***En réagissant aux arguments exprimés dans cet éditorial (document numéroté 5), le candidat rédigera lui-même dans la langue choisie un texte d’opinion d’une longueur de 500 à 600 mots***

**Be warned: Deliveroo’s victory over its riders shows just how vulnerable British workers are**

[Callum Cant](https://www.theguardian.com/profile/callum-cant) *The Guardian* Thu 23 Nov 2023

On Tuesday, the supreme court [ruled unanimously](https://www.theguardian.com/business/2023/nov/21/blow-to-gig-economy-workers-after-uk-supreme-court-rules-against-collective-bargaining) that Deliveroo riders are self-employed and do not have a right to collective bargaining. After seven years of legal battles, a case brought by the Independent Workers’ Union of Great Britain (IWGB) that began in Camden and Kentish Town, north London, finally reached the end of the road.

For Deliveroo, the result is a substantial victory. The decision means the company is protected from the need to collectively bargain with a union over fundamental issues such as the lack of a guaranteed minimum wage. The supreme court decided that riders were correctly described as self-employed, and that [Article 11](https://www.ier.org.uk/news/supreme-court-ruling-deliveroo-riders-are-not-employees/) of the European Convention on Human Rights – which guarantees the rights of freedom of assembly and association – does not give self-employed people the right to collective bargaining. The company can continue to operate a system that can [pay riders as little as £2 an hour](https://www.theguardian.com/business/2021/mar/25/some-uk-deliveroo-riders-earning-just-2-an-hour-survey-finds), can lead to 70+ hour working weeks, and thus exposes riders to health and safety risks. As I saw when I rode for Deliveroo back in 2017, it is fundamentally a business model predicated on avoiding the costs and responsibilities of fair work.

For the IWGB, this ruling doesn’t change much. Deliveroo riders and couriers have been involved in [strike after strike for the past seven years](https://www.theguardian.com/lifeandstyle/2016/aug/11/deliveroo-couriers-demonstrate-against-new-contract), waging a kind of industrial guerilla war that has spread across the globe. The elimination of employment status has left them without access to fundamental protections, but also removed the restrictions of the UK’s anti-strike laws. Freed from the farce of postal ballots and turnout thresholds, they have spent years conducting a campaign of wildcat strike action in defence of their interests. Nothing about this judgment will affect that.

For the general public, the decision should be a warning. Democratic rights in the workplace have been under attack for more than 40 years now, with the Trade Union Act 2016 and Strikes (Minimum Service Levels) Act 2023 setting the minimum turnout requirement for ballots on industrial action at 50% and giving employers in essential services the right to force workers to turn up on strike days.

Deliveroo is a company that spends much of its time and energy on shaping the legal environment through its lobbying, and so preventing its riders being counted as employees or workers is a fundamental step towards protecting its high-exploitation business model. Its initial “disruption” of labour law that began in 2013 is increasingly being consolidated as a new normal of precarious work.

The judgment marks the next step in a process of regulatory divergence between the UK and the rest of Europe. In Germany, riders for Gorillas, a grocery delivery platform, have a “works council” that offers them formal rights to representation. [In Spain](https://www.theguardian.com/business/2021/jul/30/deliveroo-unveils-plans-to-pull-out-of-spain-in-wake-of-rider-law), the 2021 Riders’ Law introduced a presumption of employment for workers on digital delivery platforms and creates new rights for unions in the sector to access information about how work is organised by algorithms. At an EU level, the platform work directive will soon be agreed that will introduce a [presumption of employment](https://www.consilium.europa.eu/en/press/press-releases/2023/06/12/rights-for-platform-workers-council-agrees-its-position/#:~:text=Correct%20classification%20of%20self%2Demployed,restrictions%20as%20an%20employed%20worker.) for 28 million platform workers across 27 member states. Whereas Europe is moving towards greater protection, the UK is moving towards greater precarity.

The challenge facing Deliveroo riders is fundamentally the same as that confronting workers across Britain. We face a dire combination of emboldened companies cutting real wages, intensifying work and undermining legal protections.

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