

Reconstruction of working time: Flexibility and other myths in the regulation of the gig economy

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## Working time in the era of gigs

Narrative: Flexibility vs Rights

(Manifactured) Ambiguity





# The analytical framework for exploring the regulation of working time

Investigating the 'Regulatory Space' (Hancher and Moran, 1989), institutional analysis of actors and their influence on the regulatory arena.

The analytical framework for understanding the regulation of employment (Inversi et al., 2017) and its application to the analysis on the regulation of working time (building on Berg et al., 2014): taking account of different regulatory dimensions (legal, negotiated, unilateral), levels and agency.

## Researching Working Time from a broader IR and HRM perspective

Duration

Organisation

Utilisation

## **Research questions**

How working time is regulated within the gig economy?

How actors can influence and modify (formally or informally) the regulation of working time? (is flexibility really in the riders' control?)

Can workers and their unions advance working time regulation within the gig-economy, and how?

## Methods

 $\diamond$  Multilevel analysis of regulatory actors: supranational, national and workplace level Legal Analysis of the terms of employment and legal status Content analysis of documents created for policy making purposes  $\diamond$  Comparative analysis of working time organisation within 3 UK cities: London, Manchester and Brighton  $\diamond$  Semi-structured inverviews: respondents from multiple areas and 'levels'  $\bullet$  Riders' online survey (used for qualitative purposes)

# Respondents (deliveroo case)



Semi structured interviews:

- 4 union activists from IWGB (London & Brighton)

- 40+ riders

# Working time: contracts and business organisation

The 'Supplier Agreements': a tale of on-going changes and unilateral adjustments

- Different contracts for different cities (or areas within a city): varieties of pay structures and working time arrangements

- Old and new contracts, role of courts, agency of Unions and Political pressures

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| Contract terms         | Manchester  | Brighton  | London  |
|------------------------|---|---|---|
| Old contract           |   |   |   |
| Рау                    | Pay per hour + delivery fee<br>(6.50£ per hour + 0.50 or 1 £<br>delivery fee);  | Pay per delivery (4£);  | Pay per delivery (3.75£);   |
| Time scheduling        | Use of Staffomatic to<br>manage working schedule<br>and availability  | Use of Staffomatic to<br>manage working schedule<br>and availability  | Use of Staffomatic to<br>manage working schedule<br>and availability  |
| Substitution clause    | Presumption to perform the<br>Service personally, but right<br>to appoint a substitute.   | Presumption to perform the<br>Service personally, but right<br>to appoint a substitute.   | Presumption to perform the<br>Service personally, but right<br>to appoint a substitute.   |
| New contract           |   |   |   |
| Рау                    | Pay per delivery (delivery fee not mentioned);  | Pay per delivery (delivery fee not mentioned);  | Pay per delivery (delivery fee not mentioned);  |
| Time scheduling        | Matching system to regulate<br>and manage working<br>schedules. Authorisation to<br>work needed through the<br>App.   | Freedom of choice when<br>and where to log in and<br>work.  | Freedom of choice when<br>and where to log in and<br>work.  |
| Substitution<br>clause | Presumption of providing<br>the service personally<br>removed. Easing of the<br>requirements and<br>obligations on the right of<br>appointing a substitute. | Presumption of providing<br>the service personally<br>removed. Easing of the<br>requirements and<br>obligations on the right of<br>appointing a substitute. | Presumption of providing<br>the service personally<br>removed. Easing of the<br>requirements and<br>obligations on the right of<br>appointing a substitute. |

# Working time duration and organisation

Investigating riders' ability to determine the amount of hours they work and their organisation:

- Manchester: per hour pay zone fixed hours assigned + additional online scheduling – difficulties in getting hours assigned; company unilaterally determine shifts; diversification/fragmentation of the workforce; problems with taking holidays or requesting time off.
- London and Brighton: flexibility in determineworking time , restrained by the managerial organisation of the workforce (effects on working time utilisation).
- Some areas of London (London Spitalfields): mixed regulation with workers on perhour and others on per-drop.

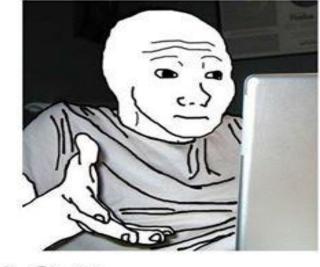
'Every week you have to go on a website for the riders and they release the schedule for the whole week and you have to apply for the hours that you want to work, and when you apply basically you have a 'question mark' and that means that you have to wait for Deliveroo to approve that time that you are going to work, it means also that until they don't approve you don't know if you are going to work and usually it takes 4-5 days for them to approve so you know when you are going to work basically 2 days before when you are going to work' (Manchester rider 10).

The whole way your shifts are displayed - it's called staffomatic - is like an online website ... so every Sunday a new schedule gets posted for two weeks or a week ... So every time it came out I just used to apply for absolutely everything. If they know you, if they know you are a good driver you are more likely to get them over someone they don't know'. (Manchester rider 7)



deliveroo\_memes

# When the new Staffomatic schedule comes out



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QQZ

## How to get hours?

The University of Manchester Manchester Business School

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'So... it's very much up to them [management], if they are in need of you to do more hours they will give them to you. Whereas if you are in need to do more hours and they don't necessarily have them or it is not a busy time, it's nearly impossible to get any sort of answer or get any sort of extra time off them because they just don't give it out'. (Manchester rider 7)

'Nearly impossible to get more hours. But very easy to get less'. (Rider from survey, pay per hour zone)

'Deliveroo changes hours as they wish, the drivers have very little influence on the hours we are offered and most people are offered significantly less hours than they want'. (Rider from survey, pay per hour zone)

# Fragmentation of workforce and time: full timers and part timers

'A lot of people, a lot of the riders are all young, that's the image that they want to show as well, you know "all young people that work part time, studying"... when the actual fact is that the majority the people do full time work, lot of them have families, people who they care of, so they have to work. Some of them used to do 12 hours, 13 hours a day every day in the week and some of them still do it just because you can earn a lot of money if you do many hours' (Manchester rider 7).

'So we had I think maybe 30 to 40 people who did the majority of the work, you know these are all the 'full timers' who maybe make up at least 50% if not close to 60-70% of all of the workload' (Manchester rider 7).

'So there was a few of us that we were there the longest... because now you have to apply for hours but we did not at the beginning, I always had accepted set hours, they kept giving me how many hours I wanted so like 38-40 hours a week'. (Manchester rider 2)

### Variation of contract and pay per delivery and the fexibility myth

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'That never changes [the amount of hours, ndr.]... (laughs) is not real. Because Deliveroo has changed the way they are working, because Deliveroo is thinking about this work and about changing to this "job per drop". So, many drivers changed to shifting their hours to working per job. They think is better. I think no. Because you have to work more hours and receive the same money. For Deliveroo is better because they have more drivers in the streets for more hours'

(London Spitalfields rider 16)

'The hours I work depend on when it will be busy. As I get paid per delivery it means that when it's quiet I might get 0/1 order an hour, which is well below the minimum wage. Therefore if I want to survive I need to work really unsociable hours like Friday/Saturday and Sunday evenings'.

(Rider from survey, pay per delivery zone)

'In Brighton we don't have hours per se. I can log in when I want. When I say I want to work more hours, I want there to be more hours when there's enough orders floating about that it would be worth my while working'. (Rider from survey)

'I definitively work more hours than I get paid' (Brighton rider 26)

'In practice I need to work when it is busy - I can't choose to work during quiet periods if I prefer, because there is no work'

(Rider from the survey)

# Working time utilisation

The experience of time at work: rhythms and pace of work

- Manchester: depending on demand, issue of lack of work limited by the company control of number or riders in the streets, issue of 'getting bored' or lack of flexibility while commited to a shift; control over working times and measurements.
- Brighton: issues of lack of work, mainly depending on the company's recruitment policies; fragmentation of the workforce between riders with bikes and motorbikes; issues of working time utilisation lead to riders' organising.
- London: issues of lack of work, mainly depending on the company's recruitment policies

- Common points: unrealiable company communications about peak times and promotions; lack of information about technology features (i.e. how orders are assigned).

# Working time utilisation

'I can't complain. I am here for too long to complain. The thing is: I used to complain before when we changed from the "per hours". I used to stay like that [sitting outside ndr.] for 5 or 6 hours with no jobs and I was starting to get a bit bored. But in the other hand now I have to work more, I have to be faster, to earn most of the time the same money that I used to earn (...). If it is busy yes if it is not busy no, I'd say that. If is not busy I prefer to stay like that [pay per delivery ndr.] because is more flexible (...). If is not busy sometimes I go home and I come back when it is busy'. (London Spitalfields rider 17).

'It was definitively worse before because we were just sitting down not doing anything and just one person going and coming back. And now we get paid per drop and that works much better, but you can definitively not doing this as a full time job, you can only work part time. If you are trying to do this full time it does not work, because there is too many riders, they employ too many people, they have no way of stopping people from joining'. (Brighton rider 26)

## **Fragmentation matters?**

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'I found work in London more dynamic, it is busier, here [in Manchester ndr] sometimes is very quiet. (...) In my case at the beginning in London [with the pay per hour system] it was ok for the money but I was allowed to work only 6 hours per day. When it changed with the per drop I could work as long as I wanted, I could work eventually for 12 hours a day, so for me it worked better this way. (...) When I came to Manchester I was a little bit disappointed because here you get paid 50 pence per drop for four days a week, which is think is not enough (...) here I could set my schedule for 40 hours but then I could not be so flexible to choose when I want to work'. (Manchester rider 10)

'We are often staying around waiting for orders and not getting paid, so now I think that to be paid hourly is better because no matter what you do you are still getting paid, I think it is more reliable' (Brighton rider 27)

'There is a bit of a split between cyclists and scooters. It is not a personal split, it is a technical split. The way Deliveroo allocates orders to riders: they have a clear preference for motorised vehicles. So while it is not very busy but it is still ok, for the scooters they are still making a living but it is really really difficult for cyclists' (Brighton rider 12)

'We always had our little community within the riders. Since I started we had our social media chats to keep connected. But by the beginning of 2017 we have started to talk about weather we should think about the union idea, because the unions were in the Bristol situation (...) and then something funny happened, a completely different group of people, mostly motorcyclists, just became frustrated because of the way things were working at the time and the reason behind that it was largely because it was a very quiet period, there was not much work, but Deliveroo was using quite an aggressive hiring strategy, they were always promoting with the claim "we need more riders" but at the same time the people actually working were not getting enough work (...). So this different group of people just became so frustrated that said "ok, we should strike" and they organised that within the space of few days (...). When they came down [the IWGB ndr.] and talked to people the majority of us raised their hands and were in favour of joining the Union' (Brighton) rider 12)

'The monitoring stimulates me to be more productive however to do this it means I have to take more risks while cycling to meet Deliveroo's deadlines'. (Rider from survey)

'They used to give us our stats on performance but they stopped in the interest of trying to defeat our (the union's) claim against riders being independent contractors. They still measure our performance but we don't see it. They will fire you if you don't meet the standards. We don't have a good chance of challenging any discipline without knowing what our stats are. The app does mess up, and errors can happen in a number of ways out of our control...' (Rider from survey)

# Conclusions

Evident (unilateral) fragmentation of working time regimes and the workforce

Working time organisation and duration strictly connected and interdependent with utilisation

Very strong unilateral power from the management

Fragmentation of regulatory sources, extent of control and unilateral power of the company affects the institutional nature of representation and collective responses (producing fragmentation of agency).