



**ABVV BTB**  
Samen sterk



**Black book  
bike couriers**

## Table of contents

5	The platform economy: a booming business
5	Meal providers in Belgium
6	Bogus self-employment is the norm
7	A competitive battle
8	The bike couriers are the ones who get screwed
8	Sector with high staff turnover
9	Shining a light on the three Belgian delivery platforms
12	Flagrant failures of assessments and passes by the skin of their teeth: Fairwork assesses the platforms
14	The bike couriers have their say
16	Social consultation
18	Deliveroo up before the courts all over Europe
20	Is Belgian and European legislative work bearing fruit?
22	Epilogue
24	Read our other reports
26	Follow BTB online

## Foreword

Bike couriers. It's hard to imagine our cityscapes without them. We see them everywhere – and many of us also make use of their services. But these men and women on their bikes need to be in good shape already if they are to ride so many kilometres, day after day. Yet their daily reality is far from being so rose-coloured.

What about their wages? We know that all sorts of things are wrong with their status. Most bike couriers operate as bogus self-employed workers, or have a status that is far from on the straight and narrow. The result is they are not paid the minimum wage, which in turn makes them underpaid!

To say nothing of their working conditions. Helmets, gloves and safety measures, etc. are usually something that they have to take of and pay for themselves. Or they have to take out their own insurance. Also – as this black book illustrates – they frequently find themselves having to deal with broken promises and false hopes.

Which is why BTB will continue to work on behalf of these bike couriers. Because anyone who is treated unfairly is entitled to and in need of protection – and they must have a union to act for them when the need arises. To resolve individual problems and to negotiate collectively. That's what the BTB is doing: we're going after the platform employers. Because that is what they are: employers!

And no, this is not a threat, it's a promise! As far as we are concerned, bike couriers are employees like anyone else, with the same obligations, but above all with the same rights.

And although there is still a lot of work to be done in this respect regarding the platforms themselves and with the lawmakers, etc. – in the meantime, we have started organising bike couriers and we are stepping up to the plate in terms of taking on our responsibility in social dialogue.

After all, we don't want to wait until we achieve proper workers' status for them before we stand up for the bike couriers. There are thousands of bike couriers out there who need a trade union. And from now on they have one: BTB!

**Frank Moreels**  
President BTB



## The platform economy: a booming business

Currently, in Belgium, it is estimated that there are between 10,000 and 80,000 people working in the platform economy, across the various sectors. For the road transport and logistics sector, it is more specifically meal delivery services such as Deliveroo that we need to focus on. More specific figures about these workers are hard to find in the official statistics.

But there can be no doubt that these platforms are expanding very quickly. For example, in Belgium, Deliveroo has gone from 900 to 3,500 bike couriers in the space of just 3 years. And the popularity of online meal deliveries was certainly boosted by the recent lockdown period. In fact, it has now become hard to imagine the streetscapes of many medium-sized and large towns and cities without the brightly coloured bike couriers.

## Meal providers in Belgium

The market for meal deliveries in Belgium is dominated by three players (Deliveroo, Takeaway.com and UberEats). Deliveroo and UberEats operate in Belgium with bike couriers working as (bogus) self-employed status and bike couriers working under P2P status. These bike couriers are paid per delivery (i.e. at a piece rate) and are controlled by the Deliveroo and/or UberEats app. This app uses an algorithm to determine how the work should be done, who does the work, where the work is done and when the work is done. As such, this type of control turns bike couriers into workers who should be entitled to an employment contract, as well as a decent wage and all the social benefits associated with a proper employment contract (i.e. year-end bonus, holiday pay, pension, sick pay, etc.).

Takeaway.com operates in a different way. There, the bike couriers are actually employed as employees of the company. In itself, that is quite an improvement over Deliveroo and UberEats, although it should be noted that most of the bike couriers are working with uncertain temporary contracts and there are also numerous issues that arise as a result. For instance, promises are not kept, there are unjustified dismissals, wages are not always paid correctly, there's no social consultation, etc.

## Bogus self-employment is the norm

These platform companies try to keep their labour process as cheap as possible by outsourcing just about everything. This means that the bike couriers are required to register as self-employed workers or to work as P2P and be responsible for their own means of transport, among other things. This often has serious consequences for their working conditions and employment-related protection. Platform companies are not bound by collective sector agreements, statutory minimum wages or social security contributions for their employees. Claiming that these bike couriers are self-employed is obviously not true. They are anything but free to carry out their work. The authority exercised over them by the company is too great. The way BTB sees it, these bike couriers should be recognised as employees and be entitled to the wages and working conditions of the Joint Representation Committee on Freight Transport and Logistics (140.03).

## A competitive battle

The Belgian market for meal platforms mirrors the competition between platforms on a worldwide scale. This sector generates billions in turnover globally, yet despite this, these companies mostly continue to struggle on with significant losses. The only reason they still exist are the deep pockets of venture capital investors, who hope that the platform they are investing in will win the battle to be competitive and become profitable.

The platforms compete with each other on price. Whoever has the lowest costs can deliver at a lower price, which in turn ensures a larger market share. The ultimate goal is gain a monopoly in the market. If that can be achieved, the "winning" platform can then set the rates its wants and become profitable. Until that happens, the platforms are involved in a 'race to the bottom' in terms of pay and working conditions.



## The bike couriers are the ones who get screwed

In the end, it's the bike couriers who ultimately bear the brunt of the competitive battle. They are paid too little for the work they do and so they are barely able to make ends meet. Because they are employed as (bogus) self-employed workers, or are under P2P status or have precarious temporary contracts, they have few or no rights and, as a result, they do not have a decent social safety net that normal employees have. This is often compounded by the fact that the majority of these bike couriers find themselves at the bottom of the ladder in the labour market, which means they cannot or dare not stand up to the platforms that exploit them. At the same time, the people at the top of the platforms earn millions, while their bike couriers often don't even earn minimum wage and have very few or no rights at all.

## Sector with high staff turnover

From the conversations that BTB has had with the bike couriers in the streets, we can see that their position is becoming increasingly weak. The platforms adjust the rules of the game completely unilaterally and without any explanation, whenever it suits them. If the bike couriers do actually rebel against the policies in place or get a bad rating from the algorithm for some reason, then their account will be blocked or they will be thrown off the platform without any proper explanation, without the right to defend themselves and without mercy. As a result, platforms such as Deliveroo and UberEats experience high staff turnover. Many of the bike couriers do this work on a temporary basis until they find something better or they can't stomach it any more. The group that is then left are often migrant workers or workers without proper documents who often have no choice but to keep on riding. But living costs money, as you know...

## Shining a light on the three Belgian delivery platforms:

### Deliveroo

Deliveroo was founded in 2012 in London by William Shu and Greg Orlowski. In 2015, Deliveroo expanded to other countries, including Belgium. This platform company currently operates in 25 Belgian cities (Aalst, Antwerp, Bruges, Brussels, Charleroi, Dendermonde, Genk, Ghent, Hasselt, Kortrijk, Leuven, Liège, Lokeren, Louvain-la-Neuve, Mechelen, Mons, Namur, Ostend, Roeselare, Sint-Niklaas, Sint-Truiden, Tournai, Turnhout, Vilvoorde and Waterloo). Some 3500 bike couriers currently ride for the platform in Belgium. And they do this as bogus self-employed workers. Around 85% of Deliveroo bike couriers work under the fiscally favourable P2P status. In December 2021, the Employment Tribunal in Brussels ruled that this improper use of the legal loophole was not permitted.

In the meantime, Deliveroo has now ceased operations in the Netherlands and Spain after amendments to the legislation or in the context of a ruling that labelled Deliveroo bike couriers as employees who are entitled to an employment contract and proper working conditions.

### Uber Eats

UberEATS was started up in 2014 by the American taxi platform Uber. The platform also began operating in Belgium in 2016. It currently operates in Antwerp, Ghent, Leuven, Liège, Brussels and Namur. It has 3000 active bike couriers by its own admission and the way it operates is very similar to the Deliveroo model.





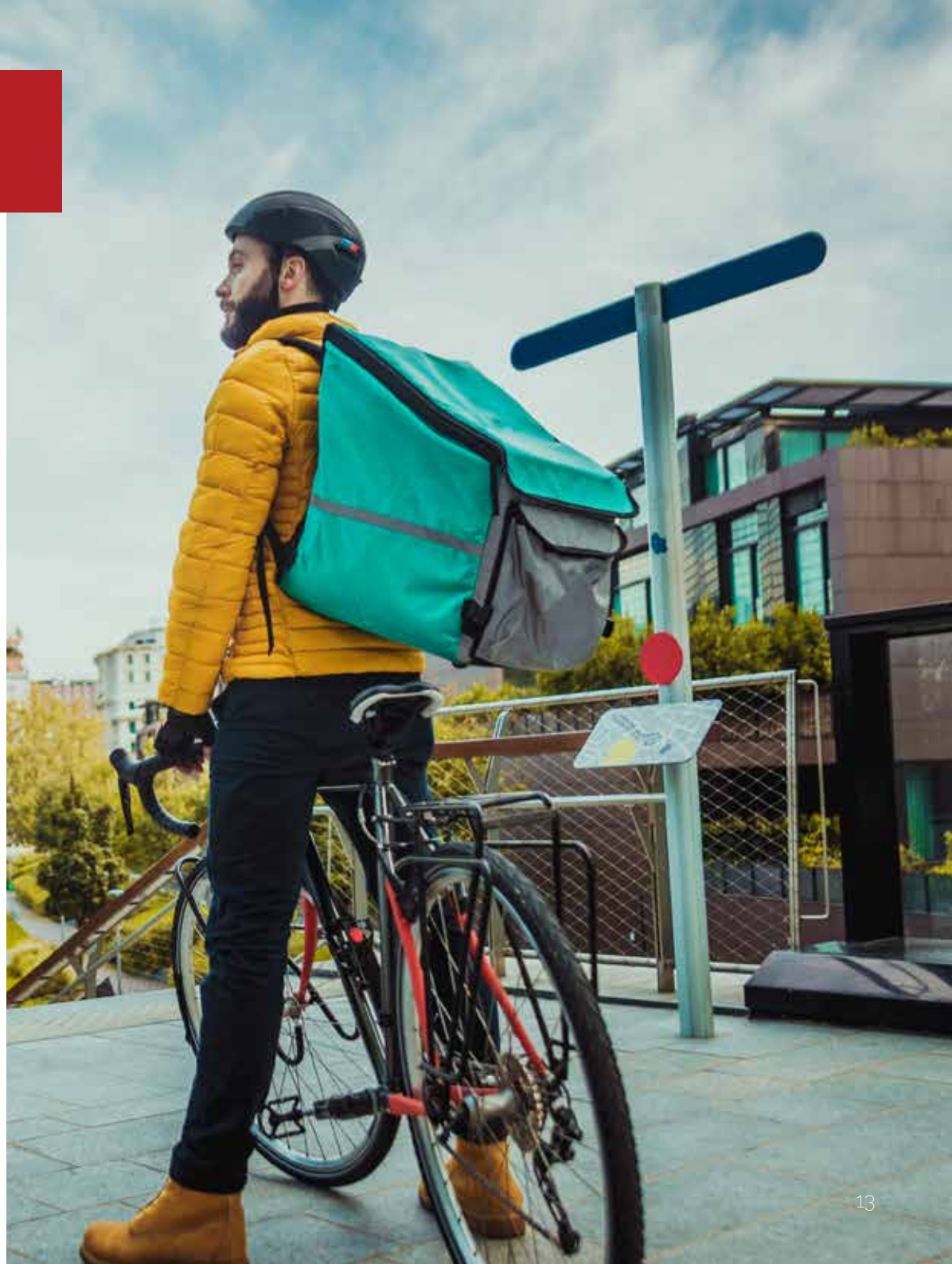


## Flagrant failures of assessments and passes by the skin of their teeth: Fairwork assesses the platforms

Through the Fairwork project, a worldwide network of researchers is seeking to map the labour situation within the various platforms. They do this by examining each of these platforms to see the extent to which wages, working conditions, contracts, management and collective representation are organised fairly. In 2022, they did the same thing for Deliveroo and Takeaway in Belgium. The results prove what BTB has been saying for a long time. Deliveroo failed its assessment across the board, ending up with a pitiful 1 out of 10. Its competitor, Takeaway, managed a 6 and just about passed by the skin of its proverbial teeth. Takeaway scored a little higher than its competitor because it pays its bike couriers by the hour instead of by the order. This means they are guaranteed the minimum hourly wage and their waiting times are paid for. Takeaway bike couriers can also communicate with management, both face-to-face and online, while Deliveroo has outsourced its contact department to Madagascar, making any true contact an arduous task.

One point where both platforms scored poorly is the collective representation of their bike couriers. They are barely given any opportunities to organise themselves or to provide input within the company. However, social dialogue, even at Takeaway, should not be considered a luxury. UberEats was not included in Fairwork's assessment, but we can assume that its score would be similar to Deliveroo's. That's because both platforms work in a similar way.

On October 21<sup>st</sup> of 2022, BTB and Uber reached an agreement whereby social dialogue has now been made possible for Uber drivers and UberEat bike couriers. BTB and Uber continue to disagree over the status of people working for the Uber app. Nevertheless, it will now be possible for BTB to represent its member drivers and bike couriers with the company.





# The bike couriers have their say

## Takeaway

That fact that Takeaway is the best platform for bike couriers can also be seen from the conversations that we have had with them in the street. In particular, the security of income that the fixed hourly wage offers them is very important to many bike couriers. Yet our conversations revealed quite a few problems and frustrations as well.

For example, awarding permanent contracts is not always transparent.

"It took a very long time before I was given a permanent contract. I was on temporary contracts for a little over two and a half years. Which was pretty irritating. How do they go about allocating permanent contracts? I have the impression that sometimes they simply draw names out of a hat. Sometimes there are people who have only really worked there for 3 or 4 months and they already have a permanent contract, while there are also people who had actually worked there for a year or a year and a half and they still didn't get a permanent contract."

The many temporary contracts create job insecurity and insecurity among a lot of bike couriers.

"That is actually a problem now for people from Randstad, because we are actually short of work, yet all those people are now without a job or only get a few hours of work a week. That really is a problem. There are actually more people now than there is work."

And despite the cycle equipment that Takeaway makes available to them, the bike couriers still have to bear the cost of a lot of their expenses.

"I have a €15 per month subscription. That's an hour and a half of work. I didn't have that subscription before Takeaway. I usually studied or worked at home. But after I started at Takeaway, that became an extra expense."

"You use your own mobile phone. A car once drove over my mobile and I didn't get anything back for it. Now I have another mobile phone and I have had to take out insurance from Orange myself. But you actually have to pay for that yourself anyway."





## Social consultation

Although Takeaway is clearly different from its competitors, Deliveroo and UberEats, something there is certainly not all going according to plan either. We gathered there are also problems from our conversations with Takeaway bike couriers. Promises that are not kept, there are unjustified dismissals, open-ended temporary contracts, the mandatory use of bike couriers' own smartphone – and so on. In the land of the blind, the one-eyed man is king. As a trade union, we therefore ask that the bike couriers be placed in the right joint representation committee (140.03), that a clear and transparent wage policy be implemented for the bike couriers and that proper social dialogue be started within the company so that the bike couriers are also listened to.

BTB has been calling for more than a year now for social dialogue to start with bike couriers. Unfortunately, until now, the company has refused any opportunity to enter into practical agreements with us. Our various attempts to make contact, up to and including the level of Belgian management and even CEO Jitse Groen, have all been in vain. What is all the more striking is that other countries have succeeded in reaching collective agreements with the company. In Denmark, France, the Netherlands, Germany, Austria and Italy, there is social consultation in place that has enabled collective agreements to be reached. So why should Belgium lag behind? But BTB is not giving up the fight. We will continue to hammer home the point that this type of consultation is also much needed in the Belgian branch of Takeaway.com.

BTB has also repeatedly urged Deliveroo to enter into social consultation so that their bike couriers' voices can be heard. Deliveroo continues to claim that it is open to having a discussion. Yet we must point out that despite our many approaches, there has been no willingness to start up a constructive dialogue with us. Instead, the company has set up its own "bike couriers forum", in which a number of bike couriers then act as the "representatives" for their region and are able to meet every three months to discuss a number of issues. This sham consultation is not legally binding and the representatives have no legal protection as they do within established social dialogue elsewhere in Belgium.



## Deliveroo up before the courts all over Europe

In the meantime, a number of European countries are fighting the bogus self-employment status and exploitation of bike couriers. However, these proceedings have not reached an unequivocal outcome. In France and Spain, after various conflicting rulings, the supreme courts have finally decided that meal bike couriers should indeed be hired with full employee status. By contrast, there are rulings such as the one by the Paris Court of Appeal, which decided there is no employer authority at Deliveroo as such because, among other things, bike couriers are free to choose their working hours.

In the Netherlands, the Dutch trade union FNV went to court in 2018 to fight against the way Deliveroo operates. It is also clear to the FNV that Deliveroo bike couriers are employees and therefore they are entitled to a proper employment contract and fair terms and conditions. FNV was shown to be right across the board by the courts, both of first instance in 2019 and then after appeal in 2021. The court concluded that all of the elements point towards bike couriers having a genuine employment contract. In December 2022, the Dutch high court is expected to confirm the earlier rulings. With that in mind, Deliveroo announced in October 2022 that the company was pulling out of the Netherlands. The company itself does not link its departure to the court rulings, but rather to its own position on the Dutch market.

In Spain, Deliveroo left the Spanish market on 29th November 2021. The company did so in the wake of the Spanish 'bike couriers' law passed by the Spanish government in mid-August 2021.

Deliveroo has also been taken to court in Belgium. Although the Administrative Commission for the Regulation of Labour Relations, part of the FPS Social Security, previously concluded that the Deliveroo bike couriers were not operating as self-employed workers, the Brussels employment tribunal decided otherwise. The argument was put forward that the parties want an independent relationship and that the bike couriers have the freedom to arrange their own working hours and to organise their work themselves. BTB clearly does not agree with this point and continues to go down the legal route to fight the exploitation of bike couriers.



## Is Belgian and European legislative work bearing fruit?

On December 9<sup>th</sup> of 2021, the European Commission proposed a directive providing for a package of measures designed to improve the social protection of platform workers. In line with this proposal, the Belgian federal government also came up with its own scheme in their employment deal on February 15<sup>th</sup> of 2022. For example, different criteria would be drawn up, based on the rebuttable presumption of there being an employee relationship in place when there are at least three people working.

It is important for BTB that the burden of proof for this should fall on the platform companies and not on individual bike couriers. This would require the platform companies to prove that there are factual elements that rule out that these bike couriers are actually employees. And, naturally, this would be very difficult for them to do. At the moment, however, it is not clear whether this would be the case in the predetermined regulations. After our reading of the preliminary EU directive, we have serious doubts about this. If this is not the case and the bike couriers still have to go and enforce their rights themselves in a court of law, then fundamentally little changes for their situation.





## Epilogue

Until just a few years ago, bike couriers out on the road carrying a meal, parcel or groceries would have attracted a great deal of attention when they appeared on the streets. But today, thanks to the explosive growth of e-commerce, fuelled by the Covid-19 pandemic, no one even looks twice when a bike courier passes them in the street on the way to their next delivery. Bike couriers have become part of the street furniture – especially in the major cities. They are an integral part of the transport chain – a fact that is also confirmed in the new job classification of driving/riding staff.

With the success of online shopping and the growth of home deliveries, the profits of these home delivery companies are rising steadily. Unfortunately, this is often at the expense of the bike courier, who is required to carry out deliveries under insufficient employment status. It is an exception in this particular segment of the transport sector when companies offer their bike couriers proper pay and working conditions. Most of the companies mentioned in this black book do everything they can to avoid being seen as transport companies. They do this by unashamedly turning their back on their responsibilities and by pushing any risks away from them. Instead, they put all of these responsibilities – and consequently all the risks and pressures – on the very bike couriers they have working for them.

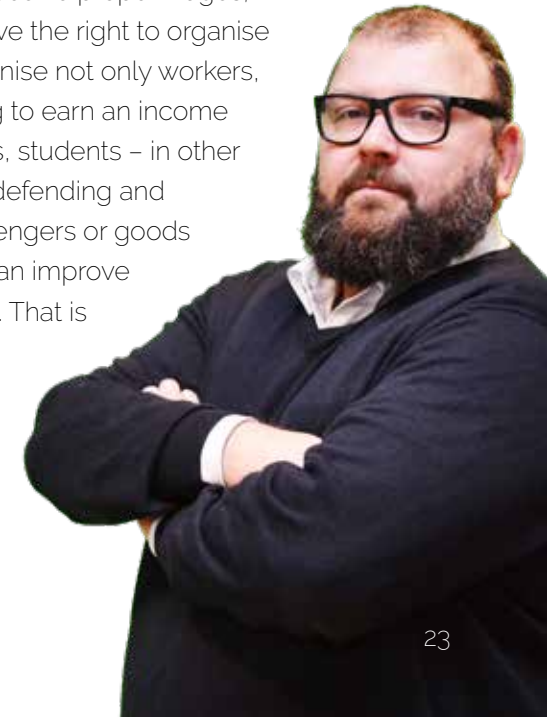
Long working days to keep pedalling towards a decent income, lots of unpaid work, no breaks and often working 7 days out of 7. For many bike couriers, this is the rule rather than the exception. Add to that the fact that, because of their employment status and residency status, most bike couriers cannot have any say in the company they work for. Far be it for them to be able (or dare) to raise any objections to their pay and working conditions. But because they don't have an employment contract, they are not officially employees. This means they have no right to representation on the consultation bodies at those companies. It also means that the companies do not have to pay any social security contributions.

And those companies that do operate with employment contracts often do so through temporary work and not according to the transport sector wages. They also refuse to engage in any form of social consultation with the unions. As a result, their employees who do have employment contracts have no say with them either – quite apart from not daring to stand up or speak out about abuses in their company.

Bad things are going on in the employment market. Decent jobs and proper worker statuses are increasingly being replaced by cheap labour. Just look at platform work, flexi-jobs, student jobs and bogus self-employment. Full employee status is disappearing. And the contracts that remain are being eroded year by year. The consequences are that the quality of jobs is deteriorating, social security funding is under increasing pressure and workers' rights are being increasingly chipped away. It's a downward spiral in which bike couriers are finding it increasingly difficult to hold their ground, let alone organise themselves. BTB is doing everything it can to stop these developments. Everyone is entitled to receive proper wages, have decent working conditions and have the right to organise themselves. That's why we work to organise not only workers, but anyone in the transport sector trying to earn an income for themselves. Employees, sole traders, students – in other words, BTB puts its heart and soul into defending and organising anyone who transports passengers or goods by road, water, rail or air – so that they can improve themselves individually and collectively. That is our ambition, that is our duty!

### Tom Peeters

Deputy Federal Secretary  
BTB Transport & Logistics





## Read our other reports

### Social dumping

If you would like to keep track of the campaigns already conducted by BTB against social dumping in recent years, please visit [www.stopsocialdumping.com](http://www.stopsocialdumping.com), or read our black books:

Black book 2012 : <https://tinyurl.com/2012-Blackbook-Socialdumping>

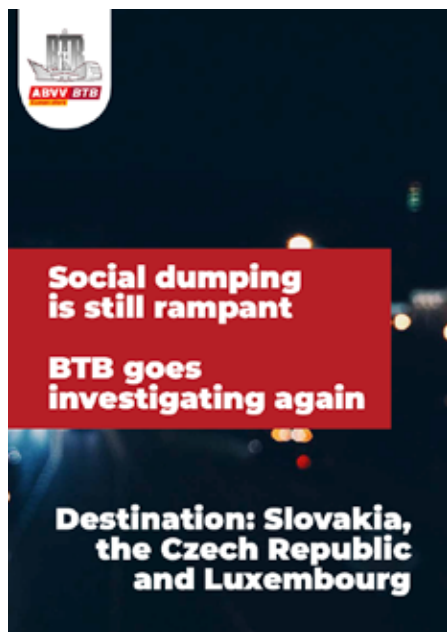
Black book 2017 : <https://tinyurl.com/2017-Blackbook-Socialdumping>

Black book 2019 : <https://tinyurl.com/2019-Blackbook-Socialdumping>

Black book 2021 : <https://tinyurl.com/2021-Blackbook-Socialdumping>

White book: 25 measures against social dumping :

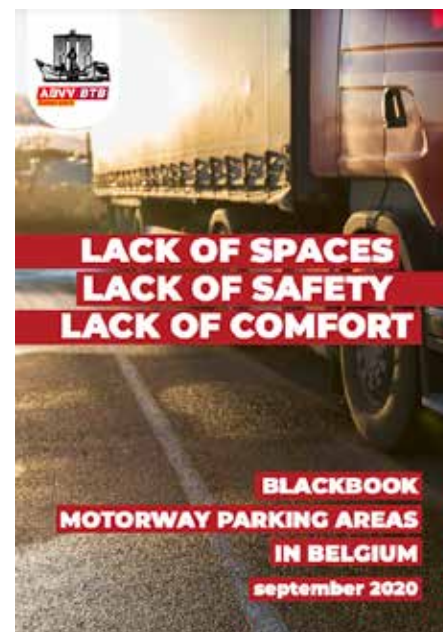
<http://tinyurl.com/btb-ubt-socialdumping>



### Parking books

In addition to the investigation into social dumping, BTB also published black books about the motorway parking areas in Belgium:

Parking book 2020: <https://tinyurl.com/BTB-parkingbook-2020>



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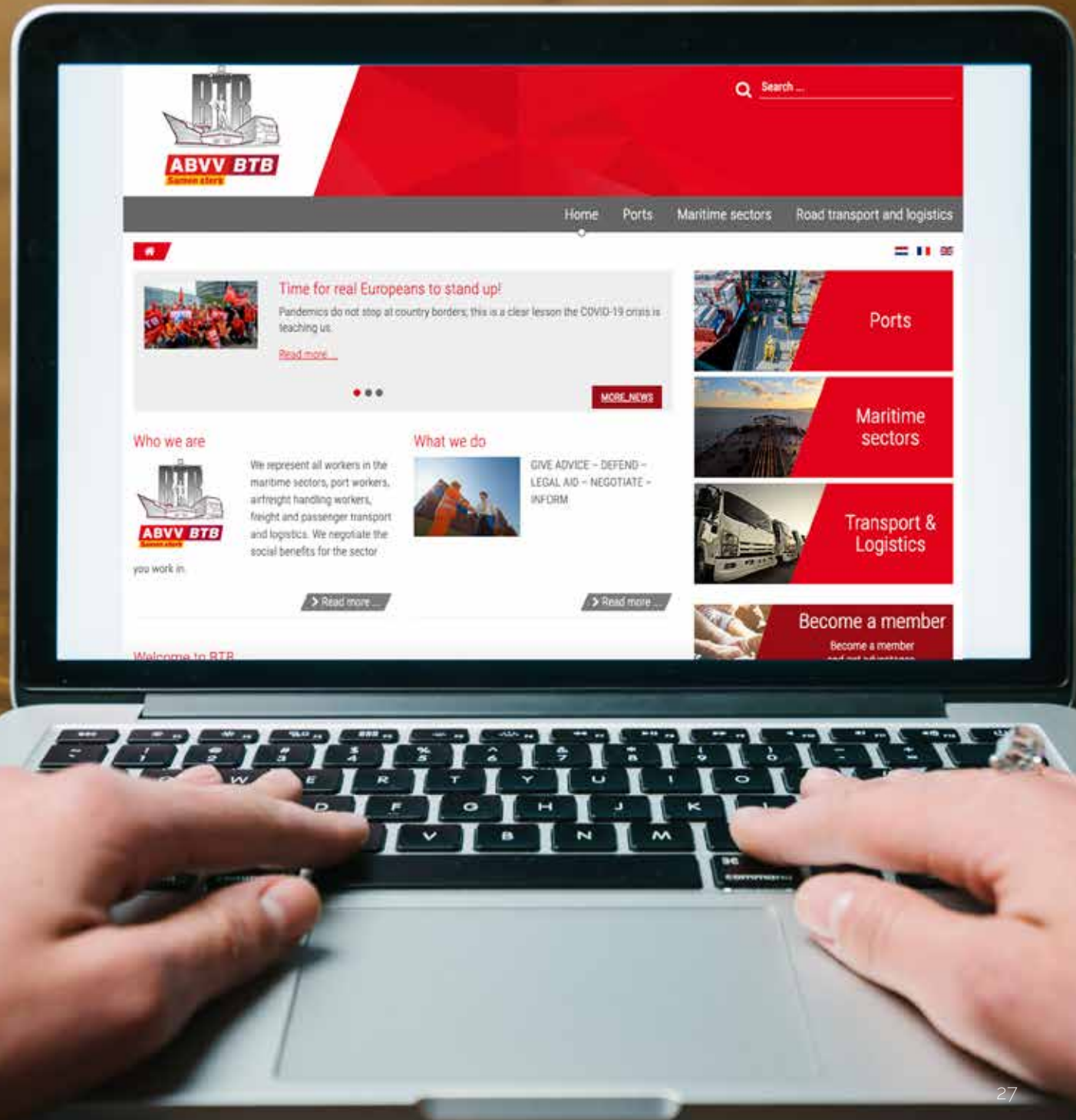
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