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Representation, regulation and voice of immigrant couriers and platform drivers in Portugal

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ABSTRACT

The 2008 financial crisis contributed to a long-term trend towards precarious employment, particularly through platform capitalism, which was used to overcome the accumulation crisis, with a greater incidence in the services and tourism sectors. In the migratory flow, Portugal presents itself as a gateway to Europe, mainly for immigrants from the Global South and Asian countries, seeking for better living and working conditions. The gig economy poses a unique opportunity for surviving and entering the labour market for this new transnational digital proletariat, even if assuming contours of precarity, informality, invisibility and suffering. Between January 2023 and February 2024, in-depth interviews and focus-groups were conducted with immigrant couriers and app-drivers, activists and stakeholders. The aim is to analyse the impacts of digital platform work in their occupational trajectories, focusing also in the legislation process. Despite the digital precarious working conditions, there is a new generation of immigrant transnational working-class militants.

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Introduction

According to Antunes, there has been the emergence of new social dynamics of work and labour market reconfigurations with the decline in the traditional industrial working class and the exponential growth of the service proletariat. The gig economy facilitated the emergence and consolidation of a new comprehensive model of labour organization, management and control (Abílio, 2019, 2020; Abílio et al., 2021; Huws, 2014; Roque, 2023a). Some academics consider that digital platform work is a new trend in the labour market (Abílio, 2020; Filgueiras & Antunes, 2020), while other conceive it as the elimination of labour rights and global dispersion, combined with the centralization of production chains and liberalization of flows financial and investment (van Doorn, 2017).

The platformisation of work involves the dependence that consumers and workers have on digital platforms to perform work activities. Applications (apps) consist of software developed to be installed on cell phones, while platforms can be defined as companies, software, digital infrastructures and economic models (Grohmann, 2020). These processes of uberisation and platformisation of work lead to sub-proletarianisation, heterogenisation, complexification and fragmentation of the labour market with atypical forms of work (partial, precarious, informal, subcontracted and on-demand) (Antunes, 1999, 2018, 2023). The vulnerability and precariousness of contractual work

regimes that characterize uberisation led to greater individualization and weakening of workers, quite far from the concept of labour and human dignity guided by the ILO (CUT, 2021; ILO, 2021).

Since the 1970s and 1980s that digital platform work, a particular forms of capitalist accumulation, driven by the development of Industry 4.0, has been one of the most important changes in the world of work, occurring not only in the Global North, but mainly in the Global South. In an era in which conceptions of time and space are changing, capitalism reinvents itself with new terms, modes of production and devices, such as platform capitalism (Srnicsek, 2017). This was seen by many as a new and complicated phase in the development of technology and an attack on organized labour, contributing to the erosion of standard employment relationships (Standing, 2014; Huws, 2003) with strategies of deregulation, offshoring, crowdsourcing and outsourcing of work. Workers are subjugated to the algorithmic management that comprises new forms of exploitation, spoliation and expropriation to the detriment of the individual (Antunes, 2018), leading to a greater professional instability and vulnerability, and an increase on part-time and false independent work (Altenried, 2021).

The 2008 financial crisis contributed to a long-term trend towards precarious employment, particularly through platform capitalism, which was used to overcome the accumulation crisis, with a greater incidence in the services and tourism sectors. From 2016, migration flows became more pronounced in Portugal with the arrival of workers, especially from the Global South, seeking for better living and working conditions and escaping the economic and political crisis (Góis & Marques, 2018). In 2021, 29.2% of immigrants were mainly from Brazil and settled mainly in urban areas, such as Lisbon, Porto, Setúbal, Faro and Braga (Oltamari et al., 2023a). Portugal represents both an arrival point, but also a gateway to other European countries. Nevertheless, these migrants experience a different set of structural conditions, leading to precariousness and vulnerability. They are mostly marginally employed (illegal and informal) or self-employed, being subject to job disqualification, insecurity, lack of access to social security in employment and unemployment, language skills, education, citizenship status and socioeconomic constraints (Mezzadra & Neilson, 2013). However, most delivery workers and app drivers are skeptical about the role and actions of unions, since there are no unions that show any interest in representing them, and they are also considered out of context with the reality of work or the real demands of these workers (Carmo et al., 2021). This contributes to a significant decrease in union density as result of the decline of union power, compromising their ability to bargain, represent, and organize workers, especially migrants (Dueñas Herrero, 2019). However, several protests have been held, and cooperatives, movements and groups of workers have been organized on social media to fight for their labour rights, such as *Estafetas em Luta* and *Associação Nacional Movimento-TVDE* (Individual Passenger Transport in an Unmarked Vehicle).

Although there is a focus in academic literature regarding algorithmic management and organization (Aslam & Woodcock, 2020; Cant, 2020; Chicchi & Marrone, 2024; Collins, 2021; CUT, 2021; Gonsales, 2020; Leonardi & Pirina, 2020; Mendonça et al., 2022; Moniz et al., 2021; Oltamari et al., 2023a; Pulignano et al., 2016; Van Doorn et al., 2023; Woodcock & Cant, 2022), little or no voice has been given to immigrant platform workers. As such, it becomes relevant to know who these people are, which claims do they stand for, how do they face the adversities and resist in face of their precarious conditions in the context of digital work on platforms? This article aims to analyse the Portuguese context on how immigrant couriers and app-drivers develop their strategies to build collective and individual power resources (Altenried, 2021; Cini et al., 2022; Heiland, 2022; van Doorn & Vijay, 2021), to improve their working and living conditions (Gumbrell-McCormick & Hyman, 2013; Schmalz et al., 2018; Smith, 2006), also contributing to the regulatory

and jurisprudential debate, with the implementation of new legislation regarding couriers and app-drivers in Portugal since in 2023. In addition to the introduction, where an overview of the main objectives and literature review is presented, there are seven sections in this article. The second section explains the methodology adopted; the third describes the Portuguese digital labour market; the third analyses the trajectories of immigrant couriers and app-drivers in Portugal; the fourth delves into lived situations of precarious trajectories in digital platform work; the fifth analyses organizing and the case of *Estafetas em Luta*; the sixth provides an overview of the platform legislation in Portugal; the seventh brings the discussion and the eighth provides the conclusions.

Methodology

Between January 2023 and February 2024, ten in-depth interviews and intensive focus-groups were conducted via online with immigrant couriers and app-drivers, activists and specialists. The main objective is to capture immigration and labour trajectories through the voices of workers, but also to analyse the subjectivities and/or personal experiences, legislation and forms of organization and protest from experts, activists, trade unionists and jurists who were involved not only in the implementation, but in the process of discussing and regulating work on digital platforms in Portugal (Lindlof & Taylor, 1995). Self-employment can subjectively place workers in a situation of extreme vulnerability, having to support themselves with their own resources, without access to social protection (Ross, 2009; Armano et al., 2022; Roque & Boavida, 2024). Relevant secondary sources were also used, such as national statistics, legal information regarding legislation, media and regional and national surveys relating to the hotel sector. Concerning the fieldwork, a netnography (Kozinets, 2014) consisting of non-participant observation, was carried out in digital and social media groups (WhatsApp and Facebook) to establish a closer relationship with couriers and platform drivers and to understand the context in which these individuals interact and organize themselves. Confidentiality was guaranteed to all interviewees, and the names mentioned were allowed by signed permission. The in-depth interviews focused on dimensions such as age, gender, race, social class, education, labour experience, household, income, and mobility. This article used qualitative analysis methodology through NVivo and MaxQda software. This research was approved by the Ethics Committee in Brazil.

The Portuguese digital labour market

The 4th industrial revolution is based, above all, on global virtual and communication networks, which can be defined based on the irrelevance of geographic location, the decisive impact on digital platforms, the importance of networking, and the use of digitized databases (Festi, 2020; Srnicek, 2017). Srnicek (2017) conceives this growing form of work as platform capitalism, also associated with digital platform work, gig-economy, sharing economy, on-demand economy, crowdworking and crowdsourcing (Roque, 2023a). Industry 4.0 aims to expand and intensify information and communication technologies (ICT) in all areas of production, conceiving a 'smart' factory model, where computerized systems monitor and control and make decentralized decisions based on the self-organization of mechanisms, that is, surveillance capitalism (Zuboff, 2019). The platform economy includes web-based platforms where work is made available for a geographically dispersed crowd, who performs work activities that involve carrying out microtasks online, and local platforms based on location apps that allocate work to individuals in a specific geographic area, normally for the execution of tasks within a certain period of time, oriented

towards local and on-demand services (Gandini, 2018; Meijerink & Keegan, 2019; Roque, 2023a; Valente, 2021). The rise of digital platforms has led to the global expansion of virtual work, performed by a global workforce paid through the mediation of digital platforms, disempowering workers and exacerbating structural and geographic inequalities existing (Graham & Anwar, 2020).

Since 2014, platforms have been growing in Portugal, first with Uber's monopoly and then Glovo (Leonardi & Pirina, 2020), especially in the aftermath and socioeconomic recovery from the Great Recession in which the country resorted to financial support from the European Commission through the Memorandum of Understanding that led to a high degree of precariousness. The Great Recession resulted from the intervention of the Troika, followed by austerity measures and a major commodification of public services, restructuring of the labour market and capital with automation and substitution of goods for services, resulting in mass unemployment and precarious work (Carmo et al., 2021; Moniz et al., 2021). Structural changes, such as atypical employment, low wages, unstable jobs, and reduced social protection, have created precarious conditions for young people, migrants, older workers, and women who comprehend a more vulnerable, precarious, temporary, marginalized, and excluded workforce from the formal labour market (Huws, 2020; Vandaele, 2018). The type of employment that was created comprised, above all, atypical employment and self-entrepreneurship, that is, bad jobs with informal ties, without access to social protection (Kalleberg, 2011).

The Covid-19 pandemic accelerated the digitalization and platformisation, resulting from social confinements, with the most prominent forms of gig-work, that is, app-based delivery services, as their easiest forms of insertion into the labour market (Fernandes et al., 2021). The exponential growth of platforms results from the considerable number of consumers and from the growing mass of available workforce (Leonardi & Pirina, 2020). This context also led to a class distinction between first line (essential) and second line (non-essential) workers (Roque, 2023b). In the latter case, delivery drivers or couriers who have put their lives at risk, as their status as (false) self-employed does not allowed them to access social or governmental benefits. Although these workers might own their means of production, they are subject to algorithmic management, platform deactivation, and low income (Roque & Boavida, 2024; Schaupp, 2022).

The gig economy represents a unique opportunity for the new transnational digital proletariat to enter the Portuguese labour market, work on digital platforms and enable them to improve their livelihoods (Van Doorn et al., 2023). They seek for better living and working conditions and urban security (Oltamari et al., 2023b). Nevertheless, this 'adventure' can assume contours of precarity, informality, invisibility and suffering. These individuals are mostly young, male and of a foreign nationality, especially from Brazil and India. Even though it is estimated that there are around 20,000 workers in the delivery service (334) and 50,000 in individual transport of passengers in Portugal,¹ immigrants are more likely to engage in platform work than native-born (Zwysen & Piasna, 2024). In most cases, they are rendered to invisibility (Antunes, 2023; Zwick, 2017), facing regulatory obstacles and discrimination in accessing the formal labour market (Zwysen & Piasna, 2024), such as lack of access to legal documents to access Portuguese citizenship and language and cultural barriers. As such, they become more vulnerable and prone to situations of human trafficking, and illegal forms of labour. Also, among these workers, there are situations of virtual theft of customer requests, and 'mafias' of couriers who organize at the doors of the restaurants to avoid competition and fight for territory at collection points, collect more orders and prevent others from working. Working hours extend beyond 40 h per week and safety and hygiene conditions at work are scarce, especially due to the lack of insurance against accidents at work and which protects the worker, and not just the vehicle, especially in situations involving bad weather

(excessive exposure to sun and rain), physical aggression, robbery and even moral harassment. In addition, there is a need for permanent connection to one or more digital platforms in order to accept, without choice, the tasks involved in delivery services (Roque, 2023b). In this sense, it becomes crucial to give voice and analyse the occupational trajectories of this new digital proletariat, and the ways they resist and survive.

Trajectories of immigrant couriers and app-drivers in Portugal

Our interviewees were Brazilian men, with ages ranging from 30 to 55 years old, holding an academic degree, and without previous experience on this sector. This resulted not only from the availability of the male interviewees (double journey), but especially from the fact that there are more men than women in these activities. From all the interviewees, three of them were selected for their involvement in the leadership of workers' movements and the struggle for better living and working conditions regarding couriers and app-drivers.

Interviewee 1 (I1) is a 40-year-old Brazilian lawyer who was born in Rio de Janeiro. He lived his childhood and adolescence in Uberaba (Minas Gerais), and then in Goiânia (Goiás), close to the capital of Brazil. In 2017, he migrated to Vila Nova de Gaia, a city in the North of Portugal, with his wife and their 3-year-old daughter. Upon arriving in Portugal, he worked for 3 years as a courier and is now an app-driver. He is currently an Uber driver working for a number of companies and also working as a lawyer. In 2021, he was one of the founders of the independent movement *Estafetas em Luta*, which has around 1,600 workers, and isn't associated with unions or political parties. He runs a small law office in his home, providing support to Brazilian immigrants, couriers and app drivers. This professional exercise is fundamental for his participation in the struggles and mobilisations of couriers and app-drivers in Portugal, having first-hand knowledge of the situation. He is also one of the leaders of the platform work movement 'Estafetas em Luta' and the Association of Migrants and App Workers (*Asitrap – Associação dos Imigrantes Trabalhadores por Aplicativo*),² created in February 2025, in Porto, which helps with legal documentation, being the face of the struggle of these workers and reporting cases of labour and human exploitation of abuse among couriers and app-drivers in Portugal.³

In February 2019, interviewee 10 (I10), a Brazilian 55-year-old male, migrated to Porto. This was a situation he had been planning for years with his wife. With the facilities offered by the Portuguese government it became an attraction, and a dream came true. His wife managed to register as a lawyer in Portugal, which made it easier for them to legalize their status as immigrants. Due to the lack of job opportunities and services in their areas of expertise, they entered the labour market through delivery platform companies. Since the wife's account was the first to be approved and registered with Glovo, they both worked by car delivering goods. However, his wife did not adapt and opened a pastry business. He decided to migrate to France and worked on a four-month temporary contract on the production line of a food factory. His command of the French language facilitated mediation between management and Portuguese, Brazilian and African workers. The factory offered him a new temporary contract, but he preferred to return to Portugal, spending six months working for the Spanish logistics company Paack, which delivered Amazon and El Corte Inglés products. He cannot return to food delivery platforms, as he was banned without any justification, probably due to his political activity. Currently, he works together with his wife, delivering pastries and sweets made by them.

Interviewee 3 (I3) is 39 years old, single and no children male. He was born in Pão de Açúcar (Alagoas, Brazil). Since he was young he had a n urge to migrate to Portugal and discover other

cultures. In Brazil, he had a computer store and managed a family restaurant. However, when the Covid-19 pandemic arrived, the restaurant had to close. Faced with financial difficulties and seeing that he would have to rebuild his life, he decided to migrate to Portugal. In 2022, he joined his younger brother who was already living in Coimbra, since 2018, with his wife and three children. Soon after, two other brothers also migrated. They preferred to stay in Coimbra, rather than Porto or Lisbon, as they could afford a larger apartment to live in. Since his younger brother was already working as a courier, it became easier for him to enter the labour market.

Working on digital platforms: a path for precariousness?

In a context of lack of opportunities, immigrants are forced to accept undignified working conditions, deprived of access to social, labour and human rights, and subjected to situations of moral harassment, control and pervasive surveillance (Oliveira et al., 2023). However, the interviewees see this as a transitional occupation, without any career prospects, as their expectations are for professional advancement, with better employment conditions and salaries, especially after their regularization situation was solved. The movement of many migrants in the labour market has been to enter the app delivery activity through a rented account, to later obtain their own after regularizing their situation in the country; others arrive and join a fleet of cars or motorcycles linked to a digital platform; then, after obtaining credit to finance their own car, they become platform drivers; and finally, in the case of many, they migrate again to another European country, in particular to England, France, Belgium or Germany. As mentioned by an interviewed app-driver:

People don't make a career in this market. It's a gateway even for newcomers. Those who don't have documents rent an account from someone else who does. It's the only job alternative they have. Unless they go to other markets, which we know are saturated and pay poorly, like restaurants and construction. And there are people who don't have the skills for this. So, they come to digital platforms and usually start out as delivery drivers, renting an account. When they become legal, they open their own account on the platform and work there for a long time. Then they try to work as a platform driver, which is safer. (I1, male, 40 years old, app-driver)

According to those interviewed, the platform companies themselves end up reinforcing this 'temporary' characteristic, as it is not worth having a worker linked to them for a long period. As one app driver mentions:

I know they don't want that, because they want as little bonding as possible, so that the person can't later go to court and demand their labour rights. (I1, male, 40 years old, app-driver)

As a result, many older delivery workers end up being blocked by the platforms without knowing the reasons, as was the case with I10. Over the years, the working conditions and income of these workers have deteriorated. During the first years of the digital platforms' establishment, which date back to 2016, the salaries paid were higher and even advantageous compared to other jobs. As the years went by and a huge number of new workers joined these platforms, the salaries paid per task were successively reduced. This process was accompanied by a change in the ethnic profiles of migrants working in this activity in Portugal. For example, while in the pre-pandemic period, most delivery workers were Brazilian, in the post-pandemic period it is possible to observe a growing number of migrants from Asia, especially India, Nepal, Pakistan and Bangladesh. According to an interviewed app driver:

So, you have something that has gone into this calculation, which is the influx of Pakistanis, Indians, Bangladeshis. And these people work for any amount of money. They work in very, very bad

conditions. This is a harbinger of misfortune, because they are human beings like us. I mean, at some point these people will start to get tired, there will be accidents, people will die, as has happened before. (I10, male, 55 years old, app-driver)

Asian migrants end up having a more intense and longer workday compared to other delivery workers and TVDE drivers. Earning in euros, their earnings are much higher in their countries of origin, which is why they are subject to worse working conditions than Brazilian migrants, who see Asians as their main ‘competitors’ and one of the main factors in the depreciation of the amounts paid for rides and deliveries, degrading working conditions. In addition, the lack of proficiency in Portuguese and cultural differences make it difficult for Asian migrants to communicate with Brazilians and Portuguese who are struggling. Even so, we have seen several possibilities for joint articulation and mobilization between Asian migrants and Portuguese-speaking workers. Even though they are from different countries in Asia, they integrate more easily through the English language. As mentioned by an interviewed courier:

They get along well, they are very close, they are always together. When you see a group, you know it. By their physical appearance too. You can tell who is from the Middle East by their features. And our relationship is very good. We speak English with them. (I2, male, 39 years old, courier)

The increase in this contingent of Asian migrants has also been driven by an articulated human trafficking network that involves, among others, individuals and companies that own fleets of motorcycles and/or cars that act as intermediaries between the platform company and the workers. Some see this as a ‘mafia’, since many arrive in the country completely subordinate and/or in debt to these fleets. An individual migrant arrives in the country with a domicile, legal documentation, an approved platform account, etc. Therefore, these migrants arrive in the country with an enormous desire to work and quickly achieve their financial gains. According to an app-driver:

People don’t have a career in this activity. It’s really a gateway, where people who arrive, who don’t have documents, rent an account, that’s the reality of it. One rents an account from a person who has documents and works on that person’s account. Then many people think, but is this illegal? Sometimes, it is the only job alternative a person has, right? Unless one goes to other labour markets that are saturated and pay poorly, which would be restaurants and construction. They come to digital platforms and, generally, start as courier. Then, when they get legalised, they open their own account. (Interviewee 1, male, 40 years old, app-driver)

Platform companies rely on permissive recruitment strategies and highly flexible and stratified labour markets to create distinct groups of natives and migrants. Because the legislation is newly created and suffers from several porous problems, and companies continue to exploit workers, individuals are compelled to seek multiple jobs both within and outside the gig economy (Altenried, 2021; Mendonça et al., 2023; Rosenblat, 2018; Scholz, 2017; Woodcock & Graham, 2020). Also, companies do not intend to remain with the same working force, for their aim is to explore the most vulnerable ones, conceiving them as a disposable workforce. As mentioned by an interviewed app-driver:

It is not a business for companies to keep these people for a long time. Hence the motto, we are not disposable. That we always have this battle cry in our movements, because they treat us as disposable people. “I’ve used you for too long, bye. You’re just a number to us.” So, they do that kind of thing a lot. We realize that we are really disposable to them (...) In medieval times, there was the postman too. He was the person who delivered the letter to another party, who usually delivered the letter on horseback. Sometimes he also suffered reprisals, even murder, right? So, a courier is always at risk, right? But there is always this prejudice, “ah, delivery people are not people. They are disposable.” (Interviewee 1, male, 40 years old, app-driver)

According to the interviewees, being an app-driver provides a higher income compared to other jobs typically held by immigrants. Although the current national minimum wage is 820 euros, in 2023 it was 760 euros. For a delivery driver and digital driver to earn a monthly income of 1,200–1,400 euros, it will be necessary to work long hours that exceed twelve hours a day. However, these amounts vary according to the number of deliveries made during the day, as they work with minimum targets to be achieved. If there is a lot of movement, the person on the motorcycle will have made around 35 deliveries, while I did 30, 28. As mentioned by an interviewed courier:

If I earned 100 euros, the person on the motorbike would have earned 130, 140 euros. So, yes, more or less, that difference, because I'm in traffic, I go slower, and I can't stop anywhere. (I10, Male, 55 years old, app-driver)

If the day was going badly and I was doing almost nothing, I would wait for the night to save me. That's why a messenger spends more and more hours on the streets. (I2, male, 39 years old, courier)

Platform companies are not responsible for labour costs, which ends up being reflected in workers' expenses for having their own equipment. According to an interviewed app-driver:

They don't provide anything. Helmets, in the case of bikers, coats, they all sell them. The most they did before was giving thermal bags. But they no longer do! Today, each thermal bag costs around 25–35 euros, paid by the courier. (I10, male, 55 years old, app-driver)

However, while platform companies do not acknowledge the subordination of workers, they make it clear that they are working for others.

If you don't have a boss, you end up having several. If you don't have a boss, you end up having many bosses. So, you don't have a built-in boss. There is no manager, no person like that. But, I mean, you receive an order from Glovo to bring me food. (I10, male, 55 years old, app-driver)

Although the issue of implementing a contract between workers and platforms is not consensual, delivery drivers recognize the need for regulations that impose limits on algorithmic management and guarantee rights and social protection. It is essential to recognize the fact that app-workers and couriers do not have autonomy to decide on their work. As one interviewed app driver mentioned:

It is not you who decides all of this. It's the algorithm, it's the establishments, it's the customer. (I10, male, 55 years old, app-driver)

The lack of transparency about how work is organized and how apps operate has been highlighted as a problem of algorithmic management. Workers can be blocked or banned from platforms, often without any justification and without the right to defend themselves. Several workers report practices of persecution and punishment for those who participate in mobilisations and movements. There is also the constant change in the amounts paid for rides or deliveries, the use of daily bonus systems that end up creating greater competition among workers, even if they are unattainable or unfair. As mentioned by an interviewed app driver:

Platform companies pay what they want, and they don't tell us what the calculation basis is at that moment, be it Uber Eats, Glovo or Bolt. (I2, Male, 39 years old, courier)

Working as an app-driver and courier generates greater anxiety in workers who report feeling tense when waiting for a new order or ride and, at the same time, have difficulty disconnecting from the app. They recognize that this gamified routine (Woodcock & Johnson, 2018) produces a type of addiction, damaging their personal relationships outside of work. In addition, they are subject to

numerous adverse events such as rain, sun, cold and heat, in addition to the risks of traffic accidents, violence and physiological problems resulting from many hours on the motorcycle.

For many, the labour situation has worsened with the emergence of intermediary companies with fleets of cars or motorbikes and with the 2018 Uber Law. Companies like Uber and Bolt use these intermediaries to avoid the responsibility of recognizing the employment relationships of couriers and app-drivers. However, the intermediaries do nothing more than provide payment. Demands, account blocks, suspensions, and bans are carried out by platform companies. For the business to be profitable for a fleet owner, he needs to have hundreds of delivery people and platform drivers working for him. Through green receipts, fleet owners end up closing and opening companies to try to prevent the situation of permanent work for third parties, leading these fleet owners to end up being yet another actor in the political dispute for the regulation of this economic activity, positioning themselves against the employment relationship.

Between trade unionism and activism: the case of Estafetas em Luta

Delivery workers lack bargaining power, partly due to their low-skilled tasks and the devaluation of their assets (bicycles or motorcycles). However, they tend to organize themselves in cooperatives, associations, movements and workers' groups on social media to fight for their labour rights, as in the case of the Estafetas em Luta movement.

It emerged in 2021 due to the drop in income and worsening working conditions of delivery workers on digital platforms in Portugal. It was founded by four immigrant workers from Porto and the first movement they participated in was to denounce the risks of assaults and accidents they were exposed to during the pandemic. Thus, they began to organize delivery workers through social and digital media with the aim of organizing street demonstrations and demanding rights from companies and justice. In this process, Borges's cooperation with this movement was decisive.

According to Marcel Borges, Estafetas em Luta was the name of a WhatsApp group that aimed to discuss everything from workers' rights to solidarity among app-workers, especially in relation to issues related to workplace accidents, sales notices, or locations with police inspections. This was one of hundreds or thousands of WhatsApp groups about organizing workers on digital platforms in Portugal. Realizing this, the leaders of this movement began to organize themselves and establish contacts with people from other cities, as was the case with Hand Donner, from Coimbra. It had more than 500 members, most of whom were Brazilian migrant men. However, the high turnover of these professions was reflected in the constant renewal of members of these virtual groups, creating numerous challenges for the organization of the political struggle. In the beginning, the group was organized horizontally and online, although some leaders stood out and consolidated themselves as references over the years. Their main demands include better working conditions, such as table fixed rates, increased pay, access to social protection, job security, recognition, the right to collective representation in political spaces and in negotiations with companies, collective agreement, collaborative participation in the payment of taxes on behalf of the platforms, a meeting point, accessible physical space for companies to serve delivery workers, especially in cases of blockages or unfair punishments.

The interruption of delivery activities, people or goods, has been a way of expressing the dissatisfaction of these workers with the platform companies and/or the Portuguese government. Due to the nature of the algorithmic management, which does not recognize the employment relationship and uses the management of hundreds or thousands of people connected to its application, the

delivery workers ‘strikes’ causes participants to lose income for a period of time. As mentioned by Marcel Borges, ‘We cannot call it a strike, because we are not workers’.

Although it is not yet an association, Estafetas em Luta seeks to defend the labour rights of digital platform workers, that is, it aims to inform to the public what digital platforms are doing to couriers and platform drivers and what their demands are. In 2022, during a contribution sent to the Assembly of the Republic, Estafetas em Luta revealed that they defend the current commercial model, in professional and personal terms, is the best way of working, as they have the possibility of defining their work plan without having to report to an employer or be required to fulfil a certain number of working hours and deliveries.

After almost four years of organization, mobilization and struggles, Estafetas em Luta concluded that they needed to formalize the movement to present themselves as legal representatives of couriers and drivers in the various negotiation spaces that were being created in Portugal. According to Hans Donner, one of the founding members of the Estafetas em Luta:

There is only one solution: a union or association so that we now have a face, an identity, so that the Authority for Working Conditions mentioned that it cannot speak to us in an official way, as they would like to instruct us on a lot of things.

In the interviewees’ perception, the debate on the Green Paper on Labour and Article 12-A took place without much consultation or participation from delivery workers and their leaders. Thus, the articulation of this formalization gave rise, in February 2025, to Asitrap. Estafetas em Lutas continues to exist as a collective that organizes only delivery workers. Therefore, in addition to seeking to organize and meet the demands of digital platform workers (drivers and delivery workers), it also presents itself as a space for representation of migrants in Portugal.

Estafetas em Luta made several attempts to reach out and form alliances with unions and political parties. However, there are no specific unions for delivery workers or platform drivers in Portugal, only a few informal associations and local collectives, such as Estafetas em Luta and Associação Nacional Movimento TVDE. The latter was created in 2014 and has also been involved in several protests and has almost 200 members. However, it seems to be heavily criticized by its followers on WhatsApp, who claim that it does not adequately defend the rights of platform drivers, but mainly of fleet owners.

Also, *Precários Inflexíveis*,⁴ the Association for combating precariousness, has had dialogues with political and union partners about possibilities for defending digital platform workers, also trying to introduce new dynamics in attempting to organize them. One of its main leaders, Mafalda Brilhante, mentioned that the legislation is insufficient and that it does not combat precariousness. Issues related to precariousness and precarious employment relationships still remain, such as low wages and green receipts, leading to serious cases of poverty, especially among Asian immigrants who are difficult to organize due to linguistic and cultural issues and illegal and inhumane working conditions that lead to the fear of being deported.

It was a law that was completely tailored to Uber. In 2018, there were already many cases that had not been taken to court, worldwide, where there were already decisions in favor of workers. In Portugal, there were no cases in court for there was no Uber law. Therefore, a lot of pressure began to be put on. Therefore, Portugal was the embryo of the golden law for Uber that imposes an intermediary. Contracts directly between the driver and the platform were prohibited, and Portugal imposed an intermediary. Therefore, abusive intermediation was imposed, the platforms were completely irresponsible, they did not have to pay anything, and the workers had to come to an agreement with the intermediary company. Therefore, this was the first sign that our government gave that this sector was to be made precarious. And that this was something necessary, this is already our interpretation,

isn't it? But that was something necessary because "we have to have tourism, and for that we need to have TVDE and couriers. So we needed the platforms here, and do as they want". They created an initial law that is completely tailored to the platforms and then delivery people started to join in. That's a completely different reality because if TVDE, and we were still talking about people who left taxis for TVDE because, initially, it offered more money, we are talking about a continuation of people who work in the same sector. When goods were first delivered, initially, it was mostly people from Brazil who were working on the platforms. Nowadays, that is no longer the case. In Lisbon, it is mostly people from Nepal and Southeast Asia. So, what do we know about these people? They are here mostly irregularly and do not speak the language and the cultural proximity is very distant. Whereas with people from Brazil it is different situation. Even for the Portuguese [unions and associations] trying to organise people who do not share a common language, who do not share a common culture, is very difficult. It is a minority of the minority of the minority. And men, mostly young, live in a room with 20 people. So, the salary they want is to live and survive. So, when the salary is low, they work more. So, these are also people who are used to working long hours and who emigrate knowing that this will probably be what will happen to them. Therefore, exploiting people who do not have a network is much easier than exploiting workers who are able to create a network, as in the case of Brazilians who are more difficult to exploit.

Among the political parties, alliances were made with the Portuguese Communist Party and the Left Bloc. According to them, although some right-wing or center-right parties have shown interest in dialoguing with delivery workers, seeing them as an important political contingent, dialogue becomes difficult when these parties are the ones who take up anti-migrant banners. Therefore, their main allies have been precisely left-wing parties. For example, the Left Bloc has helped delivery workers and app drivers to be heard in meetings and public hearings held in the Portuguese National Assembly or other political spaces. Since a significant portion of these workers are Brazilian migrants, there is a transfer of political and ideological debates from Brazil to Portugal.

For example, there is a certain aversion among Brazilian delivery workers to the participation of unions and political parties in the movement, as they are seen as belonging to the left-wing political spectrum (Festi et al., 2024). In fact, this is the general view that workers in Portugal have regarding unions (Roque, 2018a). The leadership of *Estafetas em Luta* mentioned that most Brazilians in the activity consider themselves to be right-wing (Bolsonaristas). In addition, there is a rejection of the employment contract and a strong presence of the ideology of entrepreneurship (Abílio, 2019), a position closer to the right and neoliberalism, far from the idea of decent work.

On the other hand, traditional unions do not see the political gains in organizing a precarious contingent of migrants with high job turnover and no employment contract. Furthermore, the profiles of Portuguese unionists are associated with old, white men, with a very traditional view of the world of work, which distances them from the profile of delivery men and platform drivers.

Even though there are notorious advancements in app-workers struggle, the mobilization of delivery workers also faces ethnic, cultural and linguistic differences within its ranks. Most of the leaders of the delivery workers are Brazilian migrants, but this has not prevented rapprochements and joint actions between the different nationalities. These leaders recognize the difficulties of communication and relationships with Asians, but they also reveal moments of solidarity and joint actions. They believe that there is a greater unity between Asian delivery workers and drivers, and when they join the mobilisations, they impose their presence. Over the years, those who took on the leadership of *Estafetas em Luta* began to feel the difficulties and limitations of engagement and activism without a formal structure. The implications affect their personal and family lives, having to dedicate a lot of time to organizing people, in addition to financial losses due to not working during this action to raise awareness and organize the struggle. In addition, both the mobilization and the work depend on the cell phone, which prevents disconnect from these activities. In

addition to these difficulties, leaders also face barriers and intimidation from platform companies and vehicle and fleet owners. All interviewees mentioned that they had suffered some type of pressure or harassment due to their activism. Among them, the most serious case occurred with I10, who had his Glovo account blocked without any justification after organizing and participating in a demonstration against the company demanding better working conditions and pay.

The Estafetas em Luta have been involved in several street demonstrations, mainly during the pandemic, in Porto and Lisbon, and have also been engaged with the Union of Road and Urban Transport Workers of Portugal (Boavida & Roque, 2021). On 2 April 2022, the largest mobilization in Portugal took place in Porto, led by the Estafetas em Luta. According to the interviewees and their leaders, the main demands raised by them in recent years were an increase in the amount paid per kilometre travelled to make the delivery, bonuses for working on bad weather days, additional pay for working at night, health insurance, a minimum wage of 800 euros, paid vacations, and a thirteenth salary in an amount proportional to the year worked. This process of organization was carried out through cyberactivism (Roque, 2018a, 2023b), using a WhatsApp and Facebook group, seeking to bring together delivery workers, and even drivers, from various regions, that is, to bring together the transnational working class that, in the end, faces the same difficulties. They managed to carry out mobilisations and work stoppages in several cities in Portugal and, from 2023 onwards, they also began to mobilize migrant delivery workers from Pakistan, Nepal and Bangladesh, mainly in the metropolitan region of Lisbon.

Platform legislation in Portugal

Although the issue of work through digital platforms has been discussed not only at national but also at European level, in December 2021, the European Commission proposed a directive – the presumption of work – to improve working conditions on digital platforms. In May 2023, the Portuguese government reformed the Labour Code, which mainly focused on digital platforms, through Directive 12°-A, which was added to it, and which aimed to reduce precariousness through mandatory contracts. Directive 12°-A allows an unassumed employment relationship to give rise to an employment contract with access to guaranteed rest periods and paid holidays; national minimum wage; health and safety protection; unemployment and sickness benefits and medical care; parental leave; pension rights; benefits for accidents at work and occupational diseases. Nevertheless, this situation brings several issues since it is just a mere presumption of employment contract within the scope of a digital platform, recognizing that the presumption of employment (already provided for in article 12 of the Labor Code) refers to a traditional model of organization and provision of work. As such, it does not bring any guarantee of a labour contract, since it is needed to be proven the existence of some clauses related to the setting of remuneration, power of management, control and supervision, organization of work and disciplinary power of the digital platform. According to the interview with the specialist and Professor of Law, Teresa Coelho Moreira, who was also a Scientific Coordinator of the Green Paper on the Future of Labour appointed by the Minister for Labour, Solidarity and Social Security:

To assume that the presumption means that everyone will be a worker, it is a gross error. The presumption only means, the function of the presumption is to help those who have to show their ass. And knowing the reality of work on digital platforms, knowing the opacity, for example, of the algorithm. Of course, now it is also a little easier with the new rules of the labor code. But knowing how everything works, how the control is done, the burden of proof in a normal process, when you want to prove and

have to find work, is on the one who claims to be a worker. If we did not have a specific presumption for this type of worker, it could be very difficult for them to prove all the facts, so, or try to prove.

Also, the interviewee José Soeiro, who is also a researcher and professor, and a former from the Deputy from the Left Bloc, who has been involved in the support for the struggle for better working conditions on digital platform work, mentioned issues related not only to the lack of transparency or criteria from the platforms, but also racism from clients.

Algorithms are not just a technological construct, they are not an issue that should be regulated by laws only concerning data protection, or anything else. They must also be regulated by labor law. Of course, this raises a set of complex questions about how to ensure transparency and control of algorithms, because the feeling I have is that it is also very easy for companies to use algorithms to make their decisions completely opaque and attribute the decisions to Artificial Intelligence itself, for example. This idea that companies say that they are not the ones who tell the algorithms what the criteria is, because the algorithm learns from the consumers themselves [...] In this choice by customers, there would end up being mechanisms of racist discrimination, in the selection of people based on their appearance, with all the problems that this generates. The companies' argument is that since these are the people most chosen, then the algorithm itself offers, in quotation marks, to those who are looking for more workers with this profile. This means that if the algorithm is subject to laws that prevent discrimination and labor laws, we have to humanely prevent the algorithm from reproducing these prejudices on its own. That is why I think that the issue of regulating the algorithm, its transparency, its traceability and its labor protection, is a really important issue for the future of work, but not only on delivery platforms.

In sum, the platform's refusal to formally negotiate, as well as the unilateral and opaque decision-making process by the algorithm, can lead to lack of communication and processes of terminations and/or 'deactivations' where the 'frontier of control' is exacerbated (Goodrich, 1975; Woodcock & Cant, 2022).

In the context of the entry into force of this new legislation, Brazilians living in Porto decided to take their cases to the Labour Court, with the support of *Estafetas em Luta*, to enforce their employment relationship with the platforms, since it is very difficult for the entity to reach an employer agreement. In February 2024, the first decision in favour of digital platform workers in Portugal, based on the article 12°-A from the Portuguese courts regarding couriers, came out recognizing a courier's employment relationship with Uber Eats. The case was presented before the court by the Public Prosecution Service, following an inspection action from the Authority for Working Conditions. It concerned a courier working for Uber Eats and the court upheld the existence of an employment contract between both, based on the new presumption (the first five characteristics were considered proven). However, due to a procedural mistake (apparently, Glovo, rather than Uber Eats, was summoned to the process), the platform had already publicly stated that it will request the nullification of this decision. Even though there are other cases pending, the unfolding of this particular one is now uncertain, particularly because Uber Eats will now have the chance to present its arguments, which may otherwise convince the court. However, despite the result, the political impact was enormous, and the decision became symbolic of an inflective milestone.

The judge's decision occurred amid the tense electoral campaign for the Portuguese parliament in March, as well as the European one in June, situations that projected a rise of the extreme right, particularly through the political right-wing party Chega. Using the new labour legislation, the sentence reveals the existence of legal subordination, justifying an employment relationship. The defendant was the largest platform company in the world that claims to only act as an intermediary

between customers and workers, without an employment relationship. The beneficiary was an immigrant from Bangladesh living in Martim Moniz, a neighbourhood in Lisbon known for its migrant multiculturalism, especially Asian and Muslim. According to the interview with the specialist and Professor of Law, João Leal Amado:

This is a set of elements that can be more easily taken to court, and this applies to disputes that are in court. It is a rule that has an evidentiary scope and qualifies the relationship, but it aims to facilitate the proof that there is an employment relationship between the courier or driver and the company that operates that business area on the digital platform. And this is legislation that has already been approved but is now taking its first steps and about which there is still very little reflection [...] It is a sign that the Portuguese legislator is aware and concerned about the way in which this phenomenon is developing and is trying, in some way, to facilitate the operation of recession of these new layers of workers within the scope of labor law, so that these people can be considered dependent workers, as in fact it seems for the most part, and not so much, buying into this thesis that these people are not workers, they are partners, they are self-employed, they are entrepreneurs and that, therefore, labor law would not have any intervention in this area. This is the thesis that companies in the sector, all over the world, have been spreading, this narrative that this is not work in the sense of applying the right to work.

Furthermore, between the end of 2023 and 2024, with the approval of article 12°-A, the Authority for Working Conditions began to operate on the streets, inspecting delivery workers, with the aim of producing a report that would give the Public Prosecutor's Office a comprehensive view of the conditions of these workers on the situation of work on digital platforms.

Discussion

Through the analysis of the life trajectories and voices of workers and different stakeholders, it became clear that the platformisation of work contributes greatly to the process of labour and human precariousness. Despite the high degree of turnover and individualization of work, resulting from job insecurity, in terms of organizational strategies, these workers live in a state of permanent uncertainty, fear and vulnerability. In fact, the platformisation of work produces a qualitative leap in the process of precarious employment. Despite the high degree of turnover and individualization of work, resulting from job insecurity, in terms of organizational strategies, there is, in fact, a new generation of working-class militants which is formed by immigrant workers. They find comfort and resistance creating virtual communities of comradeship and a form of web-based civic engagement or digital activism, focusing on the use of technology, resorting to cyberactivism, to participate in political activism (Dyer-Whiteford, 2015; Huws, 2003; Estanque & Costa, 2012; Roque, 2018a, 2018b, 2023b). Social networks and digital platforms (Facebook, Tik Tok, WhatsApp, Zoom and Skype), the instruments used by workers, can be constituted not only as control tools, but as relevant instruments for mobilizing and confronting internal opposition in unions considered as traditional (Nowak & Santana, 2022; Roque, 2018b, 2023b; Woodcock & Cant, 2022), helping workers to claim their labour rights, organizing campaigns, creating synergies, both nationally and internationally, recruiting and sharing information and struggle strategies.

Despite the digital precarious working conditions, there is a new generation of immigrant transnational working-class militants, who follow a new struggle repertoire. As José Soeiro pointed out:

They stopped, they didn't accept orders, I'm talking about Monday, they didn't accept orders, for example, at McDonald's. So, they arranged for the allies' McDonald's, no one accepts orders for the allies' McDonald's. In other words, it wasn't a complete stoppage, it was a concentrated stoppage in

one of the places where there were the most orders. But it is a form of strike and ultimately, we have to look at this, how in the world we have we can reinvent the repertoires of struggle that exist. Some will be new, others are just an adaptation to the digital age, of old forms of strike, of meetings, of plenary sessions, but which can also exist using these technologies and, therefore, I think we should be critical without being desperate or fatalistic about it, this only has one meaning.

Conclusion

Based on the analysis of the focus group and in-depth interviews, it is possible to conclude that working on digital platforms can be a path to precariousness, exploitation and overexploitation, that is, a condition of modern slavery. To highlight this, the aim was, to emphasize worker's experience in a foreign country and the problems they face in their daily lives carrying out their labour activity. Contrary to what happens in legislative processes, this article aimed to give a voice to workers on digital platforms who are not heard in their demands, which are considered in the elaboration of guidelines and laws that seem to foster platform oligopolies and human trafficking networks. Even if the access to labour protection is limited or non-existent, especially in terms of collective bargaining rights, occupational health and safety protection, and social protection, app-workers prefer to remain self-employed. According to the interviewees, this apparent freedom allows them to combine this activity with other activities, to be connected to different platforms simultaneously and whenever they want, and to be able to choose the most profitable task or trip. As such, it was possible to show the various conflicts that exist between the categories of courier and app-driver and the platform companies themselves, as well as their strategies to increase their profits through algorithmic automation. It was found that algorithmic management is constantly changing its management method, adjusting to market conditions and to the struggles of workers themselves. Despite the new regulatory framework regarding delivery and platform drivers, it still requires several adjustments for it presents several porous aspects that do not directly grant an employment contract to workers, buy mainly the access to human and decent labour rights.

Notes

1. <https://dnbrasil.dn.pt/marcel-gomes-o-advogado-brasileiro-que-defende-entregadores-e-motoristas-de-app-em-portugal>.
2. <https://www.facebook.com/people/Asitrap-Portugal/61564966024645>; https://www.instagram.com/asitrap_estafetas.em.luta/.
3. https://www.rtp.pt/noticias/pais/associacao-dos-imigrantes-e-trabalhadores-por-aplicacao-denuncia-exploracao-de-estafetas_a1622063.
4. <https://www.precarios.net/>.

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