AGAINST THE PLATFORM

LABOUR AND RESISTANCE IN ASIA

ASIAN LABOUR REVIEW

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INTRODUCTION

In merely a decade, the rise of platforms in Asia has profoundly transformed the lives of millions of workers. Its impact goes beyond the sector and poses unique challenges to countries' industrial relations systems and trade union movements.

In this collection of writings on platform labour in Asia, we bring together stories and analyses of platform workers across the continent. These writings sketch platform workers' varied experiences and forms of adaptation, negotiation and resistance.

In addition to covering East Asia and India, we include a Special Series on Grab in Southeast Asia, co-edited by Joe Buckley. Although we do not intend to cover every single country in Asia, we aim to include a wide enough range of countries for transnational development that should be understood from a comparative perspective.

The view from Asia on how workers, unions and alternative forms of organisation have fared in protecting labour from predatory practices and negotiating better legal and regulatory frameworks is crucial for a global dialogue.

Editors

(Cover Image Credit: Anjali Chauhan)

AGITATING ON WHEELS

ANJALI CHAUHAN

A series of demonstrations, protests and strikes by delivery workers at Zomato-owned Blinkit (formerly Grofers), India's 10-minute delivery platform, has again brought forward the issues of the grossly exploitative nature of the gig economy.

The demonstrations began when Blinkit rolled out its new payout structure for delivery workers, under which the minimum payout per delivery was reduced to Rs 15 (USD 0.18) per delivery. The workers were earlier paid a monthly salary, which was later brought down to a 'per order' payment of Rs 50, then Rs 25 and a few weeks back, it came down to Rs 15. The revised structure also bases incentives on the distance covered to execute the order— a policy commonly known as 'effort'-based pay. As a result, Blinkit delivery workers are now set to earn Rs 600-700 a day (USD 7.27 – USD 8.48) as opposed to Rs 1,200 (USD 14.54) before.

Since April 10, 2023, areas such as the capital, Delhi and National Capital Region (NCR) region, Noida, Greater Noida, Faridabad, Ghaziabad, and Gurugram, among many others, have become sites of workers' demonstration and agitation whose livelihoods lie in danger due to the wage cut and policy alteration by Blinkit. For almost a week, the app showed services as "temporarily unavailable" as hundreds of delivery workers were on strike against the policy changes.

The protesting delivery workers also joined the enormous demonstration and rally on May Day. The rally comprising various trade unions across the country with workers and allies, marched through the lanes of Old Delhi from Ramleela Maidan to Town Hall, Chandni Chowk, Delhi, where it took the shape of a demonstration and meeting, giving collective calls for furthering the labour movement to put an end to the exploitation of workers across the country. Workers were raising the red flag, displaying placards that read "Bring all workers under the ambit of labour laws", "Register all workers across all categories", and "End contractual work", among others, along with slogans of "Long Live May Day", "Long Live Revolution" were raised.

The resistance also took the digital route with a Twitter storm on April 16. Academics, activists, journalists and students, along with organisations like App Karmchari Ekta Union, All India Central Council of Trade Unions, South Asian Solidarity, Communist Party of India (Marxist-Leninist) Liberation and various gig workers unions extended their solidarity in support of delivery workers with the hashtag #StandwithBlinkitWorkers.

The extreme discontent among the workers is fueling the movement. India has witnessed consistent and firm worker protests and strikes in the gig economy. For food delivery workers, Zomato faced massive delivery worker strikes due to reduced payouts in 2019. In 2020, Swiggy's delivery workers staged protests in Chennai to demand better pay and transparent incentive policies.

For the ride-hailing industry in India, Ola and Uber have also seen similar unrest and demonstrations over better pay, incentives, and working conditions. Beyond delivery and ride-hailing, Urban Company, India's largest home services provider, experienced waves of protests by workers due to unfair labour practices in 2021.

LIFE AND LIVELIHOOD AT RISK

A National Institution for Transforming India (NITI) Aayog report on "India's Booming Gig and Platform Economy" has estimated that about 47 per cent of the gig work is in medium-skilled jobs, about 22 per cent in high-skilled, and about 31 per cent in low-skilled jobs. Further, it estimates that in 2020-21, 7.7 million workers were engaged in the gig economy. The gig workforce is expected to expand to 23.5 million workers by 2029-30. This brings us to the expansive nature of the present unfolding crisis.

Deepak, a Blinkit delivery worker who works in the Rana Pratab Bagh area of Delhi, told me,

"Earlier, we earned 1,000-1,200rs after working for 8 hours. After this policy change for working the same duration, we will earn around 600rs. All this happened over 1.5 years. They say that our delivery rate will increase according to the distance travelled. But most of the orders we get are between the 1-1.5km radius. They are only fooling us. There are a lot of conditions at work now that we do not understand. That is why we are striking. We want to work on a salaried basis so that we can earn a decent living for our families."

He further added about safety issues:

"There is no head or senior here. Even if some accident or unfortunate incident happens, no senior still come here. In the case of accidents, we are compensated only when we have a bill from a government hospital or dispensary. How can you look for only a government hospital when you are lying in the middle of the road with an arm or leg broken?"

These testimonies signify a sharp contrast between the lived realities of platform delivery workers and how they are shown in advertisements as happy-looking delivery "partners" smoothly delivering happiness at your doorsteps.

These platforms create a mirage of flexibility and autonomy: workers can choose when to work, have freedom from their boss, come and leave at their will, and work at their pace. Consumers find service providers "on-demand" and with no binding relation assumed between workers and platforms.

But the actual story is rather different. I asked Rakesh Kumar, another Blinkit delivery worker, about the claims of the company in the name of "freedom" and "autonomy" of workers. He said,

"All this is only on paper. The reality is that once we come here to work, immediately our schedules are made. Even if orders are beyond the schedule, we are forced to not leave without completing them. We are threatened that if we do not abide, then the next morning, we will not be able to work, and our IDs will be blocked. We are often strictly told by TLs (Team Leaders) that we cannot leave before 12 am or even sometimes 2 am. I'm a sole earner of a family of 6 members, and to make a living for us, I have to work 14-16 hours a day. If they (company) ever get to experience what we go through, doing our work when it is raining, in extreme hot and cold weather, then they will get to know!"

When asked about his earning prior to and after the wage cut, he lamented that he used to earn up to Rs 1,200-1,400 a day, but now it has been reduced to merely Rs 800.

In an email response to ThePrint's queries, Blinkit said that they provide medical and life insurance to gig workers on their platform; "partners" are free to choose when they work and for how long, and their earnings increase with the number of gigs they take up. And that all active gig workers can reach out to their support team through the app, where their normal response time is under 1 minute.

However, when I tried to confirm this with a delivery worker who wishes not to be named, they said the pressure to deliver in 10 minutes, as per the company's policy, often leads to accidents and injuries to workers. However, if workers encounter accidents, ill health or family emergencies, and do not come to work for 2-3 days even after informing the company, still their IDs will be blocked, and sometimes their accounts will be permanently banned.

UNIONISING GIG WORKERS

The All India Central Council of Trade Unions (AICCTU) has been at the forefront of gig worker organising. Abhishek, General Secretary of the AICCTU Delhi, shared with me how the union has been organising gig workers under App Karamchari Ekta Union.

The App Karamchari Ekta Union has worked extensively in the Delhi NCR area and has been leading Blinkit workers' protests since then.

To begin with, organisers closely observed the pattern of work that gig workers performed across platforms. Having gained a firm hold of the issues, they started tracing the locations where workers could be found on the street.

This is followed by dialogue with the workers, discussing their conditions and the internal functioning of the platforms. A foundation of trust was built through constant support and compassion, and from here came into existence the App Karamchari Ekta Union.

Surya Prakash coordinates the App Karamchari Ekta Union told me about what she has found in her organising,

"Firstly, due to the part-time nature of the gig work, organising workers gets even more difficult. Secondly, as most of them lead an economically challenging life, (we need to) think about how long they can afford to protest. Every day they protest counts as a wage-able day gone. However small that wage might be. Anyway, after the 1990s, unionisation has become difficult due to various reasons like liberalisation and globalisation, and added to that, the present issue is about an unorganised sector which makes it doubly challenging. But the way the resistance is taking shape and unions are firming their feet, a revolutionary change is anticipated in the broader labour movement in India".

LACKLUSTER RESPONSES

The App Karamchari Ekta Union sent a memorandum of demands to the Union Labour Minister on April 27, demanding all App-based employees be granted the status of permanent worker of their company concerned, 8 hours of work per day to be fixed with a guaranteed wage of at least Rs. 26,000 (USD 315) per month and ensure social security through necessary laws.

The government has yet to respond. Because of this, many workers gave up and rejoined the company. A worker who wanted to remain anonymous lamented, "What can we do? We have families to feed, children to be sent to school. We don't have any option".

On April 19, Blinkit forwarded a statement that it has "implemented a new payout structure" that compensates delivery partners "proportionally to the effort they exerted" in making the delivery, adding that this is a voluntary exercise. Their teams are on-site to address any questions from "partners". This new payout, firstly, came about without prior intimation. Secondly, it immediately came into force and persisted despite a strong reaction from the workers.

A member of App Karmchari Ekta Union said that Blinkit had blocked the app-based IDs of some delivery workers who participated in the protests. Their names were removed from the company's database, and they were asked to give a written guarantee that they would not participate in the strike.

The National Secretary General of the Indian Federation of App-based Transport Workers told Times of India that they are considering holding pan-India protests if their demands are not considered by Blinkit Company.

Facing huge backlash, Zomato organised a meeting with striking workers of its grocery delivery platform Blinkit along with the Labour Department in Gurugram. However, the meeting ended in a deadlock. A labour department official requesting anonymity told Newsclick that the Blinkit management rejected the workers' demand of restoring the previous delivery payment of Rs 25-Rs 50 and presented a proposal that offers a bonus of Rs 500 to a worker who completes 100 deliveries per week and Rs 1,000 for 200 deliveries. The workers rejected this proposal, and this issue has been lying dormant since.

A GLOBAL MOVEMENT

Delivery workers have been risking their lives to ensure the supply of essentials reaches millions of households during the pandmeic. However, their pain, labour and grievances have neither been acknowledged nor compensated. Against this backdrop, the Blinkit strike signifies a crucial turning point as the delivery partners have united to make their voices heard and demand due recognition and better treatment.

Strikes and protests by workers in the gig economy are not unique or limited to India. In the past few years, we witnessed similar incidents across the globe, particularly in the United States. In 2018, Amazon warehouse workers in Europe went on strike during the busiest shopping day, demanding better pay and working conditions. The strike brought attention to the plight of workers and led to a renewed focus on their welfare. Similarly, in 2020, Instacart workers in the United States staged a nationwide strike demanding hazard pay and protective gear amidst the COVID-19 pandemic. The pressure eventually led the company to provide additional benefits, such as paid sick leave and bonuses for frontline workers.

The world is witnessing consistent and conscious erosion of labour laws, continuous contractualisation and outsourcing of work under the daunting shadow of neoliberal capitalism. The irony is not lost on calling workers "partners" when the only thing that the companies manage to share with them is the burden of unchecked labour and tiresome work discipline, scrapping of labour laws, increasing work hours with decreasing wages and institutionalised attack on those who protest or take efforts to unionise. These common trends are taking place throughout the world, pointing towards a dangerous future for workers, but are also increasingly met with resistance.

DELIVERY WORKERS TAKE ON AMAZON

CHIE MATSUMOTO

In his 40s, Susumu Adachi (not his real name) has been delivering for Amazon for nearly three years.

“The last mile is the toughest part”, he said.

The “last mile” refers to the final stage of delivery: from the distribution centre to the point of delivery.

Amazon workers like Mr Adachi would pick up packages for delivery at the distribution centre at 8am. They’d then go out to deliver them before returning to the centre by 3pm to load up for the afternoon.

From 8am to 9pm, the drivers are jumping in and out of the trucks to continue dropping packages at the doorfront. Although Amazon permits a one-hour lunch break, in reality, there is no time for lunch or even a break.

WORKING FOR AMAZON

Mr Adachi started delivering Amazon packages in January 2020. Since the spread of coronavirus promoted telecommuting nationwide, the use of Amazon and other mail-order services has increased rapidly in Japan.

The previous year, an Amazon distribution centre was opened in Yokosuka, Kanagawa Prefecture, and Japanese transport companies also entered the market.

Mr Adachi, who had always loved driving and had delivered newspapers while receiving a scholarship for his university education, was quick to learn the geography and deliver goods efficiently. When he heard that an acquaintance had set up a subcontracting company, he immediately took on the job of delivering Amazon products.

Mr Adachi, who had experience and aptitude, says that at first he was “rather overpaid” for his daily wages.

Not on an employment contract but as a so-called sole trader or freelancer, he must lease a delivery vehicle from the company for 1,000 yen a day (30,000 yen a month, or 212 US dollars). He delivers the goods in the most efficient order as he has the delivery routes in mind.

Mr Adachi says that in the early days when the unit price was 170 yen, he used to deliver an average of 100 packages a day (17,000 yen, or 120 US dollars), with sufficient breaks. During the peak season, the delivery would increase to around 120 packages.

In July 2020, the company decided to fix the daily wage to 18,000 yen for a 13-hour day. Until then, the daily cargo volume had fluctuated somewhat, so Mr Adachi and other delivery workers welcomed the changes as the fixed daily allowance would lead to a stable income.

However, a year later when Amazon introduced AI, the situation deteriorated quickly.

MORE PACKAGES AND FASTER DELIVERY REQUIRED

Amidst the spread of coronavirus, the number of packages to deliver kept increasing, finally exceeding 200 a day. Yet the payment for each package was halved.

AI calculates that it takes about four minutes to complete one delivery — traveling to the next delivery location, scanning the package, ringing the doorbell and handing it to the customer. Of course, the delivery addresses are not always close to each other, and sometimes heavy packages have to be carried to the fifth floor of an apartment building without an elevator.

“It may be hard to understand when you hear that we deliver for 13 hours a day,” Mr Adachi said. “But in reality we are constantly getting in and out of the truck without a break. I’m trying my best to somehow finish delivering the packages I’ve been entrusted with in time.”

Every drop-off that the drivers make is managed down to the second by AI, but, realistically speaking, four minutes is not enough to complete a delivery. Even so, they feel compelled to finish their deliveries for the day, no matter what it takes.

Is this loyalty to the company?

Mr Adachi says it is more out of a desire to respond to the fact that customers are waiting for their packages.

Nevertheless, if they work for 13 hours a day, or even longer in some cases, without a break, they are exhausted both physically and mentally by the end of the day. Not only do the smiles disappear off the drivers' faces, but the drivers would have to bow their heads to beg for forgiveness from the clients for being late after 9pm, which is set as the last hour of delivery.

Delivery routes were calculated and decided by AI, which had no real-world vehicle experience, never taking into consideration one-way streets, railway crossings and detours at construction sites. Although humans set the routes these days, delivery times remain fixed and the volume of goods keeps increasing in response to the rising demands.

The only way to fill the gap is to drive faster.

Drivers try to make up for delays, causing frequent traffic accidents and creating a very dangerous working environment. The film, "Sorry We Missed You," directed by British film master Ken Loach, reflects exactly how Amazon drivers work.

TIME FOR A UNION

In June, Mr Adachi and 10 other workers formed the Yokosuka branch of the Amazon Delivery Workers' Union in an attempt to change these dangerous working conditions. Following this, in September, 15 drivers in the southern Japanese city of Nagasaki also started up the Nagasaki Branch.

The union immediately requested collective bargaining with subcontractors, demanding that the company treat the workers as direct hires rather than subcontracting businesses under disguise because their work is closely monitored and managed via the delivery app Rabbit. Also in the demands was the long working hours that need to be shortened by optimising the volume of deliveries.

This trade union organising led to the discovery of another shocking reality. It was revealed that the company had instructed workers to use someone else's code if their weekly working hours exceeded 60 hours.

Personal codes are given by the company to each driver in order to keep track of their arrival and departure times, their location and the progress of their work. However, with regard to drivers who had exceeded 60 hours, they were instructed to use someone else's code, such as a retiree.

Further problems that could lead to other work-related accidents have also emerged. According to union members, packages are mislabeled for their weight.

In some cases, packages are labeled '0.0 kilograms' while in other cases the boxes that weigh more than 25 kg, which require 'team lifting', are not labeled as such. Even if the packages are labeled correctly, they should not be included in the day's load as the delivery crews work alone.

In addition, as transport trucks are subject to a maximum loading limit, overloading due to the lack of proper weight labels can also affect braking and handling and cause road accidents.

Many delivery workers who are forced to drive for long periods of time suffer from serious back pain, joint pain and cervical strain. The back pain can become so severe that walking becomes difficult. They also suffer from tendonitis in the fingers of their hands from the repetitive process of grabbing boxes out of the back of the truck.

TAKING ON AMAZON JAPAN

Seeking accountability of the retail giant as an employer, the trade union organised by Mr Adachi and his colleagues has requested collective bargaining with Amazon Japan LLC regarding these demands.

However, Amazon has declined to negotiate, claiming it has no direct employment relationship with the delivery workers, only a subcontracting agreement with the second-tier subcontractor.

Amazon Japan, which refuses to take the workers' voices seriously, plans to increase the volume of cargo further, and is considering changing the daily delivery from 200 to 250.

Will delivery workers' cargo increase even more than they do now? When we sent a letter of enquiry to Amazon Japan, the company declined to comment on specific questions.

"We are deeply grateful to the drivers who deliver our products to satisfy our customers' requests. Drivers work under Amazon's contracted delivery service partners ('DSPs') and are not Amazon employees", Amazon said, adding that they are not the direct employer.

"Amazon works with all DSPs to ensure that DSPs and drivers do not feel undue pressure for their work, and requires DSPs to provide a safe working environment and to comply with relevant laws and Amazon's standards. If we identify any instances of non-compliance, we will take appropriate action."

If the company had ensured that they did not put drivers under undue pressure as it claims, there should not be frequent accidents.

Hoping that multiple labour problems will be rectified as soon as possible, Mr Adachi urges Amazon users to think about the 'last mile'.

"I'd be grateful if people start thinking about how the things they want are created and how they are delivered to them because many people's lives and livelihoods are at stake," he said.

ABOLISHING “PLATFORM LABOUR”

MIN-GYU OH

At the Platform Workers Conference on the September 28, 2022, deputy driving, taxi drivers, webtoon and web novel writers, and delivery riders gathered together with shared demands. Although the industry and the work they do are all different, they are all ‘platform workers’.

The most significant commonality is that platform companies that make profits from their labour do not take responsibilities for the workers. Platform companies claim that they are all ‘freelancers’ and ‘self-employed’ and do not recognize them as workers.

Even after workers form their union and obtain a certificate of establishment from the administrative office, the companies refuse to comply with the labour union’s demands for bargaining and try to deny any responsibility for workers’ social insurance.

What attitude is the government taking? At the regular National Assembly at the end of 2021, the Moon Jae-in government set a direction to indemnify the responsibility of platform companies by creating a ‘Platform Workers Act’.

In reality, it was an attempt to deny basic labour rights by disguising platform workers as freelancers under the guise of protecting them.

SEARCHING FOR HOPE

If the Moon Jae-in government had not attempted to push the Platform Workers Act at the National Assembly, the meeting called ‘Finding Platform Workers’ Hope’ would not have been possible. In September of 2021, platform labour unions, representing different industries, gathered with a sense of crisis at the appeal of the ‘Daeri’ Driver Union and Rider Union. ‘Daeri’ drivers are app workers driving for people who can’t drive their own cars after drinking.

Although there were not enough discussions and agreement on which direction to go in order to guarantee the rights of platform workers, no one objected that at the very least the Platform Workers Act promoted by the Moon Jae-in government should be opposed. Fortunately, the legislation of the Platform Workers Act was taken off the table at the beginning of 2022.

Platform unions and civil society organizations that had gathered for the short-term goal of stopping the law believed that their action should not stop here. By officially launching a group called 'Finding Hope for Platform Labour', we agreed that it was necessary not only to stop the law, but also to bring together our demands and seek out the rights to make them come true.

Starting in February 2022, we have been preparing for the Platform Workers Conference, where hundreds of union members and civic group members would gather.

ORGANISING COMMON DEMANDS

How was it possible to create the common demands of platform workers in various industries, from webtoon writers to mobility drivers? It wasn't easy. But we find that what platform companies did abroad was similar to what they did in Korea. Can we learn something from those who tried to organize before us?

The AB5 Act in California, the Ley Riders Act in Spain, and the European Union's Directive on platform labour, as well as the Supreme Court decisions in Britain, France, Germany and the Netherlands were coming out one after another. Platform unions were formed in various places, and in some places, there were examples of successful signing of collective agreements with platform companies.

First of all, an attempt was made to discuss and gather the demands of platform workers for the presidential election on March 9, 2022. The idea that there would be a big difference between curation-type platforms such as webtoons and mobility platforms such as taxi, delivery and delivery was just a prejudice.

Surprisingly, we were able to confirm a lot of commonalities between them. Although it took time, we were able to gather common demands in the form of 'the five major demands of platform worker for the presidential elections', which I will elaborate below.

The problem was how we can translate our demands into legislation form. Platform labour has many similarities with workers in special employment type such as own-account workers. However, it was not easy to reflect some, if not all, of the special needs scattered across various industries in the general law such as Labour Standard Act and Trade Union Act. It is no exaggeration to say that this is a task that the entire democratic union movement has left unanswered.

So we decided to turn it around. Before collecting the legislative demands, we tried to formulate administratively solvable demands, that is, the demands we should ask of the government. Our discussion referred to the five major demands in the presidential election, and we added new demands based on our struggle and experience.

There were two major struggles and experiences in 2022. One is the successful outcome of the struggle to renew the entitlement standard for industrial accident insurance. In the Korean Industrial Accident Compensation Insurance Act, only a person working exclusively for one employer is eligible for industrial accident insurance. Most delivery riders finding jobs through various platforms such as Baemin (i.e. DeliveryHero) and CoupangEats are not entitled to insurance because they are working for more than one employer.

This ridiculous standard and article was abolished in May according to the new ruling party's suggestion, which was largely owed to Rider Union's struggle during the transition period from March to May, 2022 immediately after the election of President Yoon Seok-yeol. To be honest, we were not sure of the success of this struggle either. However, surprisingly, it was confirmed that even conservative politicians are seriously recognising the fact that this is not just a problem of a few unfortunate accidents, but an urgent problem for all the millions of platform workers.

The second is that collective bargaining was held between major unions and platform companies, such as Rider Union vs. CoupangEats and Daeri Drivers Union vs. Kakao Mobility. The issues that we had only been aware of in abstract terms were now made much more concretely in the clash between labour and capital. For example, in relation to the algorithm, we felt the abstract talk of 'disclosure' could be made explicit.

THE FIVE DEMANDS

The five demands we have proposed are as follows.

First, we demand that platform companies should be held accountable under the Labour Law. Platform companies are denying employer responsibility for platform workers under the Labour Law, arguing that they are only intermediaries. One solution is to expand the definition of 'employer' in Article 2 of the Trade Union Act. But even without any amendment of the Act, the Ministry of Employment and Labour has the authority and duty to promote collective bargaining between platform companies and unions according to the ILO Conventions, ratified last year by the Korean government.

Second, we demand the guarantee of a living wage for platform workers. The fees for workers are all unilaterally set by platform companies, which forces platform workers to live below the minimum wage. In particular, just like the 'Safe Rates' system which is playing the same role as a minimum wage system in the freight transport sector, it is necessary to find a way to guarantee a living wage above the minimum wage for platform workers, too. As the Constitution places the responsibility of guaranteeing a fair wage on the government, the Ministry of Employment and Labour should be responsible for implementing this guarantee.

Third, we demand that platform companies should explain the algorithm to platform workers, and moreover, the algorithm should reflect the opinions of workers. It's a blatant false excuse when platform companies say 'everything is decided by the algorithm itself'. Algorithms that affect working conditions are nothing but work-rules of employment. The work-rules of employment should be accessible to all workers at all times by the Labour Standard Act. The algorithm should be explained in an easy-to-understand manner for workers. In addition, if the algorithm is an employment work-rule, verifying it is an issue of labour inspection, so the Ministry of Employment and Labour should verify the platform companies' algorithm.

Fourth, we demand that social insurance applies to all platform workers without discrimination. The company with the highest number of industrial accident applications and approvals until August 2022 was BaeMin, the Korean subsidiary of DeliveryHero. Coupang Co., Ltd., which had a lot of delivery drivers, was in second place; Coupang Fulfillment, which employs the most daily and contract workers, in 7th place; and, Coupang Eats is in 9th place. Four platform companies were listed in the top 10 companies for industrial accident applications and approvals. Until 2019, there were 4-5 construction companies in the Top 10, but the structure of employment and labour in South Korea is fluctuating to such an extent that platform companies quickly surpassed large construction companies.

Industrial accident insurance and employment insurance have begun to be partially applied to platform workers, but discrimination persists, such as selective application by industry and 50% employee co-payment. The Ministry of Employment and Labour, the department in charge of operating the Employment Insurance Committee and the Industrial Accident Insurance and Prevention Committee, should step in.

Fifth, we demand a guarantee for platform workers the right to work safely. For ordinary workers, the demand for 'reducing working hours' is translated as 'the right to rest' when it comes to platform work. Annual paid and sick leave should be guaranteed, and webtoon writers should be given the 'right to rest', the right to take a paid break from serialization. In the process of applying the Serious Accident Punishment Act, the Ministry of Employment and Labour's administrative interpretation that excludes platform labour from the 'calculation of the number of full-time workers' should be abolished. The Serious Accident Punishment Act should be applied to platform workers in its entirety.

WHERE DO WE GO FROM HERE?

The word ‘platform labour’ itself is nonsense. It is a word that was used because we needed a concept to collectively refer to these workers. But in fact, such a concept should disappear. Everyone should enjoy basic rights as workers, whether through platforms or apps or not, and those who benefit from our labour should be held accountable.

Platform workers do not benefit from being called ‘platform labour’. In fact, the process is just the opposite. The fact that platform labour is no different from ordinary labour, therefore, we should be treated the same as ordinary labour.

How much platform workers and labour unions raise their own demands is the most important question. We are working with civil society organizations to increase the power of the union movement. In the future, through the ‘Platform Labour Conference’, we plan to share policy and issue concerns with the wider platform union and civil society organizations.

We have no intention of claiming that we are the only representative organization of platform labour. Anyone can form an organization to advocate for platform labour, and anyone should be able to organize a platform worker convention.

Although it is still just the beginning, I would like to thank all those who have shown interest, and I would like to conclude this article by asking for your continued interest and solidarity in the future.

REINING IN THE GIANTS?

AIDAN CHAU & CAITLIN E. SCHULTZ

Around the world, platform workers have been organising, and a key goal is to demand state regulation of the platform economy. China makes an interesting case study in that the government is not afraid to regulate its major tech companies and rein them in where it deems necessary. China's tech giants are massive and powerful, but they are still at the behest of the party-state, unlike in other regions where the state may be hesitant or lacks wherewithal to adopt meaningful regulations in this sector.

Companies operating in China have little choice but to comply with regulations on domestic storage of user data and carrying out in-house censorship directives, and even to refrain from IPOs in certain situations. Such types of market control have pushed foreign tech competitors out of China's large market, from Google and Amazon to Uber and Airbnb, allowing domestic companies to compete for greater market share, creating monopolistic conditions within each subsector.

Another factor in China is that there is a sole official trade union federation, the All-China Federation of Trade Unions (ACFTU). The ACFTU has promised to step up and focus its attention on gig workers, and it has a huge amount of public resources at its disposal in an environment where independent organising is unlawful.

To what extent, then, do state regulations on China's tech companies give hope for a fairer deal for China's gig economy workers? And what can we expect from the actions of the ACFTU? In this article, we evaluate the effectiveness of a set of 2021 administrative regulations that govern China's platform economy and the role of the ACFTU in improving the working conditions for China's food delivery drivers.

CHINA'S PLATFORM ECONOMY AND ITS TECH GIANTS

China's platform economy is the largest in the world, with gig workers accounting for up to 10 per cent of China's working population. This is a result of a consumers' direct leap to mobile internet technology in the late 2000s and heavy initial investment into China's domestic tech companies in the early 2010s. The decline of China's manufacturing sector in the late 2010s and the onset of the global pandemic both led to a recent rush of workers into the gig economy.

China's tech companies, such as JD, Alibaba, Tencent, Bytedance, Meituan, Suning and Baidu, may not be household names outside of China, but they are some of the largest in the world in terms of annual revenue. Their performance domestically differs from other sectors of the economy. Global manufacturers have supply chains in China and sell their products to the domestic market; iPhones and Tesla cars are popular among consumers in China, for example. But the platform economy and its burgeoning services sector is almost entirely dominated by domestic companies, and foreign companies cannot or choose not to compete.

In the food delivery industry, Meituan and Ele.me are the two main competitors. In terms of scale, China Labour Bulletin (CLB) estimates a total of 2.14 million active riders in the two companies' systems. Of course, the number of reported registered workers far exceeds the number of workers actively taking orders in any given period. For example, seven million riders were estimated to be registered in the food delivery industry in 2019. But we also see a trend since then that more workers are relying on the platform as their primary means of livelihood.

RISE OF THE ALGORITHMS AND CHALLENGES FOR CHINA'S FOOD DELIVERY RIDERS

As in other parts of the world, these tech companies have created entirely new sectors and types of work, from ride hailing drivers, package couriers, and even live-streamers and models in the e-commerce industry. The platform economy model actually has very thin profit margins, and a lot of capital is reinvested to keep up with the competition between companies during expansion. As a result, companies have held off high labour costs by treating workers as independent contractors. The platform workers, as a result, suffer from a lack of labour protections and deteriorating working conditions, while the platform's algorithm becomes more sophisticated in controlling their labour.

In July 2021, about a dozen national ministries and commissions jointly released a set of Guiding Opinions to regulate how companies treat their platform workers. These high-level regulations signify that the administrative state has agreed on comprehensively changing how gig economy workers are treated by corporations and the legal system alike. Over one year on, we analyse how these regulations apply to food delivery riders in China and assess what challenges they still face.

Food delivery riders make for an interesting comparative case study, as these workers are highly visible in society, and the industry model is fairly similar across geographies. In China's food delivery sector, drivers have been raising their voices over the past several years about continual pay decreases, wage arrears and problems resulting from lack of management supervision, including a harsh penalty system and mileage calculation method that discounts actual distance travelled.

CLB's Strike Map first logged cases of food delivery riders taking collective action in 2016, and in 2018 recorded the highest number ever, with 57 collective actions that year. The pandemic and deteriorating economic conditions led to a drop in collective actions, with only a few cases recorded in the past three years. This drop in cases, however, does not mean that the regulations have been effective or that conditions have improved for food delivery workers. Rather, workers are facing more desperate conditions than ever, and cases of individual workers inflicting self-harm as an unfortunate means of protest are rising. Each of the various issues food delivery workers face warrant further official intervention.

WORKERS' LABOUR RELATIONSHIPS ARE FRAGMENTED AMONG CORPORATE ENTITIES

In 2021, a delivery rider in Beijing surnamed Shao found that he was engaged with five different entities when he pursued a workplace injury compensation claim. He wore the Meituan uniform and delivered for the platform company, but it was another company – a local delivery hub – that gave him his work orders, another company that paid his insurance, another his wages and another his taxes. After his injury in a traffic accident, Shao sought compensation. Over the course of two years and five separate judicial proceedings in two cities, no employment relationship was found with Meituan, the local delivery hub, or the other corporations.

This example is not out of the ordinary and shows how the legal status of gig workers has been further muddled by complex corporate structures and relationships. The 2021 Guiding Opinions specify that platform companies should have formal labour contracts with platform workers, but only when the labour relations "fall under the mandated circumstances," which are not clearly defined and seem to categorically exclude the circumstances of most gig workers. For those that "do not completely fall into the circumstances", companies only have to provide a written agreement to workers. Judging from the language of this clause in the Guiding Opinions, we can see that the state has no intention to directly challenge the employment status of gig workers.

In China, food delivery workers are either considered self-employed by labour outsourcing companies, or are subcontracted by different layers of corporate entities. This is the result of a process that has over time divided up the legal relationship and employer responsibilities in an intentional shift to avoid liability. Under the Guiding Opinions, this status quo will not be changed: workers register directly through the Meituan or Ele.me app to make deliveries, and with one stroke of agreeing to the terms and conditions, they "fall outside the circumstances".

For workers managed through local substations and contractors, the Guiding Opinions state that they have to be hired by legal labour dispatch agencies, while the main company has to supervise the workers' management. This provision, however, will not have the desired effect, since the layers of labour subcontracting have become so difficult to supervise, as the case of worker Shao shows. For any real change, the government would need to ban certain kinds of labour subcontracting altogether, which it has done before. In 2014, regulations limited the use of labour dispatch to no more than 10 per cent of a company's workforce, only leading to the current fragmented relationships we see today.

THE BOSS IS AN INFLEXIBLE ALGORITHM

Gig workers everywhere are facing harsh, gruelling and unsafe working conditions as a result of inhumane algorithms extracting as much labour as possible for the benefit of the platforms. Algorithms do not readily take into consideration workers' health and safety, for example. The apps dictate which delivery route riders should take, often ignoring basic traffic regulations and discounting physical impossibilities of certain paths. This not only affects workers' pay and could lead to fines for late orders, but it also risks their lives.

A food delivery worker surnamed Han died from overwork and exhaustion in December 2020. Ele.me denied any employment relationship and initially offered Han's family only 2,000 yuan (US $287) as a gesture, but public backlash led to the company paying the standard compensation amount for formal employees, which is 600,000 yuan (US $86,000). This case illustrates, among other major problems in the industry, how the algorithms overwork food delivery riders and lead to deadly consequences.

In China, the Guiding Opinions zeroed in on the subject of algorithmic control. Companies were mandated to revise their rules related to pricing, commissions, working time and penalty systems, all of which are largely dictated by the algorithms. The Guiding Opinions also state that the performance evaluation methods should not threaten workers' safety.

Meituan and Ele.me both responded to the Guiding Opinions with changes to their labour practices. Meituan now allows riders more control over how they take orders and recalculates delivery time in the case of abnormal conditions, including restaurants that are slow to provide the meals, poor traffic conditions and other accidents. Ele.me also upgraded its rider safeguarding system to allow for more flexible delivery times, such as for inclement weather, congested traffic and customer-side issues.

These changes are a positive result for China's food delivery riders, but the platforms only revised their rules related to atypical conditions. The problem is that delivery times for normal conditions have been reducing since 2016, when more resources were allocated to upgrade the algorithms. Rather than benefiting workers by saving them time and increasing their pay, these formulas have benefited the corporations who demand that food delivery riders work harder, work longer hours, and make less per order than ever before.

The flexibility introduced into the system will not apply to the average order, so the Guiding Opinions do not get at root causes of rider dissatisfaction and rights abuses. In other words, if the Guiding Opinions had been passed earlier, they still may not have been able to save Han's life.

TOP-DOWN VERSUS BOTTOM-UP METHODS OF CHANGE FOR WORKERS IN CHINA

In China, there is only one official trade union, the ACFTU. The ACFTU has repeatedly been urged to reform – including by President Xi Jinping himself – to become less bureaucratic and represent workers' true interests. However, the ACFTU tends to issue political documents and show bizarre displays of loyalty to state and party political campaigns rather than do any real grassroots work to benefit China's labour force. Workers are often unaware of the existence of the official trade union or are deeply sceptical of interactions with it.

Independent labour organising is unlawful and is often criminalised. The recent case of food delivery rider Chen Guojiang, known popularly as Mengzhu, is one example of the risks of independent worker organising. Chen began organising food delivery workers in Beijing through online chat groups. Workers discussed common labour challenges and staged small-scale actions to push back against Meituan and Ele.me trampling on their rights one algorithm at a time. In February 2021, Chen was arrested for "picking quarrels and provoking trouble", a charge that is politically motivated. He was detained for a prolonged period of time but was later released and has since remained low-profile.

Instead of seeking union representation, workers with ad hoc labour disputes increasingly resort to discrete and small-scale actions to get the attention of local government officials, the media and other actors to help pressure a favourable result at the workplace level. For example, workers are posting into the social media ether about their unpaid wages, workplace injuries and other problems, but labour rights outcomes in these scenarios are often unclear. Navigating the legal system through labour dispute arbitration and subsequent civil lawsuits is time consuming and can cost more than workers can afford, and even favourable judicial outcomes go unenforced.

Despite these difficult domestic conditions, the voices and experiences of China's workers are being recognised at the highest levels. The 2021 Guiding Opinions are one example of this recognition. In addition, at China's annual legislative meetings in March 2022, government officials and ACFTU representatives raised a host of meaningful policy suggestions that show that the scope of challenges facing platform workers are recognised as hindering China's overall policy and development goals.

The ACFTU itself has vowed to better represent platform workers, instituting a drive to recruit more workers from what it calls "eight major groups," which includes some categories of platform workers and food delivery riders specifically. Some goals of this long-term campaign are to form new unions for sectoral workers and even to hold bargaining sessions with companies.

The ACFTU has indeed increased the number of food delivery unions and signed some collective contracts in a few localities, but a closer look reveals that the unions still lack substance and are not responsive to workers' true demands. Through talking with union officials in the course of our work, we have found that the local delivery unions established recently were chaired by company management, and collective agreements were mere gestures and had no input from rank-and-file workers

Along these same lines, the ACFTU has recently boasted that all of China's major tech companies now have enterprise unions affiliated with the ACFTU and that almost seven million platform workers are members. Again, this is a step in the right direction, but so long as the enterprise unions lack democratic processes for worker participation, they will still be at the behest of management or, as in the case of the ACFTU itself, party and state goals rather than worker interests.

A HUGE STEP FORWARD BUT NOT THE ONLY ANSWER

Despite top-down regulations and a focus from the official trade union on platform workers, implementation and meaningful change for workers on the ground is elusive. The reality is that in the labour arena, there is not only the space for all actors to perform their roles in concert, but also it is mutually beneficial for them to do so. State regulation must be designed to address the actual needs of workers, the union has a role in ensuring proper enforcement at the workplace level, and workers should not be afraid to seek such representation and to assert their legal rights. In China, what this looks like is for the ACFTU to perform its mandate, and when it begins to do so, workers may be less reluctant to seek out the union and demand that it represents them. The momentum of top-down directives could in this way be more effectively leveraged into bottom-up change.

In CLB's repeated phone calls with trade union officials, the ACFTU has begun to take more initiative. Yet this is usually limited to legal assistance, and the union does not help workers before legal violations occur or follow up on legal cases after they have been passed off to lawyers. At the ACFTU, worker assistance, labour organising and negotiating are separated, and any negotiations only call for minimum labour protections to be enforced, rather than pushing the line on better conditions. However, with clear regulations in place and a mandate for reform, the ACFTU is now in a position to show that it can be truly representative, and the result will spell the union's legitimacy for the future.

For workers elsewhere seeking state legislation to protect their interests, it is important to see that even strong state regulation is not a panacea for workers' core grievances, and it will take joint efforts from various segments of society to effect meaningful change. In addition, the labour struggle is an ongoing process in which stakeholders must continuously adapt to changing needs and circumstances. Regulation is one step, implementation and enforcement another, and worker organising must always be ongoing. Globally, this process can be strengthened by understanding the commonalities that platform workers face, building off other worker movements and rising together with one voice to demand dignity and respect from society.

A BRIEF HISTORY OF GRAB IN SOUTHEAST ASIA

JOE BUCKLEY

EDITOR'S NOTE:

Most platform companies operate transnationally. How can the labour movements respond transnationally, too? Over the next few months, we will be publishing a Special Series on Grab in Southeast Asia. For this series, we picked the most dominant app-based platform in Southeast Asia: Grab. We asked activists and researchers to analyse how Grab operates in each country, the conditions of Grab drivers and the form of their organising and resistance. We hope this series can help form the basis of transnational comparison that feeds back into discussions on organising.

As an introduction to this series, our Special Series Editor, Joe Buckley, explains the context and history of Grab in Southeast Asia, and our plan for publishing this series.

One of the major trends in work and labour both globally and in Asia over the past decade has been the rise of digital labour platforms which "mediate and facilitate labour exchange between different users, such as businesses, workers, and consumers". This includes both cloudwork, which can be done entirely remotely, from anywhere, and gig work, which is geographically tethered as it needs to be performed in a specific location.

In Southeast Asia, the most iconic form of the latter is app-based driving, especially ride-hailing and food delivery. And the most iconic platform is the Singapore-headquartered regional behemoth Grab, whose green logo has become omnipresent in cities across the subcontinent, lauded by governments and consumers around the region as a symbol of digital development, modernisation, and the "smart city".

Grab was initially established and launched in Malaysia in 2012 – later relocating its headquarters to Singapore – before expanding to other countries in the following years. Its rise, and indeed the rise of the app-based driving sector in Southeast Asia as a whole, was initially characterized by the ride-hailing war with global behemoth Uber (which launched in Singapore in 2013 and subsequently expanded throughout the region).

Uber made some business errors – including being slow to introduce cash payments in countries where cash payments were dominant and being slow to introduce motorbike ride-hailing in countries where those vehicles are dominant – and eventually threw in the towel in 2018, exiting Southeast Asia in exchange for a 27.5% stake in Grab. That deal was subsequently investigated by several Southeast Asian governments for suspected breach of antitrust legislation, as it left Grab with a near-monopoly over the ride-hailing market.

The rise of app-based driving also destroyed the livelihoods of many of those who drove in the traditional ride-hailing economy. Across the region, there were violent, and sometimes fatal, clashes between informal motorbike drivers, who would find jobs by waiting on street corners and negotiating prices directly with customers, and app-based drivers.

The former group saw both their customer base dwindle, as increasing numbers of people opted to call rides on apps instead, and their earnings per job reduced, as prices set by apps were driving down the cost of rides and consequently the amounts that traditional motorbike taxi drivers were able to negotiate.

Traditional car taxi firms, and their drivers, were also hugely affected, seeing their businesses very quickly begin to lose money due to what they deemed to be unfair competition. In one infamous episode, a taxi company in Vietnam furnished its vehicles with bumper stickers calling on Grab and Uber to obey the law; stickers that were quickly removed once authorities voiced displeasure, with the company attempting to blame drivers for the action.

In recent years, Grab's regional dominance has started to be challenged by other platforms. In ride-hailing, Grab's most notable rival is the Indonesian platform Gojek. In 2021, Gojek merged with e-commerce firm Tokopedia to become GoTo, and now has enormous amounts of capital to pump into expanding and competing with Grab. In food delivery, Foodpanda, owned by the German giant Delivery Hero, is also aggressively competing for market dominance.

Despite this, Grab is still currently the market in both ride-hailing and food delivery across Southeast Asia as a whole. The company operates in eight countries: Singapore, Malaysia, Cambodia, Indonesia, Myanmar, the Philippines, Thailand, and Vietnam. In addition to its core ride-hailing and delivery services, Grab has now expanded to become a "superapp", including grocery shopping, hotel bookings, and financial services. It went public in December 2021 on the Nasdaq platform with a valuation of US$40 billion; the largest ever US-listing by a Southeast Asian company (although shares fell 21% on the first day of trading).

Despite all this, Grab is not a profit-making business. On the contrary, it has seen eye-watering losses, such as $3.6 billion USD in 2021. The company announced a new push for profitability in 2022, partly by reducing driver incentives. Losses did indeed narrow significantly, with the delivery part of the business managing to break even by the third quarter. More cost cutting measures are planned for 2023.

The idea that the company has been spending too much on its drivers may be greeted with sarcastic laughter by many of those who perform ride-hailing and food delivery through the platform. Grab drivers notoriously work long hours for low pay in hazardous and precarious conditions, with few labour or social protections.

Grab classes its drivers as "partners" rather than workers or employees to avoid having to provide minimum wages, benefits, and other basic labour rights to which some formal workers across the subcontinent are entitled.

But drivers are by no means passive in the face of this. Due to what Ford and Honan call the "semi-formalisation" of the industry, in the case of motorbike drivers, especially Grab, it has become "a pseudo-employer against which workers can organise"; previously, when motorbike driving was entirely informal and unregulated, no such target existed.

Drivers have made the most of this, and have been very active in organizing, striking, and protesting against the company to demand better wages and conditions. Drivers have organised around a wide range of demands, including the rates of commission taken by Grab, bonus policies, tax rates, petrol prices, social protection, and others.

They have formed mutual aid groups to assist each other and strategize together. In some cases, drivers have joined existing unions, while in others they have established new unions and labour associations to defend and progress their rights and interests. In still other cases, driver organising takes unofficial forms, absent of any formal organisation. Governments around the region have begun to pay attention, beginning to think about regulation of the sector.

While there have been substantial numbers of news reports and some in-depth research into app-based driver organizing in Southeast Asia – including in Asian Labour Review – there has not yet been a collated set of articles focusing on organizing against one single platform across the region.

In this special series of articles, activists and researchers from different countries in which Grab operates reflect on the labour politics of Grab in that specific country. The articles focus on who the Grab drivers are, the working conditions they face, and, of course, driver organizing and resistance.

Once all the articles in the series have been published, a final article will assess the similarities and differences in the types of activism undertaken by Grab drivers across the region, and how these relate to existing traditions of militancy.

RESISTANCE IS POSSIBLE

ARIF NOVIANTO

Some analysts of the platforme-based gig economy have argued that the potential of gig workers to resist their exploitation is low, due to the individualisation of labour processes and management by algorithms.

I want to show the opposite. In fact, during the Covid-19 pandemic in Indonesia, a total of 34 protests were carried out by Grab drivers and seven of them met with their demands. It is not only possible to organise drivers to resist precarity – it is already happening.

GRAB COMES TO INDONESIA

Grab, one of the largest platform companies in the world, started to expand to Indonesia in June 2014. At first, it was the GrabCar service that was available. Then, on 20 May 2015, the company launched GrabBike, which had 2,000 registered drivers eight weeks after launching. They continue to expand into other on-demand service. With its "super-app" status, Grab has also launched GrabFood, GrabMart, GrabExpress, GrabHealth, GrabHotels, and 10 other services.

Grab grew rapidly, becoming the leader in Indonesia's platform-based transportation market, beating various competitors including the homegrown Gojek. The number of Grab drivers in Indonesia has also increased significantly, reaching two million in 2020. In 2018, Grab announced that it was merging its Southeast Asian ride-hailing and food delivery businesses with Uber's operations in the region. This merger gave Grab a dominant market share in the ride-hailing industry in Indonesia.

Grab's success is at the expense of millions of drivers living in precarious conditions. In Indonesia, Grab and other platform companies classify their drivers as independent contractors—or in Indonesian terms mitra (partner)—in a partnership relationship. With this classification, Grab does not have to provide drivers with employment rights, such as a minimum wage, holiday entitlement, the provision of vehicles and protective equipment. As a result, after the money-burning period in Indonesia ended, drivers experienced increasing job vulnerabilities.

Just how vulnerable are the Grab drivers, and how have they organised to counter the conditions? I would like to show the extent of their precarious working conditions, and how they respond to these vulnerabilities with collective actions.

To do this, I use data from research I conducted with a research team from the Institute of Governance and Public Affairs (IGPA), Universitas Gadjah Mada, Indonesia. The study was conducted between June and October 2020 where one hundred and thirty Grab drivers in three Indonesian provinces were surveyed. In addition, between August 2020 and March 2022, I conducted research on driver resistance in Indonesia during the COVID-19 pandemic, by joining 44 platform driver social media groups (on Facebook and WhatsApp) and tracking driver protests online.

BOGUS PARTNERSHIPS AND UNDISGUISED EXPLOITATION

Although designated as partners by the platform company, Grab drivers in practice do not get any rights as partners. According to Indonesia's Law No.20/2008 on Micro, Small and Medium Business, and Micro Business, a partnership relation is a relationship in which the partnering party has an equal position in making decisions, in other words no one dominates and is dominated. This distinguishes a partnership relationship from a labour-employer working relationship. But in reality, the partnering parties do not have an equal position. All work arrangements and decision-making processes are carried out unilaterally by Grab, without accommodating the voice of the drivers, thus creating bogus partnership practices.

The practice of bogus partnerships is closely related to what some researchers call disguised wage labour in the informal sector. This is because platform drivers are classified as partners, but their work process is one of hired workers in an employment relationship. The classification of drivers as independent contractors or partners has provided space for Grab not to pay drivers the minimum wage or accord them the components of a decent living. As partners, drivers are paid for gig work4, based on the number of orders from consumers that they complete. The company determines which drivers get orders, and this allows work control to be exercised.

Grab's control of work and dominance over drivers makes it possible for Grab to continue to cut driver fees (both incentives and fares), resulting in decreasing income for drivers. In 2018, when Grab had a "money-burning" strategy to attract drivers as well as customers (a period lasting from 2015-2019), the average daily gross income of Grab drivers was 458,093 rupiah (29.73 US dollars; 1 US dollars = 15,416 rupiah). Drivers' earning significantly decreased as the "money-burning" period ended. The most drastic decrease was during the COVID-19 pandemic, from an average gross income of 273,746 rupiah (17.77 US dollars) per day in February 2020, to 85,085 rupiah (5.52 US dollars) in April 2020. After the post-COVID-19 new normal period was implemented in Indonesia, Grab drivers' income did not increase significantly.

The decline in income goes hand in hand with the increase in the working time of Grab drivers. Increasing working hours is an attempt by Grab drivers to increase their chances of earning enough income, as fares and incentives are reduced for them. From 2018 to July 2020, working time increased by 1.03 hours per day on average, from 12.21 hours per day to 13.24 hours per day. The average working hours of Grab drivers in Indonesia exceed normal working hours, which according to the International Labour Organisation (ILO) is eight hours per day or 40 hours per week5. Because they are classified as partners rather than workers, Grab drivers are prevented from getting any additional pay for hours in excess of standard working hours; if they were formal workers, this would be considered as overtime work.

Decreased income and increased working hours have increased the drivers' health and safety risks. The percentage of drivers who have experienced illness, including road accidents, due to fatigue from overwork is 73.85%. Those drivers unable to work in secure conditions due to the lack of job security, causing stress is 79.23%. Drivers have little social protection, as this is not provided by Grab. For example, 49.23% of Grab drivers do not have health insurance, while 50.77% of drivers have health insurance that is self-financed or provided free of charge through the Indonesian government's programme for poor families.

Low incomes also make it difficult for Grab drivers to pay for the costs of doing business. One platform driver organisation of GrabCar and GoCar drivers reports that 87.38% of its members are no longer working as drivers because they are unable to pay for the car credit – most platform drivers who use cars buy their vehicles on credit – amid a drastic decline in income. Data from our survey shows that 77% of GrabCar drivers are still in debt at the bank for car credit. The transfer of business risk from the platform company to the driver to provide the means of production has increased drivers' vulnerability.

THE MYTHS OF FLEXIBILITY AND HIGH INCOME

To attract drivers, Grab promises to provide work flexibility, reliable earnings and empower driver livelihoods. On the driver registration page of the Grab website, the company says that if you are a driver you will "be your own boss" and can "decide when, where and how often you want to drive". On social media, Grab claims drivers can earn up to 14 million rupiah per month, or about five times the national minimum wage.

Drivers decide to become Grab drivers based on considerations about flexible working hours, high incomes, and easy registration methods. Sixty percent of Grab drivers said they decided to do so as they were attracted by the promised work flexibility, while 50% mentioned the expectation that they could earn high incomes and 16.92% of drivers decided to register as a Grab driver because of how easy the process is. The hegemonic narrative produced by Grab has, therefore, encouraged many people to become drivers, even to the point of being willing to queue.

Of the Grab drivers in Indonesia, 92.31% say it is their main livelihood or full-time job. Before becoming Grab drivers, most were workers in the informal economy (55.38%), such as small traders, non-platform drivers (ojek pangkalan), pedicab drivers and tyre repairmen, whose incomes tend to be low and insecure. The other 36.92% were previously formal workers – but, in an era of labour market flexibility, these jobs were also insecure – whose contracts ended, who were fired, or who were attracted by the promise of flexibility and a high income by driving for Grab. Entrepreneurs who employ more than three workers and drive for Grab as a side job make up 3.85%, and another 3.85% started working as Grab drivers immediately after graduating from school.

As noted above, during the 2015-2019 "money-burning" period, Grab drivers in Indonesia tended to earn high incomes due to the large number of incentives. Consequently, they were not overly concerned with their vulnerabilities such as long working hours, lack of social protection, misclassification, and other rights. However, the end of the money-burning period resulted in a drastic drop in driver income and an increase in vulnerability. The percentage of Grab drivers who think that the company's change in policy has reduced their incomes is 89.23%; and, 76.92% of drivers say that expectations about flexibility, high income, and better livelihoods are not reflected in reality.

The flexibility promised by Grab does not actually happen, because of Grab's control over the labour process. This allows the company to punish drivers who are considered undisciplined, for example by deactivating a Grab driver's account for a period of time, dismissal (stopping a driver from using the app), or by not prioritising the account for orders. The disciplinary mechanisms developed by Grab coerce drivers to consistently work hard for a long time (even more than 12 hours per day), accept all incoming orders, rarely take time off, and provide the best service (to get higher ratings from consumers). This means that flexibility does not exist, because when a driver does not work long hours, they can be sanctioned by being de-prioritised for orders. This forces drivers to make their Grab work a full-time job, with long hours and low wages.

MOBILISING RESISTANCE

In response to Grab embedding their precarity, drivers respond with various forms of resistance. The number of protests increased during the COVID-19 pandemic, especially; from March 2020 to March 2022, a total of 71 app-based driver protests were recorded, with 34 (47.9%) involving Grab drivers. Protests involving Grab drivers in Indonesia during the pandemic included mass taking to the streets (26 actions), strikes (22 actions), blockading Grab offices (two actions), and hearings with the government (one action). The primary methods of action carried out by drivers were mostly mass action outside government buildings and Grab offices combined with strikes, namely by logging off the app. In some cases, protests were carried out entirely online and remotely, with drivers collectively logging off the apps but not undertaking street-level protests.

Levels of pay (both tariffs and incentives) are a major issue for drivers, with 58.8% of protests demanding proper payment. Protests demanding an end to Grab's deactivations and unilateral sanctions with no right of appeal were 20.5%, and those demanding better working conditions 17.6%, while 17.6% also demanded the legalisation of platform-based transportation in Indonesia.

This is because the Law on Road Traffic and Transportation states that vehicles for transportation are only allowed if they have a yellow plate and a vehicle eligibility test letter issued by the government. Motorbikes cannot be used as public transportation. Meanwhile, platform companies such as Grab are not registered as transportation companies and violate the law on the Law on Road Traffic and Transportation because they use motorbikes for public transportation, do not have a yellow plate nor a vehicle eligibility test letter.

Other protests were over such issues as demanding a decreased charge for drivers (11.8%), drivers' legal classification (5.9%), demanding free parking (5.9%), non-benefit pay (5.9%) and no longer accepting new drivers in Grab (5. 9%).

Of the 34 Grab driver protests during the pandemic, most of them (24, 70.6%) were dominated by spontaneous actions. Of these spontaneous actions, 70.8% were carried out using the wildcat strike strategy, which in the context of platform-based transportation meant a collective log-off from the Grab driver account. The wildcat strikes were primarily organised on social media, especially Facebook and WhatsApp.

When there are policies or conditions that are felt to be detrimental to drivers, for example when Grab lowers fares, drivers then communicate with each other in social media groups. There they convey their complaints to each other, and often find the solutions in staging wildcat strikes. Drivers consider the official procedural method, making a complaint through the application or meeting directly with Grab management, to be largely useless due to workers being silenced.

WILDCAT STRIKES AND THE QUESTION OF ORGANISATION

Ten protests were carried out through formal organisations or unions (29.4%). All formal organisations or unions that accommodate Grab drivers are independent organisations and are not connected to traditional unions in the larger sectors such as manufacturing. Before being formalised, these organisations began by organising wildcat strike actions, namely actions that tended to be spontaneous, without a main leader, with no formal organisational structure for a long time, and not connected to larger unions.

Weaknesses in the wildcat strike strategy in winning broader and substantive demands (such as fair rates, clarity of classification, and better working conditions) led drivers to form formal organisations or unions. One example of this was Grab drivers in Jabodetabek (Greater Jakarta) who, after a wildcat strike between 23 to 25 June 2021, later formed the GrabExpress Sameday Sejabodetabek Association to be able to organise the movement and have a long-term vision to win demands.

Although short-term and potentially myopic, wildcat strike actions have several advantages over those coordinated by a formal organisation or union. Wildcat strike actions can take place quickly because they do not need to go through the bureaucratic procedures which formal organisations do, are difficult to co-opt due to the absence of a single leader in the movement and are democratic because everyone has the same voice as others. On the other hand, protests through a formal organisation have weaknesses, such as being too dependent on a few leaders, a tendency to be easily co-opted and being unable to respond quickly to issues.

Most of the demands made by Grab drivers during the protests in Indonesia have not been accommodated by Grab and the government. In responding to demands related to increased pay and job protection, Grab tends to refuse to comply with these demands. The reason from Grab is that increasing pay and providing proper job protection would make the company uncompetitive. The impact of that they claim would be detrimental to drivers, because consumers would choose other platforms and orders for drivers would decrease. In this context, Grab runs market despotism to control and discipline drivers.

Although most of the demands were not met, there were several demands that were won by Grab drivers (seven demands in action, or 20.6%). The victories were influenced by two factors. First, the demand that the Maxim and InDriver companies—which are Grab's competitors—follow the fares regulations set by the government succeeded because Grab had a vested interest in it. Second, the drivers won the demand to increase ride-hailing fees (although the increase was less than what the drivers demanded) and have their charges reduced (previously it was above 20% to 15%, the driver's demand was 10%). This substantive victory involved tens of thousands of drivers in dozens of cities across Indonesia and was achieved after consistent protests over a long time, and during the momentum of rising fuel prices.

Despite the various problems and challenges faced by drivers, the contradictions in platforms such as Grab provide space for the emergence and growth of driver resistance movements. Grab drivers have staged actions to demonstrate their collective power. But the tasks remains for workers to explore and develop their organising strategies and organisational forms to win significant changes to their conditions.

MERCEDES IN TWO YEARS?

TOAN LE

In a country in which traditional motorbike services, colloquially known as xe om, are a popular mode of transport, Grab Vietnam found a ride-hailing and food delivery market that was fertile ground for the taking1.

In Vietnam, at the end of 2013 and the beginning of 2014, a market for passenger transportation services delivered via software applications first appeared in the country. Among them, Grab (Grab Vietnam) and Uber vied for dominance in the new marketplace.

Attracted by the “flexible” work arrangement and generous payment rate at the time, many Vietnamese workers signed up to work for Grab. By August 2018, Grab domination led Uber to sell its shares in the Vietnamese market to Grab. It is estimated that in the first half of 2020, Grab had about a 75% ride-hailing market share in Vietnam.

However, as Grab’s services spread from transportation to food delivery services, discontent among its workers also mounted. Frequent wildcat strikes have surfaced with increasing regularity. Unstable incomes and low pay were the main grievances of workers, however, harsh working conditions and a belief that Grab has taken the “worker-partner” for granted were other outcries.

UNSTABLE INCOMES, LOW PAY, HARSH WORKING CONDITIONS AND A WEAK VOICE AND REPRESENTATION

Grab promoted the flexible nature of its work arrangement and the attractive payment rates as providing opportunities for its partner-workers to “live the dream” whilst earning decent pay.

So successful was its public relations campaign, ordinary Vietnamese came to believe that gig work was a well-paid job. An example of this prevailing upbeat view was an online article stating that ride-hailing platform workers could buy a Mercedes in two years and that working for a ride-hailing platform service was a highly desirable job.

However, research conducted in 2020 and 2021 points the other way. For example, a soon-to-be-published report conducted for Friedrich-Ebert-Stiftung (FES)2 in which I am a co-author, found that the average income of workers from regular full-time work of eight hours per day and 26 days per month is only 6,210,672 VND (264 USD), 16.6% below the liveable wage rate of 7,446,294 VND (317 USD) in 2020, excluding overtime pay.

Further, although platform workers' earnings remain higher than the Ho Chi Minh City (HCMC) minimum wage for work requiring training of 4,729,400 VND per month, employees on a minimum wage are provided with benefits that platform workers are not entitled to. The income of Grab's workers has been declining and unstable for some years because of many factors.

Firstly, the rate of payment income earned for each trip is completely determined by Grab. According to some workers in the above FES report, these rates are sometimes fixed so low that workers are not able to cover the fuel expenses.

Secondly, research shows that since starting operations, Grab has adjusted the proportion of the fee it deducts from workers' incomes six times, mostly by increasing the amount it takes from workers for organising rides for them from 15% in 2015 to 20% in 2020.

Thirdly, Grab has tightened its bonus payment policies which account for 17.36% of workers' incomes, causing the workers to work harder and lose control of their work time flexibility which impacts on their health.

Finally, greater competition for rides, health restrictions imposed during the COVID-19 pandemic and a surge in petrol prices resulting from the Russia-Ukraine war have gravely impacted the earnings of workers. One worker revealed that he is paid only 4,000 VND (0.17 USD) for each kilometre of a five kilometre ride and he pockets only 30% of the payment received from a customer for a typical ride after deducting expenses and fees paid to Grab. Further, the same worker earns only 9,000 VND (0.34 USD) in total for a three kilometre ride before consideration of other costs including fuel expenses, maintenance, labour, time and enduring the heat.

Our FES report also found that unstable incomes and low pay forces workers, including those working for Grab, to work without fixed rest times through sickness and holidays. The survey for FES indicates that few took time off work on public holidays (11.8%). Although not all workers worked on public holidays, on average they work on 80% of public holidays in a calendar year. While survey respondents provided different reasons for the need to work without taking breaks and holidays, low incomes were the common cause behind accepting limited rest times and holiday leave.

Harsh working conditions have had various adverse impacts on workers' health and wellbeing, including respiratory health (61.7%), followed by joint health (62.8%) and digestion (48.30%). During the pandemic, platform workers assessed Grab's implementation of health protection rules, sharing health protection information and offering regular health check-ups to be worse than competitors Baemin and Be.

Finally, Grab's workers have been unable to resolve their grievances via internal mechanisms. Platforms such as Grab have broad powers to terminate a worker's service. More specifically, the contract typically requires the platforms to give a worker only three days advance notice for the termination of service; and if a worker violates the contract terms or regulations, no notice is required.

Moreover, platform entities deprive workers of procedural fairness measures, such as providing an opportunity to explain their action. Workers stated that platforms made non-negotiable decisions without consultations. A Grab worker stated in our interview:

"[Working for Grab], there is no discussion or negotiation when the platform company judges that a worker has violated the code of conduct [or before the new policy issuance]. They shut down the app whenever they want."

Another study conducted for FES led by labour researcher Do Quynh Chi also substantiates the claim that in comparison to other platform providers in Vietnam, Grab workers cite ineffective communication channels, individual workers' voices being neglected and company retaliation as the core grievances.

Faced with an ineffective internal dispute resolution mechanism and unequal bargaining powers, Grab's workers have conducted wildcat strikes and used social media outlets such as Facebook to create solidarity and shape public and policy narratives.

MOBILISING AND PROTESTING AGAINST GRAB

Like their counterparts in China and other places, Grab's workers in Vietnam have taken advantage of the platform's data-powered systems, and cleverly used mass social media groups to organise mass demonstrations to disrupt Grab's business.

In December 2020 with the coronavirus pandemic already significantly impacting the take-home pay of bikers, Grab increased its commission from 20% to 27.7% following the government issuing Decree 126 on the VAT obligations of ride-hailing entities.

Decree 126 determined that ride-hailing businesses such as Grab were to be treated like traditional taxi companies and were subject to 10% VAT on all revenues from the business cooperation activities, whereas previously, Grab had to declare and pay 10% VAT based on the commission percentage it received for each ride. The effect of the new law was to increase Grab's VAT obligations, whilst reducing VAT obligations faced by the workers.

The attempt by Grab to make the workers pay for Grab's VAT obligations angered the latter and united them to resist against it.

Lacking a common workplace meeting ground, Grab workers utilised social media as the main communication channel and organised a struggle that lasted for days in many parts of the country (Hanoi, Da Nang, Saigon and even Binh Duong). Workers use Facebook and other social media platforms to communicate their anger and encourage each other to join the protest. It provided a space where bikers could interact with each other and together build and nurture a collective identity and solidarity.

Social media not only makes up for the lack of physical connection between workers, it is also a powerful tool for workers to build solidarity and has the advantage of allowing them to gather and organise the fight quickly and effectively, compensating for the absence of independent and effective representative organisations.

Grab workers organise strikes by creating their own group pages. Through the common experience of sharing the green uniform, Grab workers interact with one another freely on this page to share grievances, discuss plans, and call for action. In particular, workers have used ethical discourses to argue that Grab has a moral obligation to "take care of its soldiers, of the family", whose work has made Grab into the company it is now.

Another worker also referred to moral discourses mocking the terminology of "worker-partner" that Grab assigned to them, stating "it sounds like an important person, but in reality it is empty of any privilege (có tiếng mà không có miếng)".

The use of moral discourse by Grab workers to build solidarity and galvanise public empathy has a long tradition as it is also a core discourse employed by factory workers found in previous studies by labour researchers Angie Ngoc Tran, Joe Buckley and Tu Phuong Nguyen.

The tactics employed by Grab workers were relatively successful in winning the hearts and minds of the public and some in the government. After initially taking a cautious approach, the General Department of Taxation publicly revealed their views in favour of bikers, that the 10% VAT is the responsibility of Grab, not the employee.

Further, since the above protest, the Ho Chi Minh City Federation of Labour recently established "syndicates" (nghiệp đoàn) for the workers. For its part, there are divergent opinions within the Vietnam General Confederation of Labour (VGCL). Nevertheless, some senior VGCL officers have recently spoken in favour of ride-hailing workers. In a recent interview, Ngọ Duy Hiểu – VGCL's deputy president – strongly argued for these workers to be treated as employees. He said:

"[Notwithstanding that] the owners of ride-hailing platforms always consider workers their partners, the fact that the workers have to obey the directions of the platforms in respect of booking allocation [and] disciplinary measures as well as [labour] safety, [work] uniforms and [working] time clearly indicates [the existence of] employment relationships in enterprises."

Our interviews with labour and union officials at central and local levels from 2019 to 2021 suggest increasing support for recognising ride-hailing workers as employees.

Finally, it should be noted that the use of social media to organise strikes has shortcomings such as a greater potential for infiltration and leakage of information and is no substitute for a well-organised unionised workforce. Although the above is positive progress, the workers do not have the right to represent their members in bargaining, consultation, and other forms of dialogue with platform entities.

The lack of a union that truly represents the interests of workers has circumscribed the capacity of workers to defend and further their occupational interests. And this would, in turn, reinforce the precariousness and vulnerability of these workers.

In our report, several platform workers expressed their fervent wish to be represented by a labour union. As a Grab biker expressed in our interview:

"I really want to have a representative organisation. All workers want this. [However,] as motorbike workers (xe ôm) we don't have such an organisation. We don't have a trade union. This is why [we] have to put up with miserable conditions. If there was a trade union [for motorbike workers], all of us would support it."

A FULLY INDEPENDENT UNION NEEDED

After riding a wave of popularity, Grab's transportation and delivery services in Vietnam are facing strong headwinds. Grab's popularity appears to be waning, and its workers are increasingly frustrated by Grab's treatment.

A series of multi-regional wildcat strikes conducted by workers in protest of Grab's heavy-handed actions to change the workers' take-home pay have exposed Grab's claim that its "flexible" work arrangement empowers its workers to protect themselves without the need to rely on traditional collective bargaining rights and other rights associated with industrial relations.

Despite an absence of labour unions and despite antiquated labour laws, Grab's workers in Vietnam have employed effective means to resist Grab's hegemony. It turns out that social media has provided the workers with a powerful tool to develop solidarity in organising strikes, rebut Grab's narratives, shape public opinion and influence government policies.

However, the use of social media has its own limitations. Until Grab workers have a fully independent union by their side which works to represent their interests, Vietnamese Grab workers will continue to be acutely vulnerable.

POST-COUP HORIZONS

KO MAUNG

At midnight on 14 March 2022, Grab Myanmar announced that it was reducing food delivery drivers' pay from 800 MMKs (0.38 USD) to 600 MMKs (0.28 USD) per drop. In response, Grab riders, who had been alerted on the app, went on strike by logging off from the application. More than 300 Grab workers in Yangon participated in the strike by not opening the Grab app.

In February 2021, the Myanmar military seized power in a coup. Since then, wages and working conditions in the country have deteriorated. There is restricted space for worker organizing. However, workers in Myanmar continue to organize and strike. I would like to detail the 2022 strike by Grab Myanmar delivery riders to sketch out the horizons, in all its opportunities and limitations, of worker organizing in the country under military rule.

At the time of the strike in March 2022, one rider told Myanmar Labour News that he usually had ten or fewer delivery orders per day. This was financially adequate when the drivers received 800 MMK per order. But following the reduction to 600 MMK, riders were struggling to survive. For comparison, a bottle of drinking water costs 600 MMK.

It was a year after the 2021 coup and the country's economic situation was in turmoil due to the junta's policy changes aimed at controlling the mass movement against the coup. Meanwhile, the price of the goods had increased as a result of post-coup economic collapse and inflation. The Yangon Grab strike lasted two and half days. In the end, the riders received what they had demanded: that the basic delivery fee not be reduced to 600 MMK per order.

During that same week, on 16 March, Foodpanda delivery riders also boycotted foodpanda Myanmar to demand an increase of the delivery fee per order from 400 MMK (0.19 USD) to 670 MMK (0.32 USD). They also demanded that foodpanda use Google Maps to calculate distances correctly, reduce managerial control over workers, and take responsibility for drivers' accidents during working hours. This strike became a protracted struggle, lasting five months and ending with uncertain promises from the company. As a result, hundreds of riders moved to Grab.

These actions by Grab and Foodpanda delivery riders raise questions about the motivations and possibilities for worker organizing in post-coup Myanmar. In the remainder of this article, I outline the working conditions of Grab riders, how the Grab labour process works, and how Grab riders organized strikes under the restrictive conditions of post-coup Myanmar.

BEING A GRAB RIDER IN MYANMAR

During Covid-19, working as a delivery worker became a popular way to earn income. Food delivery platforms, especially Foodpanda and Grab, grew rapidly in Myanmar. There are five main food delivery services in Yangon: Food2U, Yangon Door2Door, Hi-So Mall, foodpanda, and GrabFood. However, foodpanda and GrabFood have an effective monopoly.

Grab entered the Myanmar market as a taxi service in 2017, expanding to food delivery in November 2019 in Yangon and in July 2020 in Mandalay, the country's second largest city. Grab also started GrabMart during the pandemic, providing grocery delivery. There are around 550 riders working for GrabFood, with the majority in Yangon and around 50 in Mandalay.

Ko Aung Lwin (a pseudonym) took part in the foodpanda boycott. He decided to join Grab after his foodpanda rider account stopped giving him the usual jobs. "I worked a two-hour shift but did not receive one order. Not only did the company refuse riders' demands, but they also manipulated the system by not giving any work to the protest leaders."

To become a Grab rider, Ko Aung Lwin needed to submit a CV with a photograph, his National Registration Card, his household registration form, and the contact information of another Grab rider as a reference. New riders also need to pay Grab 80,000 MMK (38.095 USD) as a deposit; 50,000 (23.8 USD) is paid up front, while the remaining 30,000 MMK (14.28 USD) is deducted from the driver's wage at a rate of 1,000 MMK (0.476 USD) per five orders.

In practice, this means Grab deducts 1,000 MMK per day for 30 consecutive days the riders work until the total 30,000 MMK (14.28 USD) has been paid off. Riders can officially get this deposit back upon leaving Grab. To do so, however, they must officially resign from Grab – most riders do not do this, but simply switch off the app when they no longer wish to work.

Ko Win Aung (a pseudonym) is a 45-year-old motorcycle courier in Mandalay. He joined GrabFood six months after the company launched their service in the city. He needed to use his friend's driving license to get the job as he did not have his own license. As a new rider, he had to deposit 50,000 MMK (23.80 USD), with an initial installment of 20,000 MMK (9.52 USD). The rest was deducted from his pay.

In addition to the delivery fee, riders in Yangon receive 200 MMK per 1 kilometer traveled. If customers tip the riders, Grab passes 100 percent of the tips to the driver. If two deliveries are made on a single route, drivers earn an extra 200 MMK.

In Yangon, full-time Grab drivers earn around 60,000 MMK (28.57 USD) to 150,000 MMK (71.42 USD) per week and 400,000 MMK (190.47USD) to 600,000 MMK (285.71USD) per month. A Grab courier in Mandalay usually earns around 80,000 MMK (38 USD) to 150,000 MMK (71.42 USD) per week and can get at least 300,000 MMK (142.85USD) per month.

For the couriers in Mandalay, kilo kyay (the bonus for travelling additional kilometers) is lower than riders in Yangon. According to Ko Win Aung,

"kilo kyay is 100 MMK per kilometer. So, I will receive 300 MMK for travelling 3 kilometers and 500 MMK for travelling 5 km. 2,600 MMK is the highest basic order fee I can earn for an order. If I ride 11 kilometers, there will also be other bonus fees, and I will receive more than 4,000 MMK (1.9 USD) for that delivery. Grab transfers our wages twice a week, on Tuesdays and Thursdays. There is no pressure to work as a Grab rider. But we need a good mobile phone. Unlike foodpanda, there is no batch system."

Foodpanda's batch system is a ranking system based on the performance of riders. Batch 1 is for riders with the top performance and Batch 6 is for new riders. Batch 1 riders can choose to work whenever they want and receive higher bonuses than other riders. Compared to Myanmar's minimum wage of 4,800 MMK per day (last increased in 2018), the daily income of Grab riders is higher.

Grab uses a credit system that serves to regulate workers. If a rider has under 50,000 credits, they will not get any orders. When this happens, they must call a hotline and the company will add 1,500,000 or 2,000,000 credits. At night after their working hours, a rider must transfer to Grab the money they received from customers via KBZ pay, a local money transfer application.

Grab does not have shifts or performance indicators, but they have order acceptance rates. Riders are prioritized for jobs based on their order acceptance rate. If a worker's refusal rate is high, Grab will close their account for three days. Other reasons for closing riders' accounts are refusing to transfer money to Grab, and finding another person working on the account.

Riders can work from 6:00 am to 9:00 pm and can choose their working hours depending on their availability. Riders just need to close the application if they cannot work. Unlike foodpanda, Grab riders don't have special hours (from 11:00 am to 1:00 pm in Yangon and Mandalay, and from 5:00 pm to 7:00 pm in Naypyitaw and Kalaw). According to Ko Win Aung, "We need to be careful not to reject orders if we are online. Monday is important for us because if I cancel the first order on Monday, the week will end with no orders or fewer orders." After 9:00 pm, riders can refuse orders without being penalized.

The vast majority of drivers are young men. Ko Win Aung only knows three women riders in Mandalay. He also said that most riders in the city are around 20-30 years old. There are 15 women riders in Yangon.

PROTESTS, BOYCOTTS, AND STRIKES BY GRAB RIDERS

Grab riders' collective boycotts usually involve logging off and leaving no active rider in the system if successful. Customers can still order, but there will be nobody to deliver the food.

On 3 November 2020, more than 100 Grab riders protested in front of the Grab office in Yangon due to a reduction in the basic order rate from 1,200 MMK (0.57 USD) to 800 MMK (0.38 USD) per kilometer. This change had been announced on 1 November. Prior to that, a rider received 1,200 MMK per order and 300 MMK as a bonus if they chose to work at night. One protesting rider said, "I normally receive 10 orders per day, which was okay before. But since the reduction, I don't have enough income. If they had [only] reduced the rate to 1,000 MMK (0.476 USD), it would have made sense for us."

Police arrived at the protest and asked riders to leave. The police attempted to solve the problem by facilitating negotiations between Grab and the riders at the labour office. Then the police brought three riders to the labour office to represent the protesting workers in a meeting with Grab. However, the company did not show up. Due to the involvement of the police and government administrators, other riders left without obtaining any information. In this dispute, the company won and the delivery rate was reduced to 800 MMK. Since then, the affected riders have been struggling to make ends meet.

Sixteen months later, on 14 March 2022, there was a second major protest, as discussed above, due to Grab attempting to further reduce the basic order rate from 800 MMK to 600 MMK per kilometer. On this occasion, all the riders logged off. Their collective strike put significant pressure on Grab. As a result, the negotiations went well. In the end, drivers were successful, and the company did not reduce the rate. At the time of writing, the basic delivery rate for Grab riders is still 800 MMK.

Ko Kyaw (a pseudonym), a Grab rider who joined the strikes in both 2020 and 2022, said, "We can say that we won in the second strike because the company could not decrease the delivery fee. But they added a cancel rate measurement to control riders more." Grab also introduced more restrictions for riders in their system. Specifically, Grab required that riders accept almost all of the delivery orders that they receive. Grab now closes a rider's account for three days if the rider's daily order cancelation rate is over 10 percent, or if their weekly order cancelation rate is over 10 percent.

In Mandalay, there has never been a strike or protest by Grab delivery riders.

During the November 2020 boycott, riders also demanded that Grab provide health insurance and take responsibility for workers' accidents during working hours. At the time, Myanmar Labour News reported that Grab did not take any responsibility for riders' accidents. Riders had to pay their own medical fees and related costs. This is a common problem for Myanmar platform workers who must work on dangerous roads. Riders from foodpanda also raised the same demands in their March 2022 protest, alongside their demand for an increase in the basic delivery rate.

However, almost two years later, it seems that Grab riders have finally received what they demanded regarding medical insurance. Ko Aung Lwin said, "I witnessed a case where a rider received 60,000 MMK (28.57 USD) for 3 days off because of an accident. If a rider needs to rest a week for medical reasons, he or she will receive around 100,000 MMK (47.61USD)." In contrast. Ko Aung Lwin said that when he worked as a foodpanda rider, he did not receive any financial support from the company for healthcare. Ko Win Aung also said, "Grab pays medical costs when we have an accident. One of my friends had an accident and the company covered his costs."

CHALLENGES FOR ORGANIZING

For platform workers, the risk of losing their income is the major concern. This risk makes riders vulnerable during a strike against their platform company. This is especially the case during the present situation of military rule. The 2021 coup also created a more restrictive situation for worker organizing. For example, riders cannot publicly protest to put pressure on their employer. The military administration is ready to crack down on any form of public strike or protest in the streets.

That is why Grab riders just log off from the system rather than engaging in a visual, public protest. The lack of an organized union is also a weakness when bargaining with Grab. It is perhaps the main reason why Grab currently has the upper hand in controlling working conditions.

Grab employs riders as "partners". This means that riders are considered freelance workers, not employees. The company has a service contract with workers, who will be dismissed if they are judged to have broken it. This makes it hard for workers to have legal labour rights. Ko Aung Lwin said, "I had to sign a contract, avoid doing anything which impacts the company, and collaborate with the employer to solve problems. We need to read the contract carefully to see if it makes sense for us. But some riders just sign the contract without reading it properly."

"Way leaders" are assigned to manage different areas. They are key in supervising riders and solving problems. Way leaders operate as agents between riders and the company. Way leaders are also formal Grab employees, rather than partners. Therefore, they have not gotten involved in the two riders' strikes. Ko Kyaw said, "A way leader informed us when Grab planned to decrease the delivery fee to 600 MMK. We got a chance to discuss with each other about how we should respond… Way leaders will lose their jobs if they join the strike."

If there is an accident, a rider must inform both the way leader and the Grab hotline. The way leader will then meet the rider and take any necessary actions. If a customer provides an incorrect location, it is the way leader's responsibility to resolve the issue. To manage these issues effectively, there are group chats on Viber with riders and the area way leader.

If there are disputes on the ground, the company immediately arranges a meeting with way leaders and riders to solve the problem. Way leaders then negotiate with the riders. In some cases, way leaders report problems directly to management and the dispute is resolved quickly. It is difficult for Grab riders to organize a union because there are few riders, and many riders think that a labour union is needed only when the employer violates labour rights.

Ko Win Aung said, "I accept that we should have a union. But we bikers don't need a union now, because Grab takes responsibility for us." He believes that riders will need a union at some point in the future. Ko Kyaw said, "We don't need to organize a union, because we are already in unity. In each township, there are informal leaders who can represent [riders] and who can make decisions about what riders should do." This informal social network played an important role in mobilising riders during the second strike in March 2022.

Ko Aung Lwin also said that Grab has better facilities for riders compared to foodpanda. He would prefer it if foodpanda treated its riders in the way Grab does. However, even for Grab riders, wages and working conditions are inadequate to support their livelihoods. Ko Kyaw stated that Grab does not provide decent wages, citing his experience of borrowing 200,000 MMK (95.23USD) from his friend to support his family during Myanmar's third wave of Covid-19 a year ago, which he is still repaying now.

Even before the 2021 coup, the official labour disputes settlement mechanism was very weak. It has not been effective in protecting workers from labour law violations. Moreover, there is no specific law to protect platform workers in Myanmar. In both Grab rider strikes, resolution of the dispute depended on the relative bargaining power between Grab and the riders.

During the first strike in 2020, police arrived and got involved in the settlement. However, although the police were able to put pressure on workers to leave, they could not, or at least did not, put pressure on Grab to agree to riders' demands. During the second strike, Grab riders chose an alternative tactic. They collectively logged out from the application. This put significant pressure on Grab. After two days, Grab agreed to not decrease the delivery fee. However, it added a restriction relating to the order acceptance rate.

The case of Grab riders in Myanmar shows that organizing a union is crucial for effectively responding to exploitation and restrictive management in the platform industry. Grab riders understand now that they can only put significant pressure on Grab if they are united. However, the military administration has been trying to ensure a tranquil situation in the country. This has created a significant challenge for riders.

After the coup, labour unions took a lead role in the anti-coup movement. The military responded by persecuting unions and labour organizers to prevent them from engaging in anti-military politics. Despite these challenges, workers in Myanmar, especially in the industrial zones around Yangon, have continued to organize and strike for improved wages and working conditions, and for an end to labour rights violations. These actions are significant.

However, so long as military rule persists in Myanmar, there will be limited space for deliver riders, factory workers, and other labourers to organize, strike, and negotiate with employers over the difficulties they confront.

ORGANIC LEADERS AND DILEMMAS OF GRASSROOTS ORGANIZING

KRIANGSAK TEERAKOWITKAJORN

Researchers have increasingly recognized the potential of self-organizing activities among gig workers such as couriers and food delivery riders. Nevertheless, it is still rare to find stories from below that show personal determination, leadership, and, most importantly, how workers collectively take issues into their own hands.

In October 2022, representatives from several grassroots rider groups in Thailand were interviewed by The Just Economy and Labour Institute (JELI) and Asian Labour Review (ALR), discussing their motivations, organizing activities, and challenges.

The feature highlights the stories of three organic leaders, whose narratives reveal tensions between traditional ideas about being workers and the desire for dignity and autonomy. By organic leaders, we mean ordinary workers whose leadership emerges from grassroots organizing without a formal structure. Although primarily volunteers, these activists have gained trust through their leading roles in the collectives.

Importantly, their stories shed light on the discrepancy between the reality of grassroots organizing for daily struggles and the desired goal of building power for structural change.

GRAB IN THAILAND

Grab began operating in Thailand in October 2013, initially as a ride-hailing service that enlisted taxis and private cars onto its platform. Dubbing itself a “lifestyle super app,” Grab has since expanded its offerings to include a wide range of services, from messenger and food delivery couriers to cleaning maids, extending its reach into every aspect of people’s lives.

While ride-hailing remains the most profitable service, Grab Food, with its army of green-jacket riders, has become an iconic service in Thailand, covering at least 58 of the country's 78 provinces as of January 2023. For nearly a decade, Grab operated without legal status, leaving riders to navigate regulatory loopholes on their own. In September 2022, the Ministry of Transport finally granted Grab legal recognition as an app-based ride-hailing service provider.

While the legal recognition of Grab as a service provider put an end to the company's shadowy past, it only addresses Grab's status and fails to clarify its relationship with individual riders. As a result, individual riders are still required to register their motorbikes for public use and obtain the same license as traditional motorcycle taxis. It is worth noting that this arrangement only applies to ride-hailing or passenger services, leaving food delivery riders unregulated.

JEAB: A FEMALE RIDER WITH INSTINCTIVE LEADERSHIP AND INTERNAL STRENGTH

Jeab (pseudonym) is a well-built woman in her late forties. Despite her strong appearance, she has struggled to find employment due to ageism and her responsibilities as a single mother of four. While she used to work as a regular employee, she disliked being under someone's control and found it challenging to balance her household duties with a full-time job. As a result, she now earns her income primarily through delivering food for Grab.

After experiencing a few road accidents while delivering for Grab, Jeab witnessed first-hand the abnormality of riders having to pay for medical bills and recover on their own, with the platform shirking responsibility. To help riders facing the same situations, Jeab started a mutual aid group in one neighborhood in Bangkok geared toward issues of accidents and injuries.

It was started simply as a chat room (on the LINE messenger application) with 7 or 8 riders working in the same area. The size of the group subsequently grew along with the sense of camaraderie that deepened as more riders joined the chat. Finally, Jeab switched from a small chat room to LINE Openchat and Facebook group capable of hosting hundreds of riders.

One of the initiatives was a mutual aid fund where members chip in a small amount of money, usually 20 Thai baht (around 60 cents in USD) that could be used to aid those in need. At the time of our conversation, the mutual aid group listed over 800 members. Jeab said that, although she is officially head of the group, there is a committee of 20 members who meet monthly to make decisions, especially about how to spend the funds coming from members' contributions.

While the group prioritizes injuries and accidents as the core issues, the fund can also be used to support riders with other less visible work-related health problems. For example, not unlike working at a desk, most riders have to sit in the same position on the motorbike for several hours per day, causing many to develop lower back pain. As a result, Jeab herself and several of her colleagues underwent surgeries for pain.

Currently, the group offers ten rapid response teams to provide emergency support for riders who face accidents. They have even bought and stocked motorbike spare parts, offered basic repairs free of charge for members and non-members, and provided first aid training for riders and passengers.

Jeab, when asked about the size and strength of the group, mentioned that it was still small and primarily focused on the rapid response to emergencies and accidents. She explained that the group was not yet ready to make demands of the platform company, as their negotiating power is limited and such demands would likely be ignored. Therefore, they have prioritized mutual aid and trust building, which are indispensable and foundational for movement-building.

The first such groups of Grab riders in Bangkok facilitated information exchange, fundraising for members, and occasional social events. These groups connect with each other primarily through social media platforms, particularly Facebook pages. As the platform economy expanded its reach into small towns and major platforms competed to gain a wider market share, similar groups emerged across the country

In the past, the group joined a protest held by Fast Moving, a pan-Bangkok group discussed further below. The company promised to address workers' demands, including the cancellation of "batch orders" (multiple orders bundled together for one drop) and of riders' requirement to reserve the shift in advance. However, nothing came out of it.

According to Jeab, the major obstacles to achieving what they wanted were not only the company but also the riders' lack of participation. She criticized some riders who chose not to be part of the actions for failing to think about the long term. Contemplating how the riders' movement could become more powerful, she replied that strikes would not be effective unless enough riders join.

Jeab is an instinctive organizer and natural leader. Notably, her strength extends beyond the tight-knit community of riders she created, as her story underscores the significance of family support in labor activism. She confides in her family about work-related problems and explains why she must stand up for her rights. This kind of open communication helps her family understand her struggles and offers internal support for her fight. When asked about the challenge of being a single mom, she acknowledged that having a partner or husband would have made it easier for her to achieve what she did.

OOD: A MALE LEADER WHO EMBODIES BOTH COMPASSION AND CONTRADICTIONS

Ood started as a Grab recruitment agent but later became a rider and got involved in self-organized activities after witnessing a brutal incident in which a traditional driver violently stabbed a rider. This incident occurred almost a decade ago, and at that time, small self-organized groups emerged to protect themselves.

However, in 2019, a female rider was killed in an accident, and her family did not receive any compensation from the platform. This incident deeply affected Ood, and the very next morning, he went to a police station because a group of riders had been assaulted. It was then that he decided to donate his entire salary to the riders and encouraged them to use the money to get organized.

This is how Fast Moving was born, and within days, the group was able to recruit over 10,000 members on their Facebook page. With 20,000 followers on their Facebook page and 2,000 active members, the collective, Fast Moving, is one of Bangkok's largest and most militant grassroots groups. It was primarily responsible for the recent protest in front of Grab's headquarters in late November 2022.

Fast Moving (FM) is a group that provides its members with vehicle repair and legal support in case of accidents. They have an executive committee consisting of 17 active members who offer support in different areas across Bangkok. Over the years, FM has witnessed an increasing number of fatal road accidents, prompting them to demand Grab to extend call center service to fully support riders from Grab. As a result of their efforts, Grab has extended its closing time by three hours, from 8 to 11 pm.

However, there have been many cases of riders dying on the road, and the company often denies responsibility, claiming that the riders were not working or delivering orders. Therefore, FM continues to put pressure on Grab to consider riders actively performing services at all times when they have the application open. Additionally, FM is requesting that Grab provide its riders with compulsory accident insurance without any performance-based conditions. However, in practice, Grab often requires its riders to use their own personal accident insurance tied to their motorcycle registration when accidents occur.

For a while, Ood provided advice to FM, drawing on his experience as a Grab recruitment agent to help riders obtain their benefits. However, he eventually resigned because he felt uneasy about accepting paychecks from the platform while witnessing his colleagues getting injured and dying while working for the same company. He revealed that, even though he is now earning less, he is more content. He can now advocate for riders' rights openly without having to conceal his identity.

Another pivotal moment was when he attended a meeting with other group leaders to discuss how they could support riders in obtaining social protection. This private gathering, hosted by JELI, brought together various rider groups in Bangkok who had previously been advocating for similar issues but were not in contact with one another. As a result of the meeting, Ood became more resolute in his efforts to advocate for riders' legal protection. Subsequently, FM organized a series of protests that received widespread media coverage, including the largest-ever riders' demonstration in front of Grab's Bangkok headquarters.

Ood regards FM as a formidable group that has progressed from making noise to being able to negotiate with the platform in recent years. His objective is to establish an all-encompassing association for all riders, and he no longer shies away from using the term "union". It's important to note that due to its militancy, the FM protests put pressure on Grab to invite its leaders to negotiate, although this invitation was mainly a tactic by Grab to create division among the riders.

NAMWHAN: A NATURAL STRATEGIST AND VOCAL ADVOCATE OF WOMEN'S ISSUES

Namwhan (pseudonym) is a female rider who is at the forefront of Grab protests. In her early 30s, she is outgoing and articulate and is recognized as a natural strategist and a vocal advocate for women's issues, particularly sexual harassment. Over the past few years, she has participated in leadership development training with JELI, which has helped her become a more effective advocate.

Namwhan is also a rider-activist with the FM collective but is one of its few women leaders. Namwhan has played a prominent role in the group's activism and is highly respected among its members.

We began by asking Namwhan about her experience as a female rider and the daily health issues she faces. Namwhan shared that she had previously undergone a C-section, which resulted in recurring back pain. Additionally, she mentioned that riding for long hours during her period can be uncomfortable. For female riders like her, finding clean public restrooms is a challenge, which is often overlooked by male riders. Namwhan herself once contracted an infection after using an unclean toilet and had to visit a doctor, who unfortunately made a judgmental comment suggesting she may have an STD.

Namwhan began driving for the ride-hailing platform Grab during the mid-2010s, a period of high incomes for drivers. However, when Grab reduced delivery fees, riders like Namwhan were forced to work long hours without social protection. This motivated her to speak up and demand better working conditions for herself and her peers. She fought not only against the company but also against the government, which ignored workers' concerns. Women's issues, road safety, and lack of social protection are the main struggles that she voices with the FM.

Namwhan believes that the key to negotiating with Grab is to make noise and get attention. One effective way to achieve this is through a strike, but it requires a critical mass of people to turn off their applications simultaneously. If the group is too small, they will not be able to match the power of the platform.

According to her, the company retaliated during the strikes by increasing incentives to undercut and circumvent the strike. Unfortunately, the platform failed to negotiate in good faith and instead used the "divide and conquer" tactic by persuading leaders to have private meetings, creating rifts among the riders. This tactic has been used by employers for generations. Consequently, riders started to question if their representatives accepted any benefits from the platform executives. Namwhan was aware that her peer had leaked the letter of demands to the company beforehand, which further eroded the riders' negotiating power.

Namwhan believed that the eagerness of the riders to speak with the platform executives was a result of activism fueled by the male leaders' egos and a lack of trust and democratic decision-making. Jeab's concerns regarding workers accepting concessions or being unwilling to participate highlighted the tension between leaders and the members in this context of lack of democracy. Regardless, the group has a long way to go, and the key question is how the self-organizing riders can overcome internal and external challenges to transform their potential power into actual power

PRECARITY IS NOT A BARRIER TO ORGANIZING

The stories of how riders in Thailand have organized echo emerging lessons from around the world: that precarious workers are capable of taking collective action, often more easily than formal workers. In a sense, the lack of legal recognition enables them to circumvent legal barriers and take action when necessary. In short, precarious work conditions should not be seen as a barrier to organizing.

Despite the lack of support from trade unions, riders in Thailand have proven their ability to organize themselves and build solidarity. They are still able to come together and build collective power. Driven by necessity, they have taken the initial steps towards building a solid community by uniting together. Nevertheless, significant challenges lie ahead for them, particularly the development of an organizational structure to effectively plan, strategize, and achieve their goals.

BUILDING POWER THROUGH ASSOCIATIONS

HUEI TING CHEONG

Malaysia has one of the highest car ownership rates in the world with the number of vehicles outnumbering the population. It is small wonder that traffic congestion and mobility are plaguing issues.

For ride-hailing company Grab, this situation creates a supply of drivers and passengers. On the one hand, many people own private cars that they can use to generate extra income; on the other, many rely on Grab for mobility due to an inefficient public transport system that causes traffic congestion.

Today, Grab dominates the ride-hailing landscape in Malaysia, with over 100,000 ride-hailing drivers and 20 million registered users.

From housewives to the unemployed, many people are attracted to becoming Grab drivers due to a flexible and convenient work arrangement and, most importantly, the opportunity to generate extra income around the clock to combat economic pressures.

According to a study, most gig workers strongly prefer job flexibility; their status as informal workers gives them the flexibility to work anytime and as many hours as they can to maximise their income.

However, despite Grab's market valuation of over $10 billion and its status as Southeast Asia's most valuable startup, Malaysian Grab drivers faced problems of stagnant fares amidst rising costs of living and a lack of comprehensive regulations to protect their welfare.

Classified as independent contractors, Gig economy workers are not covered under the country's Employment Act 1955. This classification also means that, unlike conventional employees, gig workers are prohibited from forming unions under the Trade Union Act of 1959.

Even if they were permitted to, Malaysia's trade union laws are very restrictive: unions require employers' recognition to be formally established, no general unions are allowed, and members must be employees of a particular industry, establishment, and occupation.

Without the right to unionise for better working conditions, Grab drivers are left with only one choice: forming associations to make their voices heard. These associations play the role of facilitating mutual aid, communication, and stakeholder engagement.

While more limited than unions in many ways, associations are also free from some of the restrictions on unions. In addition, although associations are not legal entities and do not have formal recognition, they are not prevented from representing their members in collective bargaining or lobbying the government.

A COMMUNICATION PLATFORM FOR DRIVERS' WOES

Jose Rizal joined the gig economy by chance. He had lost his job in 2016 and was left unemployed. The following year, he encountered a Grab "partner" (meaning driver) sign-up initiative at a local eatery and decided to become a ride-hailing driver.

He is currently the chief activist of the Malaysian E-Hailing Welfare Association (Persatuan Kebajikan E-Hailing Malaysia, PKEH). The 4,000-member association was formally registered as an association in January 2020, at the beginning of the Covid-19 pandemic. 81% of their members are Grab drivers.

PKEH is also part of a loose ride-hailing driver coalition established in August 2020, the Malaysia E-Hailing Coalition (Gabungan E-Hailing Malaysia, GEM). In the same year, GEM launched a complaint channel for drivers in dispute to seek help and resolution, and coalition members can volunteer to take up and resolve the case.

One of the main issues faced by drivers is unfair deactivation – in other words, being unilaterally dismissed by Grab with no recourse to appeal – due to disputes with customers. Rizal said, "Sometimes, passengers can be really picky and have little empathy for Grab drivers who spend long hours on the road. The operating platform tends to favour the passengers without considering drivers who have to endure horrible traffic, passengers' complaints, and unfair compensation."

A driver's income and job prospects are subject to customers' satisfaction. Unhappy customers have full power to give low ratings or file a complaint to penalise the driver, which affects incentives or may even cause drivers to be banned permanently from the app.

In 2020, PKEH helped to resolve Grab driver Ivy Loh's unfair dismissal; she had an argument with a client that brought too much luggage. Over a period of 2 years and seven months, she endured a lengthy legal process — from the Labour Courts to the Appeal Court — with the assistance of her lawyer and PKEH members to successfully be reinstated as a worker.

Unfortunately, PKEH closed down this channel of assistance after 11 months as they lacked the capacity to handle so many complaints of varying natures. Now, the coalition focuses on lobbying the government to strengthen and amend the e-hailing industry regulations in Malaysia.

Besides picky customers, Grab drivers are also at the mercy of the automation and surveillance mechanisms of the app. Rizal explained, "The platform operator uses AI to their advantage. Once the drivers go online, the system captures their availability, and drivers are forced to 'auto-accept' pickups despite fluctuating fares."

Whenever drivers are online, the app "auto-accepts" pickups along the way, which is why drivers stay on the road for hours with no rest. To make matters worse, driving in Malaysia's urban areas means enduring horrible traffic congestion and dismal road conditions. Drivers are stuck in a congested area, yet they are still accepting pickups along their journey, further extending their time on the road and stressing them out.

Despite being able to earn higher fares during peak traffic hours, some Grab drivers turned off the app or ignored passengers' requests because the incentives were no longer attractive — resulting in exorbitant fare hikes.

Grab adopts dynamic fare pricing that relies on current supply and demand: fare prices increase when demand for service is high and vice versa. It is no wonder fare prices fluctuate when the supply side takes a hit.

Iskandar, another PKEH activist, said, "Some customers will be angry at us drivers because of Grab fare hikes, but these prices are regulated by AI and the dynamic pricing mechanism. At the end of the day, customers are still able to opt for cheaper alternatives, but drivers have to accept any given fare rates."

Rizal also raised concerns about how in-app features like "Buy Now Pay Later" or "Grab Cash Financing" can be used to exploit drivers' data on the platform to manipulate pricing. He said, "As an e-hailing operator, Grab has full power to determine drivers' wages and ride fares according to current economic situations."

Many users and drivers are unclear about how this pricing mechanism works – not even the Land Public Transport Agency, a national statutory body that regulates and enforces rules for land-based public transport.

Although Grab operates as a tech company, its private car ride-hailing services were regulated in 2019 as a transport company under the statutory body to "level the playing field with the taxi industry". All e-hailing drivers must obtain a Public Service Vehicle licence, e-hailing insurance, conduct annual vehicle checks, and more — like a taxi.

The e-hailing industry may have adopted the technicalities of conventional taxis but not the fares. Despite standard taxi rates having increased to USD 0.27 (RM1.20) per kilometre today, e-hailing rates remain at USD 0.16 (RM0.70) to USD 0.21 (RM0.90) per kilometre, which is the rate implemented for the former in the 70s.

These regulations do not necessarily improve the drivers' situation. Drivers have to fork out more money for servicing, maintenance and all sorts of licences — it seems like the company can offload the responsibility of maintaining "workplace safety" to the workers.

Talking more generally, Iskandar also said that he thinks the government's regulations for e-hailing platforms are inadequate, as they essentially just "copy-paste" from the traditional taxi industry.

"Members of Parliament are still using conventional methods to approach an unconventional industry," he said. Instead, "they have to adopt a forward-thinking method to tackle our problems to ensure that we can adapt to Industrial Revolution 4.0", – referring to the changes brought about by digital technologies and automation.

The leadership of GEM is focused on lobbying the government because they believe that better e-hailing industry regulations can improve gig workers' conditions — fares, social security, and job prospects. They gather feedback from coalition members, compile it, and bring it to the government.

KNOWLEDGE SHARING AND EXTERNAL ENGAGEMENT

Azril Ahmat, a Grab driver, is the Vice President of Grab Drivers' Association Malaysia (GDMA), an association with about 300 members.

Just like PKEH, GDMA was formed in 2017 to function like a union and struggle against any unfair or unreasonable demands from the company. Back then, Grab and Uber were the only e-hailing operators in Malaysia; these companies were free to set or impose any rules as there weren't any regulations until 2019.

Azril was appointed Vice President due to his work supporting other Grab drivers. He explained, "Before joining GDMA, I was teaching drivers methods to avoid spending too much time on the road while maximising their income. I would organise monthly classes at eateries, and I managed to build a good rapport with drivers through that."

Azril compiles his knowledge with bits of information from other drivers and imparts it to the drivers in his classes. He said, "Grab drivers have to understand the lifestyle of Kuala Lumpur citizens – from public holidays to working schedules – in order to hit the daily income targets these drivers have set for themselves."

He added, “I also taught them how to manage their finances. Since drivers receive their pay in cash daily, they have to be more vigilant in their spending to ensure they can pay for bills and other commitments every month.”

He has taught more than 2,000 drivers, with 50 to 70 people attending every class.

As a part of GEM, the loose coalition, GDMA worked closely with PKEH and other drivers’ associations to engage with the government.

There are about 29 other e-hailing providers in Malaysia, such as MyCar, Maxim and AirAsia Ride. To gain a competitive edge and attract customers, these companies resort to lowering fares through different pricing mechanisms, but drivers are the ones that bear the brunt of low fares.

Grab drivers have seen ride fares decrease by 50% to 60% in just a few years due to fare restructuring, which is why most Grab drivers work two or more jobs to supplement their income.

Azril attributed the drastic drop in Grab fares to the free market. “E-hailing companies can enter the market with minimal requirements, resulting in stiff competition. Every operator offers low prices to make themselves more competitive. This is good for the customers but bad for the drivers,” he said.

The coalition demands the government set a ceiling and floor price for e-hailing fares to ensure better wages. This floor price is, of course, to prevent fares from falling too low. But the associations also want a ceiling to prevent customers from opting for other alternatives, such as taxis, if Grab prices increase too much.

Azril blamed the government for letting market forces determine e-hailing prices. He added, “The government definitely has the power to determine a ceiling or floor price, but they refuse to do so because they fear that it will turn foreign investors away. I heard from Grab driver friends from Thailand and Indonesia that the Grab prices there are about 30% to 40% higher than Malaysia’s.” Thailand’s cost of living is 11% higher than Malaysia, while Indonesia’s cost of living is 10.4% cheaper than Malaysia’s.

Previously, GDMA and other associations worked with the government to enact an E-Hailing Act in 2018. Still, discussions were either stalled or delayed due to bureaucratic hurdles and a lack of cooperation. The question remains: does the government have the political will to enact pro-workers policies?

Pro-employer politicians and a neoliberal policy-making approach are major obstacles to developing regulations that benefit the drivers. The entire process can take up to six years, from conducting studies to tabling results in Parliament and gazetting them.

Besides time constraints, inflation and rising living costs also remain substantial economic problems in Malaysia, where the price of goods can increase by 50% to 200% in just two years. Therefore, policy drafts based on research from a few years ago may not accurately capture current economic situations and could be outdated as soon as they are circulated.

MAKING DEMANDS HEARD

With a relatively simple registration process and no corporate interference, forming an association is not difficult; organising enough power to make Grab drivers' demands effective is an uphill battle.

Under GEM, drivers of various associations share similar demands: better and fairer wages, more comprehensive regulations for the e-hailing industry, and a robust support system for gig workers to transition to formal employment or running their own businesses.

Have these associations considered merging? Rizal said, "No, because [multiple associations] make drivers' voices louder", while Azril thinks that "it's the differing opinions and ego of association leaders that make merging difficult."

Nevertheless, there have been some small successes. In 2018, GEM and various other associations successfully pushed for Grab to implement a USD 0.69 (RM 3.00) penalty for passengers that are more than 5 minutes late for their ride and a rise in the minimum fare from USD 0.67 (RM 3) to USD 1.12 (RM 5).

The penalty for late customers was an important issue for drivers; as Azril explains, "Before implementing the penalty, there were cases where passengers had purposely called for a Grab long before they were ready to leave, and the drivers had to wait a long time." Securing the penalty and the minimum fare was a long and challenging process that involved many trips to Grab's office and unsuccessful attempts to speak to Grab's higher management team; drivers could only meet a Grab representative.

There are many ways to tackle issues like this: they start by initiating discussions with Grab, then proceed to seek professional legal advice or bring it up to the Minister of Human Resources.

The drivers also stand to benefit from the 2023 National Budget. The government pledged to contribute 80% to a mandatory social security scheme coverage for self-employed workers to protect them against employment injuries and provide upskilling programs for gig workers — a small part of GEM's demands.

Contrary to many countries where regulations for e-hailing operators are non-existent, it seems like the Malaysian government is generally willing to engage and listen to Grab drivers, but change comes too slowly.

Both PKEH and GDMA are unsatisfied with the progress in securing better welfare and job security for Grab drivers. Azril said, “We drivers have attended numerous workshops and roundtable discussions organised by the government, but there are little changes even though we provided them with plenty of ideas and solutions.”

Azril also expressed disappointment at a lack of support from the public and Grab drivers themselves: “Our associations need full support from drivers and the public. Malaysia has about 100,000 Grab drivers, but I think that only 10% of them fully support what we do. Some drivers also think that joining an association will not help with anything.”

When asked about their strategy and approach to demanding better fares and benefits, these associations prefer discussions and engagement, with strikes being the last resort. Azril said, “We prefer discussions and engagement, although our demands are rarely taken into consideration. Our goal is to have better e-hailing regulations to benefit the users, drivers and the company, which is why our strategy is to focus on lobbying the government.”

Grab drivers also worry about going on strike because they will lose their income. 70% of e-hailing drivers in GEM are middle-aged individuals (35 to 45 years old) with families to feed. In Malaysia, Grab strikes have mainly been initiated by food delivery riders, not drivers. Some leaders from the drivers’ associations did provide minimal help to coordinate the strikes, but they refused to discuss their role publicly.

Rizal feels that the welfare and prospects of drivers are very uncertain. He said, “We will continue pressuring the government to pay attention to the industry so that drivers can continue to work as Grab drivers and earn decent pay, not just as a side income or as a quick solution in desperate times.”

This year, GEM is working closely with The Human Rights Commission of Malaysia (Suruhanjaya Hak Asasi Manusia Malaysia, SUHAKAM) to push the government to establish a Gig Workers Act.

Rizal said, “We want better e-hailing policies that are ‘pro-people’ – the drivers and the customers – instead of the capitalists. When the policies allow capitalists to dictate fares and take up a huge portion of the profits without compensating the drivers fairly, this creates a problem.”

Note: In January 2023, Grab revised their fares to ensure that drivers would be compensated adequately during rush hours (7 am – 9 am, 5 pm – 8 pm), even for short distances. The company introduced a “far pickup” bonus, hourly cashback, and a time–based fare that increased the fare per minute from USD 0.04 (20 cents) to USD 0.10 (43 cents) — while fare per kilometre was reduced from USD 0.16 (70 cents) to USD 0.06 (25 cents). Some Grab drivers are not satisfied due to a 65% drop in earnings per kilometre and insist that congestion is infrequent and mostly happens only in urban areas.

FOR A PARTICIPATORY AND UNITED MOVEMENT

Azril and Rizal represent different views: one holds a more corporatist perspective, while the other realises how the system is skewed in favour of the capitalist. But these associations share a common goal of influencing policy-making to improve drivers' welfare.

Yet the structure of these drivers' associations has similarities with Malaysia's restrictive union laws — no general unions allowed, and members must be employees of a particular industry, establishment, trade and occupation — which hinders solidarity and cooperation.

Ordinary members do not play a very significant role in decision-making. Workers must organise and build solidarity to fight for their rights through collective institutions like the drivers' associations. But these institutions should themselves be made more participatory and accountable to the needs of workers.

Despite GEM volunteers' applaudable efforts to solve drivers' issues on a case-by-case basis, it is not a sustainable effort in the long term given its limited resource. Drivers and riders should consider merging into one huge association to make their voices louder to tackle the underlying issues of the gig economy: unstable jobs, exploitation through digital platforms and the lack of job security.

FROM ASSOCIATIONAL TO INSTITUTIONAL POWER?

YVAN YSMAEL YONAHA

Grab Philippines, Respect Our Rights! Recognise Our Union and Negotiate With Us! rang in Angeles City during the public launch of the National Union of Food Delivery Riders (formerly known as United Delivery Riders of the Philippines; henceforth, the riders' union) on January 25, 2023. In attendance are the Grab riders who formed it, Foodpanda riders sympathetic to their cause, a representative from the Department of Labor and Employment of the Philippines, and various unions under the umbrella of the Sentro ng mga Nagkakaisa at Progresibong Mangagawa (Center of United and Progressive Workers) or SENTRO.

SENTRO, a labour centre representing more than 80,000 private, public, and informal members, has supported riders' organising. Before this public launch, platform delivery riders in General Santos City and Iloilo City launched their own unions. It was followed by riders from Cagayan de Oro City. SENTRO supported the spontaneous strikes and grievances of delivery riders to build local chapters with the aim of forming a national union of delivery riders.

Drawing on my fieldwork and existing research, I want to introduce the organising experience of Grab delivery riders in the Philippines and SENTRO's role in supporting their spontaneous strikes and organising efforts. I conclude by looking at the current political opportunities for platform delivery workers to change their conditions.

ESSENTIAL AND EXPENDABLE

According to Fairwork Philippines, there are more than 40,000 Grab Food/Express workers in the Philippines out of the more than 400,000 workers on all the platforms they studied. When the 2020 pandemic lockdowns began in the Philippines, delivery riders facilitated the continuing distribution of goods for a population severely limited in mobility. According to Rakuten Insight, 57% of their respondents used food delivery apps more as of June 2020.

Even as other businesses suffered from economic downturns, platforms continued to expand. According to Business World, Grab Philippines began operating in areas adjacent to the capital, Manila (Laguna, Tarlac) and even those farther away (General Santos City, Albay, Butuan, Agusan del Norte). Its Food and Beverage sales increased by 61% in 2020.

Platform delivery riders' status as essential workers or front liners during the pandemic was recognised in various Senate bills and executive actions. As early as July 2020, Senator Lito Lapid filed a bill protecting delivery riders from fake bookings in recognition of the risks that their job entailed.

Despite their essential status, however, platforms failed to meet all the criteria for fair working conditions. Fairwork Philippines' 2022 report assessed nine platforms, including Grab Car and Grab Food/Express, based on five principles: fair pay, fair conditions, fair contracts, fair management, and fair representation. I highlight pay, conditions, and management below.

Fairwork Philippines reported that none of the nine platforms they studied guaranteed at least the minimum wage for platform workers, including both ride-hailing and delivery workers, when the costs of performing their tasks (e.g. fuel, maintenance) were included in the computation. They also noted that the achievement of at least the minimum wage required working for more than eight hours a day.

Moreover, Fairwork Philippines' assessment of platform workers' condition awarded one out of two points for Grab Car and Grab Food/Express for efforts to reduce the risks faced by the riders on the road. For example, Manulife offered Grab and Lalamove Riders free insurance coverage during the early months of the lockdowns (see here and here).

Despite their independent contractor status, delivery riders lack government-mandated safety nets. In the Philippines, regular workers and their employers are required to share contributions to various safety nets such as the Social Security System (pension system for private employees), PhilHealth (assistance for healthcare expenses), and PAG-IBIG (housing loans). Though Grab launched efforts in 2022 to enrol their delivery workers on these platforms, they have only offered to subsidize the first month of contributions for a small number of riders. Thus, Grab delivery riders, treated as independent contractors, are still not entitled to this shared contribution. Given the risk of road accidents and possible COVID-19 infection, the lack of social protection is an affront to their well-being.

Finally, Fairwork Philippines found insufficient evidence that any of the nine platforms upheld fair representation. None of the platforms' explicit policies support collective bargaining. The lack of participation in the platform's governance may create discrepancies between how the platform evaluates and pays worker performance and the actual conditions on the ground. The discrepancies between the actual distance travelled and the app-measured distance would take on a new sense of urgency with rider representation.

In addition, during the pandemic, exclusive villages closed their gates to delivery riders, fearing they could spread the virus. Some respondents spoke of being asked to walk, as motorcycles were barred from entering or made to wait long for the customer to meet them at their villages' gate. Long waiting time means fewer opportunities for bookings and earnings. Encouraging representation could prevent issues like that from being overlooked.

Facing insufficient pay, social protection, and representation despite recognition of their essential status, delivery drivers were nevertheless considered essential and expendable. But they are now pushing back through union building.

SELF-DIRECTED ACTION AND UNION RESOURCES

Since 2020, the grievances generated by platform work have created islands of contention in many parts of the archipelago. In November 2020, a couple of months after lockdowns began in the Philippines, Grab bikers called on the platform to provide an equitable distribution of orders between them and motorcycle riders. In the same month, Foodpanda riders also protested in front of the Department of Labor and Employment in Manila against the revised fare matrix implemented by the platform.

One of the more contentious cases came from Davao City, where a group of foodpanda riders planning a log-off were suspended for ten years by the platform. The platform would later claim this was a system glitch (see here, here, here, and here for additional context). A case was filed at the National Labor Relations Commission and was resolved in favour of the foodpanda riders in July 2022. The company was instructed to pay back wages and other benefits to seven riders – a partial victory since 50 were initially suspended and only ten filed cases. The decision is not yet final as it could still be appealed in stages up to the Supreme Court of the Philippines. Nevertheless, the mobilisation and subsequent success of these workers are significant given that the Philippines has been consistently cited as one of the worst places for workers in the world. There are also limitations on bargaining capacities for informal workers, fragmentation of the labour movements, and a policy of industrial peace.

It is within this context that SENTRO supported the grievance-driven contentiousness with their organizational resources, aiming to build associational power for Grab riders and other platform workers.9 Associational power derives from the workers' capacity to organise themselves to advocate for their interests and pressure decision-makers. This could be through unionization, setting up demonstrations, or building political parties.

According to Henry (Author's Note: all the names of the interviewees have been changed to protect privacy.), a direct participant in the organising campaign of SENTRO, the labour centre provided legal advice early on to workers making inquiries on their Facebook page during the pandemic. This served as the trigger for them to conduct an investigation into the conditions of the platform delivery workers and to begin the process of organising a union for them. SENTRO's member unions provided the strategy and funding to commence organising and the legal know-how to navigate Philippine labour law.

The result is the steady building of the National Union of Food Delivery Riders. Local chapters are being founded with the goal of forming a national union. Interestingly, their organizational structures sometimes differ. Some chapters are exclusively for Grab delivery riders, such as the one from Pampanga. Others are composed of foodpanda riders and Maxim riders, as in General Santos City.

The Pampanga chapter exhibits how SENTRO supported the building of associational power. First, SENTRO provided logistical support and media coverage to amplify the calls of Grab riders for better working conditions. The unity ride before the formal public launching of the Pampanga chapter was documented for publication on Facebook, and some media outlets were present to interview one of the riders' union leaders there. These kinds of actions help build public awareness and support for delivery riders. It also has a demonstrative effect on other rider groups that could benefit from SENTRO's resources. The visibility of contention against platforms could sometimes prompt other groups to reach out to SENTRO.

Second, SENTRO informed delivery workers of their legal rights under the Philippine Constitution and provided legal support when workers were required to speak with the platforms through the arbitration of the Department of Labor and Employment. One of the first steps in their organising process is attending a Basic Orientation Seminar (BOS) and transitioning into training on Basic Trade Unionism (BTU). My conversations with delivery riders across various platforms organised by SENTRO point to the effectiveness of arming them with legal knowledge. The Filipino word Karapatan, or rights, is frequently invoked to justify their fight. Manuel, a Grab rider with a pivotal role in organising his sector, told me about his job termination: My termination happened because Grab's Code of Conduct is against our Constitutional right to rally; their code of conduct says we cannot rally wearing Grab's uniform.

Third, SENTRO's legal knowledge and networks legitimated the building of unions for delivery workers. During the public launch in Pampanga, representatives from unions in manufacturing, food, and logistics affiliated with SENTRO were there to express their support. Representatives from other riders' union chapters from General Santos, Cebu, Iloilo, Cagayan de Oro, and the National Capital Region were also present in person or via Zoom. They all talked about their organising experience and the lessons they drew from it. Their speeches reinforced their common identity of being workers and unionists. The presence of a representative from the Department of Labor and Employment also showed the riders that their actions did not constitute anything illegal. Lastly, SENTRO, on a national level, provided the opportunity for delivery workers to formulate their demands coherently. Rather than a top-down process of imposition, SENTRO was attentive to ensuring that their program reflects the problems and aspirations on the ground.

According to Henry, the union advocates for the following demands: 1) Just and sufficient earnings based on a fare matrix for delivery riders, 2) Due process in suspensions and bans, 3) Insurance for accidents, sickness, and death, 4) Laws that will protect Freelance Delivery Riders, and 5) Right to form a union and to negotiate.

FROM ASSOCIATIONAL POWER TO INSTITUTIONAL POWER

What political opportunities are there for the National Union of Delivery Riders to transform their growing associational power into institutional power? One opportunity, albeit indirectly related, is that the Supreme Court of the Philippines promulgated a judgment in favour of Lazada Delivery Riders, declaring them as regular employees by virtue of the so-called four-fold test and economic dependency test used to determine the employee-employer (as opposed to an independent contractor) relationship in the Philippines.

The four-fold test looks into "(a) the employer's selection and engagement of the employee; (b) the payment of wages; (c) the power to dismiss; and (d) the power to control the employee's conduct, the most important factor." while the economic reality test considers various factors such as the economic dependence of the worker on the company (see paragraph 9-10 of the previous article).

While Lazada is not a food delivery service, it is a platform for selling products delivered directly to consumers' homes. It shares affinities with Grab and foodpanda as platform companies. This and the recent judgment from the National Labor Relations Commission regarding Davao Foodpanda riders suggest that there is space in the Executive and Judicial branches of government to push back against the claims of independent contractor status for delivery workers.

Aside from claiming employee status for platform delivery workers, another legislative opportunity is the formal definition of the rights and responsibilities of platform freelancers. Several measures have already been filed in the Philippine Senate to protect platform delivery workers. Senator Risa Hontiveros filed Senate Bill 1373 aimed at providing at least a minimum wage for freelancers, requiring transparency in algorithmic decision-making, enshrining due process in decision-making, mandating a contribution to social protection programs in the Philippines (e.g. SSS, PhilHealth, PAG-IBIG) and guaranteeing the right to organise.

SENTRO's more extensive network includes the AKBAYAN Party, from which Senator Hontiveros hails. The Senator sent a video message explaining the bill to the unionists during the Pampanga public launch. Moreover, union members also attended senate hearings to express their views. Platform delivery workers attend such hearings with the assistance of SENTRO.

Local governments in the Philippines are also starting to notice the plight of delivery workers and are trying to improve their working conditions. Valenzuela City already has an ordinance mandating safe spaces, gadget charging, and sanitizing stations for delivery riders as early as 2021. Meanwhile, in General Santos City, the local legislative council held hearings to discuss an ordinance granting social protection to delivery workers in the locality. Cebu City had a session for an ordinance granting safe places for delivery riders as they wait for orders. These local governments' efforts are commendable, but the national government needs to adopt similar measures to ensure similar standards across the Philippine archipelago.

There are genuine political opportunities for delivery workers to use their associational power to create institutional changes in labour laws in the Philippines. But how this will play out is still dependent on the speed by which the Philippine legislature could pass regulations on the platforms, the response of the platforms themselves on the organising of gig-workers, and the capacity of SENTRO and the union to exert pressure from below while lobbying in the halls of power.

TOWARD MORE INSTITUTIONAL POWER

Despite Grab delivery riders' status as front liners or essential workers during the pandemic, they were still considered expendable. This is apparent in their pay challenges, insufficient social protection measures, and the lack of worker representation. SENTRO's union resources supported the riders' grievance-driven contention. This synergy founded the National Union of Delivery Riders by providing logistical and media resources, legal education, union legitimation, and assistance in forming a coherent set of demands. There are genuine political opportunities for Grab delivery riders now to transform their associational power into institutional power. Nevertheless, this transformation would be the outcome of the power struggles among the state, delivery platforms such as Grab, and the delivery workers' union.

What does the experience of the National Union of Delivery Riders say about organising platform delivery workers? Assistance from 'traditional' unions reduces organising costs for contentious platform delivery workers. Labour systems today are steeped in various regulations that govern relationships between the state, capital, and labour, often requiring technical knowledge to navigate. Moreover, precarity provides disincentives to participate and organise, given the need to sell one's labour to the market just to survive.11 Reducing the cost of participation by sharing resources is essential to hasten the mobilisation of a labour movement able to challenge the prerogatives of platform companies.

Once a labour movement has been mobilised, the task shifts to maintaining and enhancing its associational power to bring institutional reform to completion. National legislative action will take time because of the lengthy process and shifting currents of public opinion. Moreover, platforms resisting efforts to regulate them would also contribute to delays. Attempting to argue against the proposed regulations, Uber warns of price hikes if regulations protecting workers are passed in Europe. In Spain, where one of the first laws protecting platform delivery workers was passed, Glovo continues to be fined because of its resistance to the legislation. Strategies are needed that continuously make apparent the benefits of unionization even as the desired institutional regulation would happen far into the future. When the institutional mechanisms are put up, associational power remains important to ensure that companies and the state live up to the standards.

One strategy for this is mobilising locally for changes that ease working conditions. Local government officials are relatively easier to access and rely on a narrower voter base than national officials. A large organised group of riders at the city or municipal level would readily draw the attention of these officials. As mentioned earlier, local government officials could create ordinances that require establishments to provide parking spaces and charging stations or even mandate social safety nets. Improving on these conditions could readily demonstrate the positive effects of unionization.

Another strategy is to learn from the experience of mutual aid groups that have sprung up among delivery riders. These mutual aid groups provide pooled monetary assistance for members in accidents, discipline erring delivery riders, and monitor the implementation of local ordinances that benefit them. Israel, an unaffiliated delivery rider, recounted how he got some establishments fined because they failed to provide parking spaces required by a local ordinance. He also narrated a time when he called the attention of a delivery rider to return the payment to a fast food worker who mistakenly thought the order would be paid online. Issues such as this emerge in the day-to-day fulfilment of delivery workers' tasks. A union that is engaged in smoothing out conflicts in the workplace will have its importance recognised by workers.

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