

# When voices from below are heard: The case of a swiss online food-delivery platform

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## Introduction

In the growing platform economy, the existence of a subordination relationship, its intensity and its consequences on the employment relationship differ substantially among the numerous platforms where goods and services are exchanged. Platform labour indeed ranges from the emblematic case of Uber (Cramer and A. B. Krueger 2016; Rogers 2015; Hall and A. Krueger 2016) to work that is executed without expectations in terms of income (Beauvisage, Beuscart, and Mellet 2018). Literature has shown that the extent of worker voice significantly varies according to the type of platform labour (low-qualified vs. high-qualified, crowdwork vs. place-based platform labour); as a matter of fact, the representation and collective mobilisation of workers is variously hampered by diverse forms of legal, spatial, organisational, technological and social fragmentation (Heiland 2020), which may be used by managers to silence workers or impede them to voice their concerns (Kougiannou and Mendonça 2021). Such modes of fragmentation apply with particular strength to low-qualified crowdwork, and to a lower extent to more qualified platform labour or to low-qualified place-based labour. Faced with such obstacles, workers have to find ways to express their voices and resist, either to improve organisational processes – as is claimed by organizational behaviour approaches (OB) – or to oppose managerial practices, express their grievances and defend their rights, as is shown by industrial scholars (IR) (Wilkinson, Barry, and Morrison 2020).

Various studies investigate the emergence of collective action in platform-mediated jobs through cross-national surveys (Newlands, Lutz, and Fieseler 2018), or single case-study mobilisations (Brugière 2019; Tassinari and Maccarrone 2020) or resistance (Vandaele, Piasna, and Drahoukoupil 2019; Cant 2020). They emphasise the contextual and specific factors that lead from individual to collective mobilizations (or impede such translation of individual expressions of grievances into collective voice),

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considering the constraints related to the platform environment and its algorithmic management, and shedding light on the new forms and modalities in which worker voice expresses itself and how solidarity takes shape. However, few of these mobilizations lead to an agreement negotiated with gig workers. Yet this happened within a food delivery platform in Switzerland. This chapter will focus on that instance of collective dialogue within a low-qualified and place-based platform labour. Its aim is to investigate to what extent worker voice and representation are confronted to diverse forms of fragmentation and how collective voice mechanisms not only can be created despite this context, but also have an effective impact on wages and working conditions. Our aim is to shed light on the challenges of collective dialogue when work takes place on a digital platform as well as the shape such dialogue ultimately takes. To this purpose, it is important to identify the specificities of platform labour in order to capture in what precise context voice emerged in our case study. Platform labour has strong organizational similarities with the European putting-out system that preceded the First Industrial Revolution (Stanford 2017), but it cannot be assimilated to such organizations. , Indeed platform labour relies on algorithmic management, which implies that the workforce is composed of mostly independent contractors, operating remotely (Lee et al. 2015; Wood et al. 2019). In such a context, platform’s control over workers is mostly embedded within its app (Rosenblat and Stark 2016). In terms of communication, it means that workers do not have supervisors to whom they can address their concerns or with whom they can negotiate working conditions, discuss any personal need (such as change of working schedules, difficulties in doing their jobs, etc.) or exchange on visions or strategies about the organisation (its functioning, its development on the market, etc.). As Glauser 1984 convincingly showed, supervisors play an essential role in allowing the “upward information flow” process and enabling the organisation to consider employees’ concerns. More recent research corroborates this finding, showing that supervisors can influence individual employee voice perceptions (Detert and Treviño 2010) or facilitate the expression of emotions toward exterior threats to the organization (Lebel 2016). In this respect, it seems that algorithmic management is more efficient in organizing downward information flows and transmitting orders than encouraging upward flows. Some studies even suggest that algorithmic management is used as a way to silence workers in that all communication is channelled through automated apps and is meant to exclude any form of ‘human involvement and oversight in the labour process’ (Duggan et al. 2020).A Besides, the business model of platform labour strongly relies on atypical gig work contracts, which increases the structural precariousness of workers in the employment relationship. The literature on voice stresses that such

precariousness reduces their capability for voice, i.e to speak at work and get support from the organisation for everyday tasks and needs (Sluiter, Manevska, and Akkerman 2022). Some studies even suggest that algorithmic management is used as a way to silence workers in that all communication is channelled through automated apps and is meant to exclude any form of ‘human involvement and oversight in the labour process’ (Duggan et al. 2020).

In this chapter, we discuss the case of notime, a platform for bike delivery in Switzerland in which workers were able to raise their voices and successfully negotiate an agreement that includes better working conditions.<sup>2</sup> The governance structure of the platform – which is a main determinant of the distribution of power (Kaufman 2015) – does not provide specific decision-making rights to the bike couriers or any ability for them to negotiate working conditions. The chapter explains why, despite this context, workers were successful in establishing a collective dialogue and reaching an agreement. To this purpose, we situate the platform in a broader framework and use the multilevel approach suggested by Kwon, Farndale, and Park 2016, which identifies three relevant levels for the analysis: micro, meso, and macro.<sup>3</sup> Each level will constitute a separate part of the chapter and will lead to a conclusion that assesses the overall extent of workers’ voice not only in this case study, but more generally in gig economy.

## 1 The starting point: algorithmic management

Our case study took place in a bike-delivery company known as notime. Since its creation in 2014, it offers delivery services to businesses, including both restaurants and parcel-delivery companies. The company thus operates as a subcontractor and only operates on the delivery side, i.e. it offers no meals on its website but offers to dispatch deliveries to one of its active couriers. Its workforce is composed of mostly young male students. It manages its workforce using the common devices of algorithmic management: customer ratings, online shift-picking, financial incentives, and automated dispatching.

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<sup>2</sup>This chapter is the outcome of the research project “Gig economy and its Implications for Social Dialogue and Workers’ Protection” funded by the Swiss Network of International Studies (SNIS). It is based on 12 semi-directive interviews (with 4 trade-unionists, 2 local managers, 6 couriers), a participant observation activity inside both the local trade-unions meetings and the offices of a food-delivery platform, a document review of the written exchanges among and/or between managers, gig workers and trade-unionists.

<sup>3</sup>The micro level points to the communication within the platforms. In the case of the gig economy, it relates to the relationship between gig workers and supervisors. Instead, this interaction is often mediated by minimalist in-app chats and FAQs. Second, the meso level will address the ability of workers to express their voices collectively – i.e. as a group – to the higher managers. In the case of gig workers that have no legal entitlement to social dialogue, it will imply turning to their local trade-union. Third, the macro level helps us put our case study into perspective. This level will be devoted to the broader legal and regulatory context in which gig platforms operate as well as the public debate in Switzerland.

It makes no use of dynamic pricing, as the technology is too costly to be implemented. The company went through two distinct phases. At first, notime operated like any other conventional platforms. It hired independent contractors on a piecework basis. Then there was the mobilisation that is the focus of this paper. It had large effects on the working conditions, as the workers would be employed from then on. Let us start by describing the working conditions before this mobilisation.

As a consequence of their status of independent contractor, couriers did not benefit from any social protection that comes with an employment status such as a pension fund, accident, or unemployment insurance. Most notably, their independent status implied they had to pay a value added tax instead of paying social contributions. The platform managers would not negotiate on these conditions. The bike couriers could either accept them or simply leave. The only options left to couriers were exit and loyalty (Hirschman 1970). Thus, couriers had to follow strict rules related to time schedules, dress code, handling of the goods, or behaviours toward the clients. It took only a few months for the first concerns to emerge among couriers.

Daily work and tasks were all organized by the algorithm. The app measured the bike couriers' performance at notime by a ranking of all couriers based on the average speed and number of deliveries for the last 30 days. Customers could also rate their services. However, couriers did not have access to the details of the measurements leading to these indicators and this raised numerous concerns. For example, was their rating just an average of the customer ratings? How and when was their speed measured: during the delivery or during the whole shift? What if they had to stop for some reason? Did it drop to zero? Those concerns had real effects as these performance indicators determined the moment of their access to the shift-picker. Once every fortnight, the couriers would have access to the website where they could choose among the available slots. However, the exact hour of their access to the website would depend on their performance. The better their grade, the sooner they would gain access to the tool and the higher the number of shifts available for them to choose. All this ultimately had an impact on the amount of money they were able to earn.

This payment scheme was accepted tacitly for a while. Then, conflict took place between workers and managers in 2017, while managers were bargaining the sale of the company to a public stakeholder and decided to introduce an employment status to “regularize” the working conditions; they wanted to impose, in exchange, stricter rules regarding the minimum number of shifts required. This top-down decision was perceived as an unfair bargain by bike couriers.

The managers [...] introduced a compulsory number of shifts per month that the courier

had to accept. But there was a huge protest from the couriers, and the managers withdrew their proposal.

The orders given by algorithms were no longer accepted and the lack of a negotiation process related to daily work made algorithmic management a primary concern among workers. Confronted to such opaque management tools, the bike couriers asked that they be made more explicit and transparent through detailed e-mails and that each update would be communicated. It was thus a series of top-down decisions that raised the discontent. As independent contractors, the workers were not consulted with regard to important decisions affecting their daily work. However, from this initial concern couriers had few options to make their voices heard. Starting with a few self-appointed leaders who did not accept the existing working conditions anymore, workers ultimately managed to overcome the hurdles of remote work. A few couriers thus got in touch with a trade-union and started to organize themselves. The first challenge they faced was to simply gather basic information about their colleagues. At that time, nobody knew each other very well due to the spatial fragmentation of platform labour (Heiland 2020), nor did they know how many people worked for the platform. There was neither collective bargaining nor social dialogue in the gig economy. Moreover, Switzerland does not provide specific rights to workers to promote participation or to force employers into compulsory collective bargaining mechanisms (such as *Mitbestimmung* industrial relations in Germany). All these conditions point to a high power imbalance (Kwon, Farndale, and Park 2016) that does not facilitate the emergence of voice.

It is at that point that the lack of supervisors became critical. Couriers had few available ways to make their concerns known to the platform managers. As is typical in the gig economy, the contacts between workers and managers was minimal and communications were automated whenever possible. Moreover, existing means of communication were designed to address problems related to their rides and did not allow a free discussion of broader problems. In practice when couriers had a problem, they were redirected to a FAQ on their app or they could send pre-defined questions to a human (see Fig. 1). If these circumstances framed by algorithmic management initially made it impossible to address grievances to anyone who could represent the platform, thus showing how technology is used as a tool of fragmentation in order to silence workers, it now worked in the reverse way. That is without the supervisors, the platform is deprived of the mechanisms allowing it to take into account worker claims. This shows the ambivalence of algorithmic management and of strategies silencing workers: while they seem to channel or even prevent conflict, they also impede solutions to be negotiated

and thus feed conflictual tendencies among workers, who are then pushed to find alternative voice mechanisms outside the platform and its digital tools.



Figure 1: Figure 1

This method of managing the workforce is common among gig platforms. It allows them to handle a large number of issues by automating and standardizing their processes. This automation is also used by platforms to minimize and hide any form of human management in order to evade labour laws. The perfect example of such a feature is the handling of complaints using natural language processing developed by Uber in 2018.<sup>1</sup> However, platforms cannot automate every single communication and a human intervention is still needed in the last resort (Kougiannou and Mendonça 2021). The nature of this work requires the mobilization of humans ready to answer questions at any time. Indeed, during their shifts the bike couriers can be faced with varied problems, ranging from glitches in the app, incomplete addressing, the mishandling of orders at the restaurant, or

uncooperative customers. To tackle these issues notime employs “Operation Managers” who answer couriers’ questions on an in-app chat during their shifts (see Fig. 2). In addition to the official in-app chat the managers also created a Whatsapp group. It thus seems that voice in platforms is channeled towards solving organizational problems while disqualifying all other workers’ grievances by directing them to an automated app providing standardized and mostly inadequate answers. In other words, voice is considered as legitimate when it relates to organizational issues, and as illegitimate when it is concerned with worker issues (Wilkinson, Barry, and Morrison 2020).

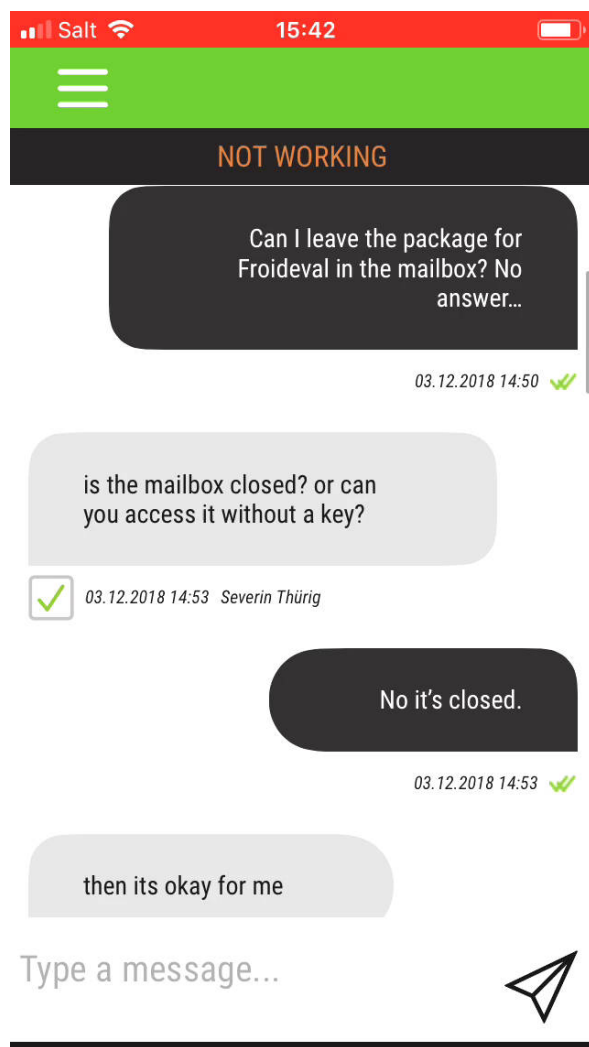


Figure 2: Figure 2

If the few interactions between managers and workers thus allow for a very partial and one-sided deployment of voice at the micro level, it still generates frustration among bike couriers and creates

the need to express their voices and being heard about other broader claims. At most, couriers can interact with platform managers by messages, but the device is devoted essentially to resolve issues on the road. In order to communicate their other grievances, workers had to take matters into their own hands. This explains why their action focused on the IR type of issues and related to the asymmetrical character of the employment relationship. In this case, voice was conceived as a way to challenge management (Barry and Wilkinson 2016) and took the form of grievances all over the six months of the conflict.

## **2 The challenge of building a collective voice in an individualized work context**

At its beginning, the mobilization started around informal meetings among bike couriers concerned about the new rules regarding the working schedules. Those meetings allowed a first step toward building the mobilization by creating an unofficial works council. A main difficulty was in how to gather the contact information of every courier, thus overcoming the difficulties of spatial and organizational fragmentation generated by algorithmic management. A bike courier estimated at 30 the number of people working actively for the platform in his town. In a context where work takes place in a highly individualized format, they had to be creative. In this endeavour, the affordances offered by WhatsApp would facilitate this. Because there was already a WhatsApp group set up by managers, in which every courier was taking part, they could simply retrieve the phone numbers and create a second WhatsApp group where managers were not represented. Couriers were thus able to enlarge the mobilization before the bargaining process took place. This allowed gig workers to communicate undercover in the second discussion group.

At first the couriers expressed only their personal frustrations, but the question quickly arose of how to improve the overall working conditions:

The strategy was to go progressively towards the managers and we discussed how far we were ready to intensify the confrontation. It was not really clear, but the first step was to rally a broader part of the couriers and associate them to the mobilization. This was not easy since everyone works alone and is geographically dispersed. The strategy we built up was to invite each courier to join the “official” WhatsApp group by displaying his/her phone number in the break room. Then it was possible to [retrieve their numbers and]



invite those colleagues to join the “closed” WhatsApp group. [20181106]

As explained in the above quotation, those meetings also served to identify collective concerns and claims that go beyond algorithmic management itself: being employed as dependent workers without any reduction in salary, being represented at the company level through the creation of an official works council, and obtaining more transparency regarding the algorithmic management of the labour process. The status of independent contractor was identified early in the process as the main source of concern. This status implied that their working conditions were not protected by labour law provisions, nor could they benefit from social security. Asking for the setting up of a works council, they wanted to ensure that their collective voice could be heard inside the platform. Through this council, workers would have the opportunity to express their claims, share their concerns and negotiate with the management on their working conditions in the longer run. Finally, their claim for more transparency in management is a more recent concern, specific to the gig economy as they explained in a petition (see below). When the time was ripe, couriers were able to build a mobilization and negotiate a collective labour agreement at company level. But this was not an easy task. Indeed, they had to put managers under increased pressure to even start the bargaining process.

From this narrative we can see that a specificity of the gig economy lies in the very limited voice it leaves to workers at micro-level. Inside notime, gig workers’ actions looked like a self-organized mobilization similar to those taking place among couriers from online food-delivery platforms in several European countries (Tassinari and Maccarrone 2020). All those gig workers were equally worried about the precarious working conditions that came with the emergence of platforms such as Foodora, Uber Eats, and Glovo. Because they had no daily contact with their managers to make their voices heard, couriers at notime quickly turned to a trade-union for getting a place where they could meet and to get detailed information on their rights. The collaboration proved very fruitful from the early stages of the mobilisation. The literature studies the relationship between employee voice and trade-unions, either in situations where these are established actors or when unconventional forms of voice take place in non-unionized sectors (Barry and Wilkinson 2016). Our case study leads us to analyse the role of trade-unions with a new perspective. In the case of notime, bike couriers were seeking help to find a way toward negotiating with managers who were hostile to any form of bargaining or discussion of their decisions. Any wrong step could have pushed the platform managers to react violently against the bike couriers and have led to divisions among the workforce or even to the collapse of the mobilization. Reaching the trade-union was thus essential for the couriers as their individual voices were ignored.

Moreover, the trade-union provided useful information, in particular related to the legal dimension of labour contracts. All this helped bike couriers increase their confidence and thus their ability to express their voice.

The bike couriers could “open their eyes” and this helped them better understand the rightness of their claims. The hottest topic discussed was the social contributions of the platform, that is the social protection. It was important to consider the bike couriers not as independent workers, but dependent ones, in a legal employment relationship.

The role of the trade-union changed at the turning point of the mobilization, when the collective voice of notime gig workers made itself heard through a bargaining process that took place at the organisational (meso) level. The bike couriers wrote a collective letter to the managers at the end of summer 2017. Numerous actions had been envisaged, such as a strike or a picket in the bikers’ restroom. At that time, few couriers were ready to strike, but they agreed to write a letter including the grievances listed below.

#### **List of grievances and claims included in the letter to managers**

##### Grievances

- New workers are not properly introduced to the company;
- Communication is lacking (including the content of the contracts);
- No social insurance is provided despite the couriers’ dangerous work;
- Couriers have to pay a deposit for working clothes;
- Couriers have to use their own tools such as the mobile phone and the bike;
- The shift-picking system is too competitive and stressful;
- Couriers are not able to fully manage and control the end of their working shifts;
- The ranking system measuring the performance is too opaque;
- Stand-by shifts are not paid enough;
- Low salaries create wage dumping in the whole bike delivery sector.

## Claims

- An employment relationship based on regular labour contracts in line with the labour law with regard to protection against abusive contract termination, social protection, protection against injury and a pay compensation in case of illnesses or injuries.
- The payment of the whole working time, including overtime, time for cash depositing collection and for returning working tools.
- A wage increase for stand-by shifts.
- Some payment for working tools and clothes.
- The end of the current ranking system and the introduction of a new, transparent one.
- The implementation of regular meetings with worker representatives during working time.

Platform managers lacked bargaining experience and reacted with surprise and dismay to the mobilization of bike couriers. They nonetheless agreed to arrange a meeting, before cancelling it at the last minute. The management did not want to engage in negotiations as long as the trade-union was part of the delegation. Instead, the managers issued a press release, announcing that every courier would receive a new labour contract by the next month. This move was clearly designed to anticipate the outcome of negotiations and find a middle ground without engaging in dialogue.

notime is going to sign new labour contracts with all bike couriers that worked as freelancers. [...] Those contracts and the backdated compensations are the results of an intensive collaboration between bike couriers, labour law experts and the public authorities. [...] The couriers will receive a minimum wage combined with a fixed compensation per delivery. [...] Moreover, each worker will still be free to choose his own working schedules. [notime press release]

The new labour contracts offered by the managers aimed to prevent an escalation of the gig workers' mobilization. They included a minimum wage, holiday compensation and an additional bonus for each stand-by shift. Moreover, additional compensations were provided as productivity bonuses. The courier had to accept irregular working shifts and had to stay ready without any guaranteed delivery. Maximum working time was fixed at 50 hours per week. Overtime regulation applied from 42 hours a week. Couriers would be responsible for their own bicycle but they would receive a small compensation

for the use of their private mobile phone. Basic social benefits were granted, including a compulsory insurance against injuries and an 80% guaranteed salary in case of illness or injury. Besides, the new labour contract included the signature of a convention in which the bike courier and the platform accept that all disputed issues are considered as definitively resolved, including retroactively. Finally, the contract stated that each party agrees to a 1-month notice period before terminating the labour contract.

However, this proposal of the platform managers was rejected. The bike couriers considered that the new labour contracts were inadequate with respect to low wages and backdated compensations. They decided in agreement with the trade-union to increase the pressure against the platform by organizing a public protest in the city centre. This event was important not only for the struggle itself, but also because even without joining international unions campaigns, the bike couriers of notime adopted a similar form of protest that could be observed in other countries with regard to the grievances and actions (Heiland 2020; Joyce et al. 2022). They distributed flyers in which they asked for both the payment of all backdated social contributions and a collective labour agreement with an acceptable minimum wage and improved working conditions. A speaker underlined in his public speech their claim for a dependent labour contract. While only about ten bike couriers ultimately showed up, the press provided strong coverage of this event and it increased the pressure on managers. According to a courier we interviewed, many of his colleagues chose not to be part of the demonstration, fearing retaliation from the management, for instance in the form of a layoff. The managers reacted even more strongly the day after the demonstration. In an e-mail sent to every worker, they accused the trade-union of manipulating the bike couriers for other purposes:

We assume that the trade-union follows its own agenda related to its disputes with Uber and tries to find a place in companies that adopt a new business model. It is questionable whether such an approach will work. [e-mail from the managers to the couriers]

In the hope of defusing the tense relationship with their employers, the couriers agreed to come to the negotiating table without the trade-union. To this purpose, they were able to organize themselves inside a bike couriers' council ad interim. This achievement allowed the bike couriers to establish their collective voice inside the platform. This council was composed by a delegation of elected bike couriers and functioned independently from the platform. Its mandate was threefold: negotiating new labour contracts providing higher salaries, introducing more transparency in the performance-based bonus system and finding an acceptable agreement for the payment of all backdated social contributions. In

addition, the bike couriers demanded that they could continue to work without having to fear any kind of retaliation during the negotiations.

The bike couriers decided to accept the managers' claim to negotiate without the trade-union. Nevertheless, the trade-union was always present behind the scenes and no decision was taken without discussion between them and the bike couriers. The payment of the backdated social contributions was the main claim of the bike couriers. It was important having a confirmation that [even in the past] they were not independent, but dependent workers. Indeed, a bike courier never considered him/herself as an independent worker.

The negotiations were a tough period for bike couriers. They wanted to put more pressure on the platform, but this proved impossible. The public demonstration was both the last and most powerful card they had in their hands. In fact, the energy was no longer there to continue the mobilization with new actions aiming to further increase the pressure. Moreover, gig workers had to deal with new organizational issues, such as establishing adequate communication between the elected delegation and the workers. Concretely, the protocols of each step of the bargaining process were circulated for collective discussion, but time was short and discipline was lacking to do this properly. Furthermore the bargaining process took place under considerable time pressure as the platform wanted to introduce new labour contracts by the end of the month. A courier provided us with his testimony on the bargaining process.

I almost did a burnout since the pressure was so high. The expectations were important because the negotiation had been prepared with a six-month mobilization among the bike couriers. I tried to follow each step of the bargaining and had to pursue my study at the university at the same time.

If the bargaining process lasted so long, it was mainly because of a disagreement regarding the amount of the backdated social contributions. The relationship between the minimum fixed wage and the variable wage (bonus) was also an important issue during the negotiations. The bike couriers disagreed about the amount of hours they worked. However, it was possible to find a common agreement based on a minimum fixed wage, productivity bonuses and additional compensations for bike and phone expenditure. There were also differences among bike couriers depending on their personal and professional position, since those who were students did not see themselves as long-time workers for the platform. This also shows the relevance of so-called social fragmentation within

platform labour (Heiland 2020). Ultimately, all gig workers united and backed the provisional bike workers' council in the bargaining.

The couriers that worked as students joined the mobilization even if their wage was enough for them. They thought that the platform was cheating them: precisely because they were students, they were supposed to earn less than an older worker.

A definitive agreement was found in which both managers and couriers declared themselves satisfied with the new contract negotiated at the platform level. The agreement stated that all bike couriers would be considered dependent workers from January 1st, 2018. Everybody would receive a fixed hourly wage per working shift, while an extra hourly compensation is provided for each stand-by shift. Both already include holiday compensations. In addition, they would receive a bonus per each delivery (from the first one instead of the third one) as well as a defrayal of expenses for the use of a private bike and mobile phone. A workers' council representative of the whole staff was constituted and recognized by the platform. Moreover, a more transparent ranking system was introduced while working conditions related to clothing, communication, safety at work and app improvements were put on the agenda for further negotiations. Finally, each worker had to sign a convention aimed at resolving all unsettled disputes over the backdated social contributions. Another important point stated that each bike courier who had been injured in the past (when he worked as an independent worker) could announce oneself to the platform and ask for a financial extraordinary compensation.

### **3 The crucial importance of the meso and macro levels to promote gig workers' effective voice**

Let us now look at some features of the macro level that played an important role for letting gig workers upgrade their voices from the level of individual grievances to that of collective voice. The gig economy is notorious for allowing platform-based companies to escape state regulations. Platform business models are unconventional and this enables them to impose the status of independent contractor to their providers. Also, the cultural attitude towards gig work is ambivalent, as it is considered as a vector of precariousness for some, while others envisage it as a source of opportunities. In this section, we identify the resources and people that served as relays for the couriers' cause. An analysis of the specific Swiss context shows that the macro level represents a key feature for understanding the

mobilisation in notime. Three aspects have to be considered: the overall political debate about the gig economy, the bargain of a collective labour agreement in the traditional bike delivery sector and the arrival of the national mail company as a stakeholder.

The public debate mainly focuses on the status of the workers with trade-unions fighting to obtain that these workers are considered as employed. Trade-unions and employers' associations commissioned legal scholars in order to bring evidence on the most appropriate employment status for gig workers, with a view to defending their respective positions (Kahil-Wolff 2017; Pärli 2016). Trade-unions are engaged in a campaign based on denouncing the gig economy and its working conditions, but with little impact as yet on grass-roots actors. Another ongoing debate relates to the creation of a new status for gig workers. As suggested by Riemer-Kafka and Studer 2017, two options are considered by policy makers in order to adapt the law and ensure a protection against social risks (illness, injury, elderly, unemployment, invalidity, etc.) and against any potentially dangerous situation for workers' health. In this context, the Swiss government published two reports related to digitization respectively on the general economic conditions and on the opportunities and risks for employment and working conditions<sup>1</sup>. In both reports, the gig economy is not identified as a key issue in the Swiss digitization debate, but as a topic among others that contributes to the current transformations of the world of work. A more specific report commissioned by the State Secretariat for Economic Affairs (SECO) argues that the gig economy creates opportunities that social partners could seize for engaging in social dialogue (Meier, Pärli, and Seiler 2018).

Even though this confrontation between platforms and trade-unions takes place without associating platform managers and gig workers in a collective bargaining process, it gives a legitimacy to bike couriers when they want to get their voices heard inside the platform. This explains the importance of the public demonstration that they organized when the managers refused to engage in a bargaining process. The trade-union also showed an interest to help bike deliverers in their grass-roots mobilisation since it challenged the platform economy at federal level and tried to organise gig workers locally in some towns. As a local trade-union leader told us:

The mobilization in notime provided the opportunity for experimenting an unconventional form of activism for the trade-union. We went through a more organizing approach. We adopted a highly structured way to be organized on the ground with inputs that came mainly from the bike couriers. Everybody experimented undercover actions and intense forms of militancy. What we learned from notime's mobilization, we are now experimenting

in other sectors or companies. [...] It is important that the trade-union learns how to listen to workers' voices.

The second aspect relates to the collective labour agreement that another trade-union was negotiating with traditional companies that have been active for three decades in the bike delivery sector. Indeed, at the time of our research there was no international corporation such as Deliveroo, Glovo, Foodora or UberEats operating in Switzerland. Only small platforms like notime born as local start-ups tried to establish themselves on the market. In Switzerland, bike delivery was a sector where social dialogue had not taken place yet. This market has been relatively stable until the arrival of online platforms in the last five years. Then the implementation of new online platforms such as small start-ups based on Uber business model gained importance; it put under pressure both traditional companies and established workers. notime is a typical example. These platform-based companies mainly offer food deliveries, but many are trying to expand their services to groceries and parcel deliveries. As a trade-union leader explained, the bargaining process for this labour agreement started a few years before the mobilisation in notime. Its strategy was based on the idea that in order to regulate platforms, the trade-union had to build a strategy based on creating alliances with established employers. Once a collective labour agreement with conventional employers would have come into force, it would be easier to regulate the gig economy by putting pressure on the federal State, so that it triggers a legal clause making the provisions of a collective labour agreement compulsory for a whole sector, under some conditions. Such decision from the government would extend regulation and impose its implementation on nonconventional companies such as notime.

The negotiation of this collective labour agreement was still under way when the mobilisation happened in notime. However, since the demand for such regulation was among the bike couriers' claims, we can presume that this ongoing bargaining process contributed to strengthen the legitimacy of workers' voice. As a leading trade-unionist explained to us, the bargaining process was not held in secret. Bike couriers were aware of that and they included this point in their claims, considering that they could also benefit from a collective labour agreement. At the end, the notime dispute led to an acceleration of the bargaining process of the collective labour agreement. Indeed, support for this agreement was no longer limited to the workers, but it also embraced the traditional delivery companies' managers. In fact, the workers' struggle in notime made them appreciate that their business model would not be competitive much longer without a regulation of the market.

Third, the national mail company became a main stakeholder for notime and, effectively, for



the whole bike delivery sector. A quick flashback is needed to understand what happened. The mobilization only started at the beginning of 2017, when the managers decided that bike couriers would benefit from the status of dependent workers. At that time, the managers wanted to “regularize” or “legalize” their business model in order to avoid any potential trouble. This was also identified as a key issue to ensure the sale of the platform to the state-owned mail company. In a time when the ongoing public debates showed a strong distrust toward the gig economy and the Civil Courts were increasingly called to deal with the legality of Uber hiring independent workers, notime managers were worried not only about not having enough financial resources for engaging in a legal battle, but also not being able to finalize the takeover of the company. The arrival of the state-owned stakeholder deeply changed the stakes because it put notime on the fence between a non-regulated gig economy and a heavily regulated postal sector, where trade-unions have been established social partners for decades and were able to obtain a social partnership status protected by the law. Thus, the fact that notime is a platform active in both the regulated parcel delivery and the unregulated meal delivery seems to have considerably facilitated a positive issue for bike couriers in notime when they decided to mobilise themselves. As a national trade-unionist leader explained to us,

It is important to understand that the platforms started to disrupt long-time existing markets. Traditional employers were in favour of a collective labour agreement in the bike delivery sector because new regulations should help them challenge the aggressive business models of the platforms, which are mainly based on the lack of social protection. At the same time, the federal law facilitates the bargaining process since the 1990s. The employers have a legal commitment to bargain with trade-unions. This shows that the federal law gives legitimacy to social partners and encourages collective bargaining.

The specificity of the stakeholders, the disruption that platforms started to create in both regulated and unregulated sectors, and the fear that the gig economy would disrupt overall labour standards created altogether a window of opportunity for letting gig workers’ voices be heard and pass successfully from individual grievances to effective collective voice. However, we cannot ignore the wider context at the macro level, and related to civil society, in which a wide public debate on the gig economy and its social consequences takes place. Our case study shows concretely how voice is resulting from both grass-roots organizing and the public debate around atypical work. As it has been observed in other European countries, “in the absence of other power resources and without access to strong public spheres, platform workers and trade unions turn to the public sphere in its weak form” (Heiland

2020).

## 4 Conclusion

This paper discussed a case study of a mobilization inside a Swiss online food-delivery platform where bike couriers were successful in making their voices heard. Building on a framework developed by Kwon, Farndale, and Park 2016, we were able to identify the development of social dialogue between workers and their managers using three levels of analysis. While communication at the micro level was impeded by digital platforms that narrowly frame dialogue, platform workers were able to put pressure on their supervisors. For that purpose, they sought help from a trade-union and were able to organise themselves in order to engage negotiations at the meso level. The know-how of labour organizers then facilitated dialogue with decision-makers at the macro level. Indeed, the platform has then been bought from a state-owned entity in a context of growing concern for the fate of independent contractors in the sector.

The fact that the conflict inside the platform led to a negotiation is still a rare case in Europe. This process looked like a traditional industrial dispute: although it took place without the direct involvement of the union at the bargaining table, the conflict was resolved through an agreement accepted by both actors, the platform as employer and the bike couriers as the workers. The fact that it led to the creation of a worker council inside the platform shows a possible way for social dialogue in the gig economy. All these facts question the role of voice in letting social dialogue take place where it does not yet exist and where established industrial relations have been in crisis for two or three decades (Gumbrell-McCormick and Hyman 2013).

Our case study shows that gig workers' voice played a key role in raising the mobilization inside the platform even if algorithmic management represented a strong mechanism preventing voice from being expressed at the level of the organization. However, as we have seen, such corporate organisation does not mean that there are no humans operating behind the app. If algorithmic management avoids relying on supervisors, it still needs a pool of managers to supervise the automation itself and make up for its limitations. Those managers were the same who negotiated with the gig workers in the bargaining process. As a bike courier explained to us, at the beginning the workers thought that the inconveniences were inherent to the normal functioning of a start-up and had to be accepted. But this didn't last long. Willingness to get involved in decision-making and ability to express a voice

for dealing with everyday issues seem to be important features to account for the mobilisation at the micro level.

Finally, the negotiation could only take place under the pressure of gig workers, but without the union at the bargaining table. The role of the union has been essential despite its exclusion, but it still needs further investigation: although the bike couriers were satisfied about the collaboration, the union accepted the exclusion without opposing resistance. The fact that the bike couriers started to meet and then ask support from the trade-union as an external but experienced player shows that such organisations still have a role to play and that the state of industrial relations could include new sectors such the gig economy. This fact opens a window to a possible scenario where the unions are able to build their strategies on workers' voices and achieve to put them in a broader narrative, in order to build a collective identity and resistance (Hyman 2015).

Our case study also shows that some deep ongoing changes in society can provide some essential resources for the workers in letting them to express their voices. The macro level was an essential feature of the mobilization, showing that social and political backgrounds can have huge impacts on how things happen. We explained that the platforms having been acquired by a state-owned company made more salient the role of macro-level conditions and their legitimacy in the public debate. Indeed, a state-owned company was undoubtedly reluctant to employ gig workers under a bogus self-employed status. For this reason, the outcome of this mobilisation was influenced also by societal concerns regarding the gig economy as a suitable business model. Thus, considering the role that macro level played in the bike couriers mobilization, we would consider that there are conditions in society for letting gig workers build social dialogue despite of all difficulties related to work organised by algorithmic management. This suggests that, in the end, forms of spatial, social, organizational, etc. fragmentation within the platform economy are further reinforced by fragmentation between micro, meso and macro levels and, by contrast, can be overcome if and when these levels interact in fruitful ways.

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