor, degraded labor, etc.) and on an economic-productive continuum ranging from mines where raw materials are extracted to digital infrastructures to cloud computing (which depends on the intense exploitation of manual and intellectual labor and of nature).

Uberization and platform labor, and thus the digital proletariat, fit into this framework (Antunes 2023; Chicchi, Marrone, Casilli 2022; Huws 2019; Woodcock, Graham 2019). This includes on-demand platform workers performing jobs in home delivery, urban transport, housing, and cleaning services, as well as workers employed in crowdwork (click workers) who contribute, among other things, to the training of Artificial Intelligence systems, such as machine learning, by completing specific micro-tasks (Casilli 2025; Gray, Suri 2019).

The digital driven new morphology of work is characterized by reductions in employment status and labor protections, lower wages, the intensification of work, the increased surveillance of workers, the assimilation of a performance logic imposed by algorithmic mechanisms of evaluation and classification, and the widespread conception of these forms of work as a free “provision of services” by workers who conceive of themselves as self-employed, and masters of their own working lives (Aloisi, De Stefano 2022; Crouch 2019; Schor 2021). It is based, at productive-organizational level, on a more intense application of the Taylorist factory, using information technology to transfer from the industrial to the tertiary sector the managerial systems and times and methods used in factories, thus ensuring tighter control, higher speeds, and the standardization of white-collar and tertiary work. The algorithmic organization of platform capitalism, based on the dual production and extraction of value, according to which the accumulated data contribute to an increase in the monetary value of the service offered, means that datafication and labor exploitation are consubstantial, creating a very close link between labor performance and data value chains (Casilli 2025).

Authors of this number of *Inequalities* address issues and processes of the aforementioned relationship between digital platform labour and inequalities. The chapter “Platform Capitalism: Experimental Laboratories and the Struggles for the Regulation”, authored by Ricardo Antunes, Marco Gonsales, and Murillo van der Laan, analyses labour in informational-financial capitalism, focusing particularly on the phenomenon of uberized work. It explores the conflicts associated with it and its nature as a labour experiment that presents similarities with proto-capitalism. Then, the chapter “Entre informalité et salariat: tensions et inégalités au sein des mobilisations collectives du secteur de la livraison à Bruxelles”, by Laura Victoria Rakotomalala and Zephyr Vitali, offers insight into the tensions and inequalities emerging within the collective mobilizations of home delivery workers in Brussels, furthermore it explores the problematic link between informality and wage labor, and the question of workers’ awareness of their own condition. The third chapter, “Inequalities in the Platform Labor Market: A Study on Stratifications in the Italian Food Delivery Sector”, by Nicola Costalunga and Luigi Di Cataldo, focuses on labor inequalities in the food delivery market in Italy; it analyses the differentiation of working conditions and the social composition of riders to identify different employment models and their social stratification. Mirko Scardoni’s article, “The System of Inequalities in Food Delivery Services: The Case of Riders in Tuscany”, examines inequalities affecting riders in Tuscany, including physical risks associated with the activity, organizational risks stemming from algorithmic management, and risks linked to the workers’ national origin. The perspective broadens with the

chapter “Use and Regulation of Brazilian Territory in Platform Capitalism: Technical-Financial Subordination of the Popular Economy and the Production of New Social-Spatial Inequalities”, by Lucas Guide and Matheus Dezidério Busca, which investigates the relationship between platform capitalism and the use and regulation of urban territories in the Global South, focusing on Brazil and the conflicts between the network logic of platforms and the territorial logic of local communities, highlighting the exploitation of regulatory gaps. Finally, the article “Trabalho plataformizado e avanço das desigualdades educacionais no Brasil”, by Soraya Franzoni Conde, Cílon César Fagiani, Fabiane Previtali, and Rosana Mendes Maciel Moreira, analyses the impact of platform work on the advancement of educational inequalities in Brazil, with particular attention to the repercussions on teachers and students from popular classes.

With this issue, *Inequalities* aims to offer a critical and in-depth tool for understanding the challenges and contradictions of digital platform labor, stimulating further debates and studies on a fundamental issue of contemporary society.

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# Platform Capitalism Experimental Laboratories and the Struggles for the Regulation

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**Abstract** This article will address the recent configurations of the world of labor in the era of informational financial capitalism. More specifically, it will analyse the emergence of and conflicts surrounding so-called uberized work, outlining the more general determinations that contributed to its emergence, approaching uberization as a laboratory for experimenting with labor and highlighting its similarities with the protoform of capitalism. The article will also present selected statements taken from interviews with delivery riders and drivers, as well as secondary data from important research conducted on the subject. Finally, it will discuss the institutional clashes surrounding the regulation and deregulation of uberization.

**Keywords** Uberized work. Working class. Platform capitalism. Class struggles. Regulation.

**Summary** 1 Genesis and Constitution of *Uberized Work*. – 2 Precarization, Organization and Struggle. – 3 Judicial Responses to Struggles Surrounding the Uberization of Labor. – 4 Legislative Responses to the Struggles Surrounding the Uberization of Labor. – 5 A Final Note.



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## 1 Genesis and Constitution of *Uberized Work*

This article will address the recent configurations of the world of labor in the era of informational financial capitalism. More specifically, it will analyze the emergence of and conflicts surrounding so-called *uberized work*, outlining the more general determinations that contributed to its emergence, approaching *uberization* as a laboratory for experimenting with labor and highlighting its similarities with the protoform of capitalism. The article will also present selected statements taken from interviews with delivery riders and drivers, as well as secondary data from important research conducted on the subject. Finally, it will discuss the institutional clashes surrounding the regulation and deregulation of *uberization*.

The recent changes in capitalism are the result of a broad process of productive restructuring on a global scale that has reshaped and even surpassed the Taylorist and Fordist patterns that dominated the 20th century. They point to a series of trends whose consequences for the world of labor are profound.

A central question can be formulated as follows: why, in the midst of technological-informational-digital progress, has the (apparent) paradox become more pronounced where, on the one hand, we have the expansion of algorithms, artificial intelligence, big data, the Internet of Things, Industry 4.0, 5G and many others, and on the other hand, in a contradictory sense, an increase in the number of workers whose working hours often exceed 10 or more hours a day, 6 or even 7 days a week, with ever shorter breaks and holidays, and ever lower wage levels, further intensifying the process of structural precarization of work, especially in the service sector (Antunes 2018).

Since this is a complex process, its effective understanding takes us back to the early 1970s, when the 'structural crisis of capital' broke out, driving a new cycle of global restructuring across the entire capitalist production system.<sup>1</sup> This transformation was so broad that even China, which had witnessed a radical anti-capitalist social revolution in 1949, began to redesign and develop its production system in a capitalistic way by the end of the 1970s, with the rise of Deng Xiaoping.

The *techno-informational-digital* increase then found fertile ground for its expansion on a global scale, albeit in an uneven and combined form (see Davidson 2020). And, by increasing productivity through information and communication technologies (ICT), in a context of structural crisis, unemployment has increased considerably, through new pockets of surplus labor force that increasingly began to compete

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<sup>1</sup> Chesnais 1996; Harvey 1996; Kurz 1992; Mészáros 2002.



for any job, under any conditions, since there is no greater scourge than unemployment for the *class-that-lives-from-labor* (Antunes 2012).

Thus, following the structural crisis, which worsened since 2008/9, the large digital platforms, driven by financial capital, made significant progress in the processes of making labor more *flexible*, which is actually a euphemism used to mask the processes of derogating labor rights, in order to further make the huge contingent of surplus labor force in search of employment even more precarious (Antunes, Gonsales, van der Laan 2024).

It is worth mentioning that this movement, which is particularly intense in the global South, also affects the central capitalist countries, of which the cases of England and the USA are examples. But we know that its intensity is much more pronounced in the peripheries, such as Latin America, Africa and Asia.

In peripheral countries, wage labor has coexisted with intensified forms of precariousness and informality since the foundations of the formation of the proletariat were built on slave labor or servitude, as seen in Latin America. For this reason, in these spaces, there is a *differential rate of exploitation* typical of the South, where the absence of labor legislation, informality and deregulation have since early on constituted poles of attraction for foreign capital, always ready to exploit the surplus labor force.

And it was on this historical-social basis that, given the *new international division of labor* and also the *unequal socio-sexual and racial division of labor*, superexploitation, the intensity of precariousness, informality, were always more the rule than the exception, which ended up constituting a productive space of great interest to global corporations, of which, at the same time, digitalized platforms are the ones that take the most advantage and expand on the periphery of capitalism.

It is for no other reason that the South has been constituting an exceptional *laboratory for experimenting with labor* by corporate capital (Antunes 2020; 2021b), a process that has intensified greatly with the outbreak of the coronavirus pandemic and has also been expanding widely in central capitalist countries, a feature that is accentuated by the presence of immigrant labor (Basso, Perocco 2008; Cant 2021).

This new type of work was announced in the book *The Privilege of Servitude*, as follows:

Thus, driven by this logic that is expanding on a global scale, we are witnessing the expansion of what we can call the *uberisation* of labour, which has become a *leitmotif* in the business world. As online labour has caused the separation between *working* and *non-working* life to collapse, a new type of labour is flourishing that combines the digital world with total subjection to the ideology and pragmatism of corporations. The most serious result of this

process is the advent of a new era of digital slavery, which is combined with the explosive expansion of global intermittent workers. (Antunes 2018, 37)

In this critical context, digital platforms have developed in recent decades. Qualified by the technological-digital increase, they gradually surpassed the large traditional corporations and assumed a prominent role in the capital world. Its progress was the result of a combination of the intensified use of high-tech digital information technology, the intense absorption of surplus labor and the exclusion of labor protection legislation, which were introduced in the significant process of privatization and capitalist transformation that was taking place in the service sector. All of this was driven by neoliberal ideology and pragmatism, whose basic objective is to privatize everything that can generate profit, as we saw happen in a tragic and pioneering way in Chile, during Pinochet's military dictatorship, even before the rise of Margaret Thatcher in England.

The final decisive step, essential to effectively understanding what *uberized work* is, was to create the conditions for labor to be transformed into its opposite: wage-earning would take on the appearance of non-wage-earning. And, by doing so, platform corporations would be able to remain outside of social labor legislation, which gives them a much larger profit margin, not to mention that they are also often exempt from the taxes charged to large traditional corporations.

As some of their founders have acknowledged, large corporate law firms were hired to *teach* how platforms should proceed to circumvent the labor protection regulations in force in their respective countries and thus further erode labor rights.

For this corporate venture to be successful, it was also necessary to further distort the ideology of capital. We all remember that, at the end of the 20th century, the key word was *employability*. It was repeated in every space in the business world. However, as the excesses of capital seem limitless (Linhart 2007), *employability* (used to blame the working class for losing their jobs due to lack of qualifications) was gradually replaced by new lexicons reinterpreted by the corporate ideology, once again adulterating the original etymological meaning of the words (Antunes 2018).

*Interpretations* of the language were created, such as *collaborators*, *partners* instead of workers, and the *new* corporate lexicon, through its CEOs, never stops repeating the new key words over and over again: we must all be very *resilient*, in order to increase *synergies*. In this new *environment*, the terms work and employment have disappeared; they have been replaced by *entrepreneurs*, a social figure who, by rejecting the despotism present in *old-fashioned* wage labor, now envisions *autonomy* and true *freedom*. Then flourished what was described in the book *Farewell to Work?* as a generation that had to become its

own despot, responsible for the costs of acquiring and managing the instruments of labor, as we will see later (Antunes 2003).

It was in this process, then, that *platform capitalism* and its corollary, *uberized labor*, developed very quickly and intensely, especially in the first two decades of the 21st century. With a large-scale unemployed workforce as their social base, platform companies were able to create a *form of wage employment that was transformed into non-wage employment*. Once again, work, a *life activity*, an expression of a *human-social value* (Marx 2004), was reconfigured as a *non-value*, to intensify and expand *surplus value* (Antunes 2018). Converted into *entrepreneurs*, workers became responsible for cars, motorcycles, bicycles, backpacks, cell phones, etc., to give them an apparent *autonomous* status.

But this autonomy vanishes when the following questions are asked: 1) Who accepts and defines the recruitment process? Who determines the activity, the price and the time necessary to carry out the deliveries or the work required? Who exerts pressure, through the incessant propagation of incentives, aiming at greater engagement and the consequent extension of labor time? Who can summarily block the accounts of entrepreneurs without any explanation from the platforms? As can be seen, the appearance of autonomy is the basic condition for the existence of subordination, wage-earning and exploitation (Filgueiras, Antunes 2020).

This is how a new variant developed within flexible and freeze-dried capitalism (Antunes 2003; 2012; 2021a). In a phase characterized by the structural crisis of capital, by the tendency of the profit rate to fall, by the hegemony of financial capital, and which can also be anchored both in the existence of an unemployed and/or precarious labor power, and in the intense expansion of the machine-informational-digital universe that was taking place.

An increasingly desperate surplus population has therefore provided a considerable supply of workers in low-wage, low-skill work. This group of exploitable workers has intersected with a vast amount of surplus capital set in a low-interest rate world. Tax evasion, high corporate savings, and easy monetary policies have all combined, so that a large amount of capital seeks out returns in various ways. (Srnicsek 2016, 46)

And the author added:

It is no surprise, then, that funding for tech start-ups has massively surged since 2010. Set in context, the lean platform economy ultimately appears as an outlet for surplus capital in an era of ultra-low interest rates and dire investment opportunities rather than the vanguard destined to revive capitalism. (Srnicsek 2016, 46-7)

Which allows him to conclude that:

Far from being mere owners of information, these companies are becoming owners of the infrastructures of society. Hence the monopolistic tendencies of these platforms must be taken into account in any analysis of their effects on the broader economy. (Srnicek 2016, 47)

It was this new pragmatism of global platform corporations that made it possible to obliterate and even mask the effective condition of subordination and wage-earning, rescuing past forms of labor exploitation. This movement allows us to formulate the thesis that *platform capitalism has something in common with the protoform of capitalism* (Antunes 2020; 2021b). But it was also this movement that created the conditions for the advent and explosion of struggles and revolts of the new service proletariat of the digital age, as we will see below.

## 2 Precarization, Organization and Struggle

Despite the difficulties in measuring uberized work, it is certain that, since the last decade, its expansion has been exponential in various parts of the world. In Brazil, in 2021, an estimated 2.7 million people worked for platform companies, either as their main or complementary source of income (Garcia 2021). More recently, the Brazilian Institute of Geography and Statistics (IBGE), the country's main public organization providing data and information, conducted its first national survey on uberized work. According to the IBGE, in 2022, Brazil had 1.5 million people working for platform companies as their main source of income. Special mention goes to private passenger transportation services, with 778 thousand drivers, and delivery services, with 589 thousand delivery riders – sectors that were pioneers of the uberization process and the resistance to it.

This dizzying growth is revealed in research that shows both the increase in the number of motorcycle, car, taxi and pickup truck drivers in Brazil, as well as the impact on working conditions in the sector, starting in 2016, a period in which companies such as Uber, Uber Eats, Ifood, Rappi, etc. were consolidated.

The number of motorcycle, car, taxi and pickup truck drivers went from 1.39 million in 2016 to 2.02 million in 2020, an increase of 41.9%. In the case of motorcyclists, the jump was from 522.1 thousand workers in 2016 to 729.7 thousand in 2020, an increase of 39.2% (Manzano, Krein 2020). In the same period, informality among motorcycle drivers jumped from 67% to 71.8% and among car, taxi and pickup truck drivers, it went from 44.7% to 59.5%, while the average informality

of employed people in Brazil, in this same period, remained relatively stable, between 38.7% and 39.9% (Manzano, Krein 2020).

The advance of *uberization* in these sectors also had a negative impact on the remuneration of these workers. The average monthly income of motorcycle drivers in 2012 was R\$ 1,281.00 and, in 2020, it fell to R\$ 1,199.00, a drop of 6.4%. In the case of car, taxi and pickup truck drivers, the average income in 2012 was R\$ 2,128.00 and fell to R\$ 1,954.00 in 2020, a drop of 8.2%. On the other hand, the average income of employed Brazilians increased from R\$ 2,163.00 in 2012 to R\$ 2,323.00 in 2020, a real increase of 7.4% (Manzano, Krein 2020).

Regarding working hours, a survey carried out with uberized drivers in the city of São Paulo in 2018 found that 51% of those interviewed worked 8 hours a day and 26% between 6 and 8 hours, with 54% working 5 to 6 days a week, 19% working every day and 57% saying that platform companies were their only source of income (Moraes, Oliveira, Accorsi 2019).

In the case of delivery riders, according to a national survey conducted in 2020, 60.2% worked more than 8 hours a day, with 15.3% working more than 12 hours a day. Not surprisingly, 36.9% worked 6 days a week, 34% made deliveries every day, and almost a third (30.1%) became delivery riders during the Covid-19 pandemic (UFBA 2020).

The precariousness of the work of drivers and delivery riders following the consolidation of the uberization processes is evident in the workers' statements. The motorcycle courier from Rio de Janeiro, Diego<sup>2</sup> (2021, July 30, personal interview) exemplifies the reality of what the lives of delivery riders have been like with the arrival of platform companies.

So, companies were outsourced and provided services to large delivery chains, such as Bob's, McDonald's, Girafas, so we had labour rights, we would earn R\$ 4,500 every two weeks. Today, to earn R\$ 4,000, I have to work two shifts, [...] I worked until four in the morning. Why? Because today, we earn just the amount of a tip. You see, yesterday I picked up a delivery in downtown Rio de Janeiro to take to Humaitá, in Lagoa, in the South Zone for R\$ 4.90.

In a similar sense, Nascimento<sup>3</sup> (2021), November 14, personal interview), a motorcycle courier for 30 years, in São Paulo, talks about how work was paid before uberization:

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<sup>2</sup> Interview given to researcher Marco Gonsales as part of the research carried out within the scope of the project *Trabalho, Tecnologia e Impactos Sociais: o advento da indústria 4.0.* (Work, Technology and Social Impacts: the advent of industry 4.0.).

<sup>3</sup> Interview given to researcher Marco Gonsales as part of the research carried out within the scope of the project *Trabalho, Tecnologia e Impactos Sociais: o advento da indústria 4.0.* (Work, Technology and Social Impacts: the advent of industry 4.0.).

We had a service, and the customer paid well. The minimum fare was R\$ 18.00. Each delivery point was R\$ 9.00. You couldn't get less than R\$ 18.00 for any delivery. You could even pick up a delivery on the other side of the street and earn R\$ 18.00.

The spread and consolidation of uberization certainly did not happen without resistance from workers. In 2014, in California, a state considered the birthplace of so-called big tech, Uber drivers' discontent began to translate into organization, with the founding of the California App-based Drivers Association (CADA), which joined forces with the International Brotherhood of Teamsters, a traditional union in the logistics sector. After a few protests that did not have major repercussions, CADA, together with other associations in the US, organized the category's first major strike, held on October 22, 2014 (Aslam, Woodcock 2020; Burns 2014). This strike movement was also joined by British workers, who created the London Private Hire App Based Drivers Association (LPHADA) and called on drivers in Great Britain to join the strike promoted in the United States (Aslam, Woodcock 2020).

According to Yaseen Aslam, one of the main leaders of the British movement:

By August 2014, Uber started significantly reducing the rates. It was at that point that I started to see the bigger picture. I reached out to drivers in New York and San Francisco on social media. Through our discussions I realised the process in London had already happened to them two years ago. (Aslam, Woodcock 2020, 4)

We first went on strike in October 2014 while we were organised with LPHADA. This was coordinated with drivers in San Francisco, Los Angeles, Chicago, and New York (Leroux 2014) and was the first app-based workers strike. (Aslam, Woodcock 2020, 6)

The process of organizing uberized drivers continued in Great Britain. In 2015, the United Private Hire Drivers (UPHD) was founded, which joined the Independent Workers' Union of Great Britain (IWGB) and organized the first major general strike of the category in the United Kingdom, held in 2018 (Aslam, Woodcock 2020, 6). In 2020, however, the private drivers' section of the IWGB decided to leave the union and form the App Drivers & Couriers Union (ADCU).

In the United States, after the 2014 strike, drivers continued to organize themselves by creating, for example, groups such as Ride-share Drivers United (RDU) in California and the New York Taxi

Workers Alliance.<sup>4</sup> Together, these and other organizations, both inside and outside the US, organized *the first global strike* against Uber on May 8, 2019 – one day before Uber’s debut on the New York Stock Exchange. The largest demonstrations took place mainly in US and English cities, but there were also important simultaneous actions carried out by workers in Sydney, Melbourne, Brisbane, São Paulo, Montevideo, Santiago, San José, Nairobi, Lagos, etc. (Grevatt 2019).

We attended the event held in São Paulo and spoke with some drivers, who gathered in the city center, specifically in Vale do Anhangabaú. There were about 200 people present who, after some speeches, marched to the headquarters of the São Paulo Stock Exchange and then left in a motorcade to Paulista Avenue, the city’s most important road. The main demands of the drivers from São Paulo were about low wages, long working hours and lack of safety, as one of the interviewees explained:<sup>5</sup>

I actually came because I think my profession is being exploited too much. Because the pay is low, the risk is high and we need to do something about it. The passenger himself says that the fare is too low, and who is the operator trying to please? The passenger and not the driver, because he’s the one who gives the money?

The praxis of organizing the first global strike of uberized drivers led to another significant step in the organization of these workers. In Thame, Oxfordshire, England, between January 29 and 30, 2020, representatives from 27 countries, including Brazil, met and held the first international meeting of the category, which marked the launch of the first international association of the class, the International Alliance of App-Based Transport Workers (IAATW).

Alongside the uberized drivers’ movements, the struggles of delivery riders have also proliferated. According to Vera Trappmann et al. (2020, 4), in the platform delivery sector alone, between January 1, 2017 and May 20, 2020, 527 strikes were identified in 36 countries.

In London, in the second half of 2016, the first major strike in the sector took place in the United Kingdom, lasting 6 days. It was prompted by Deliveroo’s complaint to the UK Border Agency about undocumented migrant workers, as well as the company’s arbitrary changes to the rates paid to workers. The remuneration of £7.00 per hour worked, with an additional £1.00 per delivery and a fuel

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<sup>4</sup> Founded in 1998, the New York Taxi Workers Alliance (NYTWA) is a union with 21,000 members, including taxi drivers and Uber and Lyft drivers.

<sup>5</sup> Interview given to researcher Marco Gonsales as part of the research carried out within the scope of the project *Trabalho, Tecnologia e Impactos Sociais: o advento da indústria 4.0.* (Work, Technology and Social Impacts: the advent of industry 4.0.).

allowance, was replaced by a rate of £3.75 per delivery, *with no additional payment* (Cant 2021, 109).

The actions of delivery riders were also prominent in Spain. In the country, the first major protests in the sector were held in 2017. The main target, as in the English case, was the company Deliveroo, which had made arbitrary changes to the working conditions of delivery riders: lack of accident insurance, implementation of payment per ride and, most importantly, the blocking of workers' accounts (dismissals). As a result of these protests, Spanish delivery riders founded the Riders x Derechos (RxD) collective in 2017, which has become the main non-union reference in the fight for better working conditions for delivery riders. One of the leaders of the movement, Fernando Garcia Pallas<sup>6</sup> (2020, 14 June), told us about the creation of RxD:

*Riders X Derechos* is a group of workers who self-organized because they were laid off. This is curious because RxD is a collective that, right now, is partly made up of former delivery riders, and companies and associations use this to try to discredit them, saying: *these people don't work, these people are no longer delivery riders*. Of course, but they are not delivery riders, they are not workers because you fired them for asking for improvements.

In addition to RxD, the traditional *Unión General de Trabajadores* (UGT) is also active in the Spanish union sphere. Given the precarious conditions of delivery riders, the UGT's strategy for the sector was to make the policy of membership in the Federation more flexible, also developing a platform called *Tu Respuesta Sindical* to seek dialogue with the category (Díez Prat, Ranz Martín 2020).

In Brazil, the movements of uberized delivery riders also gained considerable attention. In 2016, Loggi workers held the first protest in the sector, denouncing the arbitrary and unusual 60% reduction in the payment rates per ride. Since then, several demonstrations have drawn attention to the precarious conditions of uberized delivery work in several Brazilian cities, resulting in the creation of the first associations and collectives in the sector.

With the pandemic, the activity of delivery riders has expanded significantly, gaining greater visibility among the population, to meet the needs resulting from isolation. It was then that large numbers of unemployed people, in a wide range of professions, sought out delivery companies as a means of survival. The first negative results were

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<sup>6</sup> Interview given to researcher Marco Gonsales and Murillo van der Laan as part of the research carried out within the scope of the project *Trabalho, Tecnologia e Impactos Sociais: o advento da indústria 4.0.* (Work, Technology and Social Impacts: the advent of industry 4.0.).



immediate: longer working hours, more intensive work, and lower wages. The enormous surplus of labor force once again worked for capital: the more unemployment, the greater the tendency for existing wages to be reduced. (Santana, Antunes 2021). Loggi quickly stated that it was ready to handle up to three times its average delivery volume, and Colombian Rappi reported a 30% increase in demand for services throughout Latin America (Lara, Braga, Ribeiro 2020).

In this scenario, on July 1, 2020, the *Breque dos Apps* (*#breque-dosapps*) [Apps Break] took place, as the movement called itself. In addition to being the first national strike, it also had a certain international dimension. Delivery riders from Argentina, Mexico, Peru, Ecuador, Guatemala, Costa Rica, and Spain joined the movement and also stopped their motorcycles and bicycles for better working conditions. *SindimotoSP*, a traditional union of *motorcycle couriers* in the city of São Paulo, attended the first Breque dos Apps and tried to take over the movement, but was overruled by the collectives, associations, and leaders.

The main demands were for better working conditions, through an increase in delivery rates and also in the minimum rate per delivery; An end to unjustified account suspensions by platforms; insurance against accidents and theft; remuneration for *uberized workers* who were infected with Covid-19; distribution of PPE, etc. However, it is worth noting that the agendas were differentiated according to the different conceptions present in the various movements and leaders, even though they indicated as central axes the resistance against the intensity of exploitation, practically widespread throughout the category.

The *#brequedosapps* movement had a strong impact on public opinion, consumers, political parties, unions, the legislature, the judiciary, etc., and between 2020 and 2021, 128 bills on the subject of platform work were registered in the Brazilian Federal Chamber (Santana, Antunes 2021; Moda, Gonsales 2021). In 2021, the pressure for better working conditions continued, expanding especially in small and medium-sized cities in the Southeast, Northeast, and North of the country (Gonsales 2021).

In this context, at the end of 2022, a relevant event marked the resistance movement of these workers. With the aim of uniting regional forces in favor of regulating the sector, delivery riders founded a federation of associations and collectives from different Brazilian cities, called the National Alliance of App Delivery riders (ANEA). The surprise was that, like most unions, the Alliance, which mainly has associations, collectives and autonomous leaders, began to defend the rights provided for in Brazilian labor legislation, as long as the possibility of working for more than one platform and the freedom to choose working hours and days were maintained (ANEA, 2023). ANEA even called on the riders to go on a national strike, but

was convinced by the then future federal government that was preparing to take office, to give up the act in exchange for the promise that negotiations around the regulation of the sector would be one of the first and main issues to be discussed by the Ministry of Labor.

It is important to highlight that, although the creation of ANEA represented a significant milestone in the mobilization of delivery riders, there is not, and there still has not been, as in many other countries, a consensus among workers on the most appropriate path to achieving better working conditions. The commitment to fighting for recognition of the employment relationship has gained more ground, but it is still not the majority. Many understand that demands for increases in pay rates and an end to unjustified layoffs are more urgent issues. In the case of drivers, the demands are similar, however, the rejection of the recognition of the employment relationship is greater, just as the fight for more autonomy in the relationship with the platforms finds more resonance.

The need for these workers to organize collectively to demand autonomy, better pay, an end to layoffs or even recognition of the condition of salaried workers reveals that there is no autonomy in uberized work. On the contrary, everything indicates that the algorithmic management has transformed traditionally quiet sectors into fertile grounds for struggle and, in this way, the *new morphology of labor* has also generated a new morphology of social struggles, driven by the new service proletariat, with emphasis on uberized workers (Antunes 2020).

### **3 Judicial Responses to Struggles Surrounding the Uberization of Labor**

The precarization of uberized work and the demonstrations by workers were accompanied by institutional responses and conflicts at an international level. In particular, since 2020, these responses have included decisions by higher courts in several countries on the existence of an employment relationship between workers and companies and, in some cases, legislative proposals have been presented that sought to regulate the activities of uberized drivers and uberized delivery riders.

A decisive chapter in this conflict began in 2018 with the position of the Supreme Court of California (2018) in the case *Dynamex Operations West, inc. v. The Superior Court of Los Angeles County*. Although it did not directly address the activities of platform companies, the court's decision to reject the multi-factorial tests that are commonly used to assess the existence or non-existence of an employment relationship between a worker and a company has had consequences for uberized work in the state. The rejection of multi-factor tests was

based on the court's view that, on the one hand, they did not give the parties sufficient clarity about their own relationship. On the other hand, the Supreme Court ruled that such multi-factor tests served as a way for companies to manipulate the classification of workers in order to evade responsibilities related to wages and hours worked (Supreme Court of California 2018; Gould 2018).

Therefore, in its decision, the court effectively instituted the use of a much simpler and clearer test for verifying the employment relationship: the so-called ABC test. In this test, it is the responsibility of the hiring company to prove that its relationship with the worker is not an employment relationship, based on the demonstration that each of the following points are satisfied: a) the worker is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact; b) the worker performs work that is outside the usual course of the hiring entity's business; c) the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed (Supreme Court of California 2018; Fuentes, Smith, Chen 2020).

For platform companies, this decision was full of consequences because if point a) of the ABC test, which deals with the contractor's control over the labor process, is one of the fundamental moments around which legal proceedings drag on in the state and in various parts of the world, point b) basically decided the issue. This is because the activities carried out by the workers of platform companies fall within the same scope as the activities of these companies themselves: the transport of passengers or goods (Supreme Court of California 2018; Fuentes, Smith, Chen 2020).

As we will mention below, the decision of the Supreme Court of California had important consequences in the legislative sphere. Platform companies, however, were successful in delaying the consequences of both the court ruling and the law that followed it.

In Europe, on the other hand, especially since 2020, a series of higher court rulings have imposed setbacks on platforms. According to Hiessl et al. (2024), in the higher courts of the European Union and the United Kingdom up to February 2024, workers were classified as employees of platform companies in 25 cases, as self-employed in 4 cases, as intermediate categories in 3 cases and as employees of subcontractors in a further 3 cases.

In January 2020, the Italian *Corte di Cassazione* (2020) ruled that uberized delivery riders for the company Foodora should be granted the rights under Italian law. The Italian court did not specifically indicate a relationship of subordination or employment between the delivery riders and the company, and did not contest their status as self-employed workers. However, the court relied on a 2015 Italian

law that states that all labor organized heteronomously ('lavoro eterodiretto'), unilaterally by the contracting entity, must be fully protected by labor law. In 2019, this law was amended to explicitly state that it also applied to labor via digital platforms (Aloisi, de Stefano 2020; Hiessl et al. 2024).

In this sense, in order to characterize the heteronomous organization of the work of Foodora's delivery drivers, the *Corte di Cassazione* (2020) pointed out that it was the company that determined that deliveries should be made within 30 minutes; that it was the company that determined a specific location where the delivery drivers' shift should begin and from then on tracked them by GPS; and that it was Foodora that defined the method and obligations for carrying out deliveries.

In Spain, in September 2020, the *Tribunal Supremo* (Supreme Court) (2020) took a position that indicated an employment relationship between a worker and the delivery company Glovo. Based on a detailed analysis of the relationship between the platform and the delivery drivers, the court recognized the subordination/dependency and the so-called *ajenidad* ('alienity') of the risks and benefits of the work performed by a Glovo delivery rider, fundamental aspects for the characterization of the employment relationship under Spanish law.

The *Tribunal Supremo* (2020) pointed out how the workers were under the effective control of the platform, through scoring systems, organization of the distribution of orders, penalties for delivery riders, geolocation controls through the application's GPS system, and by holding the monopoly of information and decisions for managing the business. It also highlighted that all commercial decisions were made by Glovo: it was the company that determined the prices of the services provided, the payment method and the remuneration of the delivery riders, which, moreover, was carried out by Glovo and not directly by the platform's end customers. These customers, on the other hand, were not customers of the delivery riders, but of Glovo itself, according to the court. The characterization made by the *Tribunal Supremo* also highlighted that the essential means of production for the company's delivery service was not the delivery riders' cell phones or motorcycles, but the digital platform itself designed by Glovo and owned by it (Monereo Pérez, Marín Muñoz 2020).

In 2021, the UK Supreme Court (2021) ruled on the existence of an employment relationship between drivers and Uber, rejecting the company's argument that it was merely a technology company responsible for connecting drivers and passengers. However, the UK Supreme Court described the drivers as Uber workers, which in the UK refers to an intermediate category between an employee and an independent contractor who does not enjoy all the employment rights attributed to an employee.

In its ruling, the UK Supreme Court rejected Uber's designation of drivers as independent contractors, indicating five points: 1) that Uber determines the prices of rides; 2) that Uber determines the terms for the performance of the service in contracts; 3) that Uber restricts the ability of drivers to choose rides; 4) that Uber exercises significant control over the performance of the services, including through the company's ranking system; 5) that Uber restricts communication between the passenger and the driver and actively tries to prevent the establishment of a relationship between them that leads to a commercial activity outside the company's control.

In Brazil, the Labor Prosecutor's Office has been active in relation to the working conditions of drivers and delivery riders, with prosecutors defending the existence of an employment relationship between uberized workers and platform companies. The *Tribunal Superior do Trabalho* [Superior Labor Court] (TST), on the other hand, was initially more receptive to the platforms' arguments. However, in the last 5 years there has been a change in position, with more decisions recognizing the employment relationship of workers on private transport or delivery platforms (Lanza, Oliveira, Maior 2024).

For its part, the Supremo Tribunal Federal [Supreme Federal Court] (STF), since 2023, in a monocratic manner, "in the name" of free enterprise and free competition, has overturned the decisions of the TST and the lower courts recognizing the employment relationship of uberized workers. In 2024, the dispute reached the plenary of the Supremo Tribunal Federal for the first time, in response to a request from Uber, which questioned a decision by the TST recognizing the employment relationship between a driver and the company (Gomes, Gomes, Oliveira 2024). After the first session, which defined the general repercussion of the case, the Court will schedule a new date to deliberate definitively on the matter. However, the recent monocratic decisions, by 4 of its ministers, in defense of the companies' arguments, indicate that the Brazilian Court will probably endorse uberized work.

#### **4 Legislative Responses to the Struggles Surrounding the Uberization of Labor**

Concurrently with the court decisions, legislative initiatives have sought, with varying degrees of success, to regulate platform companies. The two most emblematic cases, one in which the platforms have so far been victorious and the other in which they have been defeated, occurred, respectively, in California (USA) and Spain.

In the birthplace of the so-called Big Techs, the economic and symbolic weight of California was demonstrated by the size of the resources mobilized by the platforms to overturn the recognition of

the employment relationship that had been consolidating on the basis of the aforementioned 2018 Californian Supreme Court decision, which was codified and extended in the law approved by the Californian Congress, known as Assembly Bill 5 (Supreme Court of California 2018; California Legislature 2019; Fuentes, Smith, Chen 2020).

Throughout 2020, California's ride-hailing and delivery platform companies managed to delay the reclassification of drivers and riders as employees – even in the context of the pandemic and despite pressure from workers, the California Attorney General's Office and the state Superior Court. In addition, they formed a coalition and mobilized more than 200 million dollars to organize a referendum, known as Proposition 22. Through this, they managed to nullify the law that granted employment relationships to uberized drivers and uberized delivery riders, replacing it with a law created by the platforms themselves (Fuentes, Smith, Chen 2020; Whittaker, Dubal 2020; Dubal 2021).

In the case of Spain, recent disputes over the regulation of uberized work have focused mainly on the role of delivery riders.

Following the aforementioned ruling by the Spanish Tribunal Supremo, which indicated the existence of an employment relationship for delivery riders, a social dialogue process was formed at the end of October 2020 to discuss uberized delivery labor, bringing together representatives of employers and workers (UGT 2021). On March 10, 2021, employers and unions reached an agreement on the new law, and on May 11, Royal Decree-Law 9/2021, known as the Ley Riders [Riders Law], was published by the Spanish government. This decree made two amendments to the Spanish Workers' Statute.

The first introduced a new topic in Article 64.4 of the Statute. This article deals with the information rights of workers' representatives, and the new topic included establishes that they "must be informed by the company of the parameters, rules and instructions on which the algorithms or artificial intelligence systems" that govern their labor are based. The second modification introduces a new additional provision in the Workers' Statute, the twenty-third, which states that there is a "presumption of employment relationship within the scope of digital delivery platforms" (Spain 2021).

In Europe, although the plurality of national contexts has made institutional responses more complex, especially among the Member States of the European Union, a decisive movement has taken place in the region, culminating in a milestone in the regulation of platforms. Also important were the last-instance decisions rejecting platforms' classification of their workers as independent contractors in countries such as the Netherlands, Italy, France, Switzerland, Germany and, in Europe but outside the European Union, the United Kingdom.

At the end of 2021, the European Commission, after extensive consultation with trade unions, employers and researchers, presented a

proposal for a Directive with the aim of general regulation of uberized work. After a long and difficult process by the European Parliament and the Council of the European Union, the text was finally approved in March 2024. Mandatory for all 27 Member States, the strongest and most innovative regulation of platform work at the international level establishes, as in Spain, a presumption of employment based on the way in which national legislation assesses the control and direction of the activity carried out by workers.

In addition, it draws up detailed regulations for the algorithmic management of work that not only impose a series of restrictions on the capture of workers' data by platforms, but also gives them and national authorities broad access to information about the monitoring and automated decision-making systems created by companies. All of this is supported by oversight of the systems by workers and public authorities.

Over the next two years, Member States will move on to implementing the Directive, when its real impact will be known. However, the forcefulness of the regulatory processes in the European Union – as well as in California, before the platforms' victory, and in Spain – already sheds light on the serious limitations of the Brazilian courts and legislative initiatives.

In Brazil, in response to the strike movements that erupted in 2019, as mentioned earlier, a large number of bills have proliferated in Congress. Of these, the only one that advanced in parliament was Law 1665/2020, giving rise to Ordinary Law 14297/2022, the first national legislation in favor of Uber workers, which provided for protective measures guaranteed to delivery riders during the public health emergency resulting from COVID-19 (Moda, Gonsales 2021).

In 2023, President Lula's government, fulfilling its campaign promise, definitively entered the debate over the regulation of the work of uberized drivers and delivery riders. The government promoted and mediated a tripartite negotiation, called the Working Group. One year after the beginning of the WG, on March 5, 2024, Complementary Bill 12/2024 was presented to the National Congress, covering only drivers, since the delivery riders, dissatisfied with the results, abandoned the negotiations.

According to the leaders of the delivery riders who participated in the meetings, the negotiations were limited to discussions on the right to social security and the values of the minimum hourly wage, without advancing on important points discussed by the category and presented by ANEA, as mentioned above.

In short, the bill provides for the creation of a new legal entity, the "platform self-employed worker", establishes that platform companies are "app operators", and sets a minimum wage of R\$ 32.10 per hour worked, without paying for the time workers spend waiting between the execution of one order and another. Of this amount, R\$ 8.03



refers to payment for services rendered and R\$ 24.07 as reimbursement of costs, which are adjusted based on an increase in the minimum wage. The Bill also establishes a specific social security system for the sector, to which companies must contribute 20% and workers 7.5% of the value of the hour worked, with a minimum of R\$ 8.03 per hour. It is worth noting that, according to the IBGE, drivers who work for platform companies earned an average hourly income of R\$ 11.80 in 2022, R\$ 3.77 more than the bill establishes as the minimum value for an hour worked, giving companies the opportunity to pass on to workers part of the social security costs they will incur. Evidently, Bill 12/2024 pleased the business sector, but angered both drivers who defend the regulation of the sector and those who advocate for real autonomy in the relationship with the platforms.

Obviously, the bill will be amended as it goes through Congress but given the correlation of forces unfavorable to the working class in Parliament and the internal disagreements within the category itself, the tendency is for its main points to be maintained. Therefore, if approved, the bill will create a new legal entity, a third category of second-class worker, deprived of most labor rights, which could legitimize and promote the uberization of labor, paving the way for “the destruction of labor rights won by the working class as a whole in countless struggles fought since the time of enslavement in Brazil” (Antunes 2024).

## 5 A Final Note

The long period of consolidation of financial capitalism was marked by successive crises and repeated attacks on the working class in various parts of the world. A movement that, in addition to the intensification of processes of precarious living, working and remuneration conditions, also resulted in an increase in unemployment and underemployment rates in the Global North and South. At the same time, the attack on the entities representing the class and their adaptation to the neoliberal context was followed by a myriad of mystifying discourses about contemporary exploitation driven by capital. In the last decade, these determinations resulted in one of the most elaborate ways of appropriating the labor of a huge contingent of underemployed workers: uberization.

In the new experimental laboratories of capital, large financial resources – which in the structural crisis of capital do not find great opportunities for return – were combined with an impressive global technological infrastructure. The result was the creation of platforms that, through algorithmic management, measure the activities of precarious workers on a daily basis and tacitly modulate them according to the needs of the companies themselves. The platforms evade



the costs of tools and inputs, the training of the workers and, above all, labor rights. While they monitor the activities of their workers in detail and appropriate the data they produce, they also classify them as independent contractors. In this way, the most advanced platform capitalism symptomatically emulates the protoform of capitalism.

Given the pressures of life under the structural crisis of capital, the relatively low barriers to entry into uberized jobs, the temporary subsidies both to workers' wages and to the amounts charged to consumers to attract them to the platforms, as well as the illusory discourses of entrepreneurship, have made uberization 'palatable'.

Of course, as we have seen, this does not mean passivity and immobility on the part of the workers. As we have seen, the uberization of labor has transformed traditionally quiet sectors into fertile ground for struggle, such as passenger transport and goods delivery, which were once sectors mainly occupied by independent contractors and employees of small companies.

Although each place has its own peculiarities, in general the organizations of uberized workers, especially drivers and delivery riders, are characterized by the spontaneity of strikes that break out even before they are organized, by the importance of remote communication between workers, by the ability to carry out international articulations and by the leading role of associations and collectives.

Despite the process of expanding productive capacity, which aimed to lower the value of the workforce, extend and intensify the working day, transfer costs to the working class, and expropriate it of its identity, the spell has turned against the sorcerer, and what we see are new collective subjects moving from a social invisibility to collective, political and class visibility (Santana, Antunes 2021).

These resistances are heard in several countries and are driving growing institutional support, especially in the countries of the Global North, such as the forceful regulatory process in the European Union, as well as in California, before the victory of the platforms, and in Spain, in addition to the last-instance decisions of the European courts in favor of recognizing the employment relationship.

These regulatory processes expose the serious limitations of Brazilian courts, legislative initiatives and the organization of the working class itself in resisting the uberization of work. As in other moments of major productive restructuring, it seems that Brazil will legitimize uberized work, eliminating historically won rights and reducing the value of its labor power, in order to adjust to the new international division of labor and reaffirm its peripheral status.

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# Entre informalité et salariat Tensions et inégalités au sein des mobilisations collectives du secteur de la livraison à Bruxelles

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**Abstract** This article examines a delivery workers' strike in Brussels that, for the first time, brought together undocumented couriers and trade unions. It explores the impact of platform labor on widening inequalities in both the labor market and collective representation. We argue that the platform model has contributed to a growing disconnect between trade unions and undocumented workers – individuals who are already under-represented. Drawing on participant observation and semi-structured interviews with union representatives and mobilized couriers, we analyze the conflicting interests generated by platform work, particularly the tension between the formal wage-based model promoted by unions and the informal working conditions experienced by couriers.

**Keywords** Platform capitalism. Arrival infrastructure. Wage-based model. Undocumented workers. Delivery riders. Informality. Syndicalism. Collective mobilisation.

**Summary** 1. Introduction. – 2. Méthodologie. – 3. L'articulation entre la lutte pour le bon emploi et la situation des sans-papiers. – 3.1. L'analyse syndicale : les plateformes contre le bon emploi. – 3.2. La position des sans-papiers : les ambivalences de l'informalité. – 4. L'impossible mobilisation par les syndicats des livreurs sans papiers ? – 4.1. Modalités de mobilisation divergentes et régression de l'action collective. – 4.2. Décalage avec la base et production d'intérêts contradictoires. – 5. Conclusion.



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## 1 Introduction

Les 30 avril et 1<sup>er</sup> mai 2024, s'est déroulée à Bruxelles une grève des livreurs impliquant de nombreux travailleurs sans-papiers. Cette mobilisation surprend du fait qu'elle est le fruit d'une coalition entre livreurs avec et sans-papiers et La Maison des Livreurs (MDL), une organisation regroupant notamment le Mouvement Ouvrier Chrétiens (MOC) et des instances syndicales dont la Confédération des Syndicats Chrétiens (CSC), l'un des deux principaux syndicats belges.<sup>1</sup> Plusieurs piquets de grève se tiennent pendant deux jours dans les différents quartiers à forte activité de livraison. Face à la difficulté de mobiliser des travailleurs précaires et peu affiliés, le MOC met alors en place un système de caisse solidaire afin d'indemniser les grévistes non-affiliés. La mobilisation se distingue en outre par sa taille, avec près de 400 personnes sur le groupe WhatsApp de la grève, dont une part importante est présente aux piquets de grève. Les trois revendications principales sont la fin des déconnexions automatiques de la plateforme, l'augmentation des revenus et l'arrêt de la répression policière envers les livreurs. Le mouvement se conclut par un rassemblement devant les bureaux d'Uber, sans réponse de l'entreprise. L'après-grève voit quant à elle le souffle de la mobilisation retomber, en grande partie en raison d'un malentendu sur le paiement des indemnités de grèves via la caisse solidaire conduisant à une rupture de confiance envers le syndicat.

Cette grève 'improbable' (Collovald, Mathieu 2009) constitue un cas symptomatique pour comprendre les transformations qui ont affecté l'économie de plateforme et les tensions que ces transformations impliquent pour l'action collective. Depuis son avènement au milieu des années 2010, l'économie de plateforme apparaît aux yeux de la littérature sociologique comme une forme de « laboratoire du capitalisme » (Cingolani 2021, 16) dont l'analyse nous informerait sur les transformations à venir dans le monde du travail. À travers l'externalisation des travailleurs (Srnicek 2017), le contrôle algorithmique (Rosenblat, Stark 2016) et la mobilisation des statuts atypiques, les plateformes ont souvent été interprétées comme les signes d'une nouvelle étape dans la précarisation du modèle d'emplois salarial (Bernard, 2020 ; Abdelnour, Bernard 2018). En même temps que le travail se précarise, des pratiques de résistance et d'organisation hors

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<sup>1</sup> Nous nous concentrons principalement ici sur les actions qui ont été mis en place par la CSC car l'autre principal fédération syndicale belge, la Fédération Générale des Travailleurs de Belgique (FGTB) a été peu présente sur le terrain des plateformes, si ce n'est qu'elle s'est démarquée par la signature d'un accord secret entre sa centrale des transport (UBT) et Uber, très critiqué par les travailleurs et autres syndicats. Pour une analyse de cet accord voir (Brodersen et al. 2023).



du cadre syndical se sont développées face au contrôle intrusif des algorithmes (Marrone, Finotto 2019; Popan 2021).

Dans la même lignée, la lutte pour la défense des travailleurs de plateforme a été saisie à l'origine par la CSC comme un porte bannière de la lutte pour la défense du "bon emploi", dans un contexte d'externalisation et de remise en cause des rapports de force basés sur la négociation collective. Le syndicat, inquiet d'une potentielle généralisation de ce mode organisationnel, s'est emparé du phénomène des plateformes (Brodersen, Martinez, 2022) en s'appuyant sur l'innovation organisationnelle (Marrone, Finotto 2019 ; Dufresne, Leterme 2021) et, plus spécifiquement en ce qui concerne la livraison, sur les procès en requalification de statut, dans le but de réinscrire l'activité dans le cadre du salariat et des protections légales qui l'accompagnent (Brodersen et al. 2023). Or, cette stratégie s'accommode mal de l'évolution et des intérêts de la main-d'œuvre, dont ceux des travailleurs sans-papiers, tels qu'ils sont apparus dans le cadre de cette grève.

En effet, les plateformes de livraison émergent comme un acteur majeur facilitant l'absorption d'une force de travail issue des déplacements transfrontaliers. Elles font aujourd'hui partie d'un maillage complexe de diverses 'infrastructures d'arrivée' (Doorn, Vijay 2021, 1131), c'est-à-dire de « lieux, services, institutions, technologies et pratiques auxquels les individus sont confrontés au cours du processus migratoire » (Felder et al. 2020, 55). Dans le cadre de la plateforme du travail et des migrations, la notion 'd'infrastructure d'arrivée' met en lumière deux dimensions principales. Premièrement, la facilité à contourner les obstacles au recrutement et les opportunités de revenus ont peu à peu fait des plateformes un bastion pour une main-d'œuvre au statut migratoire précaire (Altenried 2021; Lam, Triandafyllidou 2021). Ce faisant, les infrastructures sont liées à un réseau informel de ressources et d'opportunités, et contribuent ainsi à la formation de projets et d'aspirations migratoires chez les individus (Felder et al. 2020). Deuxièmement, l'intégration économique des migrants par le biais des plateformes s'avère ambivalente ; Cottom décrit cette « inclusion comme 'prédatrice', dans la mesure où elle repose sur des 'termes extractifs' » (2020, 443) reproduisant de ce fait des formes préexistantes d'exploitation d'une main-d'œuvre racialisée (Bernard 2023; Baril 2023; Gomes 2022). Ceci conduit à une propension plus élevée de travailleurs issus de la migration à accepter des formes d'emploi se distinguant du salariat traditionnel par l'absence de protection sociale et des structures organisationnelles différentes (Gomberg-Muñoz 2010; Raess, Burgoon 2015). Le modèle d'emploi des plateformes repose ainsi sur l'institutionnalisation, à des fins prédatrices, de l'informalité dans laquelle évoluent les migrants précaires (Casilli 2016).

Se pose alors la question de l'impact des plateformes sur le renforcement des inégalités sur le marché du travail. Partant de là, nous

défendons la thèse selon laquelle le modèle des plateformes, en produisant des intérêts contradictoires, a contribué à la déconnexion entre syndicats et travailleurs sans-papier, déjà faiblement représentés et privés du soutien stratégique et pratique dont bénéficient d'autres catégories de travailleurs précaires. Les mobilisations collectives au sein de l'économie de plateforme sont à ce titre des terrains particulièrement féconds pour étudier le décalage entre syndicats et travailleurs sans-papiers. Dans cette optique, nous analysons ici le cas de la grève en tant que révélateur des intérêts contradictoires produits par les plateformes, entre la stratégie de requalification défendue par les syndicalistes et l'informalité prédatrice dans laquelle se retrouvent les livreurs.

## 2 Méthodologie

Notre analyse part de l'observation d'une grève de livreurs ayant eu lieu à Bruxelles les 30 avril et 1er mai 2024. Il s'agissait de la première action collective d'envergure dans le secteur de la livraison, mobilisant la main-d'œuvre sans-papier, et ce, après plusieurs années de déclin des mobilisations collectives dans le secteur. Cette observation est particulièrement féconde pour examiner le rapport syndical aux livreurs sans-papiers, puisqu'elle permet à la fois de mesurer la distance qui s'est creusée entre l'institution syndicale et les travailleurs, ainsi que le rapprochement plus récent dans le cadre de la grève. Dès lors, l'enjeu est ici de montrer les conditions ayant rendu possible cette mobilisation 'improbable', tout en relevant les différences d'intérêts ayant structuré le mouvement.

Nous avons donc complété notre observation par des entretiens semi-directifs auprès des syndicalistes et de militants engagés dans le mouvement, ainsi qu'auprès de livreurs sans-papier mobilisés. Conscients que les travailleurs mobilisés sont les 'moins précaires des précaires', ou du moins, dans notre cas, ceux les moins éloignés du fait syndical, nous avons décidé d'élargir notre enquête aux travailleurs sans-papiers qui ne s'étaient pas mobilisés. Néanmoins, nous avons rencontré de grandes difficultés méthodologiques lors de la récolte d'entretiens auprès de ces derniers. La méfiance ou l'incompréhension envers notre curiosité sociologique – attestée par les nombreux faux numéros de téléphone que nous avons reçus lorsque nous démarchions les livreurs –, le manque de temps, ou encore la barrière récurrente de la langue ont été autant de facteurs qui ont compliqué notre contact avec la population d'enquête. Ainsi, seuls trois entretiens ont pu être enregistrés auprès de cette population. Nous avons alors donné à notre approche une dimension plus ethnographique en favorisant la présence prolongée dans les zones de forte activité de livraison, et le bouche à oreille. Nous avons aussi

privilegié les petits entretiens sommaires et informels non enregistrés, mais répétés auprès des livreurs que nous rencontrions le plus régulièrement, aux longs entretiens fleuves, souvent impossibles pour cette catégorie de travailleurs. Là aussi cependant, il est fort probable que nous ayons fait face à un biais de sélection envers les plus précaires, puisque les livreurs rencontrés étaient souvent ceux qui possédaient la meilleure maîtrise du français ou qui possédaient le plus de temps. La méfiance n'a jamais non plus totalement été effacée comme en témoigne la déclaration d'un de nos enquêtés : « À moins que vous ne soyez vous-même sans-papiers, il y a des choses sur Uber que nous ne pouvons tout simplement pas vous dire ».<sup>2</sup>

Les livreurs rencontrés dans ce cadre partagent un profil socio-démographique et une trajectoire migratoire relativement homogène. Il s'agit pour la plupart de jeunes hommes dans la vingtaine venants du Maghreb ou d'Afrique sub-saharienne. Ils sont souvent arrivés en Belgique dans les 5 dernières années sans leur famille et ont en général quitté leur pays d'origine pour des raisons économiques, ou ont été déboutés de la procédure d'asile. A ce titre, certains des livreurs les plus actifs lors de la grève se démarquent par une trajectoire marquée par le même militantisme politique qui les a conduits à quitter leur pays d'origine face à la répression qu'ils y rencontraient. Ce militantisme s'est par la suite prolongé tout au long de leur parcours migratoire sur les questions liés aux sans-papiers.

Ce matériau a ensuite été analysé à travers un codage thématique des entretiens et des observations. Etant donné que les entretiens informels menés pendant nos observations de rue ne pouvaient pas faire l'objet du même traitement systématique, nous les avons utilisés pour consolider les codes construits à partir des entretiens retranscrits, sur la base de nos notes de terrain. Ce codage a abouti à l'élaboration de deux arbres thématiques distincts, eux-mêmes divisés en deux arbres reprenant (3.1) la structure du discours et de la stratégie des différents acteurs syndicaux impliqués dans la grève concernant la question du travail de plateforme, et l'intégration de la problématique des travailleurs sans-papier à cette question. Le deuxième embranchement thématique (3.2) opère la même reconstruction du point de vue des travailleurs sans-papiers, et vise à rendre

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**2** Le consentement éclairé a été central dans la conduite des entretiens. Les objectifs de la recherche ont été présentés de manière transparente, avec l'assurance d'anonymat et de volontariat pour les participants. Étant donné la précarité des interviewés, la confidentialité a été priorisée : les contenus des entretiens ont été anonymisés et aucune information permettant d'identifier les individus n'a été divulguée. Concernant l'usage des données, nous avons évité de mentionner des éléments pouvant avoir un usage répressif (comme les noms de quartiers), en partant du principe que la présence de sans-papiers et la pratique de location de comptes parmi les livreurs à Bruxelles sont déjà connues.

visibles les formes de revendications et intérêts liés à leur statut migratoire ainsi que la spécificité de ces intérêts dans le cadre du travail de plateforme ; le troisième embranchement thématique (4.1) est relatif à l'organisation collective sous l'angle de l'enjeu de la constitution de la base du point de vue syndical. Enfin, le quatrième arbre thématique (4.2) revient sur la problématique organisationnelle du point de vue des livreurs et s'intéresse à la manière dont les plateformes produisent des intérêts contradictoires entre les modes d'organisation syndicaux et les besoins des livreurs sans-papiers dans leur expérience quotidienne de travail.

### Du coursier étudiant au livreur sans-papiers

En Belgique, la CSC a été la première organisation syndicale à s'engager sur le terrain du travail de plateforme, plus particulièrement via le secteur de la livraison, à travers l'établissement de liens avec le Collectif des Coursier.ère.s qui s'était constitué en 2016 face aux dégradations des conditions de travail.<sup>3</sup> La main-d'œuvre est alors composée principalement d'étudiants ou de travailleurs à temps partiel utilisant l'application pour compléter leurs revenus, souvent amateurs de vélo et aspirant à un travail en plein air. Ceux-ci sont employés via un système de portage salarial entre Deliveroo et la coopérative SMart. En 2017, la rupture de la convention entre SMart et Deliveroo intensifie la lutte sur le terrain contre la dégradation des conditions d'emplois et pour la préservation du statut salarial. Cette dégradation des conditions d'emplois est encore accentuée en 2018 avec l'adoption par les plateformes de livraison du régime 'Peer-to-peer' – dit P2P –,<sup>4</sup> qui autorise à travailler sans statut, au prisme d'un régime défiscalisé plafonné à un certain montant de revenus par année. La CSC lance alors une nouvelle section en 2018, United Freelancer (UF), destinée à fournir des services syndicaux aux travailleurs en dehors du cadre salarial, dans l'idée de proposer une adaptation organisationnelle à l'usage de statuts et régimes atypiques par les plateformes. Parallèlement, les travailleurs du Collectif des Coursiers et la CSC, via UF entament une série de procès en requalification afin

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<sup>3</sup> Pour une approche détaillée de la formation et de l'évolution du collectif des coursiers, voir (Dufresne et al. 2018)

<sup>4</sup> La loi du 18 juillet 2018 relative à la relance économique et au renforcement de la cohésion sociale, dite loi 'De Croo' introduit un nouveau régime fiscal pour les revenus liés au travail associatif et aux services occasionnels entre citoyens. Les revenus de l'économie collaborative, générés à partir du 1er janvier 2018, sont exonérés d'impôts tant qu'ils ne dépassent pas 6 130 euros par an, montant indexé pour 2018. (Arrêté royal du 3 juillet 2019 modifiant l'AR/CIR 92 en matière des revenus issus de l'économie collaborative).

de réinscrire le travail de plateforme dans le cadre des droits et de la représentation associés au salariat.

C'est au cours de cette période que le secteur connaît une évolution progressive de la composition de sa main-d'œuvre. Le régime P2P, et l'implémentation d'Uber Eats qui tire profit de ce régime, combiné à la dégradation des conditions de travail et de rémunération ont pour effet d'accentuer l'informalisation de l'accès au travail de plateforme, et d'y attirer une main-d'œuvre de plus en plus précaire désireuse d'accéder à des revenus rapidement. On retrouve alors dans le secteur de la livraison de moins en moins d'étudiants blancs, et de plus en plus de travailleurs migrants, dont notamment une grande partie de travailleurs sans-papiers<sup>5</sup> louant son compte à un tiers inscrit aux plateformes sous le régime P2P. Il s'agit principalement de jeunes hommes issus de l'immigration subsaharienne et magrébine. Les travailleurs qui développent leurs activités sous cette configuration font face à une précarité et une dépendance accentuée, notamment en raison du redoublement de leur subordination vis-à-vis du tiers loueur.

Par ailleurs, les membres du Collectif des Coursier.ère.s cessent progressivement d'exercer l'activité de livraison et UF se retrouve déconnecté de cette base de travailleurs militants historiques qu'elle n'arrive pas à reconstituer chez les nouveaux travailleurs migrants. Une Maison des Livreurs (MDL)<sup>6</sup> est mise en place en 2022 par le MOC et UF, dans le but de fournir aux livreurs un espace de sociabilité et de politisation, mais la dynamique de mobilisation démarre difficilement. S'ensuit une régression de l'action collective et des mouvements de mobilisation, en même temps que se poursuivent les procès en requalification et l'action de la CSC pour l'interdiction du P2P.

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**5** La proportion exacte de travailleurs sans-papiers dans le secteur de la livraison à Bruxelles reste délicate à déterminer, en raison même de l'informalité qui encadre leur inscription dans l'activité. Le débat sur les chiffres est d'ailleurs une polémique structurante de notre terrain. En effet, de nombreux interviewés, livreur ou militant de terrain, ont émis de vives critiques à l'encontre des chiffres très bas annoncés régulièrement par les acteurs syndicaux dans les différents médias ou interventions publiques, y voyant là une tentative de minimiser l'ampleur du phénomène. Nous ne nous risquons donc pas ici à fournir des données de cadrage précises.

**6** Deux autres structures syndicales participent également à l'ouverture de la « Maison des livreurs », de façon plus indirecte. Il s'agit des Jeunes FGTB, antenne de la FGTB dédiée aux jeunes travailleurs, et de la CSC-CNE, la centrale responsable des employés, des communications et de la culture.

### 3 **L'articulation entre la lutte pour le bon emploi et la situation des sans-papiers**

#### 3.1 **L'analyse syndicale : les plateformes contre le bon emploi**

Les réactions des différents acteurs de la CSC face à la précarisation du travail et à sa platformisation, dénotent une vision qui s'inscrit dans une tradition syndicale marquée par la défense du compromis social. Dans un premier temps, des acquis considérés comme « obtenus démocratiquement » sont perçus comme menacés par la généralisation du travail via les plateformes. Selon le fondateur et actuel responsable de UF, permanent à la CSC, la lutte dans le secteur de la livraison de repas représenterait « le porte-drapeau » de la défense des conditions de travail, tant de ces travailleurs, que des travailleurs « traditionnels ». En d'autres termes, l'analyse syndicale présente l'ubérisation comme le symptôme le plus visible de l'avancée d'une précarisation généralisée qui s'étend à l'ensemble du marché de l'emploi comme l'explique ici le responsable d'UF.

C'est-à-dire que c'est ce qui est peut-être le plus visible [...] au sens de vouloir faire exploser le cadre démocratiquement fixé qui n'était encore qu'un maigre compromis pour avoir des conditions de travail raisonnables et minimales pour les travailleurs.

Le P2P est vu tel un modèle dérégulateur, réduisant le travail à la réalisation de tâches ponctuelles, au management algorithmique et à l'hyper-flexibilisation. En réponse à ce phénomène, la stratégie de UF dans le cadre de la livraison a été de mettre l'accent sur la reconnaissance du statut de salarié, afin de faire gagner du terrain au 'bon emploi.' Puisque ce statut implique la protection des droits du travail, ce dernier est perçu comme la solution la plus apte à répondre aux intérêts des travailleurs. D'un point de vue syndical, le statut salarié traduirait les revendications des livreurs, en plus de constituer le fondement sur lequel les syndicats ont établi leur légitimité dans le cadre de la négociation collective. Comme l'explique le responsable de UF, si ces travailleurs bénéficiaient d'un véritable statut de salarié, de nombreux problèmes actuels, tels que les déconnexions abusives, seraient évités.

Il se fait, et ça, c'est un moyen, que s'ils étaient salariés, alors s'appliqueraient d'office, par l'enchaînement légistique des lois, les protections, l'application du droit du travail, l'application des minima salariaux, etc. Donc c'est plus un moyen, ici. Un moyen qui, en plus, est pertinent, puisque, de toute façon, on s'en fout un petit peu de la vérité juridique, ou la beauté juridique des choses, mais juridiquement, les gens doivent être dans le statut qui correspond à leur situation. Est-ce qu'il y a subordination, oui ou non ? Et oui, il y a subordination. Ce n'est pas moi qui l'ai choisi, c'est pas

moi qui l'ai demandé, c'est pas les livreurs qui l'ont demandé, mais elle est là, parce que les plateformes l'exercent, tout simplement. Et donc, s'il y a subordination, ils doivent être salariés, et donc avoir tous les avantages, les bénéfices, les protections qu'amène le droit du travail.

Dans ce contexte, une autre difficulté vient de l'intégration de la question des sans-papiers dans la lutte syndicale dans un contexte de stigmatisation de la migration, comme l'exprime ici un permanent syndical de la CSC travaillant auprès des livreurs.

Certains vont dire, oui, mais d'un point de vue lobbying, d'un point de vue efficacité de nos revendications, coupler la question du bon emploi et la question du sans-papiers, est-ce que ce n'est pas empêcher que certaines choses avancent aussi ? [...] Et je suis aussi d'accord, de dire qu'on doit défendre tous les travailleurs indépendamment du fait qu'ils aient des papiers ou qu'ils n'en aient pas. On ne doit pas chercher à écarter les travailleurs sans papiers du reste des travailleurs.

Cet extrait met en lumière les tensions institutionnelles interne au syndicat lorsqu'il s'agit de prendre en compte la situation des travailleurs sans-papiers. Cela correspond à un questionnement éthique favorable à l'inclusion de tous les travailleurs dans les luttes sociales. Par ailleurs, selon le responsable de UF, le risque demeure que la mention du travail des sans-papiers fasse l'objet de récupération politique et nuise à l'obtention de revendications syndicales.

Je suis peut-être un peu trop méfiant là-dessus pour moi, c'est vraiment à double tranchant je sais que j'ai souvent dit à des gens [...] « Ne parlez pas trop de la question des sans-papiers ». Ce n'est pas parce que ce n'est pas important, on le sait bien, mais parce qu'en parler, si c'est ça qui passe dans les médias ça peut générer un effet boomerang.

On voit ici que l'invisibilisation de la question des sans-papiers s'explique autant par des contraintes institutionnelles et stratégiques, que par la crainte d'une récupération politique de la lutte. Aussi, lors du mouvement de grève, l'invisibilisation des travailleurs sans papiers a été considérée comme nécessaire au vu des difficultés déjà rencontrées avec les forces de police sur le terrain, en raison de la racialisation des travailleurs. D'un point de vue stratégique, les conséquences d'un environnement juridique et politique défavorable ont poussé les acteurs syndicaux à se concentrer sur l'identité de travailleur commune aux livreurs avec et sans-papiers, quitte à tempérer l'importance de la dimension raciale des dominations sur le marché du travail.

Par le passé, cette lecture de classe a maintes fois justifié l'implication de la CSC dans les luttes des sans-papier et renvoie à la lutte contre le *'dumping social'*. Les sans-papiers étant inclus au sein de la

classe des travailleurs comme une catégorie de travailleurs qui, du fait de son statut migratoire, était particulièrement vulnérable aux risques d'exploitation (Mauzé, Vertongen 2017). Cette approche, assumant l'universalité et le partage d'une identité commune et valorisante de 'travailleur', s'est à plusieurs reprises retrouvée en tension avec une vision particulariste, qui reconnaît les besoins spécifiques de certains travailleurs. Ses dont l'expérience du travail s'imbrique dans des relations de race et de genre, et pas seulement dans des relations avec l'employeur (Alberti, Holgate, Tapia 2013). Bien que le particularisme ne soit pas absent du discours de la CSC, il se heurte aux stratégies syndicales, centrées sur la restauration du salariat. Ainsi, la manière dont les acteurs syndicaux de la CSC comprennent leurs propres intérêts ainsi que ceux des travailleurs demeure influencée par les arrangements institutionnels en place.

### 3.2 La position des sans-papiers : les ambivalences de l'informalité

Du côté des militants et livreurs sans-papier, cette tension entre le P2P et la reconnaissance du salariat est reconnue. Ces travailleurs se retrouvent souvent pris dans des plateformes telles qu'Uber, qui fonctionnent comme une infrastructure d'intégration initiale au marché du travail. Bien que le salariat ne soit pas vu d'un mauvais œil par les sans-papiers, ces derniers s'interrogent sur les possibilités réelles d'articulation entre celui-ci et leur statut migratoire. C'est ce que souligne un militant et livreur sans-papiers marocain.

Normalement, le P2P ce n'est pas le bon système. Mais avant de demander le bouleversement vers un [autre] système, il faut qu'on pense aux travailleurs. Ses qui travaillent dans ce système-là. Si on veut du droit, c'est pour les travailleurs. Ses. Donc c'est impossible de demander, disons, le salariat, mais on ne pose pas la question des travailleurs. Ses. Le salariat, mais pour qui ?

Le P2P, à cet égard, est ambivalent : il représente une forme d'opportunité économique pour les sans-papiers, mais il renforce également leur vulnérabilité en les maintenant dans une précarité sans protection sociale (Doorn, Vijay 2021). Paradoxalement, ce système entraîne une dépendance rapide, comme le souligne un livreur nigérien en procédure d'asile, sans permis de travail.

Parce qu'avec Uber, c'est le seul travail que j'ai eu. C'est le seul travail que j'ai eu avant d'avoir mon permis de travail. Et c'est ce qui m'aide beaucoup. [...] Il y a des gens aussi, ils te regardent comme un sans-papier. Oui. Il y a des gens qui disent que c'est un sans-papier qui fait ce travail.



La dépendance au travail informel parmi les livreurs sans-papier illustre la manière dont ils sont intégrés dans le marché du travail à travers le P2P et la location de compte à des tiers possédant un titre de séjour. Ce phénomène repose en grande partie sur une forme de cooptation communautaire, où les réseaux informels jouent un rôle clé. Leur invisibilisation découle en partie de cette situation, avec une difficile reconnaissance de leur contribution économique en raison de l'illégalité de leur situation de travail. Cependant, le discours des livreurs démontre aussi la façon dont cette invisibilisation s'accompagne paradoxalement d'une hyper-visibilisation dans l'espace public, lorsqu'il s'agit de répression et de stigmatisation liée à leur statut de migrants sans-papiers (Robins 2023). Ces derniers ne perçoivent pas non plus un réel questionnement de la part du syndicat sur l'impact de l'imposition du salariat sur leur statut. C'est ce qu'exprime un autre livreur originaire de Guinée.

Les syndicats ne voient pas ces gens. C'est pour ça qu'ils proposent le salariat. Mais au moins, les sans-papiers travaillent.

En conséquence, certains travailleurs sans-papiers voient leur revenu menacé par l'approche syndicale qui semble inadaptée à leur situation. Cette situation a conduit certains livreurs à réfléchir à la manière de lier la question de la régularisation des sans-papiers aux luttes syndicales. Toutefois, l'absence de règles précises définissant les conditions de régularisation dans le droit belge, ainsi que la non-reconnaissance du travail accompli dans ce cadre, ont fortement limité ces initiatives, comme l'exprime ici un livreur sans-papier ayant milité pendant la grève.<sup>7</sup>

En fait, ils ne veulent pas. Ils ne veulent pas parce qu'ils voulaient vraiment dire qu'en Belgique, il n'y a pas de régularisation, alors vous devriez aller ailleurs [...] Vraiment, on a beaucoup pensé à ça. C'est vraiment dur. Tant qu'on travaille vraiment par un intermédiaire, je dirais le propriétaire de compte, c'est vraiment difficile de prouver le lien entre le travailleur... Le travailleur, c'est déjà le lien. Il y a vraiment des règles. Mais comment prouver que vous travaillez chez Uber, c'est vraiment difficile.

Cette difficulté, combinée à la menace répressive qu'implique l'identification d'un mouvement à la lutte des sans-papier, a complexifié sensiblement la structuration des revendications par les principaux

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<sup>7</sup> Conformément aux articles 9bis et 9ter de la loi de 1980 sur l'immigration, la demande de permis de séjour est ouverte aux étrangers qui ont établi un domicile en Belgique. Cette demande peut être faite sur la base de « circonstances exceptionnelles et à condition que l'étranger dispose d'un document d'identité », ou sur la base d'« une maladie qui présente un risque réel pour sa vie ou son intégrité physique ». (Loi sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers, 1980)

intéressés au moment de la grève. En effet, en l'absence d'un accord commun il a été finalement décidé de ne pas se présenter en tant que "grève de travailleur sans-papiers" et d'axer surtout les revendications sur les questions liées aux conditions de travail en tant que telles, à savoir la rémunération et les déconnexions. Une troisième revendication cependant demandait la "fin du climat répressif" qui entoure le travail de livraison et traduit ainsi sans les nommer les enjeux liés à la situation administratives des travailleurs.

Si l'invisibilisation du statut de sans-papiers et l'écartement de la question de la régularisation peuvent certes contribuer à atténuer certaines tensions politiques, elles ont également permis à certains de se mobiliser en revendiquant leur identité de travailleurs. Cette double facette montre que, en taisant une partie de leur réalité, ces travailleurs ont trouvé dans leur condition professionnelle un levier pour participer au mouvement. C'est ce qu'exprime un jeune livreur nigérien. Arrivé en Belgique en 2018, il a été débouté de la procédure d'asile et est depuis sans titre de séjour. Lors de notre rencontre, il nous montre fièrement les images d'un documentaire réalisé lors de la grève, dans lequel il apparaît aux côtés de ses collègues. Il déclare alors :

Ça n'a rien changé, mais si on recommence, je suivrai. Je me suis syndiqué parce que je suis sans-papiers, c'est 5 euros par mois.

Ce témoignage illustre la lutte pour la reconnaissance en tant que travailleurs qui a animé les sans-papier ayant participé à la grève, et montre l'importance des réussites symboliques. Là où les syndicats s'appuient sur des cadres institutionnels et des revendications structurelles, les travailleurs sans-papiers se montrent plus réceptifs aux formes plus symboliques et communautaires de mobilisation. Notamment via la création d'un sentiment d'inclusions au sein d'un mouvement de travailleurs et d'une solidarité inclusive entre travailleurs avec et sans-papiers. Toutefois, ce sentiment de réussite ressenti sur le moment par les travailleurs contraste avec celui d'échec perçu du côté syndical, qui déplore l'absence de négociation collective avec l'entreprise, et avec la démobilisation à plus long terme des travailleurs sans papiers.

Ainsi, le cas de la grève des livreurs illustre comment l'affaiblissement du pouvoir structurel des syndicats, fondé sur la capacité de négociation sur le lieu de travail, s'est combinée à une difficulté à recentrer l'attention sur la construction et la diffusion de discours s'appuyant sur des « significations symboliques qui résonnent auprès des communautés » (Webster et al 2016, 216). Typiquement, l'absence de revendications prenant en compte le statut migratoire des livreurs sans-papiers a empêché la construction d'une lutte collective de longue durée qui intègre pleinement leurs intérêts et a

entraîné des conséquences directes sur le maintien d'une base mobilisable et solidaire.

#### **4 L'impossible mobilisation par les syndicats des livreurs sans papiers ?**

Les contradictions entre le discours syndical et le discours des livreurs sur les enjeux liés aux plateformes soulèvent une problématique importante. En effet, l'action syndicale alors même qu'elle tend à invisibiliser les livreurs sans-papiers dans sa stratégie et son discours, dépend de ces mêmes travailleurs pour constituer une base mobilisable. La composition de la main-d'œuvre rend les livreurs moins accessibles via les modes d'organisation développés jusqu'ici par les syndicats pour s'adresser aux travailleurs de plateforme. Ainsi, on ne compte pratiquement aucune mobilisation collective d'ampleur dans le secteur sur la période allant de 2019 à 2024 en Belgique, et aucune mobilisation impliquant des travailleurs sans papiers. On peut dès lors investiguer les adaptations plus ou moins fructueuses des syndicats pour pallier cette difficulté.

##### **4.1 Modalités de mobilisation divergentes et régression de l'action collective**

Le travail de plateforme, du fait de ses spécificités organisationnelles et structurelles induisant individuation, dispersion spatiale de la main-d'œuvre, invisibilisation de la figure patronale et usage de statuts atypiques, a dès le départ posé des difficultés d'organisation aux syndicats qui ont dû adapter leurs méthodes. À cet égard, la CSC fait office de pionnière en Belgique à travers le lancement relativement précoce de UF. Cette structure est précisément pensée pour ancrer le syndicalisme auprès d'une population de travailleurs qui aurait été maintenue hors-radar par les modes d'organisations traditionnels. Cependant, si ce dispositif a pu porter ses fruits à ses débuts, la transformation de la composition de la main-d'œuvre en a peu à peu diminué l'efficacité. Les différents acteurs syndicaux travaillant auprès des livreurs pointent du doigt une série de nouvelles difficultés. Le premier problème évoqué est souvent celui de la frontière linguistico-culturelle et la distance sociologique séparant les communautés de travailleurs migrants des syndicalistes et des militants de terrains, compliquant la communication auprès de la base.

C'est face à ce problème de déconnexion avec la base que les militants restants du Collectif des Coursiers ouvrent en 2022, en collaboration avec le MOC Bruxelles et UF, la Maison des Livreurs (MDL), dont le but est d'offrir un espace de sociabilisation et de permanence

syndicale aux livreurs dans une perspective de politisation et d'organisation des travailleurs. Une permanence syndicale en rue est aussi organisée dans les zones de forte activité de livraison. Néanmoins, la dynamique mobilisatrice de cette initiative se heurte au décalage sociologique entre les militants et bénévoles de la MDL, composés d'anciens livreurs militants, de syndicalistes et de chercheurs, et la nouvelle composition racisée de la main-d'œuvre dans la livraison. En outre, cette action centrée sur la permanence et plus particulièrement sur le problème des blocages de comptes a pour effet d'exclure les sans-papiers puisque ceux-ci travaillent via les locations de comptes de tiers, et plus généralement, dans des conditions informelles sur lesquels les recours légaux n'ont que peu de prise.

Or, cette difficulté à mobiliser contraste avec le constat manifeste de réseaux communautaires importants, qui constituent des ressources pour les livreurs ; des formes d'organisations collectives spontanées et informelles s'y mettent en place. L'interconnaissance communautaire, favorisée par la présence prolongée en rue et le recrutement par cooptation que favorisent les plateformes, donnent lieu à des formes de solidarité plus ou moins organisées. Les stratégies développées dans ce cadre sont dès lors plus ancrées dans les problèmes quotidiens des livreurs et tiennent compte de la situation administrative et des dimensions raciales du travail. Ce sont, par exemple, les listes sur les réseaux sociaux de restaurants où les livreurs ont subi des traitements racistes, ou le partage d'informations sur les contrôles de police en rue, la mise en contact avec des nouveaux loueurs de compte lorsqu'il y a eu des abus ou une rupture de la relation avec le précédent, etc.

C'est d'ailleurs la mobilisation de ces réseaux communautaires par les syndicats, via le MOC Bruxelles et la MDL, qui va rendre possible la grève de 2024. À partir de fin 2023, des contacts vont se nouer avec des livreurs sans-papiers aux profils plus facilement accessibles pour les syndicats. En effet, ce sont des travailleurs qui possèdent un capital militant tiré de leur expérience politique dans leur pays d'origine, ainsi qu'une bonne maîtrise du français. Ils jouent à ce titre un rôle important dans la structuration des revendications venant du terrain et constituent le relais principal de la coordination organisationnelle entre syndicat et travailleurs sans papiers au moment de la grève. Néanmoins, contrairement à ce qui avait pu être observé avec la première vague de livreurs militants organisés autour du Collectif des Coursiers (Dufresne, Leterme, Vandewattyne 2018), aucun de ces livreurs n'est par la suite intégrés durablement au sein des différentes institutions syndicales ou militantes organisées autour de la lutte des coursiers.

Ce problème d'intégration s'explique en partie par le malentendu autour de la caisse de grève mise en place par la MDL. Celle-ci devait s'appuyer sur des fonds extérieurs et ainsi servir à indemniser

à hauteur des donations les travailleurs non-affiliés et permettre la mobilisation des travailleurs les plus précaires. Mais le dispositif rencontre une série de problèmes liés à la communication auprès des grévistes et à des retards de paiements, notamment en raison de la difficile traçabilité des livreurs mobilisés. Ce faisant, elle a donné l'impression d'une inégalité entre livreurs affiliés et non-affiliés, les premiers ayant reçu une indemnité nettement supérieure aux seconds, et a entretenu l'image confuse d'un syndicat mobilisant les travailleurs à des fins instrumentales. Combiné à l'absence de résultat de la grève du point de vue des revendications, ce malentendu a finalement contribué à approfondir la méfiance des livreurs envers les syndicats comme l'indique ici, un livreur sans-papiers mobilisé pendant la grève :

On a fait 2 jours, et on a perdu beaucoup de temps, on a perdu beaucoup de gens comme ça, qui n'ont pas encore fait confiance au syndicat.

Les stratégies de mobilisation mises en place par UF et la MDL ont à ce titre eu un effet ambivalent. Si elles ont permis une alliance momentanée avec les travailleurs les plus précaires, ses conséquences à posteriori ont approfondi la méfiance de ces derniers envers le mouvement syndical.

#### **4.2 Décalage avec la base et production d'intérêts contradictoires**

Ainsi, malgré ces adaptations constantes, le syndicalisme n'est pas parvenu à s'imposer aux livreurs sans-papiers au-delà de la grève. Plus fondamentalement, cette déconnexion est souvent expliquée par une sorte de 'méfiance' envers les syndicats que certains syndicalistes interprètent comme le résultat d'une méconnaissance du fait syndical de la part de ces nouveaux travailleurs migrants, comme l'exprime ici l'un des permanents CSC travaillant auprès des livreurs :

Donc, je dirais qu'il y avait une méconnaissance de la part des livreurs, [de] qu'est-ce qu'un syndicat, très largement. Alors, ça dépend, parce que la population [...] qui faisait la livraison a peut-être évolué. [...] Je pense qu'il y a bien eu une phase où, au départ, on avait affaire à beaucoup plus d'étudiants, pour arrondir les fins de mois. Une population, alors peut-être avec un niveau d'éducation un petit peu plus élevé qu'aujourd'hui. Donc, qui peut-être avait plus conscience du fait que tout ça existait. Aujourd'hui, on a vraiment affaire très largement à une population assez précaire.

Cette lecture était particulièrement présente au lendemain de la grève, en réponse au mécontentement suscité par le malentendu autour des indemnités. On pouvait ainsi entendre des syndicalistes

expliquer aux travailleurs “qu’on ne fait pas la grève pour être payé” mais au nom d’une solidarité collective. Au-delà, de cette méconnaissance du syndicalisme et de ses registres d’actions, c’est en fait souvent le problème même de la “conscience” de ces travailleurs envers leur propre condition de travail qui est mis en avant ; une mission importante serait alors l’éducation permanente, comme le formule l’animateur du MOC responsable de la MDL :

[Du] point de vue d’une éducation permanente, [...] le but est l’auto-émancipation à travers la prise de conscience des difficultés que les travailleurs ont concernant leur propre situation. Ça passe par notamment politiser leur situation, à leur faire prendre conscience de degrés supérieurs de problèmes que leur situation comprend. Tout simplement, bah la précarité du fait de leur statut ou de leur régime fiscal, que ce soit indépendant ou P2P, tient aussi à la difficulté de faire la différence entre indépendant et salarié.

Du point de vue des travailleurs sans-papiers, en revanche, les tentatives d’organisation par un syndicat qui, par ailleurs lutte pour l’interdiction d’un régime nécessaire à leur revenu, peuvent paraître instrumentales, comme l’exprime ici un livreur sans-papiers à propos de la grève :

Donc l’inconvénient avec les syndicats c’est que [...] ils vous utilisent pour faire leur propre publicité. Oui, nous on le qualifie ainsi parce que on les voit toujours deux fois quand on fait des manifestations. Ils sont là avec nous mais du côté inter-administratif avec le gouvernement on ne voit pas leur effort sur ce sens. C’est pourquoi on dit c’est ça, quand on fait appel à eux c’est une manière peut-être de venir faire leur publicité des syndicats.

Ainsi cette peur de l’instrumentalisation est fondée sur la perception d’un décalage entre la stratégie syndicale et les intérêts objectifs des livreurs, en tant qu’il s’agit de livreurs sans-papiers. Ce qui est pris pour une absence de conscience par les acteurs syndicaux et militants, serait plutôt le résultat d’un désaccord stratégique. En filigrane de l’enjeu de constitution d’une base de travailleurs, c’est donc fondamentalement la question de la démocratie syndicale qui se pose : au nom de quoi, et de qui, le syndicat mène-t-il son action, et s’agit-il de mobiliser les travailleurs pour se reconnecter avec les revendications du terrain, ou pour légitimer une stratégie salariale à travers une représentativité construite à posteriori ? Cette difficulté de représentation a été mise en lumière par cette alliance temporaire qui a eu pour effet de révéler les intérêts contradictoires produits par le modèle d’emploi des plateformes. En effet, les acteurs qui y prennent parts sont placés dans une tension apparemment irrésoluble entre droits associés aux salariat et opportunités de l’informalité.

## 5 Conclusion

Le modèle des plateformes de livraison a été présenté dès le départ comme une promesse d'opportunités, en termes de sources de revenus et d'insertion professionnelle, des groupes de travailleurs diversifiés. Cependant, elles ont consolidé leur modèle en exploitant des inégalités préexistantes, pérennisant une forme d'intégration prédatrice de travailleurs déjà marginalisés (Altenried 2021). Cette ambivalence de la plateforme comme opportunité prédatrice était déjà sensible lors de la phase d'implémentation des plateformes. Or, suite à la recomposition de la main-d'œuvre, la question des inégalités raciales est devenue centrale. Dans ce contexte, les travailleurs sans-papiers se retrouvent enchaînés à une double dépendance : d'une part, à la plateforme qui impose des conditions de travail exigeantes en termes de rapidité et de performance ; d'autre part, aux loueurs de comptes, lorsqu'ils ne possèdent pas leur propre accès à ces plateformes du fait de leur statut migratoire. Dans ce cadre, l'analyse du mouvement de grève met en évidence les difficultés qu'a le syndicat de se saisir des rapports multiples de dépendance et de vulnérabilité. Ainsi, le passage d'un système dérégulateur s'attaquant aux bases du salariat, à un système qui institutionnalise l'informalité s'adressant aux exclus du modèle salarial, ont fragilisé les mécanismes de représentation et d'organisation syndicale. Le maintien d'une stratégie axée sur la ré-intégration du salariat a eu pour effet de redoubler l'invisibilisation de la figure du travailleur sans-papier et entrave la prise en compte de leurs besoins spécifiques dans la logique d'action syndicale.

Il s'agit là d'une tension récurrente dans l'analyse des relations entre syndicats et travailleurs précaires ou marginalisés (Gagné, Dupuis 2016). Dans le cas de la présente grève, il a été montré que les syndicats, en axant leur stratégie sur la reconnaissance de la relation salariale via le lien de subordination, n'adaptent que de manière hésitante leur répertoire d'action en « faveur des droits de l'ensemble des travailleurs, ce compris les travailleurs migrants » (Van Hooren et al. 2021). La race, le statut migratoire et la précarité du travail tissent une trame complexe qui dépasse les enjeux classiques de la négociation collective au sein du salariat (Yerochewski, Gagné 2017). Ce dédoublement de la précarité renforce une « dépendance à un 'donneur d'ouvrage unique' et explique pourquoi les mobilisations des travailleurs - papiers ont longtemps été considérées comme improbables » (Moice, Potot 2010, 10).

Les difficultés rencontrées par les syndicats pour organiser les travailleurs atypiques s'expliquent ainsi par le fait qu'ils se reposent principalement sur un pouvoir structurel (Webster et al 2016), malgré le fait que le travail des plateformes se déroule, en grande partie, en dehors du cadre structuré du lieu de travail, généralement défini comme un espace réunissant travailleurs et employeurs. On

comprend alors que ces difficultés sont liées à l'état de fait imposées par les plateformes plutôt qu'à la capacité organisationnelle des syndicats. En effet, l'inadaptation de la stratégie syndicale dans ce contexte montre comment les plateformes mettent en tenaille l'action conjointe des syndicats et des travailleurs en produisant des intérêts revendicatifs contradictoires. En tant qu'elles sont des 'infrastructures d'arrivées' (Doorn, Vijay 2021) les plateformes placent les travailleurs marginalisés dans une situation d'ambivalence entre opportunité et prédation. Ce faisant, elles créent le décalage entre des travailleurs qui ne sont pas concernés en l'état par la négociation collective et des structures syndicales qui ne sont armées ni pour proposer des cadres d'opportunités alternatives correspondant à la situation migratoire des travailleurs, ni pour visibiliser la situation de marginalisation sur laquelle repose cette prédation. A l'inégalité produite par le système de prédation des plateformes, se superpose alors une inégalité liée à la représentation des intérêts des travailleurs sans-papiers au sein des structures syndicales existantes.



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# Use and Regulation of Brazilian Territory in Platform Capitalism

## Technical-Financial Subordination of the Popular Economy and the Production of New Social-Spatial Inequalities

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**Abstract** The paper analyzes the impact of platform capitalism on the Brazilian popular economy, focusing on the precarization of work for app-based delivery drivers. It examines the relationship between labor platforms, algorithms, and territorial regulation, showing how these companies exploit regulatory gaps and socio-spatial inequalities. The research draws on Milton Santos' critical geography to understand the interaction between systems of objects, actions, and norms in urban space, highlighting the tension between the global logic of platforms and local logic of territories. It concludes by emphasizing the need for regulation that protects workers and addresses the territorial dimension, aiming to prevent the perpetuation of inequalities.

**Keywords** Labor platforms. Regulation of territory. Popular economy. Delivery workers. Socio-spatial inequalities.

**Summary** 1 Introduction. – 2 Geographical Space: A Hybrid. – 3 Platform Capitalism and the Current Historical Period. – 4 Territorial Regulation. – 5 The Perverse Effects on the Popular Economy. – 6 Conclusions .



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## 1 Introduction

The social normalization of precarious working conditions for app-based delivery workers has become increasingly pervasive. This acceptance is reflected in the alarming rise in fatal accidents involving delivery workers in São Paulo, Brazil, in recent years –<sup>1</sup> a trend that has gone largely unaddressed in public policy discussions. The trivialization of these deaths highlights the invisibility and vulnerability of this new service precariat (Antunes 2018), caught within the technical-financial complex that defines platform capitalism (Srnicek 2016).

Such a reality of labor coercion by capital could only emerge through the confluence of several factors, including decades of neo-liberal policy implementation, the digitization of urban spaces, the financialization of the economy, and intense lobbying by app-based companies, often referred to as platform companies or labor platforms. These businesses operate on a model that commodifies labor, reducing it to a standardized and interchangeable good that can be deployed not only just in time but also in precisely the right location. To enforce this model, platforms rely on sophisticated algorithmic systems that impose a rigid logistical rationale on workers, aligning their actions with the demands of capital while stripping them of agency and security.

Although platforms publicly present themselves as technology companies, in reality, the product offered in the market is labor. For this reason, they have been referred to as labor platforms since their operation is conditioned to a service performed by geographically circumscribed workers controlled by the rhythm of algorithms. Since labor is their true commodity, platforms are compelled to maintain tight control over how and where it is made available, while attempting to distance themselves from any employment link.

Platform capitalism operates on a model where companies minimize the operational autonomy of workers while maximizing their legal autonomy. The logistical system used to manage the workforce, although highly informational, remains labor-intensive and depends on an extensive social network of logistics. In the case of labor platforms, particularly in meal delivery services, profit margins are notoriously small, and last-mile logistics represents the most expensive segment of the production chain.

In light of the new geopolitical and economic situation of the 2020s, particularly after the COVID-19 health emergency and armed conflicts in Eastern Europe, labor platforms have made significant efforts to demonstrate their financial viability, especially in the face

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<sup>1</sup> Available at: <https://outraspalavras.net/trabalhoeprecariado/sangue-lucros-no-capitalismo-de-plataformas/>.

of reduced venture capital investments. To a large extent, the biggest companies in the sector have been operating for over a decade without achieving sufficient profitability levels. As a sort of platform fix (Van Doorn 2022), the high costs of logistics have been passed on to their workforce.

The scenario is one of worsening labor conditions and subsequent resistance from delivery workers in various parts of the world, through strikes and mobilizations, in search of solutions to central issues of platformization, such as automatic bans, uncertain remuneration, long working hours, and opacity of algorithms (Gonsales, Roncato, van der Laan 2024). In some cases, pressure from the streets has led governments and parliaments to take a stand on proposals for regulating the sector, as occurred in the European Union in 2024 through the Platform Workers Directive, considered an important milestone by experts.

In the wake of these events, the Brazilian government presented to the legislature in 2024 Complementary Bill (PLP) 12,<sup>2</sup> aiming to create a proposal for the regulation of activities carried out through platforms. Although the focus of the project is on the work of app-requested drivers, exemplified by Uber Technologies, the project is seen as a first version of what could extend to delivery workers and other categories of platform-controlled workers.

For critics, the project represents a political defeat for the working class because it did not address the core issue, namely, the recognition of subordination and wage labor, as well as labor rights. According to what was forwarded, the project not only accepts but also legalizes the legal condition of self-employed workers, placed outside protective labor legislation (Antunes 2024). In reality, the project has been understood as a victory for the platforms, which are accused of actively engaging in intense corporate lobbying, as well as strong advertising campaigns, along with threats to workers and co-opting union leaderships.

Thus, this brief theoretical essay aims to discuss the importance of the dimension of territory regulation as an arena of dispute among different agents of platform capitalism, whose repercussions can exacerbate the social inequality landscape in cities. Initially, we revisit the critical debate on geographical space as a social instance of the highest importance through the conceptual matrix developed by Milton Santos. Then, we focus on the effects of the technical systems of platforms on labor and the popular economy when unregulated, and finally, we briefly discuss in the conclusion the desirable target of regulation.

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<sup>2</sup> Available at: <https://www.gov.br/trabalho-e-emprego/pt-br/assuntos/pl-dos-aplicativos>.

## 2 Geographical Space: A Hybrid

Geographical space is a social construct that can be understood through the interrelation of three fundamental systems: the system of objects, the system of actions, and the system of norms. Milton Santos (2013 [1994]) proposes that these systems are inseparable, in which the system of objects emerges from the interaction between the system of actions, which are viewed as labor (Marx 1985 [1867]), and geographical space. This relationship is complex because isolated actions are insufficient to generate the materiality of space; they are conditioned by the spatial context and mediated by norms, which influence the formation of specific spatial arrangements.

This means that the material composition of space is influenced by the system of norms that guide how actions should occur. Therefore, the dynamics of space are revealed through two dialectical mediations: the relationship between actions and norms, whose result is the condition for the production of objects, and the relationship between actions and space, which generates materiality. This concatenation between the systems, whose relationship is contradictory and inseparable, is essential to understand geographical space.

Antas Jr. (2005) complements this analysis by seeking to strengthen the relationship between two fundamental elements essential for understanding both the constitution and the very movement of spatial dynamics – techniques and norms – which confer substance to territory and are, at the same time, influenced by it. In the current period of globalization, Silveira (2002) draws attention to the fact that technical, informational, and normative densities vary across territories. According to the author, production is the foundation of this spatial heterogenization as territories become more ‘successful’ – that is, more attractive to companies – the greater their ‘load of modernity’. It is in this sense that geographical space is understood as active (Santos 2023 [1996]), both for economic and social reproduction.

Consequently, one cannot analyze production models, such as the actions of platform companies, without simultaneously investigating the role played by geographical space in the face of this new manifestation of the capitalist mode of production. The case of the fluidity of geographical space is interesting and exemplifies the issue because, now more than ever, it is a factor of spatial competitiveness, the use of which is contested by platform companies. According to Santos (1998), the system of objects, such as transport routes, ports, airports, and storage units, can only interfere with the potential fluidity of space. On the other hand, actions, whether they are norms (legal and technical-productive) or the act of moving people, goods, and information, interfere with effective fluidity.

The challenge for economic agents is to transform potential fluidity into effective fluidity. For platform companies whose surplus value

is produced precisely through circulation, like Uber and iFood, the focus of corporate strategies is shifted to the system of actions to continually improve their services and minimize the capital return time, and to the system of norms, since their productive demands often clash with the legal norms of the territory.

The primary focus of these labor platforms is not the production of technical objects; rather, their operations concentrate on regulating actions within the territory. Geographic accessibility – understood as a set of spatial attributes that confer mobility to agents (Castillo 2017) – cannot be directly altered by these companies, as they depend on existing urban infrastructures. As these companies promote selective uses of the available system of objects in places through new systems of actions mediated by algorithms, this deepens socio-spatial inequalities.

While it may initially appear excessive to assert that companies exacerbate socio-spatial inequalities merely by utilizing streets and avenues accessible to all, this claim is, in fact, well-founded. Santos (1998) argues that there are differences in the use of territory for production and for living, that is, the same space can become local or global depending on how it is used; while at the local scale, streets serve the social reproduction of the population in an organic relationship with their surroundings, at the global scale they are used under an exogenous and often hegemonic logic.

Regulating territory, therefore, becomes central to understanding how these new forms of exploitation are being inaugurated by platform companies, resulting in a new morphology of labor (Antunes 2018). The relationship between companies and territories is characterized by instability; while companies can quickly change locations due to their ephemeral nature, territories remain more fixed over time. This dynamic generates a ‘war of places’ (Santos, Silveira 2006 [2001]), which can reveal how companies use territories for their reproduction.

Moreover, this territorial instability leads to a reflection on how companies can establish themselves in territories and what strategies they use to maximize their economic efficiency. Platform capitalism brings new contours to these issues, as it allows companies to operate in a highly dynamic and adaptable environment. The development of the technical-scientific-informational milieu (Santos 2013 [1994]) enables not only the production of goods and services but also continuously alters the very action of companies on the territory.

The division of actions proposed by Santos (1998) into two sets – the organic solidarity of society and the actions of large transnational corporations – offers a critical basis for understanding the dialectic of platform capitalism. Organic solidarity is characterized by the interdependence among community members, reflecting a relational system that promotes collective well-being. In contrast, transnational

corporations operate in global networks, whose logic of profit and efficiency often outweighs local needs. This ‘network logic’ frequently generates conflicts with the organic solidarity of local communities, which strive to preserve their identities and ensure dignified living conditions for their members, in a kind of ‘territorial logic’.

### **3 Platform Capitalism and the Current Historical Period**

All historical periods are characterized by new technical systems (ways of doing), with their corresponding systems of objects (Santos 2023). To become hegemonic, the new technical system must seek coherence among its parts, composed of material and social elements (Santos 2023). Thus, it is essential to consider the analysis of the technical system and its internal cohesion for understanding the evolution of the capitalist mode of production, uncovering ‘how’ and ‘where’ global surplus value is extracted.

The speed of geographical diffusion of innovations is one of the characteristics of this technical-scientific-informational period (Santos 2023 [1996]). The accelerated capillary spread of information and communication technologies (ICTs), now accessible to almost all income strata, reveals the material and symbolic strength of the hegemonic agents of the economy, who seek control over all places and bodies. This is a fundamental fact for understanding the inner workings of platform capitalism: the more the number of accesses (‘users’) to the technical-informational systems they own grows, the greater the market value of these companies.

As increasingly larger fractions of the world economy are consumed by platformization and placed in the ‘cloud’, including diverse sectors such as agriculture, industry, and, more recently, services, the top of the social pyramid also reshuffles. Platform companies, more specifically the so-called Big Techs, have become the most powerful corporations in the world. They are the vertical vectors of globalization that seek to become hegemonic not only in abstract terms but deeply concrete ones. The rooting of platform companies’ power in territories has occurred through the imposition of their normative system, combined with the preexisting technical systems in the places.

When it comes to labor platforms, as is the case with individual transportation or delivery of meals and groceries, the normative potential of hard technologies is quite illustrative. Workers must faithfully follow the companies’ app instructions, making themselves available to navigate the urban fabric guided by algorithms, which chart routes, make requests, and compensate, while monitoring and punishing when necessary. The correction of behaviors through the docilization of bodies is carried out gradually, relegating evaluations to consumers or restricting actions on the app interface.



For the time of cities – heterogeneous and organic – to align with the time of capital – homogenizing and artificial – each element of geographical space (both actions and objects) must operate at the same frequency. Hence, we return to the concept of hard technologies (Gaudin, 1978), that is, the physical and symbolic inculcation in workers of a unique way of acting in relation to the technique – of algorithms and apps. Companies insist on spreading their ideologies, such as ‘freedom’ and ‘flexibility’, but conceal the true mechanisms of control and power over labor, which are only perceptible during the operationalization of the service offered.

Those who do not adapt to the algorithms’ demands are driven out of the apps, leaving only the more docile workers to the technique, who are consequently more precarious and in need from a financial standpoint. Indeed, this is one of the sharpest contradictions of platform capitalism: the coexistence of a 21st-century technical system with working conditions that hark back to the 18th century, during the Industrial Revolution. At least this is the concrete reality revealed by research in the context of the Global South, where the profile of the platform-controlled worker is predominantly composed of Black, poor, and peripheral men.

Platforms are the expression of this late capitalism that has learned to manage both social ills, such as poverty and unemployment, and all sorts of infrastructural problems left as an anticipated and unresolved legacy of peripheral urbanization in the Global South. However, as Santos (1993) teaches, the metropolitan fact is a ‘smaller totality’ within a ‘larger totality’, which is the socio-spatial formation itself. Hence, although platformization manifests more acutely in metropolitan spaces, it is not through the exclusive lens of metropolitan studies that we will arrive at the answers. On the contrary, we must seek global interpretations, understanding the repercussions of the technical-scientific-informational period on society and territory (Santos 1993).

The preferred areas for this service are precisely those with higher human agglomeration, with a high density of people, as well as engineering systems and objects from different historical periods. The city itself is a palimpsest, whose ‘landscape is historical and frozen’, as discussed by Santos (2023 [1996]), but that ‘participates in living history’. The actions of platform companies on cities, with intentions external to the place, seek to assign new dynamisms and functionalities to preexisting objects – accumulated material results – as well as adjust them to the new objects and technical systems that characterize the current historical period. This is how cell phones and motorcycles articulate; so distant in terms of innovation but very close in terms of the function assigned to them by platform companies.

A new fact is the degree of adaptation of the technical-informational systems of platform companies to the local contexts. The

rigidity of algorithms, for instance, in normative terms is counter-balanced by a flexibility in technical terms, which ‘learns’ from these contexts and becomes more efficient over time. All of this while practicing their conjunctural geographies (Graham 2020), that is, operating on different geographical scales while treating workers as a factor of production, extracting income from the popular economy, reorganizing flows of people and goods, without assuming responsibility.

Platform companies are largely owners of highly sophisticated technological apps with the capacity to issue orders that reach a wide range of people and places, especially in this historical moment in which techniques become miniaturized and highly informational. From their command centers located in selected areas of the territory, companies operate informational networks that find in each smartphone a point where orders are received on one hand and data and financial resources are issued on the other.

In Brazilian territory, in particular, the technical system functional to digital platforms found a free ground for consolidation. Understood as synonymous with modernity, the expansion of telecommunications services and credit for acquiring smartphones quickly reached the hinterlands of the territory and paved the way for the arrival of apps and algorithms. This occurred without any minimum regulations or social control over the transparency of collected data, as well as legal and moral limits on the exploitation of labor power and the consumer market.

It occurs that apps are not mere ahistorical, apolitical, and amorphous technological instruments provided for free by companies. In reality, they constitute the true ‘means of production’ of platform capitalism. Understood this way, it is the product of intense informational and social engineering aimed at converting socially necessary production and work at the local scale into commodities that can be priced in the global financial system.

## 4 Territorial Regulation

The system of actions is a prerequisite for the implementation of a set of technical objects within a territory. This relationship is not merely functional; it is closely linked to a system of norms that dictates the use of these objects. Legal norms, which include laws and regulations, are essential for the standardization and control of the production of geographical space at an official level. On the other hand, non-legal norms, which reflect conditions imposed by the nature of the objects, also significantly influence how these systems are employed, especially in a context where information and technology have become predominant.

In this scenario, territorial regulation emerges as a political-ideological battleground, with various actors striving to influence the construction and guidance of the normative system. The involvement of large corporations, representing market interests, is counterbalanced by the actions of the State, which serves as the formal source of law. Additionally, organized civil society, composed of sectorial associations and labor unions, plays a vital role in mediating these relations. This diversity of actors illustrates the complexity of what Antas Jr. (2005) described as the hybrid regulation of territory.

The intersection between 'network logic' and 'territorial logic' (Santos, 2023 [1996]) is essential for understanding the nuances of this regulation. Network logic operates through global interconnectedness and fluid relationships that transcend local boundaries, seeking to impose a universal, standardized order that serves global capital flows. In contrast, territorial logic embodies the concrete manifestations of social life, local practices, and historically constructed relationships. This spatial dialectic becomes particularly evident in how digital platforms attempt to implement standardized operational models across diverse geographical contexts, often colliding with established local socio-spatial arrangements.

The spread of neoliberal policies in the Global South has fundamentally altered this dynamic, broadly benefiting platform companies by creating an environment of reduced state and social control. Platforms leverage their economic and technological power to shape rules in their favor, whether through lobbying or implementing technical-productive norms such as algorithms. This corporate influence over both legal and technical-productive systems has significantly weakened the intervention capacity of unions and civil society organizations, diminishing their ability to protect workers' rights and regulate territorial use.

In this context, Silveira (2020) makes an important distinction between regulation exercised by society over platform companies and that which the companies themselves exert over society. The former refers to the public and collective action on algorithms – the backbone of these companies – through normative and legal mechanisms. Conversely, the latter refers to the impact that algorithms have on individuals, objects, and spaces. This perspective suggests that algorithms should be regulated not only for their economic relevance but also for their social and territorial implications.

Hassan and De Filippi (2017) argue that the codes embedded in algorithms function as a form of law, encapsulating the concept of 'code is law'. These codes act as a regulatory mechanism in which private agents impose their values on technical objects, effectively restricting social actions. Unlike legal rules that define 'what we should or should not do', the norms created by algorithms dictate 'what we can or cannot do'. In this sense, platforms and their algorithmic systems

can be understood as techno-normative forms of control, highlighting these systems' capacity to shape behaviors and social interactions.

The control exercised by platforms occurs through a contractual regulation unilaterally imposed by companies and technically operated by algorithms, often expressed in so-called 'Terms of Service'. According to Belli and Venturini (2016), these contracts represent a type of private law system that regulates relationships between the involved parties. Indeed, these terms can be considered even more influential than traditional governmental laws, which are still largely absent in cyberspace. In this regard, these contracts play a crucial role in determining how data circulates through the internet and territories, in addition to being fundamental for the control of information, capital, and human interactions.

This process is particularly exacerbated in the Global South, where institutional vulnerability and weak labor regulations facilitate the rapid expansion of platformization. Companies manage to transform territory into a space for value extraction with little resistance, taking advantage of regulatory gaps and the historical precariousness of the labor market. Organized civil society, which could act as a counterforce, is weakened, both by the fragmentation of the working class - now predominantly informal and platformized - and by the capture of public power by large corporations.

The power asymmetry enables platform companies to operate within urban territories - particularly in the metropolises of the Global South - as spaces for testing and refining precarious labor models in contexts of weak regulatory enforcement. These companies have demonstrated significant resistance to various regulatory initiatives, often framing them as threats to their business models. Additionally, through strategic communication and user engagement tactics, they have been able to cultivate consumer support, sometimes mobilizing them as informal advocates against restrictive policies. Nonetheless, long-term regulatory challenges persist. If platform companies were to fully evade government oversight, they would risk intensifying social and economic tensions, potentially prompting stronger regulatory interventions in response.

## **5 The Perverse Effects on the Popular Economy**

The financial market, characterized by its expansive and speculative logic, operates by incorporating various economic and social processes into its valuation mechanisms. By assigning future value to present activities, it influences decision-making dynamics and accelerates investment and production cycles. This process reinforces a temporal compression that prioritizes short-term returns and strengthens the integration of economic activities into global

financial circuits. However, while many sectors of goods and services production are deeply entangled with global finance, integrating into its speculative cycles, the popular economy remains largely marginalized. It operates on the fringes of both state tax systems and the rentier market, maintaining a degree of autonomy but also facing structural vulnerabilities.

The volume of wealth produced by the popular economy is difficult to measure due to the lack of formal employment contracts and no official records of small businesses scattered throughout cities. Even the conceptualization of this economy is subject to debate, and there is no term that adequately encompasses all its diversity and inventiveness. The service sector in peripheral countries like Brazil, where its proportion in the Gross Domestic Product (GDP) is predominant, has traditionally been the one in which this popular economy is evident.

These are highly diversified services, such as street vending, domestic services, alternative transportation, delivery of packages and food, among others. As there is no formal regulation, these services operate without business licenses or tax registrations. Low pay and precarious working conditions are also characteristics of this popular service economy. In contrast, its existence is explained by the social consumption needs of a significant portion of the population that does not have access to the offerings of the formal capitalist market.

As a rule, these are forms of existence contested by public power and socially stigmatized. A portion of the popular service economy, such as motorcycle couriers, remains a target of state enforcement actions, competing for public space and consumer attention, despite the frequent threat of legal restrictions and precarious working conditions. However, they constitute not only alternatives for income but also for survival for many who have not been formally incorporated into the job market or the formal economy of large metropolitan centers.

The complex dynamics of peripheral urban economies are most vividly displayed in the major cities of the capitalist system's periphery. These high-density population centers serve as both the epicenter of popular economic innovation and the preferred operational grounds for platform companies. As Magalhães (2022) observes, this spatial convergence is strategic: platform companies actively seek out these areas for their abundant supply of affordable labor, which originates from the popular economy. The interplay between these economic spheres becomes evident as workers frequently navigate between both domains, exemplifying the intricate relationship between the two circuits of urban economy that Santos (1979) theorized.

Taking the example of freight worker, a significant portion of the current food and grocery deliverers requested via apps have already

sold their labor in the popular economy. Some still do so sporadically, while others still experience the routine of the apps to establish comparisons. In both cases, they are exposed to a similar economic and labor precariousness, marked by the lack of labor rights and dependence on their own means, such as bicycles or motorcycles, to make deliveries, which leaves these workers exposed to the risk of accidents and without access to benefits such as health insurance or retirement.

On the other hand, there are some differences [tab. 1]. Deliverers in the popular economy typically establish direct relationships with local businesses and merchants, without the mediation of a platform. They have greater flexibility to adjust their routes, schedules, and prices, and can more easily switch between different businesses. However, this also means they often lack the support structures that platforms provide. In contrast, app-based deliverers are governed by algorithms, with their routes, orders, and even compensation largely determined by the platform. This reliance on automated systems significantly limits their autonomy, as they must adhere to the conditions set by the companies to maintain a minimum income.

**Table 1** Key differences between food delivery work in the popular and platform economies

Aspects	Popular Economy	Platform Economy
Control over work	Greater autonomy in choosing schedules, routes, prices, and clients.	Controlled by algorithms that set schedules, routes, payment, and even automatic penalties.
Employment relationship	Generally no formal employment ties, can easily switch between employers.	Treated as self-employed by platforms, with no formal employment relationship.
Use of technology	Typically use simple technologies and establish direct relationships with clients.	Rely on apps and algorithms to receive orders, directions, and payments.
Remuneration	Set their prices based on direct negotiations with clients.	Uncertain remuneration, determined by algorithms, with frequent changes in the rates paid.
Relationship with territory	Use the territory in an organic way, meeting a local and personalized demand.	Guided by apps that maximize logistical efficiency, disregarding local demands.
Relationship with the State	Frequently subject to surveillance and repression by the State, especially in public spaces.	Operate in a regulatory void, with little State intervention in platforms to date, but face similar street-level surveillance and repression as independent workers.
Social perception	Often stigmatized as informal, sometimes even illegal.	Promoted by platforms as ‘entrepreneurs’ or ‘independent partners’.

Source: the authors

These dynamic highlights the stark divide between the globalized platform economy and the localized popular economy, as regulatory asymmetries and technological disparities exacerbate existing inequalities. Platform companies, with their sophisticated algorithms and capital-intensive operations, strategically exploit urban territories to optimize profit extraction. They leverage their scale and influence to bypass or reshape regulations, using technology to dictate labor practices, routes, and prices, all while branding themselves as champions of innovation and efficiency.

In contrast, the popular economy remains deeply rooted in local contexts, characterized by small-scale, informal, and often precarious activities. Its participants, lacking access to the technological tools and organizational resources of platform companies, navigate a landscape of economic uncertainty and institutional neglect. This exclusion from formal systems not only limits their potential for growth but also reinforces their vulnerability to exploitation and marginalization.

The divergence between these two economies becomes even more pronounced in peripheral regions, where institutional weaknesses amplify the platform economy's dominance. While platforms expand their reach, embedding themselves in the urban fabric as indispensable intermediaries, the popular economy struggles to compete, often operating outside the boundaries of formal markets and regulatory frameworks. This duality creates a fragmented urban economy, where the wealth generated by platformization fails to integrate or uplift the more vulnerable segments of the labor market, perpetuating cycles of inequality and exclusion.

Historically, the Brazilian state has been unable to address the interstices of the popular economy and has neglected the formalization of work in the service sector, whether due to an inability to understand the realities of different places or a certain degree of permissiveness. It is undeniable, however, that many workers in metropolitan centers derive their livelihood through informal work (Telles 2006). What has happened recently is the incorporation of increasing numbers of these workers into the service sector mediated by platform companies, without, however, formalizing the employment relationship.

The Brazilian case aligns with other studies that also highlight the ambiguous role played by informality in Latin American platform capitalism. While it facilitates the business model of platforms, it also acts as a counterbalance to the formalization of the workforce. Analyses by Casilli et al. (2023) in Argentina, Mexico, and Venezuela reveal that, as in Brazil, the incorporation of the informal economy by platforms perpetuates labor relations that are not premodern vestiges but prevalent attributes of peripheral economies.

According to a survey conducted by the Brazilian Institute of Geography and Statistics (IBGE), in 2023 there were approximately 2.1

million active workers in platform companies across the national territory.<sup>3</sup> About 47.2% of this total was linked to individual transportation services, followed by food and grocery delivery, at 39.5%. This sample is relatively small compared to the universe of the Brazilian popular economy, but it reveals a bit about this transformation in the labor market and the growth of the phenomenon of platformization in the service sector.

What is crucial to consider is the following hypothesis: the workers themselves are fundamentally the same, but their treatment differs dramatically based on the context. While they are often classified as informal and occasionally even illegal within the popular economy, in the platform economy, they are rebranded as entrepreneurs or independent contractors. This shift in classification raises important questions: What accounts for this stark contrast? Why has the state, despite the significant opportunity presented by its relationship with platform-based work, failed to integrate this workforce into the formal labor system, ensuring protections and rights under labor law?

This discrepancy not only underscores the systemic inequalities in the labor market but also reflects the broader structural dynamics at play, where state power, corporate interests, and labor rights intersect in complex ways. The failure to align platform workers with formal labor protections may be driven by a combination of political inertia, the influence of corporate lobbying, and the continued informalization of labor, which makes it easier for companies to circumvent traditional regulatory frameworks.

This dynamic is particularly concerning in regions where the popular economy plays a fundamental role in supporting communities. By appropriating local value chains and diverting generated wealth away from regions, platforms contribute to the economic depletion of territories. Resources that could be reinvested locally are drained to distant financial markets, increasing the precariousness and vulnerability of local workers and exacerbating inequalities. In this regard, the impact of platforms extends beyond simple service mediation; they reshape the geography of urban spaces, turning them into territories for wealth extraction, thereby undermining the autonomy and resilience of popular economies.

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<sup>3</sup> Available at: <https://agenciabrasil.ebc.com.br/economia/noticia/2023-10/ibge-pais-tem-21-milhoes-de-trabalhadores-de-plataformas-digitais>.



## 6 Conclusions

The contribution of Geography to understanding these dynamics lies in analyzing the intersection between systems of objects, actions, and norms. This approach reveals how socio-spatial inequalities are deepened by the logic of global networks in contrast to local needs. Therefore, the study of geographical space becomes essential for understanding the complex relationships between economic production, normative regulation, and territorial structuring in the contemporary era. The advance of platform capitalism in the Global South occurs not only through technological innovation but also through the companies' ability to manipulate and capture precisely the normative and technical systems.

The discussion on regulation in platform capitalism must consider the unique nature of these companies, which use algorithms to control the workforce and urban territory. Although platforms present themselves as mere technological intermediaries, they truly operate as agents of production, transforming labor into a commodity and extracting value from local infrastructure and workforce. In this sense, the target of regulation needs to be carefully discussed, taking into account the interests of workers and the socio-spatial impact of platforms.

Regarding the question of who should be the primary target of regulation – platforms or labor – it is important to remember that algorithms, as the operational codes of platforms, are the tools that mediate and structure working conditions. By regulating only labor, as suggested by some legislative proposals, there is a risk of failing to address the true engine of exploitation: the technological systems that determine conditions of pay, wait times, routes, and even the automated dismissal of workers. Therefore, the regulation of platforms, with a focus on algorithms, is crucial to mitigate the negative effects of this model.

However, the regulation of both platforms and labor must consider the unique characteristics of each space where these dynamics occur. Geographical contexts play a pivotal role in shaping the nature of platform work. The logic of global networks often clashes with local needs and realities, making it imperative that any regulatory approach takes into account the territory itself, rather than focusing solely on labor or the platforms in isolation.

Informality and the legal autonomy of workers have been the justifications used by platforms to evade recognition of basic labor rights, such as health insurance, paid vacations, and retirement. Legislation that brings these workers under social protection is essential to reverse precariousness. However, this regulation should be broad enough to encompass both workers in the popular economy and those incorporated by platforms, in order to avoid inequalities among

individuals performing the same tasks in the same territories, but with distinct interactions with technology. This also applies to small businesses that begin to sell their goods through apps.

Labor platforms are central actors in the process of platformization of the economy, and their algorithms exert normative power over territory and society. At the same time, labor remains the central commodity that these companies use to generate value, and its regulation should protect workers from the new forms of exploitation introduced by platforms. However, any regulatory approach must also center the territorial dimension, recognizing that the effects of platform capitalism are not uniform across space.

The very realization that platform capitalism territorializes itself based on pre-existing technical systems and within social contexts marked by historical contradictions – across different socio-spatial formations, both central and peripheral – serves as evidence that geography must be a fundamental consideration in regulatory frameworks. Only by incorporating geographic context can we understand and address the uneven impacts of platform capitalism, ensuring more equitable and localized regulatory responses.

The hybrid regulation of territory, in a neoliberal context, has proven favorable to platforms, allowing them to exploit the deregulated labor of the popular economy and resist regulation that could protect workers. This dynamic reinforces the need for a broad debate and civil society action to ensure that labor regulation in platforms promotes social justice and worker protection, and not just the interests of large technology companies. Additionally, it should be viewed as an opportunity to correct historical distortions in the Brazilian labor market.

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# 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.

**Summary** 1 Introduction. – 2 Labor Market, Stratification and the Gig Economy. – 3 Purpose and Methodological Notes. – 4 Food Delivery Sector in the Italian Context. – 4.1 The Embryonic Phase. – 4.2 The Settlement Phase. – 4.3 The Context Definition Phase. – 5 Labor Market Stratification in the Food Delivery Sector: Key Analytical Dimensions. – 5.1 Legal Status. – 5.2 Economic Profile. – 5.3 Labor Process. – 6 Social Stratification in the Italian Food Delivery Sector. – 7 Conclusions.



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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.).<sup>1</sup>

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.<sup>2</sup> 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

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<sup>1</sup> On this topic, see Pulignano et al. 2021; 2024.

<sup>2</sup> 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 change<sup>3</sup> 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.<sup>4</sup> 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

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<sup>3</sup> 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.

<sup>4</sup> Iversen 1999; Wallerstein 1999; Pontusson, Rueda, Way 2002; Bradley et al. 2003.

EU countries,<sup>5</sup> 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.

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<sup>5</sup> 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),<sup>6</sup> 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).<sup>7</sup> 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

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<sup>6</sup> 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.

<sup>7</sup> 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.<sup>8</sup>

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).<sup>9</sup>

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.<sup>10</sup> Concerning the undeclared/underground segment, the social characteristics of the riders were reconstructed from the detailed documentation of the Milan Public Prosecutor's Office.

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<sup>8</sup> 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.

<sup>9</sup> GUP, Court of Milan, Judgment no. 2805 of 15 October 2021.

<sup>10</sup> 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,<sup>11</sup> 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

<sup>11</sup> 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.<sup>12</sup> Italian courts first addressed the issue of riders' occupational classification, but without reaching favorable outcomes for workers.<sup>13</sup> 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).<sup>14</sup> Added to this was Law 4/2019 of the Lazio Region, which banned pieceworkers and introduced a set of fundamental rights.

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<sup>12</sup> On the topic, see Marrone, Finotto 2019; Pacella 2019; Marrone 2019.

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

<sup>14</sup> 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.<sup>15</sup> 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.<sup>16</sup> On 1 February 2020, the obligation of INAIL insurance coverage is extended to riders.<sup>17</sup> 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.<sup>18</sup> 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.<sup>19</sup> 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

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<sup>15</sup> Court of Cassation 24 January 2020, no. 1663.

<sup>16</sup> 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.

<sup>17</sup> INAIL, note of 23 January 2020.

<sup>18</sup> 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.

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

2020.<sup>20</sup> In September 2020, Assodelivery signed an industry collective agreement with the UGL Riders Union. The agreement was contested by the Ministry,<sup>21</sup> 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.<sup>22</sup> 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:<sup>23</sup> 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 Bologna<sup>24</sup> 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.<sup>25</sup> 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

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**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).<sup>26</sup> 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.<sup>27</sup>

## 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

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<sup>26</sup> This platform left the Italian market in the summer of 2023.

<sup>27</sup> 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.<sup>28</sup>

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.<sup>29</sup> 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

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**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.<sup>30</sup> 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

<sup>30</sup> 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%;<sup>31</sup> 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,<sup>32</sup> on holidays<sup>33</sup> and in adverse weather conditions.<sup>34</sup>

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:<sup>35</sup> € 3.50 for those using a motorized vehicle, and € 3.00 for those using an electric or traditional bicycle. A proposed

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**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):<sup>36</sup> 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.<sup>37</sup>

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 <i>malus</i> when: accepted assignments < 95% reassignments > 5%

Source: Authors' elaboration

<sup>36</sup> Note of the Finance Police, 21-6.

<sup>37</sup> 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.<sup>38</sup> The labor process was supervised by the platform, which acquired and processed in-depth information concerning a set of KPIs:<sup>39</sup> (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.<sup>40</sup> 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.<sup>41</sup>

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

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<sup>38</sup> Note of the Finance Police, 52.

<sup>39</sup> Note of the Finance Police, 53-4.

<sup>40</sup> Note of the Finance Police, 59

<sup>41</sup> 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.<sup>42</sup>

## 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.<sup>43</sup> 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.<sup>44</sup> 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 –<sup>45</sup> 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;<sup>46</sup> (ii) the immediate need for income, which leads to a preference for platforms that pay on a weekly or bi-weekly basis;<sup>47</sup> (iii) the possibility of operating in parallel and without restrictions for different platforms, especially

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<sup>42</sup> Note of the Finance Police, 59, 86.

<sup>43</sup> 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.

<sup>44</sup> Riders 16, 17, 23.

<sup>45</sup> 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).

<sup>46</sup> Riders 1, 8, 24, 34.

<sup>47</sup> Riders 20, 25, 29.

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

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).<sup>50</sup> 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.<sup>51</sup> 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

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<sup>48</sup> Riders 3, 25.

<sup>49</sup> Riders 22, 25, 37.

<sup>50</sup> Note of the Finance Police, 18.

<sup>51</sup> 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.<sup>52</sup> The Directive establishes a set of guarantees for platform workers to counter the risk of employment misclassification and regulate algorithmic management in the workplace.<sup>53</sup> 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.

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

<sup>53</sup> For an extended commentary, see Di Cataldo 2024.

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# The System of Inequalities in Food Delivery Services The Case of Riders in Tuscany

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**Abstract** Starting from the examination of some measures to protect riders recently promoted by the Tuscany Region, the paper reconstructs the phenomenon of inequalities in food delivery services, within which work, health and racial inequalities are traced. Through qualitative research based on the analysis of regional documents and on discursive interviews with the social partners, it is hypothesized that this set of inequalities constitutes a system on which digital platforms have founded their economic success.

**Keywords** Riders. Food delivery. Work inequalities. Health inequalities. Racial inequalities.

**Summary** 1 Introduction and Methodology. – 2 Platform Work, Between Sharing Economy and Gig Economy. – 3 An Overview of the Policies for Riders in the Tuscany Region. – 4 Risks, Inequalities, and Practical Solutions. – 5 Conclusions. A System of Inequalities?



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## 1 Introduction and Methodology

This article presents the first report of a recent empirical research conducted at the Work Sector of the Tuscany Region and dedicated to the working conditions of riders operating for digital food delivery platforms. In line with the spirit of the *Inequalities* journal, the perspective adopted is that of the “sociology of inequality” (Beck 2008) which, for the case-study under discussion, manifests itself at multiple levels: as will be argued in the course of the contribution, in fact, in the world of riders there are intertwined work inequalities, connected to the different contractual regimes applied (self-employed or subordinate employment contracts), physical or mental health inequalities, caused both by the different impact on the body of the vehicles used (muscle-powered bicycle, electric bicycle, motorbike, etc.) and by the changing organization of work, and ‘racial’ inequalities, with platforms in which mainly native riders work (Just Eat and Deliveroo) and others where the share of immigrants is more consistent (Glovo and Uber Eats). It is hypothesized that the coexistence of these phenomena allows us to describe the food delivery universe as a ‘system’ of inequalities, within which riders are not only distinguished (by contract, salary and protections) from other workers with more traditional jobs, but also suffer a differentiation in their sector, depending on the platform they work for.

The paper reconstructs these issues by contextualizing them in the Tuscan territory where, between 2021 and 2023,<sup>1</sup> the Tuscany Region conducted studies and interventions to provide more protection to local riders. Particular attention is deserved by the path that led to the approval of the so-called *Memorandum of Understanding* (Resolution 946/2021), signed by the Department of Labor with the trade unions (CGIL, CISL, and UIL), the food delivery companies and the Regional Consumer and User Committee (RCUC). The dialogue with these actors and some Tuscan workers, interviewed through “discursive interviews” (Cardano 2011), combined with the “documentary analysis” (Arosio 2013) of the materials produced by the Tuscany Region and the AUSL, constitutes the empirical corpus of the research, useful for testing the aforementioned hypothesis, as well as for reflecting on the possible policies that can be developed to respond to the challenges of the “platformization” process (Casilli 2020).

The contribution is structured in three sections: the first, introductory, provides a general framework of platform work, illustrating its growing importance in public discourse and its effects in terms of

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<sup>1</sup> The complete list of initiatives for riders in the Tuscany Region (R.L. 18/2021, Technical Document, Memorandum of Understanding, etc.) can be viewed here: <https://www.regione.toscana.it/-/lavoratori-riders>.



social inequalities; the second part presents the project of co-regulation of riders' work curated by the Tuscany Region, describing the measures adopted so far and the actors involved; the third section considers three types of risks (physical, organizational and connected to geographical origin) that affect workers and that are at the origin of inequalities in the food delivery environment. The conclusions reflect on the need to read these inequalities, which often appear to be overlapping and interdependent, in a 'systemic key'. It is with this logic that we can avoid approaching platformization in an excessively reductionist perspective, grasping instead its consequences in the various social spheres.

Before proceeding, two final clarifications are necessary, one of a 'methodological nature' and one of a 'terminological nature'. In terms of method, the research presented here is a qualitative investigation: qualitative methods are in fact suited to discovering new connections, causal chains and meanings (Delli Zotti 2021), in a logic that lends itself well to a systemic reading of inequalities. The techniques used, as anticipated, consist of documentary analysis and discursive interviews: the latter are semi-structured interviews in which the interaction between interviewee and interviewer is determined in the contents, but not in the concrete modalities, which are defined during the interaction (Cardano 2011). Specifically, 18 interviews have been conducted so far with the protagonists of the Tuscan project for riders, all between February and June 2024. Finally, as regards the terminological clarification, here the expression "system of inequalities" is used, taking it from the studies of Alain Bihr and Roland Pfefferkorn (2008). According to the authors, to truly understand inequalities it is necessary to grasp the relationships that are determined between them; that is to say, "la manière dont elles se combinent, se déterminent réciproquement, se renforcent en cumulant leurs effets". This reference to systems theory is therefore what our hypothesis for analyzing inequalities is also based on.

## **2 Platform Work, Between Sharing Economy and Gig Economy**

As a general premise, it must first be noted that the debate on digital platforms has followed, in the years following the 2008 crisis, the gradual "disenchantment" that has characterized the history of the web (Bonifacio 2023, 29). Similarly to the common enthusiasm that accompanied the early Internet (Castells 2001; Formenti 2011; Herz 1995), platforms were also initially welcomed by a very positive climate, well represented by the expression of sharing or collaborative economy: the supporters of this perspective conceived

platformization as a process that would lead to a valorization of dormant resources, a reduction in waste and a relaunch of peer relations, in a ‘mix of social, environmental and economic sustainability’. Jeremy Rifkin, for example, spoke of a new Collaborative Commons capable of revolutionizing the capitalist economy:

Markets are beginning to give way to networks, ownership is becoming less important than access, the pursuit of self-interest is being tempered by the pull of collaborative interests, and the traditional dream of rags to riches is being supplanted by a new dream of a sustainable quality of life. (2014, 21)

This optimism, however, was soon accompanied by increasingly critical readings of this disruptive economic model, so much so that today it is referred to as the “gig economy” (Staglianò 2018), to underline its precarious and alienating nature (Pirina 2019). The paradigm shift has occurred in parallel with some trends: first of all, the concentration of platforms in the hands of a few companies, such as the infamous GAFAM, namely Google, Apple, Facebook, Amazon and Microsoft (Susskind 2020), whose owners now act as “giga-capitalists” (Staglianò 2022); another phenomenon that has gradually received attention concerns the negative impact of platformization on many social dimensions, ranging from online interpersonal relationships, imbued with “digital nihilism” (Lovink 2019), to the gentrification of urban spaces and the crisis of the right to housing, through the rise of global realities such as Airbnb (Gainsforth 2019). Numerous studies have also documented that platforms tend to reflect and exacerbate inequalities already present in society, for example by reproducing mechanisms of ‘ghettoization’ in the labor market. In particular, it has been estimated that 60% of platform workers in the US are black and Latino (Steward 2023).

Work is undoubtedly one of the areas most influenced by these transformations, which have pushed scholars such as Antonio Casilli (2017) to identify digital labor with platform work. The latter raises numerous questions regarding work organization and its repercussions on workers’ physical and mental health (Davis, Hoyt 2020). With regard to the first level of analysis, platform work, with its atypical contracts and piecework wages, has proven over time to be subjected to continuous and pervasive surveillance (Zuboff 2018), characterized by intense rhythms and overlap with private life, devalued and precarious (Somma 2019). Such work organization has problematic effects on the physical and mental well-being of gig workers, who often suffer from “occupational diseases”, stress, anxiety and panic (Moore 2019). One sector in which these issues stand out clearly is that of food delivery. This is a field in which the gig economy has developed significantly, bringing multinationals such as Just

Eat, Glovo, Deliveroo and Uber Eats to the fore. This was possible, among other things, thanks to two elements: the first consists in the strength of the narrative that promoted the work of riders, presented as subjects free to choose “if, when and how much to work”, in a “freelance work” dynamic on a digital scale (Armano, Murgia 2017); the second is a contextual factor that is equivalent to the COVID-19 pandemic, during which home deliveries were a fundamental way for consumers to make their purchases. In the same period, due to lockdowns and restrictions, many people lost their jobs and often found in the figure of the rider a solution to ‘reinvent themselves’. In this sense, therefore, the pandemic was both an “accelerating factor” and a “reorganizing factor” for processes that had been underway since the early 2000s (Antunes, Basso, Perocco 2021), when the first digital giants had begun to take hold. The pandemic period finally meant, for Italy but not only, a phase of initial “awareness” regarding the risks and opportunities of the digital transition (Bandarin et al. 2023), which materialized for example in the Italian debate on the working conditions of riders, directly exposed to SARS-CoV-2 infection. This image of ‘essential workers’ prompted some media and political figures to urgently call for regulation of the gig economy, which was absent in Italy at the time and still is. It is in this emergency context that the measures to protect riders in the Tuscany Region took shape, within which the issues of health and safety have a prominent place, as will be noted from their analysis in the following paragraphs.

### **3      An Overview of the Policies for Riders in the Tuscany Region**

The journey of the Tuscan project to defend riders officially begins with Regional Law 18/2021, approved by the Regional Council of Tuscany at the beginning of the summer. However, as highlighted in the 2021 Legislative Report,<sup>2</sup> the discussion had started much earlier, ‘inheriting’ the debate on the topic from the previous legislature and allowing plenty of time for the hearing phase with trade unions and trade associations. The Law, which is entitled *Provisions for the protection and safety of workers organized through digital platforms*,<sup>3</sup> had the particularity of having been proposed by the President of

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<sup>2</sup> The Report can be consulted on the official Regional Council website: <https://www.consiglio.regione.toscana.it/default?nome=rap-2021>.

<sup>3</sup> The text of R.L. 18/2021 can be examined at the following link: <https://raccoltanormativa.consiglio.regione.toscana.it/articolo?urndoc=urn:nir:regione.toscana:legge:2021-06-04;18>.

the Regional Council himself, Antonio Mazzeo, the first signatory of the related Bill n. 36. According to several witnesses interviewed, this is a rare sign of ‘compactness’ of the Council in favor of the issue, given that it is not usual for the President (in his *super partes* role) to be the first to sign a Bill. This therefore seems to confirm a certain sensitivity of regional institutions with respect to the transformations of work, which is reported as the first point among the interests of the Tuscany Region. The Regional Statute, in the first paragraph of art. 4, establishes in fact:

The Tuscany Region pursues, among its priority objectives, the right to work and to adequate forms of protection of the dignity of workers, the right to safety in the workplace, to education, to lifelong learning, to knowledge.<sup>4</sup>

The 2021 Law, which the Region adopted in the exercise of its legislative power in the field of health and safety at work, mainly has the flavor of a ‘declaration of intent’: in the eleventh point of the preamble, it declares the desire to set out

a path of study and analysis involving all the people [...] operating in the various operational sectors with digital programs and platforms to acquire awareness of everything that needs to be prepared to allow safe work.

To this end, the Council undertakes to implement a project for the analysis and assessment of risks for workers (which will be called the *Technical Document*),<sup>5</sup> involving the Prevention, Hygiene and Safety in the Workplace Services of the AUSL and the Prevention and Safety Sector in Living and Working Environments of the Region.

In parallel with the process that led to the drafting of the Law and the related Technical Document, on 13 September of the same year, with Resolution 946/2021, a Memorandum of Understanding promoted above all by the Department of Labor (represented by Councilor Alessandra Nardini) and the Work Sector of the Region was definitively approved: this is the Protocol *Guidelines of the Tuscany Region for the protection of workers on digital platforms for home food delivery and for correct contractual application*

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<sup>4</sup> From here on, the translation from Italian to English is by the Author.

<sup>5</sup> The Technical Document was finally approved with Resolution 665/2022: <https://www301.regione.toscana.it/bancadati/atti/DettaglioAttiG.xml?codprat=2022DG00000000817>.

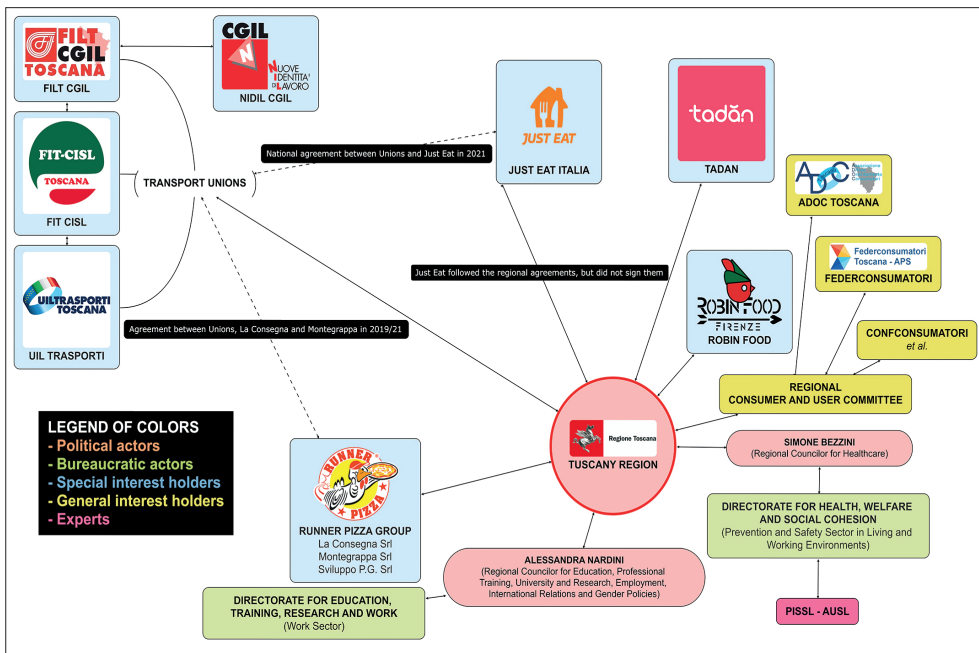
(*Cycle-delivery riders*).<sup>6</sup> The Protocol is the result of a negotiation between the Department of Labor, the trade unions (CGIL, CISL, and UIL), the food delivery companies and the Regional Consumer and User Committee (RCUC), made up of local representatives of consumer associations. This Protocol, which was followed by the introduction of an Ethical Brand<sup>7</sup> for member companies, has an unmistakably different approach than the Regional Law 18/2021 and the Technical Document: it is in fact a sort of ‘code of conduct’ on the subject of labor protection, agreed between the public actor (the Tuscany Region) and the private actor (the subscribing companies), together with the intermediate bodies (trade unions and consumer associations). It therefore presents itself as a first experiment in regional co-regulation of food delivery platforms, to provide minimum guarantees for Tuscan riders and overcome some differences in treatment that are at the basis of the inequalities experienced by workers.

Although it is not possible to dedicate too much space to the issue, it is vital to frame the protagonists of the decision-making process from which the Protocol was born in a general scheme; Figure 1 is designed for this purpose. The colors attributed to the various actors take up the categories of the political scientist Bruno Dente (2011), but it is obvious that they should not be considered as ‘absolutes’: the unions, for example, can certainly be understood as “special interest holders” (perhaps because they are linked to the workers of a specific sector), but they are also “political actors” and, in some ways, “general interest holders”. Given these premises, the scheme intends to highlight the heterogeneity of the subjects that followed the working tables of the Region, to then arrive at signing the shared Protocol. The only entity that ultimately abstained from signing (while applying the contents of the text) is Just Eat, due to some corporate policy problems.

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<sup>6</sup> The Protocol corresponds to the first Annex of Resolution 946/2021: <http://www301.regione.toscana.it/bancadati/atti/DettaglioAttiG.xml?codprat=2021DG00000001083>.

<sup>7</sup> The Ethical Brand was then introduced with Resolution 1080/2022: <http://www301.regione.toscana.it/bancadati/atti/DettaglioAttiG.xml?codprat=2022DG00000001337>.



**Figure 1** Policy Network Representation (by the Author)

An effective reconstruction of the reasoning that led to the mobilization of the different actors comes from the Councilor for Labor of the Tuscany Region, Alessandra Nardini, who in the in-depth interview given for this research declared:

We inherited, let's say, a job that began in the last legislature, because the trade unions... when I speak of "trade unions" I am obviously talking about CGIL, CISL and UIL, which for us are the reference trade unions, in the sense of the 'confederal' ones... they had already urged the Region, but at the time that job had not gotten very far, because the companies had not been available, we did not have the possibility to put them at the table. So, we started again, but the idea was born above all from the requests of CGIL, CISL and UIL, who at the beginning of the legislature contacted us again in terms of the Department, the Department of Labor, and asked us to resume and complete this commitment. Obviously, in the meantime, the conditions had also changed, because the pandemic had certainly shown more the urgency of the issue; in the meantime, a discussion had also opened at European and national level... so there was also much greater attention. From there, let us say, we started to assume the issue again and

we met CGIL, CISL and UIL, both as confederations and then also as categories, in particular transport and the categories of atypical workers. From there we started this journey and then we asked the companies to sit at the table. The companies, I must say, were consulted both through contacts that we had... we obviously looked for the 'large' ones... the 'small' ones also thanks to the availability that we received from the trade unions or also from contacts that we had with these small companies. The idea of involving consumer and user associations also came to me, as I am the President [of the RCUC] among my delegations and it seemed right to try, within this process, something that I also proposed to the trade unions, who immediately welcomed it: let's also try to raise awareness among those who then benefit from the work of the riders, that is, the users, the consumers, those who see those foods, those goods transported by the riders, arrive on their tables. The idea was precisely to say "let's try to foster widespread sensitivity, a critical awareness on this and on the need to also give ourselves rules from the point of view of ethical sustainability, and therefore social sustainability from the point of view of rights, etc." It was born a bit like that. I must say that I brought this proposal to the table of consumers and users, in one of the meetings we had, and it was immediately accepted; the Vice-President always participated... first the past one, then the current one [Leonardo Ferroni], because there was a changeover during the work... because I am the President, but as a Councilor obviously I did not want to represent that Committee at that table. And so, there was an additional representation, in addition to my presence... Usually the Vice-President participated, then sometimes both participated, as we continued the work started previously. That was kind of the idea.

Citing again the categories of Dente's policy analysis (2011), the unions would seem to have played the role of promoters or initiators of the decision-making process. One of their exponents, Michele Panzieri, General Secretary of UIL Trasporti Toscana, instead associates the role of "director" with Councilor Nardini:

We have done a pioneering job [...], also unfortunately determined by the acceleration it has had, also determined by the accidents that have occurred, also in Tuscany and not only, because unfortunately certain situations that are not regulated, not proceduralized, certain activities and jobs that were not historically unionized or in any case brought to attention often need an accident to be able to have more particular, more precise attention. And the thing that we have done in Tuscany, unlike others, is that we have managed to do it precisely with an institution; this also wanting

to recognize [...] the sensitivity of Tuscany Region, but we must also give credit to the people then, right? Often the difference is made by the people more than by the institutions or even the trade unions... Councilor Nardini has actually tried to do the maximum possible on some matters.

A third significant role in decision-making processes is that of the “ally” or, more coherently with this case-study, of the “allies”, which for the Tuscan case are equivalent first to the companies that have joined the Protocol, contributing to its writing. Specifically, we are talking about three local companies (Tadan, Robin Food, Runner Pizza Group) and the multinational Just Eat which, as anticipated, did not sign the document but followed its entire gestation. A different discussion must be made, however, for the other giants of the sector (Glovo, Deliveroo, Uber Eats, etc.) which, despite having initially sat at the table, did not continue the discussion, refusing to recognize their riders as subordinate workers. Panzieri says:

They [the managers of Just Eat Italia] were unable to sign the Protocol, then the Councilor tried, because they were clearly more willing to answer her phone calls, to involve them. They did not sign it... now it is clear that these are informal things, but I am telling you because, in short, that is what happened... They did not sign it not because they did not think the Protocol was the right thing, on the contrary, in some way it further enhanced the agreement that only they had made at a national level with the trade unions... but because, at least that is what they said, their headquarters in London or I do not remember... in Amsterdam, maybe, their lawyers, in short, blocked the Italian branch of Just Eat from signing, because they said “if we do it in Tuscany, we should do it everywhere; we cannot localize something that is global”. A motivation of this type... just as other associations did not sign it, there was Deliveroo, Uber Eats... They just did not want to tie their hands to something that they would then have had to, in some way, respect.

In this interview excerpt, reference is made to the national agreement that Just Eat Italia signed in 2021 with the confederal unions (CGIL, CISL, UIL), which led to the introduction of the subordinate employment contract in the company. This was a historic turning point since, as is known, all the other large food delivery platforms have always defended the thesis according to which their workers are not subordinate, but autonomous (with the various consequences of the case in terms of health protection, safety, etc.). As described by Gemma Pacella (2019), there have been numerous precedents for



trying to reach this goal, both at local<sup>8</sup> and national level (remember the ‘dynamism’ on the issue at the beginning of the XVIII legislature, with Luigi Di Maio as Minister of Labor); however, the attempts have always failed, with the exception of Just Eat.

The situation of food delivery in Italy, therefore, is currently quite complex: Just Eat is the only major to apply the subordinate employment contract, while the others remain attached to the more advantageous (for them) self-employment contract. This produces a condition of inequality both among companies (Just Eat has higher labor costs than its competitors) and among workers (Just Eat riders enjoy the rights and protections of subordinate employment, which does not happen for workers on other platforms). The disparities are also accentuated by the competition between companies that, since the pandemic, have been spasmodically competing for shares of the Italian market, with far from obvious outcomes. In the summer of 2023, for example, Uber Eats, following a heavy conviction for ‘digital gang-mastering’ by the Court of Milan, announced the decision to sell off its activities in Italy, not considering them in line with the “expectations to guarantee a sustainable business in the long term”.<sup>9</sup> Suddenly, the multinational has thus left thousands of riders at home, without work or guarantees (thus also receiving another conviction for anti-union conduct), continuing its operations in other countries. The unbridled competition between companies and the race to the bottom that fuels ‘social dumping’, inevitably, have repercussions on workers, many of whom are aware of this regime of inequality. Marco (fictitious name), a Just Eat rider, says about his company:

One of the big disadvantages that, for the company, really does not allow them to move forward but only get worse is that Just Eat followed the instructions and said “Okay, let’s make the contract”, while Glovo and Deliveroo, which are the other two platforms and are huge, said “I will pay the fines and go straight ahead”. That is, Just Eat got involved and complied and took a huge step that provided many riders with a contract; many riders, like me, were able to switch from bicycles to motorbikes... because if I did not have a permanent contract, there was no way I would have gotten a motorbike. Then I can tell you even more about that factor, because I

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<sup>8</sup> Gemma Pacella (2019) appropriately recalls the *Framework Agreement – Riders Toscana* of May 2019, signed by FILT CGIL, FIT CISL and UIL Trasporti with the company La Consegna Srl (which is part of the aforementioned Runner Pizza Group), which finalized the hiring of twenty riders with a permanent subordinate contract; the same thing happened in 2021, before the introduction of the Regional Protocol, with the company Montegrappa Srl (also part of Runner Pizza). For a clearer picture, compare Figure 1.

<sup>9</sup> Uber Eats’ press release can be read at this link: <https://www.uber.com/it/newsroom/uber-eats-dismette-le-operazioni-in-italia/>.

have worked with a muscle bicycle, an electric bicycle, and a motor-bike, so I have done them all, I have tried them all... And that [the permanent contract] basically makes them lose a lot of money, because Just Eat pays the riders even if they do not do anything, because maybe there are not any deliveries to be made or maybe they get the planning wrong and put too many riders in for those who should be there. They make a weekly estimate of how many people it should take for how many orders there are, and they say, "Theoretically there should be...". If it is all theoretical, Just Eat does not count for much... So, what should they do? They have to schedule you a week with riders to put on shift for the following week, but they say, "How do I know how many orders they will make for me?". So, on the one hand, you say, "Yes, there is a gap, but it needs to be filled not by Just Eat, it needs to be filled by putting Deliveroo and Glovo under contract as well". They should put pressure... I do not know if the unions or political stuff need to do this, I do not really understand... but the other two need to be put under pressure, the ones who are against Just Eat, let's say... the other two delivery companies should be put under pressure to try to get them to sign a contract as soon as possible. Otherwise, poor thing, Just Eat just loses... and they are right, because [the riders] say, "How much does Deliveroo pay?". Deliveroo pays you, I do not know, for a long delivery, it pays you thirteen euros. How much does Glovo pay you? Glovo pays you twelve euros. Just Eat, for a long delivery, pays you eight euros and fifty; but you must see that a long delivery with Deliveroo pays you thirteen euros and then, if you stay still, you only have your thirteen euros; a Glovo delivery, a long delivery, twelve euros and twelve euros remain. I [with Just Eat], in that time in which I make a delivery, I keep eight euros and fifty, yes, but if I then stay still for an hour, it is another eight euros and fifty without doing anything. So that is a good compromise.

A further element that complicates the Italian food delivery landscape is the *National Collective Agreement Riders* signed in 2020 by the UGL union and the employers' association Assodelivery, which includes the large companies in the sector, and from which Just Eat subsequently left. This category contract, which confirmed riders as self-employed workers, was strongly contested by other trade unions, who defined it as a "pirate contract" signed by a union that was not very representative of the sector. A possible solution to resolve the dispute regarding the classification of riders could come from the Directive on the matter adopted by the European Parliament in spring 2024. Councilor Nardini hopes that it can shed light on the issue:

I think we need to work at a national level, but also at a European level. The Directive is a starting point. Even Minister Orlando,

as Minister of Labor, had made some progress, from this point of view. I hope that Italy will take it on board and can also make further progress. I must say, however, that it seems to me to be something that has disappeared from the agenda of this government, and this worries me. I believe that we should try in the meantime, as the new Directive also indicates, to talk about subordinate work compared to self-employment. And this helps because, if the riders are classified as subordinate workers, they have all the rights of subordinate workers when they sign a contract signed by the most representative organizations. From this point of view, obviously there is also this issue, that is, the issue that the contract should be signed by the most representative trade union organizations, because the example I gave before of the UGL, which split the trade union front, risks instead creating a 'wound' and weakening even this strength, which instead I believe we should have.

The issue of subordination, moreover, is at the heart of the Protocol adopted by the Tuscany Region (Resolution 946/2021), which attempted to standardize at the local level the unequal working conditions of riders. In addition to the contractual issue and the resulting 'work inequalities', the Region highlighted a whole series of risks (physical, organizational, etc.) for workers, which are at the root of other inequalities. For each of them, prevention/protection measures have been developed.

#### **4 Risks, Inequalities, and Practical Solutions**

The first item of the Protocol and the Regulation of the Ethical Brand connected to it is dedicated to preventive information on the employment relationship and on the training of workers. With respect to this last point, employers undertake to guarantee training in health and safety, also with the help of the Region and its course on TRIO,<sup>10</sup> *Rider in the era of the gig economy*. In the materials relating to the Technical Document, the Region distinguished three types of risks. The first category can be summarized as that of 'physical risks', caused by factors such as: road traffic, with risks related to the use of bicycles or motor vehicles, such as motorbikes (collisions, falls, bumps, knocks, impacts); exposure to environmental agents (such as vibrations, noise, microclimate, solar radiation, dust, air pollutants); ergonomic factors (which vary based on the vehicle used and the way in which the load is carried).

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<sup>10</sup> TRIO is the web-learning platform of the Tuscany Region: <https://www.proget-totrio.it/>.

Marco, who has been a rider with Just Eat in Florence for eight years, confirms in his interview the turning point that the evolution from the muscle bicycle to the motorbike (briefly passing through the electric bike) represented for him:

At first, I moved around on a muscle bicycle. Then I started to feel the heaviness, because the deliveries gradually became worse, longer and longer, with less and less humanity on the part of the dispatchers,<sup>11</sup> who still have to do their job, I understand that... but some are more human, some are much more robotic. If the head dispatcher tells them “Do not reassign them [the deliveries] if they are not ten kilometers”, some look and say humanely: “They are nine kilometers and eight, I will reassign them anyway”. Others, on the other hand, basically did not. The muscle bicycle was tiring. With the muscle bicycle, I started to lose some parts, the bike started to wear out and so I switched, with a bit of difficulty, to an electric bike. Initially it was beautiful, so much fun... Practically not even a year had passed since I got the electric bike that I started looking around for a motorbike, because I could not take it anymore, because the electric bike is equivalent to... you can also go up hills, because you are almost on a moped, you have a little moped, so you go... but, when you find yourself having to make a delivery in... I do not know if you know the Via de’ Bardi area, you know Costa dei Magnoli, Costa San Giorgio... there are some roads made like this [mimicking the slope of the roads with his arm]. “Eh, we do not have anyone, go do it...”. Ok, I put it in minimum gear, in turbo, and I still struggled. And nothing, I said: “Enough, I will go on the moped directly. The only option is to take the motorbike - and I said - Go, I will take the motorbike”.

To address the impact of work on the health of riders, the Region has established, in agreement with the ‘social partners’, some obligations (art. 3 of the Protocol), which consist of: subjecting workers to a preventive medical examination to ensure their suitability for the job; providing free clothing and PPE (Personal Protective Equipment) compliant with legislative provisions; suspending the service in the event of extraordinary weather conditions; ensuring the designation or election of Workers’ Representatives for Safety; equipping or activating agreements with cycle workshops for the repair of vehicles; seeking suitable spaces with local administrations in which to wait for orders protected from the atmospheric agents. The last of these commitments is certainly of interest, even though it has not yet been put into practice, as Councilor Nardini explains:

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**11** Dispatchers are those who oversee the assignment of deliveries.

We had included in our Protocol [...] that there should also be suitable spaces, for example, to be able to take shelter or even to be able to have services. Among other things, on this, we would like to try to involve the Municipalities, at least the larger Municipalities, perhaps the provincial capitals, those where there are more riders, because obviously in some towns it would be complicated and there is not even this request. Obviously on this, however, it is also up to the local authorities. This was another of the things that we and the unions had said we wanted to do and on which therefore still... perhaps in the “step two” I was talking about we could try to work; as well as the whole issue of training on health and safety, and also the possibility of using the highway of the Employment Centers for a transparent matching of supply and demand. This was another qualifying point of our Protocol too.

Gabriele Brogi, Regional Manager of FIT CISL Toscana, who actively followed the working table, in his interview suggested some additions for this point regarding the waiting spaces for riders:

I will tell you a simple thing: the Sebach toilets [referring to a supplier of portable toilets in Florence]. You go to Sebach and say with the Region: “Look, can you make me ten toilets to put where the riders wait? Maybe with a different shape, with the same shape, but covered with a film that says ‘rider’, in short, that attracts attention”. I mean, you can do these things independently of... a shelter for when it rains... independently of the contract they apply to those people. These people exist, so how can I help them? Then do they need documents? A toll-free number, to say: “Look, if you need documents for citizenship...”. Make an agreement with the patronages of all three categories, CGIL, CISL and UIL, where you say: “There is a toll-free number for riders; if you need help, call it here for the documents, anonymously”. So, in this sense, in my opinion this was what should have been done. Here, really, reaching out more to actual needs [...] and saying: “How can we help these people? Regardless of what they do. They are people who are at 40°, now with the heat wave, right?”. With Just Eat it was done: when a certain temperature is exceeded or with the orange or red alert, you do not go out; or with a certain number of millimeters of rainwater forecast... you do not go out. Here, you can do these things regardless of the contractual application.

Continuing with the second category of risks for riders, after the ‘physical’ ones there are the ‘organizational’ ones, among which the Region mentions: the risks linked to verbal and physical aggression, increased by the transport of money; the risk of work-related stress, exacerbated by the ranking system, working conditions, time

pressures for delivery and customer complaints; the big risk of contagion from SARS-CoV-2 during the pandemic, due to direct contact with consumers. With respect to these dangers, the Protocol has provided, in addition to the ban on ranking and other merit classifications of workers, the application of the subordinate employment contract (Logistics, Freight Transport and Shipping Contract) which, at least on paper, has a positive effect in containing the stress of workers, no longer forced to 'chase' deliveries as in self-employment. Even for riders with a subordinate employment contract, however, other stressful factors remain, such as those connected to relationships with customers and restaurateurs. Marco, in this regard, reports some significant anecdotes:

There is psychological pressure from the customer or from the restaurant when maybe they insult you, they order a lot... anyway, as happened to me, you arrive with wet pizzas: "Eh, but the box is all wet". You cannot turn around and tell them: "You dickhead, look, it is raining, I have a simple box, it is already a lot that you got the whole pizza!". [...] Complaints about the food that arrives wet, complaints about the food that maybe, who knows, arrives cold, because you have to travel a long way anyway. Complaints because you do not go to the floor. Then, what else? [...] Given the experience, it is also on the part of the customer, because maybe you arrive smiling, because you are working anyway, you smile because you have to and they look down on you as if you were the first shit in the country... they do not even say "thank you", or "good morning"...

A restaurant I had to deal with, with which I had problems, was the one in Via Rossi [fictitious name], it is a restaurant in Via Rossi... they make like fried chicken wings, something like that... I do not remember what it is called, like "chicken" something... there once they made me get a demerit note because they had made a huge mess. They told me that the customer had cancelled the order; I told the dispatcher and the dispatcher told me: "Okay, go back to the starting point in the meantime". I went back and they said: "Marco, why didn't you bring the food?". And I said: "Eh, because the restaurant told me that the customer had cancelled the order"; "No, that is not true!". That is all. So, obviously, I said: "Enough. I do not want to go to that place anymore". I argued with them. You are making me risk getting a bad note like that; if you do not know how to work, you do not act against me. Enough.

The last category of risks to consider is also the most 'elusive', since it includes those linked to gender, geographical origin, age, and level of education. Not all of them can be considered here since each of them would require a detailed discussion. We therefore limit ourselves to

pointing out the salience of the risks connected to geographical origin, which affect the many immigrant riders involved in food delivery's universe. For them, the Tuscany Region has provided, in addition to Italian courses within the SOFT (Tuscany Training Offer System), a mechanism for matching job supply and demand at the Regional Employment Centers, where potential riders can turn to find a company that will hire them. This channel would thus aim to counter the phenomenon of the so-called 'digital gangmastering', into which migrant digital labor often risks slipping (Della Puppa, Perocco, Pirina 2024).

The variable of geographical origin also plays a significant role in the processes of 'segmentation' of the food delivery labor market, which were mentioned in the introduction. Several studies (Bonifacio 2023) have observed that some platforms (Just Eat and Deliveroo) have more stringent criteria in the selection of riders, for example not accepting short-term residence documents; this has transformed them, even in the eyes of the riders themselves, into the platforms "of Italians". Other companies (Glovo and the former Uber Eats) appear laxer in controls, giving the possibility of registering as a rider within 24 hours of the online request; registration procedures of this type end up encouraging digital gangmastering, based precisely on the exploitation of immigrant workers, often without documents, by the 'gangmasters', who simultaneously manage multiple accounts on the same platform. These mechanisms, together with the different payment methods and different earnings linked to the platforms, contribute to the segmentation of the food delivery labor market, in which rider profiles with highly varied requests can be identified. Ilaria Lani, member of the CGIL Secretariat of Florence, confirms the problem:

I think there are three groups of workers in this sector: students, which is a group that has shrunk over time, who are interested in working the right amount, when they can, and getting a few cents for their expenses; then there is the group of migrants, who instead need to maximize their earnings. For them it is the same, it is that they have perhaps tried to work in logistics, in sectors where there is much more effort and low earnings, in any case sectors of tiring work. And so, overall, they prefer to do this job here because they have some guarantees. Even among them there have been some elements of regret... because then Glovo maybe makes you earn more for a period, then you go away for a month to your country, you come back and earn less. Even there some migrants have gotten angry. However, generally, that is a group that needs to maximize their earnings and has no problem working 13/14 hours a day. Instead of doing it under a boss, they prefer to do it with a job where you do not have someone yelling at

you. And then there is a somewhat singular group of Italians who do this job because they like it, they enjoy it... who are perhaps people who like to ride a bike to keep fit, people who perhaps also do other self-employed jobs and use this to make ends meet, who do not want to be under a boss or have other hassles. There is a group of lovers of this job, which I will now select for you because I have identified it over time. There are people who have been doing it for 5/6 years, who overall prefer to be with Deliveroo because they have fewer constraints... who they do it to make ends meet and because they like it a bit.

## 5 Conclusions. A System of Inequalities?

Based on what has been described in the previous paragraphs, it is possible to draw some initial conclusions regarding this Tuscan case-study. The documentary analysis of the institutional materials of the Tuscany Region and the discursive interviews conducted with the various actors mobilized in the world of food delivery, first of all, confirm the 'coexistence' of different forms of inequality among riders: work inequalities are those that stand out most clearly, being connected to the different contracts applied (self-employed or subordinate), to the methods of remuneration (hourly pay or piecework), to the times and spaces of work; equally important, however, are also the inequalities of physical/mental health, due to working conditions and, in particular, to the presence or absence of protections for riders; finally, as has recently emerged from the literature on the subject, racial inequalities can be traced among workers who, based on their needs and the documents they possess, tend to work more for one platform rather than another. This creates a 'racial segmentation' (or ghettoization) of the food delivery employment market, in which there are platforms 'for Italians' and others 'for immigrants'.

In this scenario, riders are not only subjected to more alienating, precarious and deregulated forms of work than workers with more standardized occupations, but they also suffer the effects of the 'internal differentiation' of the workforce to which they belong. This differentiation is the result of the inequalities created by the business models of the platforms, committed to intensifying and making work activities flexible to preserve their position in an increasingly competitive market. As the Tuscan case-study shows, companies that invest to provide greater guarantees to workers (see Just Eat or Runner Pizza) risk being 'crushed' by those that eliminate protections to reduce labor costs. In the absence of an organic response from institutions or 'critical' consumers, companies are therefore little encouraged to safeguard the integrity of workers who, today as in the past, end up paying the highest price for this situation. The intertwining



of labor, health, and racial inequalities among riders appears to be a structured and structural system, on which food delivery companies have so far relied to fuel their economic growth. Putting a stop to this phenomenon is a collective challenge for public institutions, unions, consumers, and workers, who all suffer (in diverse ways) the problematic consequences of the platformization of the economy and, in general, of society.

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# Trabalho plataformizado e avanço das desigualdades educacionais no Brasil

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**Abstract** The article reflects on the advancement of educational inequalities in Brazil as an expression of the deepening of the commodity logic and neoliberal policies in education. In methodological terms, data resulting from research carried out by the authors is used, as well as theses and dissertations defended by members of the collective and groups. In theoretical terms, the analyzes are supported by the references of Marx, Antunes and Manacorda. The article presents the context of advancement of social inequalities and digital technologies in education; as well as a portrait of Brazilian basic education and the issue of inequality and the advancement of digital platforms and technologies in education as deepening educational inequality in Brazil.

**Keywords** Work. School. Digital platforms. Educational inequalities. Neoliberalism.

**Sumário** 1 As desigualdades sociais e o avanço das tecnologias digitais na educação. – 2 O retrato da desigualdade social refletida na Educação Básica brasileira. – 3 A plataformização do trabalho docente e o avanço da desigualdade. – 4 Considerações Finais.



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Se aparência e essência coincidissem, a ciência seria inútil  
(Karl Marx, *O capital*, 2017, 271)

## 1 As desigualdades sociais e o avanço das tecnologias digitais na educação

Conforme<sup>1</sup> Marx (2017) é tarefa da ciência ultrapassar o véu das falsas aparências, nos quais predominam falsos fetiches misteriosos e desvelar a essência das relações sociais. Como exemplo dos falseamentos aparentes em nossa sociedade, o autor cita o fetiche presente na mercadoria como algo que não pode ser visto e percebido imediatamente:

O caráter misterioso da forma-mercadoria consiste, portanto, no fato de que ela reflete aos homens os caracteres sociais de seu próprio trabalho como caracteres objetivos dos próprios produtos do trabalho, como propriedades sociais que são naturais a essas coisas e, por isso, reflete também a relação social dos produtores com o trabalho total como uma relação social entre os objetos, existente à margem dos produtores. (Marx 2017, 147)

A partir da reflexão de Marx sobre o fetiche e as falsas aparências manifestas imediatamente pelos fenômenos sociais, pensamos a questão da desigualdade social em relação à Educação Escolar. As desigualdades sociais aumentaram dramaticamente desde a crise do Estado Social e avanço de políticas neoliberais, sendo aprofundadas durante e depois a Pandemia Covid-19. O neoliberalismo, embora aparentemente se posicione contra o Estado e a favor das liberdades, não fez a regulamentação do Estado deixar de existir, mas impôs que governos submetidos aos seus preceitos passassem a (des)regular as relações entre capital e trabalho, sob o ditame de maior flexibilidade e liberdade de negociação entre partes (des) iguais.

Conforme Hill (2003), a globalização neoliberal não significa a impotência do Estado, mas sim a rejeição de suas funções sociais em favor de funções repressivas e desiguais, resultando no fim das liberdades democráticas. Para o autor, as mudanças nas economias capitalistas avançadas desde os anos 1970 foram transformando Estados social-democratas/Estados de bem-estar social/Keynesianos em

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**1** O texto é produto das pesquisas realizadas pelos coletivos e grupos de estudos e pesquisas: Coletivo de Pesquisadores sobre as Transformações no Mundo do Trabalho/ Universidade Federal de Santa Catarina, Grupo de Estudo e Pesquisa Trabalho, Educação e as Transformações Sociais Globais/Universidade de Uberaba e Grupo de Pesquisa Trabalho, Educação e Sociedade/Universidade Federal de Uberlândia.

Estados neoliberais, o que Gamble (1988) chamou de «The Free Economy and the Strong State».

O capital crescentemente livre do controle estatal que regulava a garantia de direitos sociais e trabalhistas, elevou as desigualdades entre as classes sociais, impactando mais drasticamente nos grupos mais vulneráveis e historicamente dominados: mulheres e negros/as, jovens, imigrantes. Seu impacto também é mais brutal nos países do cone sul, dada a posição de dependência econômica-tecnológica e fragilidade democrática em que se encontram na divisão internacional do trabalho (Antunes 2019; Harvey 2020).

A degradação da humanidade, resultante do avanço da exploração do trabalho, da miséria, da desigualdade e da destruição do meio ambiente remontam às análises de Mészáros (2002), sobre o alcance destrutivo da sociabilidade sob a égide do capital. Para o autor, o capitalismo é irreformável em virtude da subsunção do trabalho ao capital ser um eixo estruturante, central e autodestrutivo do sistema. Logo, ao produzir riqueza, o sistema produz a miséria do trabalhador, aumenta a desigualdade social, o desemprego, a devastação ambiental e entra constantemente em crises irreformáveis. Portanto, a desigualdade social é tanto condição quanto decorrência da exploração capitalista.

É neste sentido que aparecem relações laborais interfirmas (des) regulamentadas pelas leis do Estado. Por meio das subcontratações e terceirizações em escala global, potencializadas pelas tecnologias digitais, plataformas 4.0 e uberização, impõem à classe trabalhadora que busque individualmente mais escolarização e qualificação profissional, porém sob condições laborais cada vez mais precarizadas para execução de tarefas simples, repetitivas e desprovidas de direitos sociais.

Aparentemente, as novas formas de contratações laborais vigentes após a reforma trabalhista de 2017 parecem conceder mais oportunidades de empregos para um número maior de trabalhadores, entretanto encobrem a gigantesca desigualdade social que assola nossa sociedade e faz com que trabalhadores (proprietários apenas da própria força de trabalho) e empresários (proprietários dos meios de produção) negociem contratos sob bases desiguais.

Segundo pesquisa encomendada pelo Fundo Internacional de Emergência das Nações Unidas para a Infância (UNICEF 2022), mais de dois milhões de crianças e adolescentes desistiram da escola durante a Pandemia como decorrência do aumento da pobreza e da desigualdade social. O principal motivo para a desistência apontado pelos resultados da pesquisa foi a necessidade precoce de trabalhar, seguido de não ter como acompanhar os estudos. Estudantes pobres e negros, bem como as mulheres, foram os(as) mais afetados(as). De acordo com o IBGE (2023), mais de três milhões de alunos não tiveram acesso à internet durante a Pandemia. Assim, sobre as bases

desiguais de nossa sociedade, edifica-se uma escola também desigual, que conjuga exploração e opressão em seu cerne, embora figure aparentemente como democrática e igualitária ao cidadão comum.

Conforme dados do Ministério Público do Trabalho (2022), do IBGE (2024) e dos nossos levantamentos junto ao Coletivo de Pesquisadores do Núcleo de Estudos sobre as Transformações no Mundo do Trabalho (Coletivo pesquisadores do TMT 2024a) desde 2012 a taxa de emprego/ocupação no Brasil segue estável. Entretanto, após a Reforma Trabalhista de 2017, uma série de atividades consideradas informais são incorporadas nos números de trabalhadores ocupados. A partir de 2017 ocorre um declínio das ocupações com registro em carteira e com direitos trabalhistas e aumenta o número de ocupados via contratação de pessoa jurídica (conhecida como pejetização). A maior parte dos contratos via pessoa jurídica no Brasil refere-se a empresas de apenas um funcionário, revelando que a modernização proposta pela reforma trabalhista de 2017 esconde a ampliação do trabalho terceirizado, precário, plataformizado, uberizado e sem direitos (Coletivo pesquisadores do TMT 2024a).

A figura 1 [fig. 1] permite perceber que a evolução dos empregos formais no Brasil teve um significativo crescimento até 2014 e depois manteve-se estável, inclusive após 2017 com a Reforma Trabalhista que resultou, não na geração de mais empregos, mas de contratações precárias e flexíveis, sem direitos. Embora a Reforma Trabalhista tenha sido aprovada sob o *slogan* da criação de novos empregos, na prática, ela trouxe a ampliação do subemprego, precário, sem direitos, terceirizado, pejetizado.

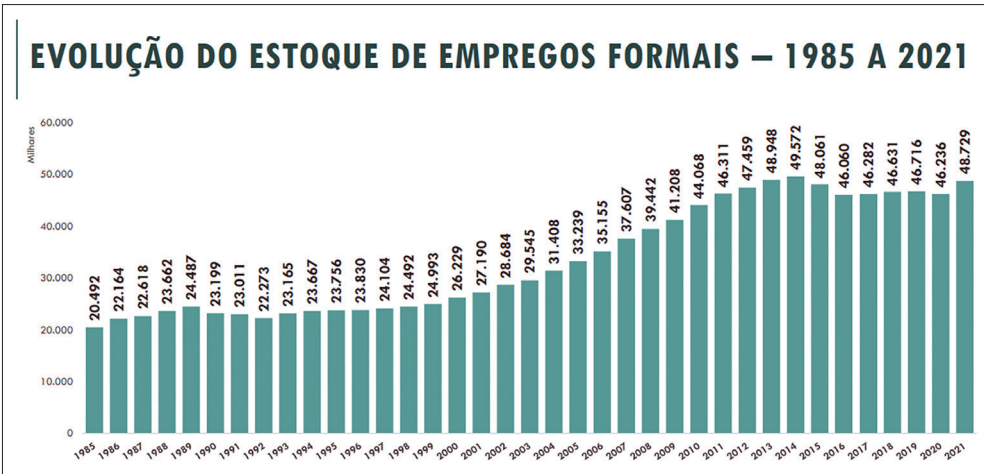


Figura 1 Evolução do estoque de empregos formais no Brasil – 1985 a 2021.  
Fonte: Coletivo de Pesquisadores do TMT 2024a

Conforme o Panorama do Trabalho publicado pelo TMT (Coletivo pesquisadores do TMT 2024a), entre 2020 e 2021, houve um pequeno e tímido crescimento do trabalho considerado formal no Brasil. O trabalho formal, conceito alargado pela Reforma Trabalhista, passou a incluir o trabalho aprendiz, temporário, avulso, entre outros. Assim, a combinação da Reforma Trabalhista (que permite uma flexibilização das formas de contratação no trabalho e torna o trabalho precário, zero hora, sem direitos, terceirizado em emprego formal) com a ampliação do termo de emprego e ocupação pelo IBGE acabam por fornecer um retrato distorcido da realidade, denominando como ocupado o sujeito que trabalha 1 hora na semana de referência ou nos próximos três meses (Coletivo pesquisadores do TMT 2024a).

Na realidade, o aumento da ocupação precária e sem direitos, em detrimento do trabalho, ocorre na mesma proporção do avanço da automação do trabalho. A novidade é que atualmente, programadores(as), jornalistas, docentes(as), gestores(as), autores(as), motoristas, secretárias(os), administradores(as) e supervisores(as) são substituídos(as) por plataformas de gerenciamento que são previamente programadas, padronizam e automatizam decisões e avaliações por meio do emprego de inteligência artificial. A chamada indústria 4.0 aprofunda a tendência gerencialista do trabalho, inaugurada com a reestruturação produtiva flexível japonesa e *just in time* (Conde, Simienticoski, não publicado). Configura-se, assim uma Nova Gestão Pública no processo de trabalho (Previtali, Fagiani 2020), operada por programas que passam a executar decisões padronizadas sem que exista contato direto humano.

Por trás de uma suposta e fetichizada neutralidade tecnológica, os interesses da gestão capitalista são escondidos. Tornam-se famosos os casos de demissão por *e-mail*, *WhatsApp* ou outras plataformas, nos quais os trabalhadores recebem apenas uma mensagem automática sobre a demissão, após terem sido mal avaliados ou por conta da redução de custos ou ainda por não terem atingido prazos ou metas produtivas, como número de entregas e de vendas, número de aulas dadas, número de alunos presentes, entre outros motivos. Obviamente, a pseudoneutralidade tecnológica, focada em metas, que 'avalia e toma decisões sem interferência do ser humano', esconde os sujeitos programadores, que transformam as necessidades da gestão capitalista em linguagem e códigos de programação. De fato, a essência do sistema permanece submetendo o trabalho ao capital.

Na Educação Escolar brasileira as recentes transformações laborais tiveram um forte impacto tanto em relação ao trabalho docente quanto em relação à vida daqueles que frequentam a escola pública. Há uma reforma educacional que visa uma formação básica global como forma de ofertar a mercadoria força de trabalho jovem mais rapidamente ao mercado de trabalho. Assim, se faz necessário forjar jovens que naturalizam e suportam a instabilidade econômica, a precária condição de

vida e a necessidade de serem empreendedores de si mesmos e com habilidades no uso das tecnologias. Assim, a Educação Escolar, torna-se um meio para maquear e, ao mesmo tempo, conformar às desigualdades sociais e explorações econômicas e as reformas curriculares e avaliativas cumprem papéis importantes neste sentido.

Como exemplo da forma como a desigualdade oriunda da contradição entre capital e trabalho se manifesta na escola por meio das novas tecnologias, citamos os dados globais sobre conexão e escola. Conforme relatório da UNESCO (2023) sobre a situação global, 60% das escolas primárias, 50% das escolas de primeiro nível da educação secundária e 35% das escolas de segundo nível da educação secundária não estão conectadas à internet. Dessa maneira, embora o uso da tecnologia digital e conectada seja uma das bandeiras da educação neoliberal voltadas ao preparo para o trabalho da indústria 4.0, ela continua restrita.

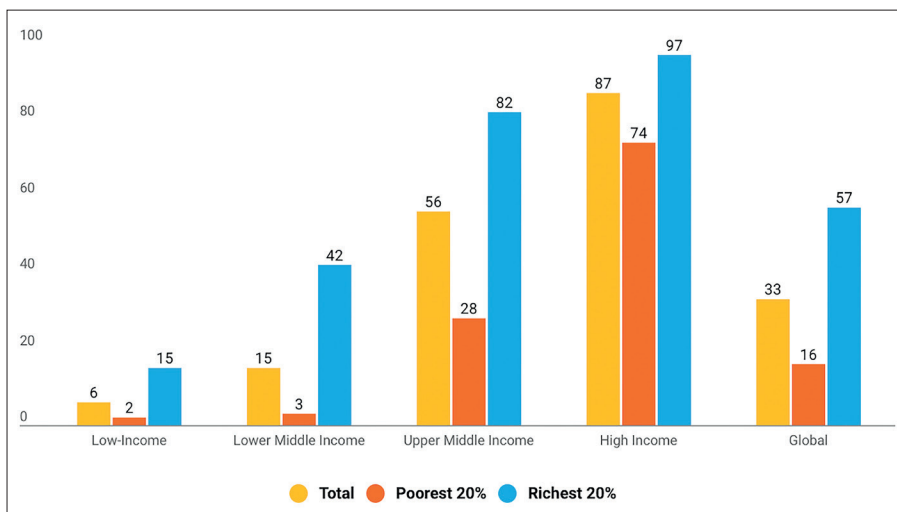
Na figura 2 pode-se observar a desigualdade de acesso privilegiado à internet entre os 20% mais ricos em detrimento dos 20% mais pobres. Essa desigualdade persiste tanto entre países considerados ricos e do norte global quanto daqueles considerados pobres e localizados no sul global.

A figura 2 [fig. 2] nos permite perceber como a desigualdade social se reflete na educação de crianças e jovens de até 25 anos de idade, evidenciando que, independentemente do país, o acesso à internet é determinado pela classe social em que as crianças e os jovens estão situados. Aqueles oriundos de famílias com maiores rendimentos, independentemente de nascerem em países, ricos ou pobres, do norte ou do sul global, possuem acesso (80%). Já as crianças e os jovens oriundos de famílias com rendimentos mais baixos, independentemente do país que residem, possuem menor acesso à internet (56% para famílias de renda média alta, 15% para famílias de renda média baixa e 6% de famílias com renda baixa). Assim, as desigualdades do capitalismo impõem desigualdades educacionais para os filhos da classe trabalhadora global.

Conforme Hill (2003), sob o capitalismo neoliberal é fortalecido um sistema de educação não-igualitária que deve ser analisado sob dois aspectos: o contexto ideológico-político e o espacial geográfico global. Para o autor, a privatização dos serviços públicos, a financeirização e a reificação da humanidade, apoiadas pela desestabilização de governos resistentes e pela intervenção militar dos EUA e seus aliados, impuseram criação de mercados competitivos globais para serviços públicos, como a Educação Escolar. Estes mercados educacionais são caracterizados pela seleção e exclusão, situando-se em um quadro de crescimento exponencial das desigualdades, tanto nacional quanto internacionalmente. Assim, concordamos com Hill no sentido de que «a reestruturação mundial dos sistemas de ensino e educacionais faz parte de uma ofensiva ideológica e política do capital



neoliberal» (2003, 25), na qual as desigualdades sociais e as opressões são submetidas à lógica expansiva da exploração econômica.



**Figura 2** Percentagem de crianças e jovens com 25 anos ou menos com acesso à Internet em casa, por grupo de rendimento do país. Fonte: Bancos de dados globais do UNICEF com base em Pesquisas por Grupos de Indicadores Múltiplos, Pesquisas Demográficas e de Saúde e outras pesquisas nacionais sobre domicílios, 2020<sup>2</sup>

Segundo Ball (2014), as empresas privadas têm percebido no mercado de serviços educativos uma excelente oportunidade de investimento, explorando as possibilidades políticas criadas por uma estrutura política global e multilateral que favorece soluções privadas para problemas públicos. A privatização do setor público, impulsionada pelo ‘edu-business’, não consiste em retirar os serviços do controle público, mas em vender ‘soluções’ políticas, transvestidas de tecnológicas, estabelecer diversos tipos de colaboração com o setor público, através da indução das parcerias-público-privadas e das terceirizações da gestão escolar. Para o autor, representantes do setor privado têm atuado cada vez mais dentro do próprio governo, influenciando o desenvolvimento de políticas educacionais e participando diretamente delas por meio da doação e venda de produtos educacionais.

Para Ball (2014), o Estado neoliberal age como agente facilitador desse processo por meio de políticas educacionais promotoras do capital privado. Para Gentili (1998), a Educação Escolar passa a ser tratada como oportunidade, sendo transferida da esfera da política para a esfera do mercado, quanto à sua condição de direito social e

<sup>2</sup> Para saber mais vide: <https://data.unicef.org/topic/education/remote-learning-and-digital-connectivity/>.

torna-se uma possibilidade de consumo individual, variando segundo o mérito e a capacidade dos consumidores. Nessa condição obedece a ordem meritocrática dos esforços individuais e condições financeiras já estabelecidas na cilada do discurso neoliberal burguês de oportunidades iguais para todos. Nesse interim, o lema Todos Pela Educação não se traduz necessariamente em uma Educação Para Todos e acaba operando como uma aparência falseadora do avanço combinado da lógica desigual sobre a educação.

## **2 O retrato da desigualdade social refletida na Educação Básica brasileira**

A Educação Básica no Brasil corresponde ao ensino e à aprendizagem de crianças e adolescentes, incluindo-se os estudantes com necessidades especiais, dos 0 aos 17 anos compreendendo as etapas da Educação Infantil, Ensino Fundamental e Ensino Médio, podendo este último oferecer a Educação Profissional Técnica, com obrigatoriedade de frequência entre os 4 e 17 anos (Brasil 2009). Segundo o Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira (INEP 2024), há atualmente 178.476 estabelecimentos escolares destinados à Educação Básica no Brasil. Destes, 113.763 oferecem Educação Infantil, 121.350 oferecem Ensino Fundamental, 29.754 oferecem Ensino Médio, 9.163 oferecem Educação Profissional sendo 8.050 na Educação Profissional Técnica de Nível Médio e 1.720 na Educação Profissional - Formação Inicial Continuada, 30.322 oferecem Educação de Jovens e Adultos (EJA) e 140.104 oferecem Educação Especial.

Ainda de acordo com o INEP (2024) são 47.304.632 estudantes matriculados no Brasil, sendo 37.881.305 em escolas públicas e 9.423.327 em escolas privadas. Observa-se que a esfera pública é a grande responsável pela Educação Básica, respondendo por 80% das matrículas. Embora possa ser ofertada pela administração federal e pelos estados, os municípios são as unidades federativas que majoritariamente ofertam a Educação Básica no país, pois são prioritariamente responsáveis pelas etapas da Educação Infantil e do Ensino Fundamental (Brasil 1996).

Ainda conforme o INEP (2024), a Educação Básica possui um total de 2.354.194 docentes, sendo 1.861.118 na administração pública e 566.858 na administração privada. O corpo docente da Educação Básica no Brasil é majoritariamente feminino, correspondendo a aproximadamente 80% da força de trabalho (INEP, 2024).

Conforme os dados da Tabela 1, na Educação Infantil a maior parte do corpo docente é do sexo feminino (96,3%) e a faixa etária mais prevalente é de 40 a 49 anos para mulheres e 30 a 39 anos para os homens. No Ensino Fundamental (considerando-se os anos iniciais e finais), observa-se uma queda na diferença entre os sexos, mas as

mulheres ainda constituem maioria do corpo docente (76,88%) e a faixa etária mais prevalente é de 40 a 49 para mulheres e 30 a 39 anos para homens. Por fim, no Ensino Médio, observa-se uma diferença ainda menor entre os sexos, apesar de as mulheres serem a maioria do corpo docente e a faixa etária mais prevalente é 40 a 49 anos para mulheres e 30 a 39 anos para homens. Quanto à permanência na atividade docente observa-se que a quantidade de homens diminui a partir dos 39 anos e a quantidade de mulheres diminui a partir dos 49 anos.

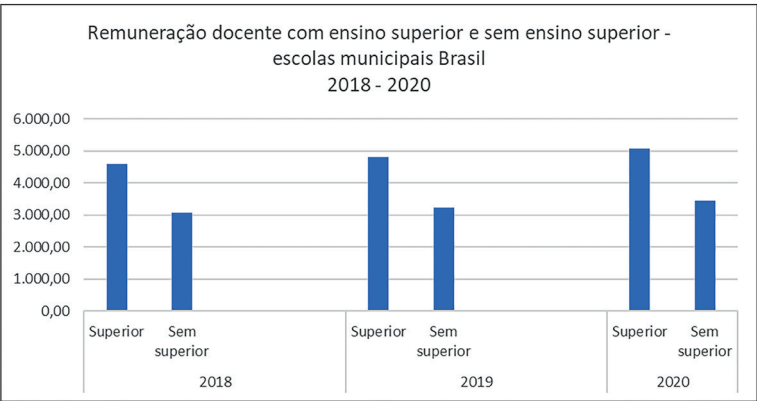
	Educação infantil		Ensino fundamental (anos iniciais)		Ensino fundamental (anos finais)		Ensino médio	
Faixa etária	Sexo feminino (96,3%)	Sexo masculino (3,7%)	Sexo feminino (87,7%)	Sexo masculino (12,2%)	Sexo feminino (66,1%)	Sexo masculino (33,9%)	Sexo feminino (57,5%)	Sexo masculino (42,5%)
<25	28.963	1.542	17.061	3.963	15.311	10.150	7.661	6.031
25 a 29	62.395	3.559	46.750	10.605	41.110	29.058	25.206	22.266
30 a 39	194.977	9.034	178.253	30.656	144.302	82.538	94.921	75.347
40 a 49	218.812	6.689	253.276	30.503	178.988	81.964	107.464	70.962
50 a 59	108.087	2.791	145.103	14.145	106.958	46.235	63.617	43.519
60 ou mais	19.540	568	29.885	2.848	24.935	12.603	15.155	13.825

Tabela 1 Idade e Sexo dos Docentes em exercício na Educação Básica no Brasil em 2022.  
Fonte: Coletivo de Pesquisadores do TMT 2024b

Quando observamos a média salarial docente nas escolas municipais brasileiras, constatamos que as remunerações variam entre dois e três salários-mínimos<sup>3</sup> a depender de terem formação em nível superior ou não [fig. 3]. Importante destacar que o artigo 62 da Lei de Diretrizes e Bases da Educação Nacional (LDBN/96) indica que a formação de docentes para atuar na Educação Básica far-se-á em nível superior, em curso de licenciatura. Entretanto, a mesma lei admite a formação mínima do magistério para exercício na Educação Infantil e nos cinco primeiros anos do Ensino Fundamental. A que se destacar que a LDBN/96 abriu preceito legal para que muitos municípios contratassem docentes sem formação em nível superior, pagando por eles menores salários e, gerando com isso uma desigualdade de formação, salário e carreira interna à categoria docente. Também, ao admitir docentes sem formação em nível superior, cria-se um pretexto para a adoção de materiais didáticos prontos e elaborados de

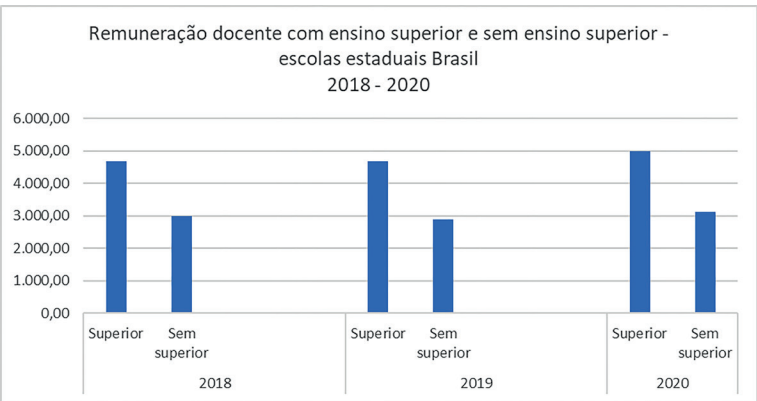
3 Usamos como referência o salário-mínimo brasileiro de agosto de 2024 no valor de R\$ 1.412,00 reais, o que equivale a \$230 euros, tendo como referência a cotação do euro de 11 de setembro de 2024 em R\$ 6,16 reais

forma padronizada, de acordo com currículos homogêneos, padronizados e vendidos por editoras comerciais às prefeituras e estados.



**Figura 3** Remuneração docente com ensino superior e sem ensino superior nas escolas municipais do Brasil, 2018-2020. Fonte: Coletivo de Pesquisadores do TMT 2024b

A desigualdade interna do sistema educacional também se manifesta em relação às horas trabalhadas pelos professores da Educação Básica com e sem Ensino Superior. Conforme as figuras 5 e 6, docentes sem Ensino Superior, além de ganharem menores salários acabam trabalhando mais horas e, portanto, constituem-se uma mercadoria altamente vantajosa para o estado neoliberal que tenta a todo custo enxugar recursos da educação.



**Figura 4** Remuneração docente com ensino superior e sem ensino superior em escolas estaduais Brasil 2018-20. Fonte: Coletivo dos Pesquisadores do TMT, 2024b

Em relação às horas trabalhadas, a mesma tendência desigual interna à categoria se revela, mostrando como docentes sem formação em nível superior trabalham mais horas.



**Figura 5** Horas trabalhadas pelos docentes com ensino superior e sem ensino superior em escolas estaduais Brasil 2018-20. Fonte: Coletivo dos Pesquisadores do TMT 2024b

Diante dos dados expostos pelas figuras acima, podemos perceber que sob o neoliberalismo-gerencialismo tem havido o aprofundamento da desigualdade interna na educação brasileira, inclusive dentro da carreira docente, com o avanço de sua precarização. Os docentes sem formação em nível superior constituem uma alternativa para a economia de recursos estatais com a educação e, associada a esta situação, avança a precariedade da infraestrutura nas escolas, das condições de trabalho, de ensino e aprendizagem no Brasil. Segundo o Previtali e Fagiani (2020), houve aumento do número de escolas públicas sem banheiro no país entre 2019 e 2020, passando de 3,5 mil, o que representava 2,4% do total em 2019, para 4,3 mil, representando 3,2% do total em 2020 e mais: 53,3% das escolas públicas não tinha acesso à saneamento básico em 2020. Também, o acesso à internet banda larga não chegava a 15 mil escolas urbanas em 2019, sendo que em 2020, quando foi autorizado o ensino remoto em função da Pandemia Covid-19, este número aumentou para 17,2 mil, ou seja, menos de 10% da totalidade de instituições educacionais básicas existentes no país.

### **3 A plataformização do trabalho docente e o avanço da desigualdade**

Conforme Antunes (2023), durante a Pandemia, o mundo do trabalho se transformou num imenso laboratório da plataformização do

trabalho combinada ao avanço do *homeoffice* e do teletrabalho, que resultaram em maior intensificação da terceirização, uberização e precarização. Embora apareçam como inovação, as plataformas digitais têm contribuído para a reinauguração de formas pretéritas de trabalho, relacionadas aos primórdios do capitalismo. Jornadas demasiadamente ampliadas e exploração intensificada tornam-se padrões nas relações laborais. Ocorre também uma grande desantropomorfização do trabalho, ou seja, redução dos trabalhadores empregados (trabalho vivo) e aumento da automatização digital das tarefas (trabalho morto), inclusive das tarefas intelectuais, de ensino e de gestão. O trabalho na escola não escapou deste processo e como dizia Manacorda (2006), ao perceber como anda o trabalho, percebemos como esta a educação escolar.

Neste sentido, a pesquisa de Basílio (2017) e Favaro et al. (2020) evidenciam que, depois da aprovação da Reforma Trabalhista (Lei nº 13.467/2017) e da Lei da Terceirização (Lei nº 13.429/2017), mais da metade das(os) docentes de alguns estados brasileiros foram admitidas(os) em caráter temporário (ACT), como no Mato Grosso (60%) e em Santa Catarina (57%). Tais contratos acabam por submeter docentes ao trabalho sem direitos como adocimento, férias, décimo terceiro salário, licença para formação entre outros.

Também em Santa Catarina, Brasil, os professores foram fortemente afetados pelo avanço do ensino remoto durante e depois da Pandemia Covid-19. Além da intensificação da dupla jornada de trabalho docente (majoritariamente feminina), das péssimas condições da infraestrutura das redes públicas de ensino e da combinação desses fatores com as tarefas domésticas, houve ampliação e intensificação da jornada de trabalho escolar - via *WhatsApp*, *e-mail* e plataformas digitais. Os docentes passaram a ter que fazer vídeos, responder mensagens a toda hora e entreter crianças e adolescentes por longos períodos no computador, transformando-se numa espécie de professor *youtuber*.

Ainda no período pós pandemia, a capital do estado de Santa Catarina (Florianópolis), conhecida como 'vale do silício brasileiro' pelo grande número de *start ups* na área das tecnologias digitais, desde 2022, tornou-se pioneira no desenvolvimento de projetos que transformam algumas escolas municipais nas chamadas 'Escolas do Futuro'. Tais instituições passam a ter currículo, materiais, carga horária e docentes diferenciados em relação às outras instituições do município. Consideradas como 'meninas dos olhos' da rede municipal de educação durante 2023, as 'Escolas do Futuro' receberam investimentos diferenciados como kit robótica e impressora 3D, além de terem professores especialistas de áreas como robótica, cultura *maker*, teatro, língua inglesa, dança, empreendedorismo, entre outros. Para implementação do projeto da Escola do Futuro, velhos dispositivos jurídicos e políticos operam transferindo recursos públicos

para a compra de pacotes tecnológicos de empresas privadas e a cultura *maker* se revela na capacidade de improviso entre docentes e discentes diante da precária infraestrutura tecnológica presente.

Conforme a gestora que entrevistamos em escola municipal<sup>4</sup> localizada no norte da Ilha de Florianópolis, as plataformas digitais recém compradas e implementadas na rede municipal de educação da cidade por meio do Sistema de Gestão da Educacional (SGE) e do Ponto Eletrônico chamado de Risoluto<sup>5</sup> delegam ao docente a realização de registros de atividades, presenças, avaliações, planejamentos, faltas, atestados, entre outros. Ocorre uma maior intensificação e controle do trabalho de docentes que passam a realizar atividades antes de responsabilidades de secretarias, supervisores e diretores escolares. Os professores se sentem muitas vezes divididos entre as atividades presenciais com os alunos e o preenchimento concomitante de plataformas digitais. Assim, conforme o relato de docentes participantes da pesquisa que desenvolvemos junto ao TMT (Núcleo de Estudos Sobre as Transformações no Mundo do Trabalho 2023),<sup>6</sup> o trabalho docente acaba tendo seu ritmo intensificado com uso de novas tecnologias e acúmulo de tarefas que antes eram de outros trabalhadores. Ao mesmo tempo, a jornada de trabalho é ampliada pois, muitos registros e preenchimentos acabam não sendo concluídos no tempo de trabalho e são terminados fora do horário e até mesmo em casa, o que é viabilizado por intermédio das novas tecnologias digitais e pela internet. Muitos trabalhos que antes eram dos gestores e das secretarias agora passam a ser responsabilidades dos docentes. Se, por um lado, há uma desoneração das atividades realizadas por diretores/as e supervisores/as escolar, por outro há uma intensificação do trabalho docente combinada com maior controle de suas atividades via tecnologias digitais.

Além disso, tanto o SGE quanto o Risoluto armazenam uma série de informações sobre alunos, funcionários e docentes que são

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**4** Entrevista concedida à Pesquisa «A reconfiguração da escola diante das transformações do mundo do trabalho» (Núcleo de Estudos sobre as Transformações no Mundo do Trabalho 2023).

**5** Tanto o SGE quanto o Risoluto foram comprados pela PMF em 2020 e 2023 de empresas de capital privado. Para a compra do Ponto Eletrônico da empresa Risoluto Tecnologia e Soluções Inteligentes LTDA foram pagos R\$1.445.000,00 para um contrato válido entre 2023 e 2024. Já o SGE, foi comprado em 2020, durante o auge da Pandemia Covid-19, da IntelliBR com o objetivo de gerar recursos humanos e informações dos usuários da Rede Municipal de Educação e o valor pago é desconhecido.

**6** Pesquisa «A reconfiguração da escola diante das transformações do mundo do trabalho» desenvolvida com uma ampla equipe de docentes, pós doutorandos, doutorandos, mestrandos e graduandos da UFSC em 5 escolas das redes públicas estadual de Santa Catarina e municipal de Florianópolis. A pesquisa conta com apoio e financiamento do CNPq/ Edital Pró Humanidades 2022 (Núcleo de Estudos sobre as Transformações no Mundo do Trabalho 2023).

utilizadas pelos gestores para tomada de decisões e planejamentos com vistas à maior eficiência do trabalho de acordo com a lógica do capital. Conforme Meszáros (2002), Estado, Capital e Trabalho formam uma tríade bem estruturada na qual governos e políticas mediam os interesses do sistema. Assim, controlar o conteúdo do que é ensinado nas escolas e diminuir os recursos públicos empreendidos na Educação Escolar fazem parte das estratégias estatais em época de austeridade fiscal e de crise no sistema de acumulação capitalista, culminando na verticalização das desigualdades sociais e educacionais.

Conforme os resultados da pesquisa de Simientcoski (2023), as(os) professoras(es) da rede municipal de Florianópolis demonstraram ter conhecimento limitado sobre programas e manuseio das plataformas digitais, dificuldades de infraestrutura como internet e computador de qualidade, dificuldades na relação com os pais de alunos e coordenadores, dificuldade em trabalhar em casa, em meio às tarefas domésticas, entre outras. Muitas(os) denunciaram a ausência de instrumentos de trabalho para o ensino remoto, que foram, na maior parte dos casos, custeados individualmente pelas(os) próprias(os) docentes. Citam também que o trabalho *home office* sobrecarregou demasiadamente as mulheres, grupo que responde por quase todos os docentes da Educação Infantil, submetendo-as a uma espécie de trabalho sem limites, com duplas e triplas jornadas. Neste sentido, a ausência de fronteiras entre o tempo privado e o tempo de trabalho encerra a vida no trabalho assalariado, gerando sofrimento, angústia, ansiedade e adoecimento aos docentes.

Assim, a modalidade de trabalho docente por plataformas e aplicativos generaliza-se de for

[...] aligeirada, sem um debate mais aprofundado acerca de seu alcance com equidade de condições de acesso, num quadro de aprofundamento da precariedade das condições de trabalho e de vida da classe trabalhadora. (Previtali, Fagiani 2021, 506)

A expansão dos *softwares* e das plataformas digitais por meio de

[...] empresas educacionais, como o Grupo Lemann, vinculado às grandes corporações de tecnologias digitais, como a Amazon, a Microsoft, o Facebook, a Apple e Alphabet/Google. (Previtali, Fagiani 2021, 501)

leva ao aumento do controle sobre o trabalho docente, à crescente pressão por produtividade e à transferência de recursos e informações das redes públicas para as iniciativas privadas, proprietárias das plataformas.



Nesta direção, em 17 de julho de 2022, o *Jornal Sul Agora* denunciou na matéria publicada «Aposta no ensino remoto provoca demissão em massa de professores»:

E o que acontece com essa aula gravada? Já vi contratos em que essa aula fica válida por três anos com possibilidade de prorrogação. A aula que foi feita por um docente, vamos dizer por 10 horas, acaba sendo retransmitida ao longo de três anos ou mais. Uma sala presencial com, por exemplo, 50 alunos, que seria considerada ‘inchada’ a depender do espaço físico, hoje dá lugar a salas virtuais que comportam em alguns casos até mil alunos. Entre março de 2020 e dezembro de 2021 o número de docentes em faculdades particulares caiu 7,14%, com a saída de quase 30 mil profissionais, segundo o Ministério do Trabalho. (Rodrigo Barbosa e Silva, pesquisador-sênior de políticas públicas em tecnologias do Transformative Learning Technologies Lab da Universidade de Columbia – EUA). (Conde 2024)

Assim, a chamada indústria 4.0 contribui para que o trabalho vivo docente se torne cada vez mais residual e supérfluo, em razão do aumento do trabalho morto (Marx 2017). Com conteúdos e aulas gravadas em plataformas de propriedade privada, materiais didáticos previamente elaborados por docentes do passado, controle digital do tempo da aula e da interação com estudantes, a indústria 4.0 parece corroborar a tese de uma suposta obsolescência do trabalho docente. Estaríamos próximos a um futuro *Adeus ao Professor?*<sup>7</sup> Parece-nos que, embora exista uma tendência à redução do trabalho vivo docente, assim como Antunes (2005) percebeu na fábrica toyotista japonesa, este nunca poderá ser igual a zero, pois, sem exploração do trabalho vivo, o sistema capitalista não se reproduz.

Os dados da pesquisa de Simientcoski (2023) revelam que o aumento do uso de computadores, telas, plataformas têm ampliado o adoecimento relacionado aos sentimentos de solidão, ansiedade, angústia e depressão, além de afetar a visão, pelo excesso de exposição às telas e causar tendinite por uso de *mouse* e de computadores sem mobília adequada. Cerca de 90% das(os) professoras(es) fazem uso das tecnologias para as tarefas administrativas e pedagógicas, como avaliações (18,9%), preenchimento de frequência (44,3%) e atividades pedagógicas (70,5%). As mobílias em sala de aula, no geral, não consideram a novidade das mídias digitais, *tablets*, celulares, computadores. Na maior parte das vezes, o uso das plataformas digitais para registros, chamadas e avaliações ocorre com os docentes sentados em cadeiras pequenas, sem apoio ao braço e por meio das

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<sup>7</sup> Ideia inspirada no livro de Antunes 2005.

reduzidas telas dos celulares pessoais, com alto impacto no punho, na visão e na postura da coluna da(o) profissional. A autora percebe que 23% dos docentes pesquisados fazem uso recorrente de medicamentos como anti-inflamatórios e relaxantes, 19% usam psicóticos e antidepressivos, 19% usam opioides e 19% utilizam remédios para alívio da dor. Assim, o enfrentamento das condições de trabalho e de vida a que as docentes estão submetidas (maioria feminina) ocorre por meio do uso contínuo de medicamentos.

De acordo com os dados e pesquisas explicitadas, embora a forma laboral do trabalho *home office* apareça como sinônimo de liberdade, igualdade e flexibilidade, na realidade ele significa maior controle e jornada, maior intensificação do ritmo de trabalho, perda de direitos, adoecimento e precarização das condições de vida e trabalho. As formas confundem e o ‘canto da sereia’ fetichista que atrai adeptos encantados e deslumbrados com a imagem de trabalhar na rede, na praia, em casa ou em qualquer lugar do mundo, revela-se uma grande falácia (Conde 2024).

Sob as políticas educacionais neoliberais-gerencialistas e avanços das tecnologias digitais, os professores não apenas são constrangidos à se tornarem obsoletos, mas também à empreender, buscar parcerias privadas, desenvolver projetos e outras formas para angariar recursos e atingir metas e resultados nas avaliações de desempenho. Seus salários agora dependem de prêmios, projetos, editais e bônus, inclusive por redução de licenças e faltas.

Para Freitas (2018), as políticas educacionais sob o neoliberalismo reduzem os recursos públicos diretos à educação ao mesmo tempo que induzem às parcerias com entes privados e ONGs que são, em última instância, formas de privatização ‘por dentro’, pois trazem para o serviço público contratos de trabalho terceirizados.

Os constrangimentos para se atingir métricas específicas descon sideram o contexto socioeconômico e cultural da escola, bem como as necessidades individuais dos estudantes, agravando a exclusão daqueles/as que precisam de suporte diferenciado. Isso porque, na lógica mercadológica e meritocrática, quanto maior o índice, mais oportunidades de recursos, restando aos que não atingem as metas, a exclusão. Assim, perpetua-se o ciclo de desigualdade, pobreza e exclusão social e resultando em segregação socioeconômica de crianças e adolescentes pertencentes aos extratos mais precarizados da classe trabalhadora.

Para ilustrar o avanço desta situação no Brasil, indicamos que o governo do estado de São Paulo, um dos estados mais economicamente importante do país, prevê a realização de 13 leilões até o final de 2024 por meio do Programa de Parcerias de Investimentos do Estado (PPI-SP) incluindo 24 projetos qualificados e uma carteira de R\$ 270 bilhões. Em 21 de junho de 2024, o governo do estado de São Paulo lançou os editais do projeto de Parceria Público-Privado (PPP)

conhecido como Novas Escolas que prevê a construção pela iniciativa privada de 33 escolas em 29 cidades. Tais escolas são para atender estudantes em tempo integral dos anos finais do Ensino Fundamental e Ensino Médio. O projeto, com a utilização R\$ 2,1 bilhões e aporte público de R\$ 475 milhões, prevê a concessão por 25 anos dos serviços como a manipulação de alimentos, vigilância, portaria, limpeza, jardinagem, controle de pragas, manutenção, prevenção, apoio escolar, tecnologia da informação, gestão de utilidades e administrativos e pelo edital podem participar empresas brasileiras e estrangeiras (São Paulo 2024).

Assim, a retórica neoliberal de meritocracia ignora e, ao mesmo tempo, aprofunda as desigualdades estruturais historicamente constituídas no âmbito da sociedade de classes no Brasil. A ideia de que o sucesso educacional depende exclusivamente do esforço individual desconsidera os fatores econômicos e socioculturais que influenciam sobremaneira o desempenho dos estudantes, especialmente se pensarmos as relações de gênero, raça e etnia. Assim, a responsabilidade pelo fracasso é transferida para o indivíduo, enquanto as estruturas sociais são reproduzidas e aprofundadas.

#### 4 Considerações finais

Este artigo buscou perceber como a desigualdade social se manifesta e se aprofunda na educação brasileira por meio do avanço das políticas neoliberais, da lógica empreendedora/ individualista e das plataformas e tecnologias digitais. O avanço de uma educação desigual ocorre combinada ao avanço do capital na escola pública brasileira.

Com os dados, pesquisas e revisões teóricas realizadas, observamos o avanço na educação da reestruturação produtiva, semelhante ao que ocorrera com a maquinaria e a grande indústria durante a Revolução Industrial, no século XIX. Enquanto na manufatura e nas formas precedentes do trabalho artesanal a ferramenta e o instrumento de trabalho eram prolongamentos do corpo humano e o domínio do processo de trabalho e de todo conhecimento necessário era do trabalhador, com as grandes máquinas privadas, o trabalhador tornou-se mero apêndice/acessório de uma máquina que ele não domina e que não lhe pertence. Deixou de conhecer todo o processo de produção, limitando-se a realizar tarefas cada vez mais simples e repetitivas.

A primeira consequência da maquinaria no século XIX não diferente do que se observa agora foi o rebaixamento de salários e o emprego de *cheap labour* (naquela época mulheres e crianças).

Com o avanço da inteligência artificial, textos, programas e outras produções intelectuais humanas/docentes vão sendo automatizadas e necessitam apenas de um supervisor, corretor, editor, estagiário

ou tutor contratado com salário mais baixo. Aos poucos, o trabalho vivo qualificado torna-se supérfluo e aparecem as formas contemporâneas do *cheap labour* da educação: professor tutor, estagiário, bolsista. Em outras áreas ocorre o emprego mais barato de imigrantes, idosos(as), deficientes, refugiados(as). Todos(as) contratados(as) de forma precária, terceirizada, uberizada.

As formas de controle sobre o trabalhador também se ampliam e se sofisticam. Embora o *homeoffice* se expanda sob o *slogan* da liberdade, na realidade, aparecem o controle de horas por meio de ponto digital, as metas inalcançáveis de produtividade, o alto número de aulas e de alunos(as), as correções, os *feedbacks*, os *e-mails*, os *chats*, os fóruns, as intermináveis e onipresentes conversas por *WhatsApp*.

Combinadas a estes elementos, as reformas educacionais e curriculares contribuem ainda mais para tornar o docente um mero apêndice da escola. Com currículos e materiais prontos, cujo conteúdo escapa à natureza científica da Educação Escolar, ocorre tanto uma expropriação do saber docente, materializada nas aulas gravadas, nas apostilas e nas plataformas, quanto uma subutilização de sua atuação no ensino. Os professores vão se tornando obsoletos, acessórios, apêndices deslocados e não mais elementos necessários ao ensino científico escolar. A ênfase em comportamentos, projetos individuais de vida, competências, habilidades e atitudes conectadas às necessidades imediatas dão forma à novidade curricular da desigual escola 4.0.

Portanto, o fetiche da igualdade em tempos de ensino plataformizado e da indústria 4.0 esconde a obsolescência programada docente, imposta pela lógica de descartabilidade e lucro inerentes ao sistema. Esconde também a expansão da lógica individualista, mercadológica e empreendedora que culmina no aumento da pobreza e da desigualdade social e educacional externa e interna às escolas.

Com o avanço das plataformas digitais, o trabalho vivo do/a professor/a vai se tornando trabalho morto gravado em aulas, apostilas, testes e plataformas privadas, cujo acesso, a interação, as informações e o conteúdo são controlados de acordo com os interesses da Nova Gestão Pública do trabalho. Como resultado, o conhecimento, que antes era de domínio do professor, é expropriado e materializado em propriedade capitalista, ao mesmo tempo em que se expande uma forma padronizada, *taylorizada*, massificada, superficial e não científica de 'ensino', realizada em qualquer lugar, desde que exista acesso à internet e a um celular.

Devemos então fazer uso das formas lúditas do passado, quebrando e negando as plataformas, o Chat GPT e o ensino via tecnologia digital? Acreditamos que não se trata de defender a volta ao passado, mas sim de utilizar as novas tecnologias como ferramentas e instrumentos de um processo cujo conhecimento ainda é de domínio do trabalhador/docente e que sirva à superação e não ao aprofundamento

das desigualdades. Aulas prontas, gravadas e homogêneas exigem pouco do aluno, que aprende a decorar conceitos-chaves sem capacidade de análise, interpretação e pensamento crítico. Isso prejudica sobretudo aqueles oriundos das classes populares que possuem na escola a única forma de acesso ao conhecimento científico.

Assim, sob o capitalismo, computadores e tecnologias virtuais não são usadas como ferramentas potencializadoras da aprendizagem e do ensino. Não buscam a emancipação dos sujeitos que aprendem, nem da sociedade em geral. São única e exclusivamente formas de ampliar a exploração do trabalho docente. Desvendando o fetiche desigual e explorador do avanço das tecnologias da indústria 4.0 na educação, resta-nos lutar por uma escola substancialmente igualitária.

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