

Food Delivery Workers Shaping the Future of Work: *#NiUnRepartidorMenos*



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Center for Global
Workers' Rights

CGWR
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by Paolo Marinaro and Katherine Maich
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The Center for Global Workers' Rights (CGWR) was established in 2012 as a research center within the School of Labor and Employment Relations at Penn State. It has a particular focus on structurally and legally vulnerable workers in precarious sectors of the global economy. This includes garment workers in global supply chains, agricultural workers, domestic workers, and informal economy workers. It publishes research reports, funds student projects on workers' rights, organizes scholar-practitioner exchanges, and co-hosts the *Global Labour Journal*. It is home to the Labour Rights Indicators, a comprehensive global database on workers' rights that established the foundation for the U.N. Sustainable Development indicator for Goal 8.8.2 on workers' rights. The center works in close association with the school's master of professional studies (M.P.S.) program in Labor and Global Workers' Rights as part of the Global Labour University.

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Executive Summary

The outbreak of COVID-19 has rapidly increased the precariousness of gig workers around the world, especially that of food and grocery delivery workers. At the same time, these workers have become more visible, recognized, and even applauded for their key role during the pandemic, being classified as “essential workers.” While much of the world population has spent months in lockdown over the last two years, food delivery workers continue to provide crucial services to communities through their delivery of food, medicine, and other important supplies all the while exposing themselves to a severe, life-threatening, and highly contagious virus. While the worldwide development of several vaccines seeks to curb the impact of the coronavirus in important ways, vaccine rollout has been unsystematic and slow, leaving many food delivery workers without protection.

At the same time, as food and grocery delivery became a central tool of survival and safety for so many across the world in the new pandemic environment, workers have strengthened their solidarity with each other across Latin America, Europe, Asia, and the United States. They continue to utilize their precarious working conditions and widespread exposure to COVID-19 and the lack of social protections as a common ground for collective action.

Drawing on thirty-nine semi-structured interviews and five months of participant observation, this report explores the experience of food delivery workers in Mexico, their response to COVID-19, and their broader transnational organizing efforts.

Food delivery workers are workers, yet classification struggles abound and algorithmic management problems remain. Our research demonstrates that food delivery workers are authentic employees, despite their misclassification as independent contractors. Platform companies control the labor process by imposing where and when they can work, what task or delivery they should perform, when they can next pick up a new delivery, and the duration of their workday. Additionally, the algorithm surveys and terminates workers based on an evaluation of their performance. Our interviews show that workers can be fired without notice if their rate of delivery acceptance dips too low according to the algorithm, and to maintain a high rate this often means working at a rapid pace for many hours and delivering to dangerous parts of the city. Platform companies restrict workers’ knowledge of the address of their destination when accepting a delivery, which limits their ability to determine if the area is safe or not.

High risk of death and injury. Food delivery is one of the most dangerous jobs in Mexico. Since November 2018, the worker collective *#NiUnRepartidorMenos* [Not One More Delivery Worker Killed] reported at least seventy deaths at work due to traffic accidents and criminal assaults.

Sexual harassment and gender discrimination. The overwhelming majority of women delivery workers are subject to verbal comments and sexual harassment at both points of contact in the pickup and delivery process.

Lack of PPE. Companies have failed to provide proper personal protective equipment (PPE) to food delivery workers. Rather than protecting workers, platform companies have taken advantage of the pandemic in numerous ways, such as cutting labor costs by reducing delivery fees paid to workers. In Mexico, for example, Uber Eats coerced food delivery workers to pledge they have no formal employment relationship with the company to receive one set of PPE.

Mutual aid and digital organizing. Despite national labor laws preventing independent contractors from the right to organize, form a union, and bargain collectively, food delivery workers have overcome these barriers and mobilized informal, grassroots organizations.

In Mexico, worker collective #NiUnRepartidorMenos has implemented protocols for mutual aid, developed digital apps to facilitate organizing within a fragmented workforce, engaged in legal actions against corporations for classification as employees, and organized strikes and coordinated transnational activist networks.

Latin American food delivery workers are leading the global struggle for platform labor rights. Workers are now highly connected across Latin America, Europe, Asia, and the United States. Amid the pandemic, Latin American grassroots, worker associations have organized six international strikes by coordinating actions in more than twenty countries, including Argentina, Chile, Brazil, Perú, Ecuador, Colombia, Costa Rica, Guatemala, France, Germany, Spain, Italy, and the United States. Latin American food delivery workers' transnational, grassroots organizing is at the center of platform labor global unrest and provides critical innovations for transnational labor activism.



Photo: Julia Thompson and Renato Maretti

Food Delivery Workers in Mexico and Beyond

The widespread imposition of lockdowns, shelter-in-place orders, social distancing measures, and other forms of quarantine and self-isolation increased the demand for delivery services at extraordinary rates around the globe. Since February 2020, Uber Eats has seen a 176 percent worldwide increase in grocery orders.¹ Additionally, the pandemic has accelerated the expansion of the business in new markets where consumers traditionally preferred to shop in person, such as Latin America, where online shopping is growing exponentially. For example, the largest Latin American e-commerce platform based in Buenos Aires, Argentina, Mercado Libre, registered 1.7 million new costumers from February 24 to March 22, 2020.²

While the rise of platforms during the pandemic has been global, our findings show that context matters and profoundly shapes working conditions, the experience of workers, and their access to labor rights. In this report, we examine the case of Mexico and contribute to a growing focus on case studies exploring the impact of the platform economy in the global South (Graham et al 2017; Wood et al 2018; Howson 2020; Webster 2021; Hidalgo Cordero and Salazar Daza 2021). In Mexico, larger, international platform food delivery companies started operating in 2014. One of the first early companies, Uruguayan PedidosYa, moved into the market when it purchased local Mexican food delivery company SuperAntojo.³ Uber Eats and Postmates soon followed in 2016, and since then the competition has grown.

Once there, platform companies found fertile ground to implement precarious working conditions in a country where 31.3 million people, more than half of the working population, are employed in the informal economy without access to labor rights or social protections.⁴ Additionally, workers face systematic repression of freedom of association and the right to bargain collectively in Mexico⁵ as 90 percent of labor unions are recognized as “employer protection unions” known for their open collusion with employers and the repression of independent organizations (Marinero 2018).

At the same time, the labor reform promoted by the new administration led by Andrés Manuel López Obrador in 2019 and the ratification of ILO Convention 98 that prescribes the right to organize and bargain collectively constitute a historical transformation for Mexico. It also creates a framework for the opportunity to democratize labor relations in the country. However, legislators have thus far not shown any efforts or attempts to regulate and facilitate worker organizing in the growing gig economy.

At the time of this report’s publication, thirteen main food and grocery delivery companies operate in Mexico: Uber Eats, Rappi, Cornershop, DiDi Food, Píddelo, Justo, Cargamos, Dostavista, Lalamove, iMOVE, and iFonda. The Asociación Mexicana de Venta Online (AMVO) has reported that online transactions have increased by 200 percent since the beginning of the lockdown⁶ and Rappi, the delivery platform based in Colombia, has tripled their operations in Mexico.^{7,8}

¹ Uber Investor (2020, July 07). Uber Unveils Grocery Delivery. *Uber Technologies, Inc.*
<https://investor.uber.com/news-events/news/press-release-details/2020/Uber-Unveils-Grocery-Delivery/default.aspx>

² Andrade, V., Millan, C. (April 30, 2020). It Took a Pandemic to Get Latin Americans to Buy More Online. Bloomberg.
<https://www.bloomberg.com/news/articles/2020-04-30/virus-lockdowns-see-latin-america-online-buyers-playing-catchup>

³ “The biggest food delivery apps are moving into Latin America.”
<https://www.idgconnect.com/article/3580982/the-biggest-food-delivery-apps-are-moving-into-latin-america.html>.

⁴ Estadísticas A Propósito Del Día Del Trabajo Datos Nacionales (April 29, 2020). *Inegi*.
<https://www.inegi.org.mx/contenidos/salade-prensa/aproposito/2020/trabajoNal.pdf>.

⁵ Center for Global Workers’ Rights. (Year of download: 2020). Labour Rights Indicators. Retrieved from
<http://labour-rights-indicators.la.psu.edu>. (November 18, 2020)

⁶ “Reporte 3.0 Impacto COVID-19 en venta online en México.” Asociación Mexicana de Venta Online (AMVO).
<https://www.amvo.org.mx/estu-dios/reporte-3-0-impacto-covid-19-en-venta-online-en-mexico/> (November 18, 2020)



Considering this rapidly changing scenario, several important questions regarding workers' rights come to light: 1) How are platform companies responding to the pandemic in Mexico? 2) what does a sustainable recovery look like for essential but precarious workers? 3) How are workers harnessing digital tools to take control over the terms of their work and organize? 4) What kinds of practices and policies can we identify to grant stability and labor rights to gig workers and promote a more sustainable post-pandemic gig economy? While addressing all these questions is beyond the scope of our research report, we hope these findings contribute to a growing scholarly and activist interest in supporting platform workers' efforts to organize for labor rights, protections, and dignified working conditions.

Despite this extraordinary growth of platform companies' profit due to unprecedented demand, food and grocery delivery companies have consistently failed to distribute personal protective equipment or offer hazard pay for food delivery workers.⁹ A report conducted by the Fairwork Foundation that covered 191 platforms in 93 countries during the pandemic found that there is a widening gap between different types of platforms, as large platforms have been able to set

aside larger funds for COVID-19 health and safety measures more readily than smaller platform companies. However, this practice does not square with large, profitable, multinational food delivery platforms Uber Eats and Rappi and the treatment of their workers in Mexico. As of December 2020, our interviewees suggest that only DiDi Food, a Chinese food delivery company, is still distributing personal protective equipment to food delivery workers in Mexico during this second wave of COVID-19 infections.

Platform companies hire workers as independent contractors, which prevents them from accessing basic labor rights such as social security, health insurance, hazardous pay, and the right to organize and bargain collectively. While the structure of this employment relationship predates the COVID-19 outbreak, the lack of unions, collective voice, and bargaining power during the pandemic have made working conditions significantly more challenging for food delivery workers. Additionally, platform companies have taken advantage of the pandemic to promote new legal strategies to misclassify gig workers as independent contractors.

⁷ COVID-19 impulsa comercio electrónico y envíos a domicilio." (March 20, 2020). *El Informador*.

<https://www.informador.mx/economia/COVID-19-impulsa-comercio-electronico-y-envios-a-domicilio--20200320-0008.html>

⁸ Solomon, D. B. (January 6, 2020) Data's the secret weapon for Rappi, SoftBank's big bet in Latin America. *Reuters*.

<https://www.reuters.com/article/us-rappi-softbank-focus/datas-the-secret-weapon-for-rappi-softbanks-big-bet-in-latin-america-idUSKBN1Z514Q>

⁹ The Gig Economy and COVID-19: Fairwork Report on Platform Policies. (April 2020). *The Fairwork Project*.

<https://fair.work/wp-content/uploads/sites/97/2020/06/COVID19-Report-Final.pdf>

In California, Uber, Lyft, and DoorDash have invested more than \$200 million to pass Proposition 22 to provide platform companies an exception from local labor laws to continue hiring workers as independent contractors. Proposition 22 sets a precedent for the regulation of the gig economy at the international level, as Uber CEO Dara Khosrowshahi suggested.¹⁰ And while the pandemic has brought these difficult and dangerous conditions to light, gig workers have long toiled under precarious situations. As our research demonstrates, the violations of workers' rights and safety predate the coronavirus crisis and remain an ongoing concern, as worker injuries, assaults, and deaths continue.

At the same time, as food and grocery delivery became a central tool of survival for many around the world in the pandemic environment, workers in this sector have gained power and leverage with national governments. Transnational activist networks have strengthened solidarity across Europe, Latin America, Asia, and the United States, as workers are framing their exposure to COVID-19 and the lack of social protections as a common ground for collective action.

The global struggle of food delivery workers for work with dignity in the platform economy promotes a crucial contribution for the future of work. As the pandemic has accelerated the spread of digital technologies for the organization of work in a growing portion of the labor market, the struggle for labor rights in platform capitalism becomes even more important.

Food delivery workers constitute a laboratory for the labor movement and are truly shaping the future of work as they identify innovative strategies of organizing to address the technological transformation of capitalism and defend workers' rights during the pandemic. Our research report draws on this experience to identify sustainable alternatives and provide prompt recommendations to grant stability and labor rights to gig workers.

¹⁰ White, J.B. (November 5, 2020). Uber CEO sees California ballot initiative as a model for other states. *Politico*.

<https://www.politico.com/states/california/story/2020/11/05/uber-ceo-sees-california-ballot-initiative-as-a-model-for-other-states-9424660>

Methodology

To further understand the evolving recommendations for the regulation of digital work in Mexico, this report draws on thirty-nine semi-structured interviews with a variety of groups and individuals: fourteen interviews with food delivery workers between the ages of 20 to 56 years old, based in Mexico City, affiliated to one of the existing platform worker organizations; and twenty-five interviews with international activists, trade union members, NGOs, and government officials. Additionally, the research report draws on five months of participant observation September 2019–February 2020 in Mexico City to explore the experiences of food delivery workers and with particular attention to the members of their worker collective Ni Un Repartidor Menos (NURM).

During that time, we also coordinated workshops and focus groups with the participation of workers, activists, unions, and international organizations to learn more about platform workers' demands and organizing strategies. From March 2020 through October 2020, we conducted eight months of a relatively new methodology influenced by the coronavirus pandemic, online ethnography (Hine 2004; Harth 2017).

This method involved participation in food delivery workers' transnational communication, chat groups through social media, and online meetings over the course of those eight months. Additionally, we have coordinated semi-structured interviews on video-conferencing platforms and webinars with food delivery workers to monitor the impact of the pandemic and labor response in Mexico and Latin America. Finally, our team, which consisted of Center for Global Workers' Rights Research Affiliate Paolo Marinaro, Assistant Professor Katherine Maich, and several graduate student research assistants (Sergio Saravia and Mikael Ruukel from Penn State and Olivia Geho from the University of Massachusetts Amherst), conducted extensive media reports reviews, activists and scholars, as well as joined conferences on the growing platform economy in order to deepen our understanding of this sector.

Key Findings

Food delivery work is the primary source of income for our interviewees in Mexico City. All 14 interviewees except for one are breadwinners for their household, meaning that they support two or more family members with their income.

They work an average of nearly 9 hours per day, 6 days a week, for a weekly salary of about \$94 USD. Below, we present some of the key findings around working hours and salary with attention to gender and age differences.

Table 1: Demographic Breakdown of Interviewees

	Age	Gender	Number of Household Members	Primary Breadwinner
Interview #1	32	female	6	Y
Interview #2	38	female	6	Y
Interview #3	34	male	2	Y
Interview #4	25	female	2	Y
Interview #5	21	female	3	Y
Interview #6	33	male	3	Y
Interview #7	56	male	4	Y
Interview #8	21	male	2	Y
Interview #9	53	male	3	Y
Interview #10	32	male	3	Y
Interview #11	27	male	3	N
Interview #12	54	male	3	Y
Interview #13	47	male	3	Y
Interview #14	31	male	3	Y

Table 2: Main Findings: Hours, Income, and Workday

	Days per Week	Hours per Day	Total Hours per Week	Weekly Salary (in USD)
Interview #1 (f, 32)	6	5	30	\$76
Interview #2 (f, 38)	6	5	30	\$76
Interview #3 (m, 34)	7	10	70	\$76
Interview #4 (f, 25)	6	6	36	\$51
Interview #5 (f, 21)	6	8	48	\$101
Interview #6 (m, 33)	6	10	60	\$101
Interview #7 (m, 56)	6	10	60	\$202
Interview #8 (m, 21)	7	8	56	\$106
Interview #9 (m, 53)	6	10	60	\$101
Interview #10 (m, 32)	6	11	66	\$76
Interview #11 (m, 27)	5	7	35	\$51
Interview #12 (m, 54)	6	12	72	\$101
Interview #13 (m, 47)	6	10	60	\$101
Interview #14 (m, 31)	6	10	60	\$101
Average	6.1	8.7	53	\$94

After converting the weekly salaries from Mexican pesos to USD, the average weekly wage for food delivery workers in our sample was \$94 based on an average of 53 total hours worked per week. More than half of our interviewees worked at least 60 hours a week, with some working as much as 70 hours and up. These are very physically demanding hours that require strenuous cycling of workers, who must constantly be alert to navigate dangerous traffic throughout the city as well as difficult weather and street conditions such as pouring rain and construction hazards.

None of the workers we spoke with worked fewer than 5 days per week, and the vast majority worked 6 days regularly. We noted a gender differential in our data as well, as women workers were generally younger than men and earned less,

and they had on average one more person in their household (4) to support than did the men. Women constituted nearly 30 percent of our sample and were in their thirties and twenties, with an average age of 29. Their average wage was significantly lower than the overall average at \$76 per week vs. \$94, while male food delivery workers' average was higher at \$102 per week. Women also worked fewer hours per week, averaging 36 hours per week, while men worked on average 60 hours. This discrepancy is reflective of gendered obligations women delivery workers face, such as the need to cook, clean, and care for children or elderly family members in the home. It is also related to workday limitations women faced around preferring to deliver during daylight hours for safety reasons. In terms of age, the majority (71 percent) of our sample were in their thirties or twenties, while roughly a third were

in their late forties or fifties. We noted a wage differential here as well, as younger workers earned an average of \$81 per week while older workers earned an average of \$126. Drawing from our sample's data, food delivery work was most lucrative for older male workers who logged more hours per week at higher wages.

Food delivery workers are workers, yet clas-sification struggles abound, and algorithmic management problems remain.

As previously mentioned, one of the main reasons for food delivery workers' rights and safety violations is that digital platforms hire workers as independent contractors rather than employees, emphasizing the benefits of these jobs as "flexible entrepreneurial opportunities." The classification has important legal consequences, as employees are covered by national employment and labor laws and can rely on social security, health insurance, paid sick leave and the right to organize and bargain collectively, while independent contractors do not qualify for any of these rights or social protections.

The Mexican National Institute of Statistics and Geography (INEGI) and the Social Security Law define independent contractors as:

"The person who manages its company or business and doesn't have a boss or a superior to report on their performance or results (...) and decide on how and where to promote their products..."¹¹

However, our research demonstrates that none of these conditions apply to food delivery workers in terms of their employment relationship. Workers are subject to control by the whims of the app, or rather, the algorithm that controls nearly every detail of their work with intense precision.

In fact, companies organize the labor process through the platforms' software that imposes where and when they can work, what task or delivery they should perform, when they can next pick up a new delivery, and the duration of their workday. Additionally, this software's scope of control, surveillance and evaluation of their performance essentially amounts to the ability to terminate a worker in some cases.

A food delivery worker spoke to this point regarding both the employee relationship with the company and the algorithmic control over the labor process:

"An independent contractor can decide where, when and for how long to work, but that is not an option with platforms.



Photo: Stefano Morrone

In that case, I would not do six hours of public transportation per day, only to get downtown on time for breakfast and leave just after dinner."

"From the beginning of my relationship with the company, during the training, they tell you very clearly: 'You don't work for us. You use the application to make money, but you are not an employee.'

¹¹Encuesta Nacional de Ocupación y Empleo Instituto Nacional de Estadística y Geografía e Informática, Glosario Retrieved from <https://www.inegi.org.mx/app/glosario/default.html?p=ENOE15> (6/28/2020); Deputy María Candelaria Ochoa Ávalos in the labor law and social security law reform project published in the Gaceta Oficial on May 16, 2018 https://www.senado.gob.mx/64/gaceta_comision_permanente/documento/81038 (June 28, 2020)

Truth is, you really work for them, you are an employee 100 percent. In fact, based on the ranking system and acceptance rate they use, you must go online at specific times of the day and for a minimum number of hours, or else they disconnect you and you can even lose your job.”¹²



Photo: Stefano Morrone

Our findings additionally show that food delivery work is the primary source of income for our interviewees in Mexico City, Mexico. The centrality of their work and earnings for their families only underscores the need for and importance of food delivery workers to be classified as employees, contrary to the Proposition 22 debate that was just waged in California, which Uber and Lyft won in the 2020 election.

High Risk of Death and Injury.

Food delivery workers’ bodies are truly on the line as they navigate dangerous and unsafe traffic conditions on bicycle and moto scooter. Our findings suggest that companies systematically reject incident claims and workers are left alone without access to insurance or financial support for medical aid.

A member of the food delivery worker collective Ni Un Repartidor Menos (NURM) spoke about these deaths in December 2020, months into the pandemic: “Here just in Mexico City, forty-three workers have died.

Twenty-five died from the beginning of the lock down since March. We reported twenty-five more deaths throughout the country. We are registering fifty to sixty traffic accidents per week. And in the majority of the cases, there was no compensation by the companies. When you reach out for an accident, the help desk tends to cancel your order... and the traffic insurance they use only covers you, if you are actually delivering an order. On October 28, 2019, a coworker was killed by a gunshot while he was biking back home with his backpack and the company did not take any responsibility because he wasn’t delivering an order at that specific moment.”¹⁴

Roughly a year earlier, on November 27, 2018, José Manuel Matías was killed by a garbage truck in Mexico City, Mexico, while performing his first bike delivery for Uber Eats. At the time, Matías was also working for Rappi, yet both companies refused to provide any kind of compensation for his family. Matías’ death on the job was not an isolated incident. Since then, food delivery workers’ collective Ni Un Repartidor Menos (NURM) has reported seventy deaths at work due to traffic accidents and criminal assaults in Mexico.

¹² Personal interview, February 2020, Mexico City.

¹³ Personal interview, virtual format, December 2020.

According to the grassroots collective, 80 percent of the deaths are due to traffic accidents, while 20 percent are the result of criminal assaults and sexual violence.

According to NURM, platform companies do not provide any kind of compensation or financial support to the victims. Workers' injuries and deaths often remain underreported by the press, as well. According to data by NURM, on average, 25 percent of the fifty to sixty accidents experienced by food delivery workers per week have serious consequences that, in many cases, result in the inability to work.

The total number of food delivery worker deaths and accidents is likely to keep growing, as NURM gathers more data through social media outreach and continues to strengthen its personal networks throughout the country.

Sexual harassment and gender discrimination.

Food delivery workers are targets of sexual harassment in every country they work in, including Mexico which carries a strongly culture of machismo in a deeply patriarchal society. Out of fifty members of the collective Ni Un Repartidor Menos, forty-eight women reported cases of sexual misconduct by customers or restaurant owners. This echoes recent findings that nine out of ten Mexican women have been subject to sexual violence on the streets or in their homes (Watson 2016). Thus, the overwhelming majority of women delivery workers are subject to verbal and other forms of sexual harassment at both points of contact in the pickup and delivery process.

Marcela, a female food delivery worker, spoke about her experiences with sexual harassment on the job and drew broader connections to Mexican society: "We live in a society that is violent and machista. Here, we all experience sexual violence. Children, adults, everybody. There is no difference. And with this job, we are particularly exposed. Earlier this year, in Mexico City's financial district, a naked customer waited and preyed on a delivery worker.

We reported the issue to the company, but nothing happened. Other workers have been sent to the same apartment."¹⁴

Workers understand that the practice of continued company silence signifies a blatant decision to ignore these incidents and the traumatic effects on workers.

For many women and single mothers, however, food and grocery delivery work is an accessible and possible job opportunity for them, as the flexible schedule allows them to adapt their workday to care of children and elderly relatives at home. Many women and especially single mothers continue to shoulder reproductive labor responsibilities and care work. Some women even bring their children to work, which can pose safety hazards for those children as well. These workers spend long days exposed in the streets in harsh weather conditions, traveling to the private homes of unknown people in unfamiliar neighborhoods. Women workers frequently reported that male customers invite them inside of their apartments, or even attempt to follow them into the elevator. Other workers in addition to Marcela have also reported situations in which customers opened the door to receive their food delivery completely or partially undressed.

However, though workers have filed numerous complaints and spoken up about these uncomfortable and dangerous situations of harassment, platform companies have not taken any measures to protect workers. There is a deep irony reflected here: while workers' performance in terms of their speed of delivery time and responsiveness on the app is under constant evaluation and surveillance with the threat of harsh punishments, customers who commit crimes against workers are not reported to the authorities, nor are they disconnected from the app or penalized in any harsher way by the authorities. A food delivery spoke precisely to this issue in December 2020, mentioning three violent incidents that were completely ignored by the companies:

"As of today, we've pressed three charges—one against Rappi, another against Uber and the

¹⁴ Personal interview, Mexico City, October 2019.

third, against DiDi Food. In the first case, a worker was beaten and forced into a customer's apartment. In the second, a member of our collective was kidnapped for a week. In the third case, a woman was raped on her way to a delivery. We don't really know what platforms do in these cases."¹⁵

Lack of PPE.

Companies have failed to provide proper PPE to food delivery workers though they have played a crucial role during city and countrywide lockdowns, linking those in their homes to vital food, medicine, and grocery deliveries. In Mexico and elsewhere, news media and the press have represented food delivery workers like heroes by celebrating the crucial services they provide. However, despite the supportive discourse of mass media coverage, food delivery workers continue to experience extremely precarious working conditions.

Due to the nature of their work, these workers experience high risks of contagion compared to other groups of workers and the general population. They have no means to work remotely, as their labor is required in-person and under conditions that exacerbate their exposure to the coronavirus. In fact, food delivery workers are highly susceptible to both contracting the coronavirus and spreading it to customers and family members due to their high levels of interactions in densely populated urban areas as well as the lack of personal protective equipment. Data from the Bureau of Labor Statistics shows that food delivery workers face "on-the-work exposure to disease at almost the same rate as nurses, social workers and paramedics" (Chan, 2020; Gamio, 2020). Additionally, workers from this sector tend to live in crowded conditions and multigenerational settings (Dyal, Grant, Broadwater et al., 2020), which can rapidly facilitate the transmission of the disease.

Workers spoke about their very real safety concerns when making deliveries. As German discussed his own health risk due especially to diabetes, he also noted the risk to his family in

December 2020:

"When I go out to earn a few of pesos, I don't know if I'll come back or get infected. If I'll pass the virus onto my wife or kill my parents. I am a diabetic. If I die, the company will do nothing. They don't take any responsibility and do nothing to protect us. As of today, DiDi Food is the only platform that still distributes PPE. Uber doesn't do it. Rappi doesn't do it anymore. Uber Eats stopped a long time ago."¹⁶

Rather than protecting workers, platform companies have taken advantage of the pandemic in numerous ways, such as cutting labor costs by reducing delivery fees. In Mexico, Uber Eats has taken advantage of workers by coercing them to pledge that they have no formal employment relationship with the company to receive one set of PPE. In an interview in April 2020, a food delivery worker stated, "As soon as the lockdown started, Uber Eats notified food delivery workers that they had to subscribe to new terms and conditions to receive a single set of PPE. The agreement stated, 'Through this agreement, the worker states there is no employment relation with Uber Eats.'" The company's response is not only sorely inadequate given the nature of the pandemic, but it also highlights the strategic manipulation involved in misclassification of food delivery workers.

#NiUnRepartidorMenos: Mutual Aid and Digital Organizing.

Ni Un Repartidor Menos is grassroots food delivery worker collective created in November 2018, after the death of Uber Eats worker José Manuel Luis Matías. The indignation at the indifference of the company fueled solidarity and organizing across the city. Activists for bikers' rights and delivery workers organized a bike parade via social media, demanding road security, bike-dedicated infrastructures, paid sick leave, and social security. That was the beginning of the main Mexican platform worker organization.

¹⁵ Personal interview, virtual format, December 2020.

¹⁶ Personal interview, virtual format, December 2020.



ARTURO
REYNOSO
1975-2019

#Ni un
Repartidor
Menos

#Ni un Repartidor Menos
#Ni un Repartidor Menos

As one of the founders of the organization told us:

“The collective Ni Un Repartidor Menos (Not One More Delivery Worker Killed) was born in November 2018. It started with a hashtag and only later, did we start organizing. That happened because on November 27 at 2:00 p.m., a fellow worker was killed by a garbage truck. The worker had on a Rappi backpack, but the company failed to take any measures. That’s why we thought, we can’t accept this anymore. If I die, the company will not give a single peso to my family.”¹⁷

However, building power and solidarity in such a fragmented workforce lacking a steady workplace is extremely challenging. To promote initiatives and invite fellow workers to join the association, #NiUnRepartidorMenos adopts digital tools such as social media and chat groups. At the same time, the organization also relies on more traditional face-to-face organizing through initiatives such as BICIOFICINA, an itinerant bike workshop offering free maintenance in main food pick-up locations across the city. Furthermore, their alliance with NOSOTRXS, a local NGO, provides advice and institutional support to amplify workers voices with the government and policy makers.

From November 2018 onward, Ni Un Repartidor Menos implemented several successful initiatives to promote solidarity and mutual aid in Mexico City and across Mexico:

- ▶ “El rayado de mochilas” consists of an informational tag on the backpacks of more than 22,000 delivery workers with identification info, such as name, blood type, drug allergies and emergency contacts that allow the collective to facilitate first aid in case of an accident. Thousands of workers are connected through chat groups and social media to track accidents throughout Mexico’s largest cities and to offer support according to procedures negotiated with experts’ advice.
- ▶ #NiUnRepartidorMenos app registers and maps out accidents, criminal assaults, and cases of sexual harassment to help riders navigate Mexico City,

by avoiding highly dangerous areas. Despite several attempts by the collective, platform companies refuse to implement this technology in their apps as a safety measure.

- ▶ Ni Una Repartidora Menos is a woman-only group focused on preventing sexual assault by organizing public events and webinars to create awareness and provide information about the experience of women delivery workers. The organization also offers support to workers who experience sexual harassment by providing counseling and safety protocols in filing a report with authorities, NGOs, and women’s rights advocacy groups.
- ▶ Sterilization Station. Ni Un Repartidor Menos has organized weekly sterilization stations to distribute hand sanitizer, gloves, and masks. They can also disinfect their backpacks and bikes at the stations.
- ▶ Centro de Acopio. In collaboration with NOSOTRXS NGO and other local organizations, the collective Ni Un Repartidor Menos is delivering free grocery, medicine and other goods to low-wage workers who have lost their jobs or have been harshly affected by the pandemic such as domestic workers and sanitation workers.

Latin American food delivery workers are leading the global struggle for platform labor rights

Despite national labor laws preventing independent contractors from the right to organize, form a union and bargain collectively, food delivery workers have overcome these barriers and mobilized informal, grassroots organizations and cooperatives. These groups have implemented protocols for mutual aid, developed digital apps to facilitate organizing within a fragmented workforce, engaged in legal actions against corporations for classification as employees, and organized strikes and coordinated transnational activist networks.

Workers are now highly connected across Latin America, Europe, Asia, and the United States.

¹⁷ Personal interview, Mexico City, October 2019.



In the midst of the pandemic, grassroots associations such as NURM as well as Agrupación de Trabajadores de Reparto, Movimiento Nacional Repartidores de Plataformas Digitales, and the Mobile Workers Alliance, have organized six international strikes by coordinating actions in more than twenty countries, including Argentina, Chile, Brazil, Peru, Ecuador, Colombia, Costa Rica, Guatemala, France, Germany, Spain, Italy, Russia and the United States.¹⁸ As a result of their growing cooperation, thirty-one international, grassroots associations formalized their solidarity through the constitution of the transnational network of platform workers, Alianza Unidxs World Action.

A delivery worker and ATR activist spoke to this point about building global connections around common platform worker demands:

“Our objective is to strengthen the international unity of platform workers. Since the pandemic has been declared, we’ve realized that precariousness is not a national problem, it is a process that is reproducing across the world.

Low wages, very long working hours, the number of accidents and the total lack of response from employers have motivated us to open a dialogue with our Latin American colleagues, but also those in the United States, Japan, Nigeria, Spain, Italy, France, Germany, and many other countries. We want to establish common demands and build international consensus around a clear political position with respect to companies and governments facilitating the exploitation of platform workers in an emergency situation like the COVID-19 crisis.”¹⁹

Data gathered through semi-structured interviews and online ethnography around reports of strikes and demonstrations across various continents show that by April 2020, there were more than 200 actions organized in less than one year, and 94 of them had been coordinated at the international level. Of these worker mobilizations, Latin American groups and organizations have become central in the global struggle for decent work in the platform economy. Beyond the quantitative findings regarding the cycles of struggle and the intensification of platform worker organizing in Latin America,

¹⁸ Beyond Latin America, Europe, and the U.S, there have been further food delivery worker mobilizations and strikes in India, China, and Russia. Food delivery executives continue agitation. Nanisetti, S. (September 22, 2020). *The Hindu*: <https://www.thehindu.com/news/cities/Hyderabad/food-delivery-executives-continue-agitation/article32672285.ece>; Couriers in China strike over wage default. (October 19, 2020). *Apple Daily*: <https://hk.appledaily.com/news/20201019/VDF3JD3SUZAK7HEQATZKC5ICUM/>; Food Couriers Strike in Moscow. (June 7, 2020). *The Russian Reader*: <https://www.2020/06/07/couriers-strike-delivery-club-moscow/>

¹⁹ Virtual ethnography webinar, July 2020.



an analysis of the mobilizations brings to the fore important qualitative innovations regarding the forms of organization, their gender composition, principal demands, and alliances formed.

Transnational Grassroots Organizing.

“We organize mainly through digital technology. We create groups in instant messaging applications and coordinate video conferences. In this way, we decide the strategies and demands of the group. Those who have more experience support and advise those who have less. Finally, we have begun to organize with our Mexican, Argentine, and Chilean comrades, all through a video conferencing platform.”
 (Activists from Entregadores Antifascistas, July 2020).

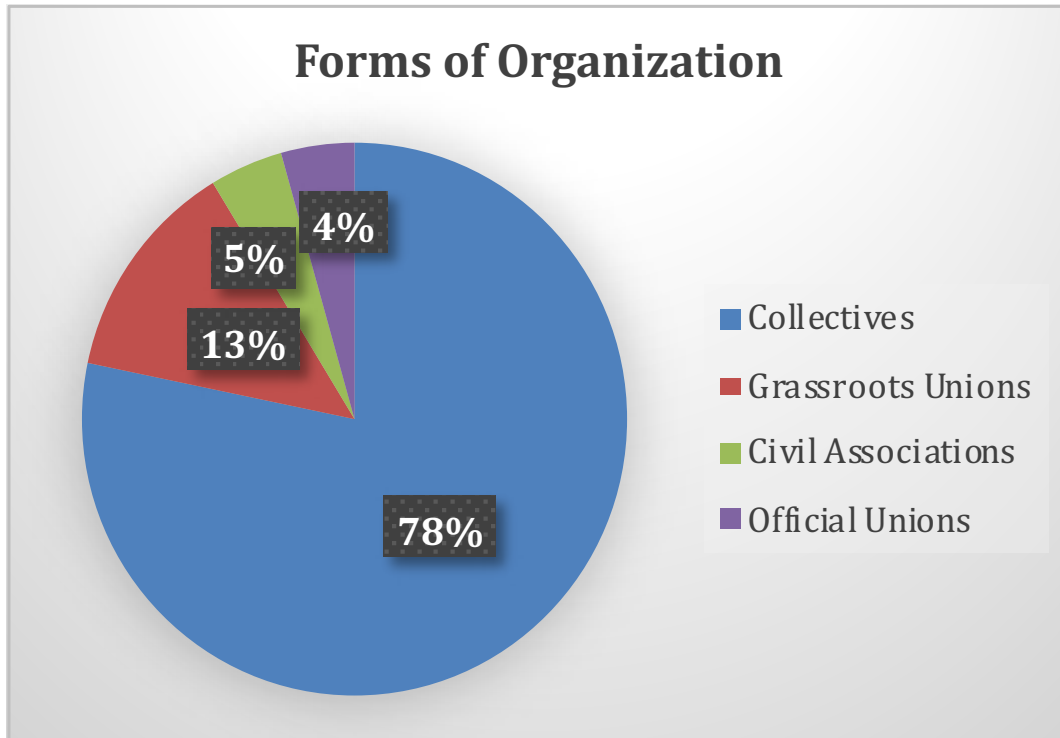
Since the beginning of the pandemic, virtual meetings have become common practice for these workers, offering the possibility of sharing experiences and information regarding platform companies in different countries, of organizing campaigns and

coordinating collective actions to overcome geographical barriers and reduce the risk of infection.

In addition to the already widespread use of social networks and instant messaging applications for information sharing among groups from different countries, Alianza Unidxs World Action has introduced the use of video conferences to hold weekly international executive meetings, consolidating existing bonds of solidarity and the construction of a collective identity between food delivery workers from different latitudes. The coordination of transnational virtual meetings and the organization of regional and global mobilizations promote a form of transnational self-organizing, which allows workers to confront platform corporations at the international level.

The international alliance is composed of eighteen collectives, three grassroots unions, one civil association and one official union. The most common form of organization is the collective: a grassroots and informal association.

Graph 1



Forms of food delivery worker organization in Latin America. Data based on the analysis of 140 actions including demonstrations and strikes organized in Latin America between April 2020 and January 2021. Produced by Marinaro (2021).

Direct Action for Labor Rights and Social Protection.

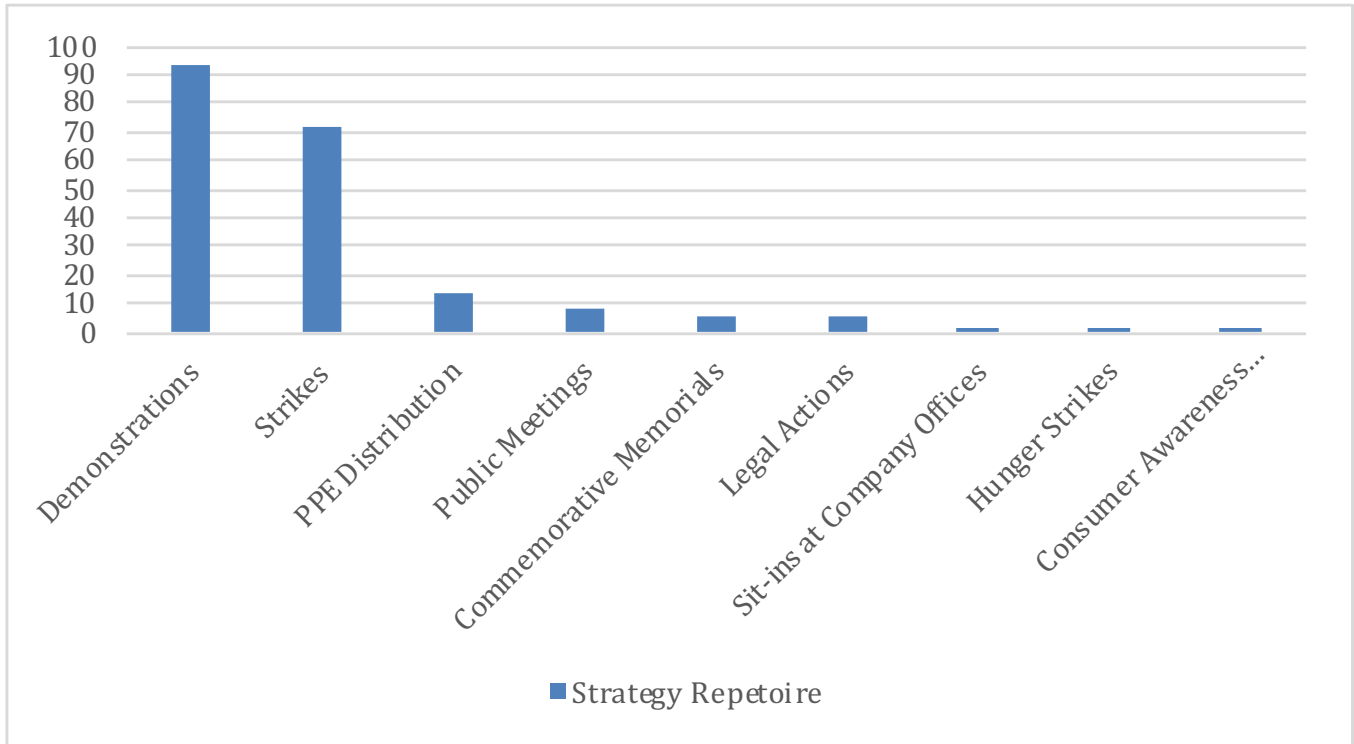
Platform workers have developed a repertoire of alternative strategies of organizing as a response to the lack of traditional forms of collective bargaining. The favorite form action is the demonstration, in particular bike caravans and sit-ins in the national departments of labor or company offices, followed by blockades and “backpack barricades”. Strikes through disconnecting from the apps is a common tool which has been used ninety-six times in less than a year.

In the context of the pandemic, the demand for personal protective equipment and security protocols has appeared 152 times in the mobilizations organized by food delivery workers, followed by the demands for salary increases and access to health insurance.

The demands speak to the extreme vulnerability and exposure to contagion that these workers are experiencing during the pandemic. The possibility of sharing stories and organizing direct action at the international level has facilitated the consolidation of a collective identity.

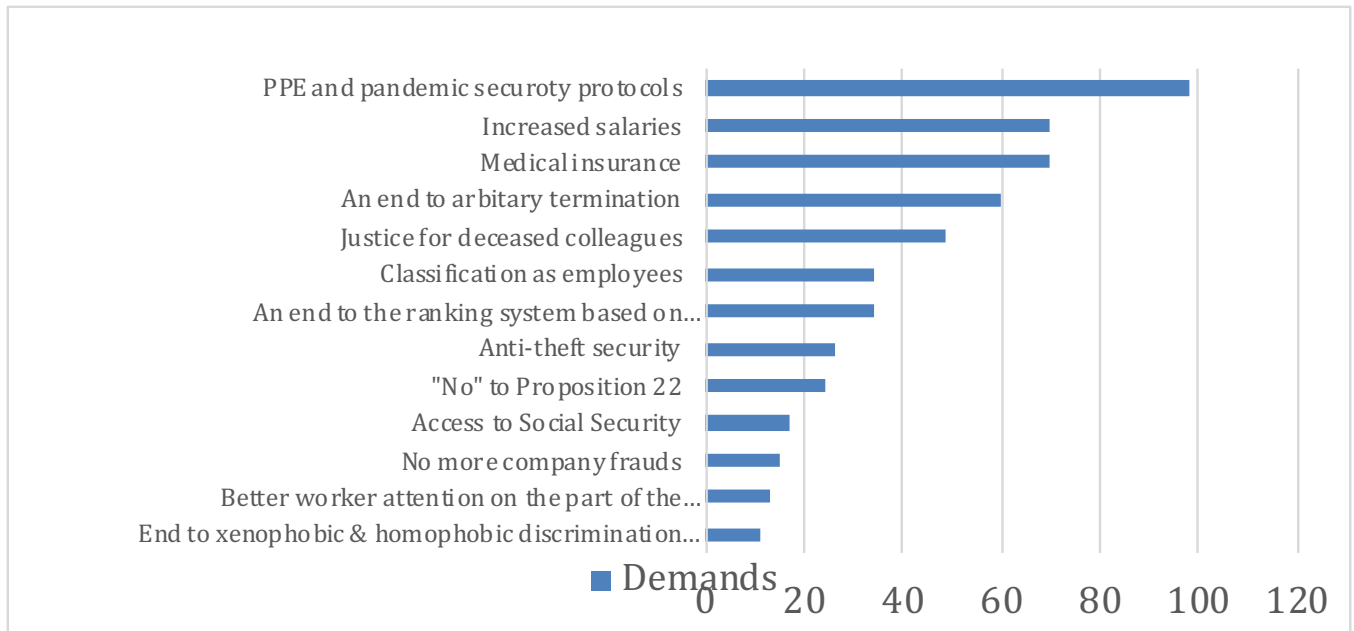
The central role played by rank-and-file workers in creating transnational activist networks, facilitating communication, and organizing collective action represents a dynamic and promising transformation for transnational labor alliances. Our report calls for future research, scholarship, and activism to explore the potential of these powerful transnational labor alliances.

Graph 2



Collaborations between different organizations. Produced by Marinaro (2021).

Graph 3



Demands of the international movement. Produced by Marinaro (2021).

Recommendations

Food delivery workers must be classified as employees.

There is international precedent regarding the classification struggles that food delivery workers face, and important examples where they have won the right to legally be deemed employees. We can see working examples in the decisions of the Supreme Courts in California²⁰ and France²¹ in 2018, Spain in 2019²² and 2020,²³ as well as from Italy in 2020.²⁴ International supreme courts have established that food delivery workers are employees by showing the existence of a “link of subordination”²⁵ that defines the employment relationship with platform companies. The courts ruled that food delivery workers “work under the authority of an employer which has the power to give orders and directives, to control the performance of work and to sanction the lack of performance of its subordinate.”²⁶ The decisions of the Supreme Courts also suggest that “the existence of an employment relationship does neither depend on the will expressed by the parties nor on the designation that the parties have given to their agreement; it depends on the factual circumstances in which the workers exercise their activity.”²⁷

In a similar fashion, Article 20 of the Mexican Labor Law suggests that when a person offers their labor in exchange of a salary, they must be classified as an employee, despite the agreement or act that set forth that employment relationship.²⁸ Additionally, Article 12, Section 1 of the Mexican Social Security Law establishes that if one person is providing remunerated service to another subject, on a temporary or a steady basis, the employer must pay contributions for social security despite the existence of extraordinary laws or agreements that promote the exemption. Based on the data gathered for this report and the growing movement, we strongly recommend that according to the Mexican Labor Law and the Social Security Law, food delivery workers must be classified as employees and provided with access to social security in Mexico.

Companies must be held accountable for the injuries, assaults, and death of food delivery workers.

According to data from the from the Instituto Mexicano del Seguro Social (IMSS), food delivery workers experience the highest death toll per job on record.²⁹

²⁰ *Dynamex Operations W. v. Superior Court and Charles Lee, Real Party in Interest*, 4 Cal.5th 903 (April 30, 2018) <https://www.courts.ca.gov/opinions/archive/S222732.PDF> (August 1, 2020)

²¹ Arrêt n°1737 du 28 novembre 2018 (17-20.079) - Cour de cassation - Chambre sociale - ECLI:FR:CCASS:2018:S001737 https://www.courdecassation.fr/jurisprudence_2/chambre_sociale_576/1737_28_40778.html (August 1, 2020)

²² Juzgado De Lo Social No 19 De Madrid, S E N T E N C I A No.- 188/2019, July 22, 2019 <http://www.poderjudicial.es/search/AN/openDocument/36a794945d5d5252/20191017> (August 1, 2020)

²³ Tribunal Superior, Sala De Lo Social, Sentencia Núm. 805/2020 September 25, 2020 <http://www.poderjudicial.es/search/openDocument/6d04f28f2ec990a2> (August 1, 2020)

²⁴ Civile Sent. Sez. L Num. 1663 Anno 2020 <http://www.bollettinoadapt.it/wp-content/uploads/2020/03/Cassazione-1663-2020-riders.pdf> (08/01/2020)

²⁵ Arrêt n°1737 du 28 novembre 2018 (17-20.079) - Cour de cassation - Chambre sociale - ECLI:FR:CCASS:2018:S001737 https://www.courdecassation.fr/jurisprudence_2/chambre_sociale_576/1737_28_40778.html (August 1, 2020)

²⁶ *Dynamex Operations W. v. Superior Court and Charles Lee, Real Party in Interest*, 4 Cal.5th 903 (April 30, 2018) <https://www.courts.ca.gov/opinions/archive/S222732.PDF> (August 1, 2020)

²⁷ (Ibidem)

²⁸ Ley Federal del Trabajo, Diario Oficial de la Federación el 1º de abril de 1970, Última reforma publicada 02-07-2019 http://www.diputados.gob.mx/LeyesBiblio/pdf/125_020719.pdf (June 28, 2020); see also the proposal promoted by Movimiento Ciudadano in the Mexican Senate on December 12, 2019, https://www.senado.gob.mx/64/gaceta_del_senado/documento/103121 (June 28, 2020)

²⁹ According to data from the Instituto Mexicano del Seguro Social IMSS, in 2019, 285 people have died at work. The largest group of them, fifty-four workers, were employed in the transport and communication sectors. See Encuesta Nacional Ocupación y Empleo, Riesgos de Trabajo Registrados en el IMSS <http://www.stps.gob.mx/gobmx/estadisticas/riesgos.htm> (August 19, 2020)



In fact, IMSS reported 289 work-related deaths in 2019. Based on this data, the largest number of deadly incidents on the job was reported in the Communication and Transport sector with a total of fifty-four victims. In fact, food delivery workers' death rate is significantly higher than that and in only two years has already reached the most dramatic industrial disaster in Mexico, the explosion of the Pasta de Conchos mine when sixty-five miners were killed.

While deaths are growing, assaults and daily violence also continues to shape the terms of employment for food delivery workers. Unfortunately, companies still send workers out for deliveries to customers who were previously responsible for sexual misconduct. We strongly recommend that companies immediately stop this practice and be held liable for any further assaults that take place. Another related point is that we recommend companies implement technologies to identify, register, and map out the “red zones” of the city, or the most dangerous areas for workers. Through algorithmic management, workers should not be penalized for refusing to deliver to those zones, especially when they are alone, without protections, and riding after dark.

The unchecked spread of the coronavirus demands these workers' continued delivery services, and therefore companies must provide proper personal protective equipment (PPE).

Just as companies' profits are soaring, so is the continued demand for food delivery workers' services in Mexico, the United States, and beyond. Yet they continue to deny proper protective equipment to keep workers safe. In addition to hand sanitizer, masks, face shields, and disposable gloves, workers should also have the right to free and rapid COVID-19 testing and vaccines to protect themselves and their families, as well as customers. We strongly recommend that companies use a portion of their profits to reinvest back into the care and protection of their workforce by providing these protections.

Transparent data management continues to be an issue.

Digital technologies are clearly playing an important role for food delivery workers organizing on the regional and global scale. However, while social media and messaging apps offer a valuable tool for building power and solidarity,

they also imply significant risks for sharing critical data and information with tech corporations. Currently, one of the main risks for food delivery workers is that the platforms do not protect workers' information, such as their name and phone number. Thus, customers can make direct contact with workers through text messages and phone calls, leading to unsafe and dangerous situations for workers generally and especially for women workers. The gendered consequences of this easy and invasive access to private information and communication are troubling. We strongly recommend companies stop this practice and share in a transparent way their means of dealing with private information gathered through the apps themselves. Additionally, we recommend that companies publish information regarding the algorithms that manage the work process and collectively negotiate its content with platform worker organizations as proposed by the recent Spanish law known as "Ley Rider."³⁰

Consumers remain an untapped resource and potential key partner in the tripartite service relationship.

Harnessing their consumer power's potential to pledge to order food from food delivery workers and restaurants paying a living wage and treating food delivery workers with dignity could be a potent and untapped resource for bettering working conditions. There is related precedent with another platform company, Airbnb, through their partnership with the National Domestic Worker Alliance, a United States-based nonprofit advocacy group for household cleaners.³¹

NDWA provides guidelines to Airbnb hosts on working with a cleaner, and stresses four main points: 1) fair compensation; 2) health, safety, and dignity; 3) clear expectations; and 4) access to association. Though domestic workers cannot legally organize as union members in the United States, point 4) speaks to their ability to join the NDWA and access support, trainings, and further professional development opportunities as well as contact with local domestic worker associations. When hosts sign on to this "living wage pledge," it shows up in their profiles and customers interested in booking their home or apartment can feel confident about the fairness and dignity involved in the cleaning process. Additionally, NDWA provides the host with language and clear terms that can be used for ease of communication with the household worker hired to clean their home.

Similar to domestic workers, who are also classified as independent contractors rather than employees, framing the employment relationship with food delivery workers as one that invokes ethical decision-making and codes of conduct could be a potential source of strong customer power and pressure. This could also help to put pressure upon restaurants and larger restaurant chains and provide a way for restaurants to appeal to consumers as well as food delivery workers in instituting this kind of living wage pledge. This could be another way for food delivery workers to help shape the future of work, through reconceptualizing the role of the consumer in this process to be one that demands fair treatment, worker protections, and dignified working conditions to the people delivering their food.

³⁰ Gómez, Manuel. Los Algoritmos Llegan a la Negociación Colectiva. El País (24 Abril 2021) <https://elpais.com/economia/2021-04-25/los-algoritmos-llegan-a-la-negociacion-colectiva.html>

³¹ <https://www.domesticworkers.org/livingwageforcleaners>

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