

# Employment Situation of the Riders – current status and what next?

Documentation of the Expert Dialogue on July 4, 2023

## Program

13:30 – 14:00 Uhr	Arrival
14:00 – 14:10 Uhr	Welcome and Project Presentation „Employment Situation of Bike Delivery Services“, Joboption Berlin (Annekathrin Müller / ArbeitGestalten GmbH)
14:10 – 14:40 Uhr	Reports from the Riders (Wolt, Flink, and Lieferando's Works Council)
14:40 – 15:15 Uhr	Questions and Discussion
15:15 – 15:30 Uhr	Break
15:30 – 16:45 Uhr	World Café – 3 Topics <ul style="list-style-type: none"> <li>– Occupational Health &amp; Safety</li> <li>– Workplace Participation</li> <li>– Employment &amp; Pay</li> </ul>
16:45 – 17:00 Uhr	Summary and Outlook

## Attendance

In total, 24 people took part in the workshop, including seven riders from Wolt, Flink and Lieferando. In addition, experts and representatives of the Senate Department for Labor, Social Affairs, Equality, Integration, Diversity and Anti-Discrimination (SenASGIVA), the State Office for Occupational Safety, Health Protection and Technical Safety (LAGetSi), the Food and Catering Union (NGG), the Professional Association for Trade and Goods Logistics (BGHW), the German Road Safety Council (DVR), the Fairwork Secretariat of the Wissenschaftszentrum Berlin (WZB), Minor – Project Office for Education and Research and scientists, were present.

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## Introduction

The participants are welcomed by Annekathrin Müller (ArbeitGestalten GmbH). Especially since the COVID-19 pandemic, Berlin has seen a boom in bike delivery services which deliver food or groceries via app to customers. The transport is carried out by so-called riders whose working situations are often characterized by uncertainties and precariousness.

The expert dialogue is the kick-off event of the module "[Employment situation of bike delivery services in Berlin](#)" in the project [Joboption Berlin](#), which is funded by the Senate Department for Labor, Social Affairs, Equality, Integration, Diversity and Anti-Discrimination. Further plans include two to three social partner dialogues, the preparation of an expert report and the presentation of said report at a second expert dialogue in the summer of 2024. The workshop is held in English and German.

## Riders' Reports

### Input by Wolt Riders

Three Wolt riders reported on their experiences. Only a few are employed directly by Wolt. A very large number of riders work for the company through subcontractors. The subcontractors vary in size, some of them offer mini-jobs and it is not uncommon for people to work illegally. According to the riders, working conditions at the subcontractors are often not good and wages are not paid. The riders recount that Wolt pressures them to work for subcontractors, e. g. by giving them unpopular shifts.

In terms of organizing or setting up a works council, the situation at Wolt is difficult, the riders say. Many of the riders are college students with one-year contracts, who do not want to work in the industry for long. If they were to organize, this would have to take place in their free time.

It is also reported that some Wolt riders are currently taking legal action: they were hired through a subcontractor, but they work for Wolt. The riders are demanding that Wolt pay them unpaid wages.

### Input by Flink Riders

While Wolt is a food delivery service, Flink delivers groceries to customers. Riders at Flink report that employment practices have changed: in the past, more people were hired on a full-time basis, but now, many employment relationships are mini-jobs, midi-jobs, or part-time jobs. At the same time, hiring riders in the fall and firing them at the end of the winter seems to be a common practice. The riders can sense that the company is under economic pressure.

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The riders also comment on the lack of communication with the management and the poor equipment – broken bikes and poor winter gear –, which increases the risk of accidents. Especially in Berlin, the conditions are said to be bad which could be related to the size of the city (20 hubs – a hub is the warehouse that the riders go to to pick up groceries – compared to, for example, one hub in smaller cities like Freiburg).

Furthermore, the riders mention app tracking and digital surveillance. Toilet breaks are unpaid as the riders are required to log out of the system beforehand. There is also limited contact to superiors due to the digital processes of organizing the work and assigning tasks.

The workers at Flink report difficulties in organizing due to high fluctuation. Also, many migrant riders are not well informed about their labor rights.

### Input by Lieferando's Works Council

The riders and representatives of the Lieferando works council talk about a relatively good situation. They have permanent contracts which they had to fight for in the past. Initially, establishing a works council was a challenge. But the company has existed for a while, so that the riders at Lieferando have had a fairly long time to organize.

However, the company is said to have tried to influence the establishment of a works council by implementing people who are close to the management. On one account, the works council election was held on the day of the Christmas party. In addition, employee organization is said to be difficult because there is no physical place to meet as the riders work remote.

A lack of knowledge of German labor law was also reported and said to have a debilitating effect on the workers' chances to organize. In addition, some riders' limited command of the German language makes it difficult to access the trade unions.

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## World Café

Three topics were discussed more thoroughly, namely Occupational Health & Safety, Workplace Participation, and Employment & Pay. Each participant chose two topics of interest.

### Results: Occupational Health & Safety



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### Safety briefings

- Safety briefings are usually conducted as a tutorial via video or video call, but should instead be conducted in person to ensure that riders can really follow the briefings and are encouraged to ask questions.
- It is said that there are people who have never been on a bike prior to being hired as riders.

### Equipment

- An airbag specifically designed to protect the head ("hövding" instead of a helmet) should be obligatory and provided by the company.
- Thermal jackets and gloves should also be provided by the company.

### Reporting of health and safety violations

- Every person is entitled to report health and safety violations to the LAGetSi (also riders) → However, an inspection can only be made in the hubs and not in the streets

### Accident insurance by the professional association (Berufsgenossenschaft)

- All companies must have accident insurance with the professional associations (mandatory); the professional association intervenes when accidents occur at the company, but not all accidents are reported.
- Many employees do not know that in case of an accident they cannot go to just any doctor, but they have to see a physician that is qualified as a „Durchgangsärzt:in“, which means they are accident insurance physicians. Companies are required to inform their employees about who the Durchgangsärzt:in is.
- Delivery services use chatbots to refer people to doctors or emergency services.

### Education and information

- The information provided by the LAGetSi and the professional association (Berufsgenossenschaft) is mainly available in German.
- EU directives on occupational safety and health are also available in English.
- Reference to Napo: Napo is the name of the main character in an animated film that some European organizations have developed for playful communication of health and safety issues. Napo represents any worker in any sector (but not specifically delivery services).

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## Results: Employment & Pay



### Bonus system

- The bonus system which entails a basic wage and a bonus for completing a large number of assignments was criticised. It encourages the riders to complete as many orders as possible in a short amount of time and thus increases the risk of accidents.
- Lieferando's works council is currently trying to extend the application of the Driving Personnel Act (Fahrpersonalgesetz) to delivery services (ban on piecework).

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#### Fairwork rating in the platform economy

- Criticism on "fairwork" washing: The Fairwork Project of the Oxford Internet Institute and the Wissenschaftszentrum Berlin (WZB) evaluates the working conditions of platform workers along the core principles: fair pay, fair working conditions, fair contracts, fair management and fair workplace participation. A total of 10 points can be achieved. Riders criticize that Lieferando, for example, scores fairly well (8 out of 10 points = almost perfect) and uses the rating for marketing. The rating was not intended this way and seems to be susceptible to abuse.
- It was suggested to mark the points negatively (-10 to 0).

#### Lieferando Label & Self-Delivery Restaurants

- Many restaurants only use the Lieferando app and have their own delivery personnel (sometimes with Lieferando equipment). In this case, the restaurants only pay 13 percent of the total order as commission, compared to 30 percent if Lieferando also provides the riders.

#### Algorithm

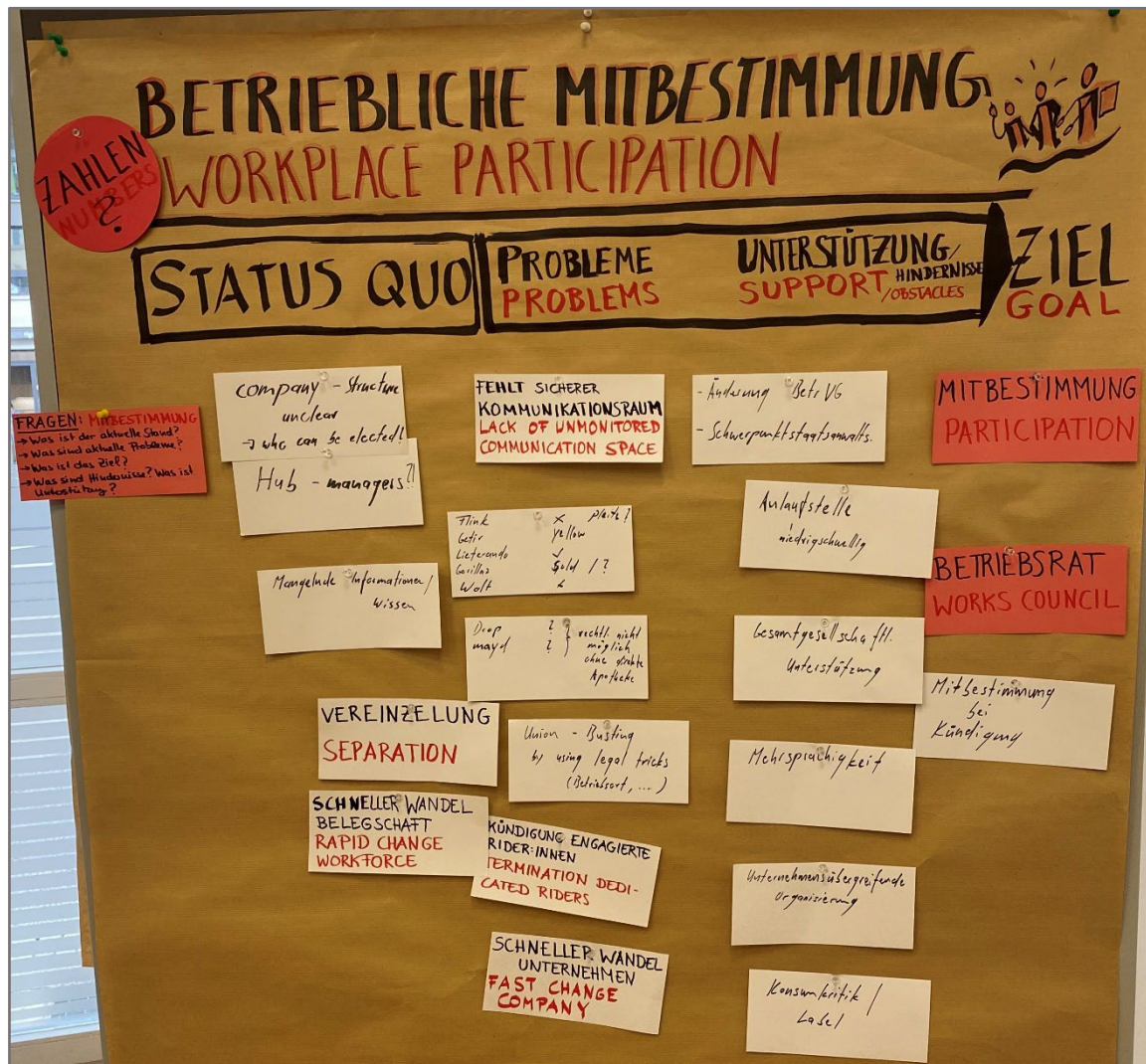
- Lieferando's works council is currently trying to get the algorithm disclosed which is not transparent for the employees. This is proving difficult, as the company is based in Amsterdam.

#### App Tracking

- Flink tracks their riders' hours; in case of a complaint, the tracking data can potentially be used against the workers.

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## Results: Workplace Participation



### Works Council

- The works council's job is often obstructed
- Termination of employment is used as a tool against organizing (again, a works council is needed to prevent this)

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Works Council Constitution Act (BetrVG) & Special Prosecutors' Offices (Schwerpunktstaatsanwaltschaft)

- Riders report that the Works Council Constitution Act (BetrVG) is too complicated for them.
- The riders know about the establishment of a special prosecutor's office in Berlin to deal with obstruction of works councils. But so far, they have had nothing to do with it.

Who can become a works council member?

- It has been discussed that hub managers should not be elected as works council members because they can terminate workers' contracts. In some cases, this has been avoided by placing dismissals higher up the hierarchy.
- The reasons for dismissals often seem unclear and arbitrary.

Counseling centers

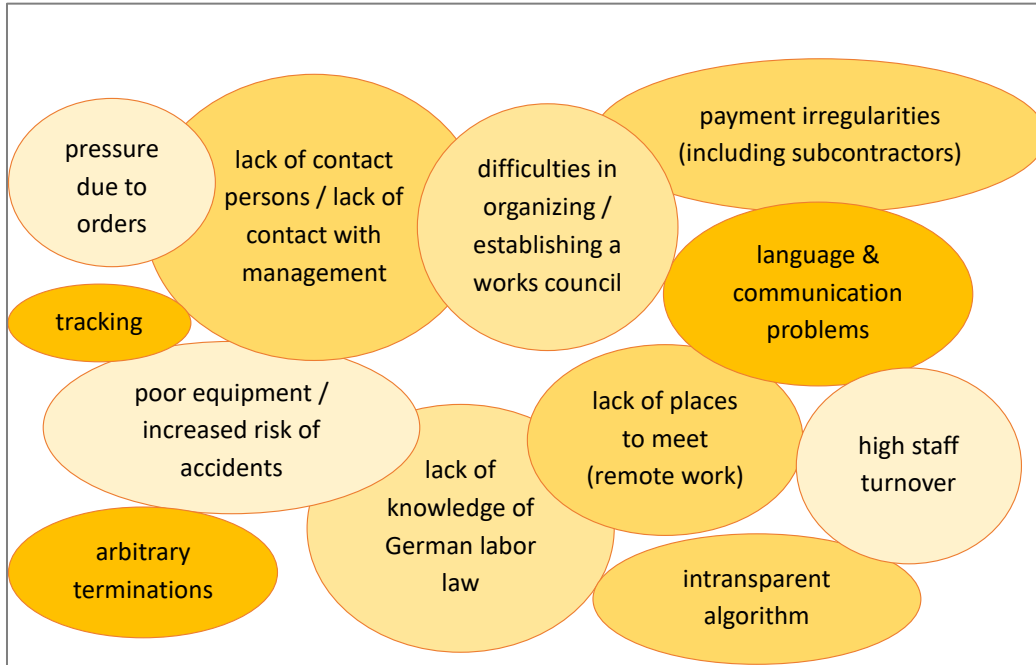
- Many organizations such as BEMA or trade unions offer information and services to riders, but there is a need for a better link between riders and counseling, as the services are often unknown.

Consumers' role

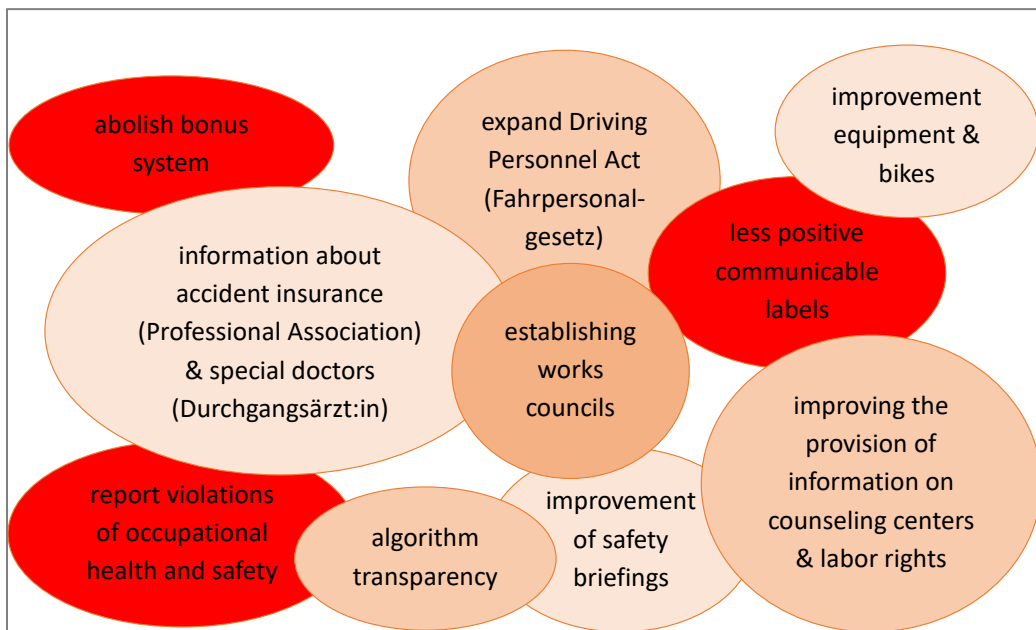
- It was suggested to develop a label that sheds light upon the different delivery platforms' working conditions – thus, consumers can make an educated choice.

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## Riders' focal points



## Proposals and Fields of Action



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