

# Technolegal Expulsions: Platform Food Delivery Workers and Work Regulations in Colombia

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## Abstract

Precariousness of the Colombian urban economy provides an ecosystem for the development and expansion of digital platforms, intersecting informal working relations with digital surveillance. Reconstructing legal obstacles to gaining recognition as legal and formal workers, it is argued that platforms have assembled a techno-legal network which translates discussions about workers' rights into the less regulated arena of information and communication technologies. The role of 'regulatory displacement' is examined to analyse the evolution of digital platforms for food delivery workers. Drawing on a review of the regulation of IT and labour, discussed in Congress in 2017–2018, we explore the regulatory expulsions that digital workers experience, analysing this information with a grounded theory approach, in which we have followed discursive patterns that emerge from legal documents. Addressing this strategic use of the law is key to understanding and overcoming obstacles that platform workers face in their attempts to organize in the Global South.

## Keywords

digital platforms – Global South – obstacles – platform workers – regulation – surveillance – workers' rights

## 1 Introduction

Platform food delivery workers have become 'essential workers' during the COVID-19 pandemic, they have supported middle-class confinement by delivering food, medicine and consumption goods. Despite the rhetorical acknowledgement and praise of their importance for local economies offered by politicians and the media, in Bogotá and in other cities in Latin America, they are experiencing deteriorating working conditions and stigmatization as possible transmission agents for the SARS-COV-2 virus. While digital platform companies are achieving unforeseen profits during the pandemic, digital workers are excluded from the benefits of the value chain in which they are one of the most important subjects.

Saskia Sassen's expulsion is a productive concept for ferreting out the subterranean 'savage sorting of "winners and losers" (Sassen, 2014), that have occurred in the wake of the increasing ontological and spatial complexity of economic globalization, mainly manifested by the expansive and intensive devaluing of human social economies and ecologies' (Crichlow, 2016). These power configurations have become even more acute during the COVID-19 pandemic, as the apparent disruption of the global economy and their connecting infrastructures exacerbate an unfair distribution of risks and benefits, increasing capital accumulation and worsening poverty and inequality (FAO, 2020).

The expulsions and precariousness of the Latin America urban economies provide the right ecosystem for developing and expanding the use of digital platforms, particularly courier and food delivery services. Food delivery platforms have thrived in a region marked by income inequality, high urban population density, weak transport infrastructure and growing digital coverage among the population, producing business models fed by the intersection between the informality of working relations and digital surveillance. In addition to such conditions, the forced migration of thousands of young Venezuelans to South American countries, especially to Colombia has provided a 'pool' of available workers that find in digital platforms one of the most reliable, if not the only, source of income.

However, digital economy expulsions do not only occur in the context of urban spaces and the material relations of the city (streets, roads, infrastructures,

security), but they also happen in legal and regulatory domains. Despite the recent protests and attempts to formalize by platform workers in major cities in Colombia, high courts and regulatory authorities have constantly deviated the legal debates (even in the constitutional tradition of protection of vulnerable workers and worker rights). On the other hand, as the attempts to regulate digital platforms in the Colombian Congress have faced the powerful lobby of IT and digital companies' politicians have been reluctant to give work guarantees to a group with a significant presence of migrants and in a context of high unemployment and growing xenophobia.

Beyond these contingencies, the development of digital technologies is redefining work regulation beyond the traditional framework of the bilateral relation: capital–labour. Elements that have defined the status of legal work and its rights such as having a workplace in the company and developing activities within an identifiable working day with a legal maximum of eight hours, have been subverted by new technologies that allow alternative configurations of time and space. The labour relations that emerge from digital platforms are built on new forms of control and injustice, in which workers lost the protections 'destined to the employment contract in the absence of mechanisms of social protection and social dialogue due to the lack of knowledge of the quality of workers of those who provide services for those platforms' (Jaramillo Jassir, 2020, 30).

This paper reconstructs the legal obstacles to and struggles of platform workers to gain recognition as legal and formal workers in Colombia. Our main argument is that digital platform companies have assembled a techno-legal (Jassanof, 2005) network which translates the discussions about worker rights from industry and trade (traditional regulatory frameworks) to the less regulated arena of information and communication technologies (ICT) (Kamdar, 2016; Srnicek, 2017). Cultural political economy (Jessop, 2016) and science and technology studies (STS) (Jasanoff, 2005) are agreed in arguing that law and regulation are powerful tools in the enactment of markets and in the governing of the social relations attached to them. 'Law has a key role in modulating the balance between simultaneous tendencies to competition and monopoly in "capitalist regimes of profitability and growth"' (Jessop, 2016, 2542) and in co-producing social and technical orders (Jasanoff, 2005). In the case of digital platforms, they have actively co-produced the regulatory frameworks within which they operate, assembling their apps as contract-tracking-interface devices, exerting a powerful lobby and avoiding regulation contrary to their interests.

Drawing on a review of the Colombian regulations on IT and labour, national and international business press and the projects of law to regulate digital

platforms discussed in the Colombian Congress between 2017 and 2018, we explore the regulatory and discursive displacement and expulsions that digital workers have experienced in the ongoing discussions about work and workers' rights and digital platforms in Colombia. We have analysed this information following a grounded theory approach, in which we have followed discursive patterns that emerge from legal documents and media. This article is part of the research project Digital Platforms for Sustainable Development (PLADTS), which aims to discuss the health and working conditions of delivery platform workers in Bogotá, Colombia. In what follows, we describe the current situation of food delivery workers in Colombia focusing on Rappi, one of the most popular digital platforms in Latin America. Finally, we discuss the literature on gig economy regulation, introducing the idea of regulatory displacement, to analyse the regulatory evolution of digital platforms in the country and the place that food delivery workers have in it. Addressing this strategic use of the law is key to understanding and overcoming the obstacles that platform workers face in their attempts to organize unions, and protests to gain rights and recognition in the Global South.

## 2 Gig Economy and the New Regime of Work Precariousness

Following Koutsimpogiorgos and colleagues (2020), the lowest common denominator that serves as the baseline definition of the gig economy is: 'ex ante specified, paid tasks carried out by independent contractors mediated by online platforms' (Koutsimpogiorgos et al., 2020). Within this framework, there are at least two ways of connecting workers to digital platforms in the gig economy: the commissioning of tasks that transcends territorial borders through so-called freelancers, micro-tasks and certain creative digital design tasks; and the work based on the location of required services: transportation, deliveries, home services (Berg et al., 2019). Platform food delivery workers are part of the second type of engagement as their work is set around the delivery of food and other related goods in specific locations and times managed by digital geolocation. In the last ten years different platforms focused on the delivery of food have surged around the world, such as Rappi in Colombia and Latin America, which has copycatted its model from other delivery services based on a combination of precarious work and digital surveillance such as Deliveroo, Uber Eats, Stuart, Foodora, ifood, Just Eat, among others.

The success of this business and the impact on working conditions by the new forms of labour that it promotes have attracted the attention of different scholars interested in understanding the nature of digital and gig economy

(Gandini, 2019; Vallas, 2019). Flichy (2017) notes, for instance, that digital platforms are often analysed in terms of the cooperative economy, sharing economy, peer-to-peer economy or as virtual infrastructures. By tracing a sample of 15 platforms, the author distinguishes between two types of platforms: new media and transaction platforms. Platforms do not only organize material exchanges but also immaterial ones, introducing new forms of participation and rating between the agents of economic transactions.

Participation is diverse: sustained criticism, quick assessment, sharing an emotion, denunciation of a service that does not meet the expectations. To deal with this diversity, the platform sets up aggregation systems, and produces a note of synthesis. Computing through an algorithm is a novelty that strongly differentiates the opinion platform from the critical sections of media. (FLICHY, 2017 52)

The ghost in the machine is the algorithm. This computational and mathematical entity mediates the relations between the market and what is outside the market, between permanent and temporary labour, and between local and global connections.

Aguilera et al. (2018) characterize the profile and working conditions of couriers working for instant food delivery platforms in Paris. The results are based on two studies carried out in 2016 and 2018 among dispatch riders operating in the eastern part of inner Paris, mainly for the Deliveroo, Foodora, UberEats and Stuart platforms. They found that instant delivery seems to be gradually becoming more of a full-time job for young people leaving school early, rather than a side job for students or employees to make some money in their spare time, as it was initially argued by platform managers. They also highlight the tensions at play in instant urban delivery, which is subject to the traditional constraints of rapid urban delivery, amplified by couriers' weak position in terms of the conditions set by the platforms (self-employed status, payment per delivery, maximum delivery times), as well as regulations imposing the use of a bicycle regardless of conditions such as traffic, home distance and maximum delivery time, making this mode of transport dangerous and often unsuitable (Aguilera et al., 2018)

Other scholarships trace how digital platforms' capitalism, as exemplified by companies like Uber or Deliveroo have the potential to transform employment and working conditions—for an increasing segment of the worldwide workforce (Muntaner, 2018), as most digital economy workers are exposed to the health damaging precarious employment conditions characteristic of the contemporary working class in high-, middle- and low-income countries.

These platforms target and often depend on the work of what Mike Savage and Guy Standing call the 'precariat', a 'social class' formed by people suffering from precarity, which is a condition of existence without predictability or security, affecting material or psychological welfare (Savage et al., 2016). Muntaner argues that:

it might appear that digital platform workers are a new social class or that they do not belong to any social class. Yet the class conflict interests (wages, benefits, employment and working conditions, collective action) of digital platform workers are similar to other members of the working class. (MUNTANER, 2018)

Additionally, as Graham and colleagues note, most platforms position themselves as intermediaries rather than employers. Such framing leaves workers with very thin margins of negotiation to reach fairer contracts and work arrangements. 'Unsurprisingly, this has resulted in low wages, irregular hours, and high stress' (Graham et al., 2017). A neoliberal discourse on entrepreneurship is deepening the crisis of platform workers who in fact are characterized as 'self-employed' and therefore being excluded from employment rights guaranteed for 'employed workers' in local labour legislation (Wood et al., 2019).

More recently, scholarship has moved to have reviewed the tensions in the academic and legal discussions on work regulations in the gig economy. As is noted, the key characteristic of gig economy work is that it occurs only through the mediation of digital platforms. The logic of considering only platform-mediated work as belonging to the gig economy is based on two principal arguments. Online platforms are a defining feature of the gig economy because of the rating systems and algorithmic management at their centre, fundamentally differentiating online platform intermediation from older forms of offline intermediation (temp agencies, telephone operators, offline bulletin boards, etc.) (Koutsimpogiorgos et al., 2020). On the other hand, online platforms are changing not only the technology used to mediate supply and demand but also the legal nature of relationships, replacing bilateral with trilateral relationships involving a worker, a requester, and the platform (Duggan et al., 2019; Koutsimpogiorgos et al., 2020).

A key discussion matter in the critique of the gig economy has been the nature of employment. Most studies have emphasized that the supply of labour in the gig economy concerns 'individuals', 'taskers', 'freelancers', 'self-employed', 'independent workers' or 'independent contractors' rather than employees (Friedman, 2014; Prassl and Risak, 2015; Koutsimpogiorgos et al., 2020). However, as Koutsimpogiorgos and colleagues note, such scope

on only independent contractors ignores ‘the simple empirical fact that some online platforms, like Deliveroo, started off by employing their riders and only switched to using independent contractors later on’ (Koutsimpogiorgos et al., 2020). They also note that other platforms, such as Hilfr in Denmark, have been pioneers in the development of a hybrid model (2019) in which workers start with independent contractor status but can opt for employee status after 100 hours of work; while in ‘Germany, platforms for delivery services, such as Lieferando, offer highly flexible employment contracts where riders are paid by the hour (including their waiting time)’ (Koutsimpogiorgos et al., 2020).

Nevertheless, the nature of work in the gig economy should be understood beyond the issue of paid work. There are substantial amounts of unpaid work and materials associated with the paid tasks in the gig economy, such as the waiting time for chauffeurs and couriers that is often not compensated, because in most cases they have the status of being independent contractors, and the provision of such elements as vehicles (cars, moto, bicycles), bags, phones and data. This raises a key issue regarding whether the gig economy only includes individuals performing gigs by selling their own labour, or whether it should also include individuals who rent out their assets (Koutsimpogiorgos et al., 2020). In that regard, Koutsimpogiorgos and colleagues note that ‘most authors agree that the gig economy should be restricted to labour transactions so as to differentiate labour platforms from capital platforms—where labour platforms refer to intermediation of ex ante specified tasks in the gig economy, and capital platforms refer to individuals who rent out their own consumer goods in what is known as the ‘sharing economy’ (Duggan et al., 2019; Farrell and Greig, 2016; Frenken and Schor, 2017).

Despite the global reach of digital platforms, most of the scholarship on the subject has been centred in the Global North. Platform workers in the Global South experience even more precarious situations than their peers in the north; in addition to risky working conditions and algorithmic workplace monitoring, they suffer further constraints to their autonomy and bargaining power related to weaker institutions and threats to social mobilization. Recently Anwar and Graham documented the experience of gig workers in different countries in Africa, conducting in-depth interviews with 65 remote workers in South Africa, Kenya, Nigeria, Ghana and Uganda. Despite apparently fewer opportunities to exert agency that gig workers could have in a context noted for a high proportion of informal economy and a lack of employment opportunities in local labour markets, they develop diverse everyday resilience, reworking and resistance practices (Anwar and Graham, 2020).

Anwar and Graham (2020) documented individual, community and everyday strategies of gig workers to navigate the complexities of their work;



however, we think a more structural perspective on gig work, such as documenting the relationship between working conditions and regulatory environment is also needed. Hence, this paper aims to explore the role of the regulatory environment in the treatment of digital food delivery workers in Colombia, following the strategic shaping of laws by platforms, and the legal expulsions experienced by workers. In what follows, we expand on the concept of techno-legal networks and regulatory displacement to explain the tensions in the regulation of digital work in Colombia.

3      **Techno-Legal Networks and the Regulatory Displacement of Work in the Gig Economy**

Koutsimpogiorgos and colleagues (2020) summarize the regulatory tensions of work in the gig economy in four quadrants (see Figure 1): (1) Employee-independent contractor, (2) online-offline intermediation, (3) unpaid-paid;

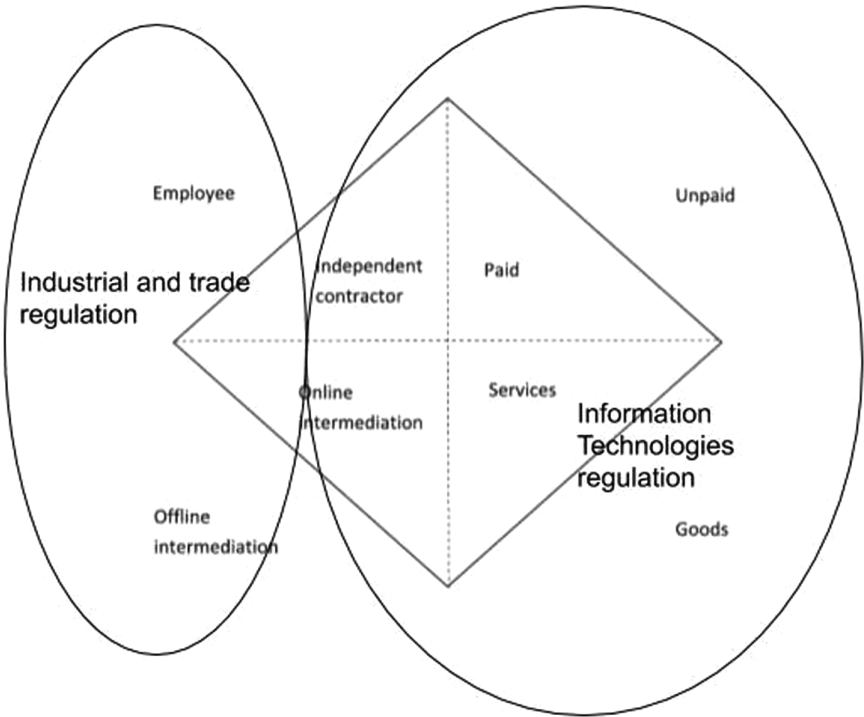


FIGURE 1      Regulatory tensions and displacements. SOURCE: BASED ON koutsimpogiorgos et al. (2020).



and (4) services-goods. For them, the gig economy's ideal type of labour is characterized by paid service work carried out by independent contractors through the online intermediation of platforms. This type of model contrasts with the industrial model of work performed by employees through the offline mediation of legal contracts. Although this model is very useful in locating key discussions on the regulation of gig work, such representation overemphasizes the existence of two well defined models (industrial vs digital) mutually exclusive and developed in sequential order. We argue that such transition has been the result of the strategic work of digital companies that have shaped regulation according to their market interests using two key mechanisms: the techno-legal design of the interface apps and directly influencing key decision makers. These mechanisms displace the discussions about gig work and workers' rights from arenas such as industrial and trade regulation to IT regulation. In this article we focus on the analysis of lobbying and the direct influence of digital platforms in the making of work regulations in Colombia.

Apps and algorithms are at the centre in the reshaping of work and market relations in the gig economy. They perform the intermediation by integrating reviews, rating systems, global positioning systems (GPS) and electronic payment systems. Online platforms have reached a unique position by matching supply and demand; such control has raised regulatory concerns, including algorithmic discrimination, privacy and the lack of transparency. 'These concerns lead to a range of new regulatory challenges, not just for gig economy platforms, but also for online platforms more generally (including second-hand marketplaces, search engines, and social media)' (Van Doorn and Badger, 2020).

Platforms have also transformed the working relationship from bilateral to trilateral, raising questions of whether gig workers should be classified as employees and about the responsibility of platforms regarding their associates. In the industrial order, work relationships have been bilateral: between a requester user or customer and an independent contractor or between an employer and an employee:

In the case of intermediation by platforms, however, this bilateral relationship develops into a trilateral work agreement between the work requester, the platform, and the gig worker. In the transaction process between the requester and the gig worker, both parties also establish a contract with the platform providing the online services that the two parties use to realize that same transaction. (KOUTSIMPOGIORGOS ET AL., 2020)

These contractual innovations have been used as justification for blurring the boundaries between the traditional concept of employee and independent contractor (Kamdar, 2016).

In the case of food delivery and courier platforms, they have control of all the aspects of the transaction such as matching, contracting, pricing and the evaluation of delivered interaction or service through timing, ratings and reviews. These elements often feed sophisticated algorithms that are developed to optimize timing, pricing and distribution. As De Stefano has noted, the control that platforms exert on workers raises questions on the autonomy of workers and has, at least in the European Union, served in several court cases as legal grounds for a reclassification of independent contractors as employees (De Stefano, 2016).

These different elements have also been used to justify the 'special status' of gig economy and platforms ahead of regulators and decision makers. Gig companies have insisted that the key issue at stake is the classification of an online platform as economic activity. Gig economy platforms generally present themselves as online intermediation services or 'technology companies'. However, sectoral regulations may apply to online platforms, to the extent that they perform similar intermediation functions as offline platforms. 'No example could better demonstrate this conundrum than the case of Uber and the way it has been regulated on both sides of the Atlantic' (Koutsimpogiorgos et al., 2020).

Law has a key role in modulating the balance between simultaneous tendencies to competition and monopoly in 'capitalist regimes of profitability and growth' (Jessop, 2016, 2542). Digital platforms assemble a techno-legal network that encompasses the material infrastructure that allow their operation, the legal binding with workers and users through the interface app and a broader regulatory environment that protects their operation and business model set in the assetization of information (Van Doorn and Badger, 2020). The interface provided by platforms between customers, restaurants and workers (in the case of food delivery) and between different realms of economic activity is part of the techno-legal networks that sustain platform business models. The techno-legal network in this case is related to heterogeneous assemblage of regulation, specific contracts, information technologies (such as GPS), and formal/informal economies that are entangled by the platform. On the other hand, as Jessop has noted any judgement on how to strike the right balance between competition and monopoly (or their legal aspects) and their proper place in accumulation, the distribution of profits, and growth dynamics will depend on socially constructed imaginaries rather than some objective criterion (Jessop, 2016: 251):

These imaginaries vary with competing economic, political, legal, and social imaginaries and any corresponding policy paradigms. They also vary with the interests and perspectives of different capitals and fractions, the changing balance between capital and labour, the preferences of rival political forces, and competing traditions and schools of economics and law. (JESSOP, 2016: 251)

In the case of the dynamics of work regulation in the gig economy it is key to ask why some imaginaries and paradigms come to be selected in a specific conjuncture, get translated into law and judicial decisions or state interventions, and why some of these work well enough to support the next stage of expansion before new tensions, conflicts and crises indicate a need for a new balance. 'This requires attention to the various mechanisms that operate to select and retain some economic and legal imaginaries, some sets of economic interests, some crisis diagnoses, and some policy paradigms rather than others' (Jessop, 2016: 251). In what follows we analyse the development of the regulation of digital platforms in Colombia centring our account on Rappi, the struggles of their workers (Rappitenderos) and the influence on these interactions in the configuration of imaginaries and regulatory outcomes.

### 3.1 *Rappi, Digital Platforms, Material Expulsions and Food Delivery in Colombia*

Rappi introduces itself as an 'on-demand delivery startup' active in Mexico, Costa Rica, Colombia, Peru, Ecuador, Chile, Argentina, Uruguay and Brazil. It was founded in 2015 by the Colombian entrepreneurs Felipe Villamarin, Sebastián Mejía and Simón Borrero with an initial investment of US\$2 million. Three years later, the company raised more than US\$200 million in funding. It has 1500 direct employees and more than 25 000 associated delivery workers (Rappitenderos). Since last year some of those 'associates' have been taking to the streets to protest against the precarious working conditions of the delivery work: such as long working hours, distances and fixed tariffs which have led to decreasing incomes, accounts' suspensions as well as constant scrutiny from external (police) and internal security employees (Rappi brigadistas), safety problems plus the lack of basic social security. These public demonstrations have increased during the last months, the most recent were held on 15 and 29 August 2020. Moreover, there is one movement being formed which is leading the protests — Movimiento Nacional de Repartidores de las Plataformas Digitales. On the other hand, Rappi has been widely celebrated as an example of local innovation, young entrepreneurship and the promises of digital economy by media and politicians. In February 2019, Simon Borrero, founder

and CEO was awarded Businessman of the Year by *La República*, a Colombian business journal.

As we have noted previously, the expulsions and precariousness of the Colombian urban economy have provided an ecosystem for the development of a business model centred on the informality of working relations and digital surveillance and Rappi is at the centre of this. It is important to remember that according to the Colombian National Department of Statistics (DANE), the proportion of informal employment regarding the total urban employment of the country is 47.7%. However, some cities have numbers above 60%, such as Cúcuta (69.2%), Sincelejo (65.9%) and Santa Marta (63.9%) (DANE, 2019). The precarious work market contrasts with growing access to information technologies; around 24 million users in Colombia have access to mobile internet and smartphones (Asomovil, 2019). Moreover, Rappi has been described by international media, who have noticed its growth and international private funding, as one of the most promising on-demand delivery services in Latin America, that thanks to the precarious infrastructures in transport, postal services, and widespread perception of fear and insecurity, Rappi have expanded services including cash as mobile ATM s. For example:

Customers who have creditcards pay for the amount they want via Rappi's app, and the courier brings them the cash. Cash withdrawals now make up about 5% of the company's gross merchandise volume, according to Borrero. While there are plenty of ATM s in Colombia, where five of the cities Rappi currently serves are located, it's not always safe to venture out to use them — especially late at night, he explains. So instead, customers request up to 400,000 Colombian pesos, or about \$130 US, through Rappi's couriers. (FORTUNE, 2016)

Another insightful reading of on demand delivery is presented by Jonathan Moed in *Forbes* (2018). Moed notes that the delivery app landscape in Latin America is a crowded mixture of global and local companies vying for market share.

UberEats and Spain's Glovo have invested heavily in Latin America in 2018, following in the footsteps of German food delivery conglomerate Delivery Hero, which acquired PepidosYa (originally from Uruguay) and Domicilios (originally from Colombia), among other Latin American delivery companies. Additional players include Brazil's iFood delivery app, fresh off a US\$400 million round, and Chilean-born grocery delivery marketplace Cornershop, recently acquired by Walmart for US\$225 million. (FORBES, 2018)

Business journals have been very acute in identifying the expulsions that fed the successful development of food delivery platforms in Latin America, and specifically in Colombia. Factors such as income inequality, the Venezuelan migration, urban population density, precarious transportation infrastructure and digital infrastructure have provided the platforms of a workforce in need of jobs and a frightened middle class willing to use the services. Latin America remains one of, if not the single most unequal regions in the world. Despite a vast improvement in wage inequality over the past couple of decades, income disparity still exists in a major way: according to the World Economic Forum, in 2014 the richest 10% of people in Latin America had amassed 71% of the region's wealth. How is noted by Forbes:

Practically speaking, this spawns an economic class system in which a small upper and growing middle economic echelon of society is served by the lower echelon masses—a model that perfectly translates to on-demand services. The upper class, the served, is not only comfortable paying others to provide services, but is accustomed to it (...) The result of Latin America's income inequality coupled with this adoption of mobile technology: a healthy supply and demand for digital on-demand services. (FORBES, 2018)

In further works, we are exploring with more detail the role of class and workers' subjectivity in the consolidation of a national delivery workers organization and in the complex and often tense relationship between workers and digital platform customers. We have collected and analysed interactions on Twitter during the last ten months between customers and Rappi customer service that show the stigmatization of delivery workers by middle-class customers in the context of COVID-19 and of a deteriorated perception of security linked to migration.

On the other hand, as we have noted previously the growth of food delivery app platforms such as Rappi rely heavily on a segment of low wage workers ensuring enough supply to power the on-demand model. This growth would not be possible without the migration of young Venezuelans across the region. These platforms have become one of the main sources of work and income for an excluded and vulnerable population that finds on the app not only work but also a financial instrument of saving, because of the integrated payment system. 'In Buenos Aires for example, Cristobal Perdomo, General Partner at Latin America-focused venture capital firm Jaguar Ventures, estimates that more than 90% of Rappi delivery drivers are Venezuelan migrants' (Forbes, 2018). In Colombia in 2019, the Labour Observatory at Universidad del Rosario

developed a survey to characterize Rappi delivery workers (also known as riders) in Bogotá and Medellín, showing that 86.2% of the workers are male, 57% are Venezuelans and 2% have Colombian and Venezuelan nationality (Jaramillo Jassir, 2020).

Additionally, the Latin America population is highly concentrated in enormous urban metropolis. These cities have a high population density relative to the population of the rest of the country. For instance, the population in Lima represents 39% of the total Peruvian population, and the population in Buenos Aires is 31% of the total Argentine population (not to mention Santiago, Chile, which is home to almost half of the country's population). Bogotá contains around 20% of the Colombian population and contributes 30% of national GDP. In addition to these demographics, the region has been characterized by poor public transport infrastructure and heavy traffic which facilitates the rise of on-demand delivery, specifically deliveries transported by two-wheeled vehicles. Latin America has embraced bicycles and motorbikes by necessity as efficient and quick modes of transportation given the amount of congestion: Sao Paulo and Bogotá both rank in the top ten cities in the world with the worst traffic indicators (INRIX, 2020). This contrasts heavily with the coverage of mobile technology and information infrastructure. According to Deloitte (2019), 96% of Colombian phone users have a smartphone, which hosts an extended consumption of different kinds of apps, from entertainment to transport and commerce. It is in these contexts that delivery apps have leveraged technology to create platforms through which users have total visibility and traceability of a delivery from the time the order is placed to when it is delivered, and no longer need to question its reliability. These platforms are replacing trust for surveillance.

Despite these favourable conditions, digital platforms in Colombia have recently experienced some trouble in the country. For example, in January 2020, Uber quit the Colombian market because of a decision by a judge at the industry's market regulator, which found that Uber's app violated competition norms. Cotech SA, a taxi-service platform, filed the lawsuit against Uber (Bloomberg, 2020). Uber at that time had 2 million customers and 88 000 drivers in the country and it had been operating in Colombia for six years, with its presence generating several protests by taxi drivers. Although Rappi has not experienced any adverse legal decision yet, it has had to deal with different attempts of strike by Rappitenderos. They have argued that the large supply of delivery workers is damaging their income. They spent a lot of their working time lounging and waiting for orders especially during off-peak hours in the afternoon and early evening. Countless numbers of drivers sit in public spaces

or even exercise outdoors to fill the time. On-demand delivery services such as Rappi thrive in contexts of high informality, precarious infrastructure and public trust.

These elements converge in the development of a regulatory framework for the gig economy and work in Colombia. In the last section of this paper, we present the evolution of the legal framework that regulates digital platforms and associated forms of work, showing the resistance to recognising the rights of food delivery workers by keeping the discussion on the arena of information technology. The regulatory displacements of the gig economy are a new form of expulsion. In this case the expulsions are not only material or special, as those referred by Sassen, but also symbolic and normative. Platform worker are experiencing new forms of violence when the framing of their work is moved away from workers' rights to regulatory frameworks shaped by social historical mobilization to new normative arenas in which their margins of action and legal recognition are very narrow.

#### 4 Work Mediated by Digital Platforms, Colombian Regulations

This section discusses relevant aspects (such as payment and contributions to the social security system and health and occupational health problems derived from the delivery activity) engrained in Colombian legislation and the regulatory bills currently being discussed in relation to the formalization of work mediated by digital platforms. However, it is important to highlight that Colombia also has a tradition of regulating some aspects related to ICTs and digital trade that to some extent cover the consumer side of digital platforms, leaving out of the picture the discussions about labour created by them too. For example, in Colombia the key role of ICTs has been recognized in law in the development of societal goals and the improvement of competition since 2009 (Law 1341, 2009). Such commitment was preceded by a normative framework that sought to regulate the access and use of data messages, electronic commerce and digital signatures (Law 527, 1999) which moreover promoted the formation of certification bodies to overlook such practices. In parallel, the State developed defence mechanisms for consumers against the acquisition of technological goods and services, enacting Law 1480 (2011) which regulates relations between consumers and electronic providers.

The aforementioned regulations do not include any provision for regulating emerging issues from the use of digital platforms, especially those concerning the third parties that execute such services: such as labour, formalization



of couriers as formal workers and the working conditions of this activity. It was not until 2016 that two bills were initially formulated by the Colombian Congress. First, Bill No. 002 (2016), which intended to incorporate into Colombian legislation regulations on the Collaborative Digital Economy (ECD). The bill interpreted the ECD as any economic activity through which goods or services are shared and/or exchanged through digital platforms. This bill had a second debate in the Senate but the project was rejected in March 2019. The second regulation project, Bill No. 110 (2016), seeks to create the legal category of 'Self-Employed Economically Dependent Work' to denote in this way digital platform 'affiliates' (workers). The bill's text defines a worker as a 'natural/legal person who perform regularly, personally, directly, and without subordination and any scope of management and organization, in a collaborative economy platform', and 'an economic or professional activity for profit and that represents for the worker at least an income of one (1) current legal monthly minimum wage, 230 USD per month approximately.' This activity may be carried out independently and without subordination, full time or part time, with the exception of the liberal professions. The bill also states that 'economically dependent self-employed workers' are an *integral* part of the economic model of collaborative economy mobile platforms (Bill No. 110 2016), Article 3). Although these two bills provided the definitions and characteristics of the collaborative economy, indicating the importance of joining the workers to the National Social Security System as contributors, neither of them became Colombian Law.

Then, in 2017, the Vice-Ministry of Digital Economy was created within the National Ministry of Information Technologies and Communications and their main objective is the formulation of policies and programmes to promote digital entrepreneurship, helping companies to consolidate their business models, as well as coordinating and articulating the adoption of public policies that reflect the new business practices of the collaborative economy and technology platforms. This includes providing support to lawmakers in the formulation of new bills to regulate digital work in Colombia. On the other hand, different local economic think tanks, historically aligned with the government, have documented the vulnerability that Colombian workers experience. The Monthly Labor Market Report for August 2019 produced by Fedesarrollo, describes the conditions of workers in new business models such as digital platforms. Their main findings are concerned with the absence of social benefits for digital workers, indicating the need to develop regulatory projects by the state to promote the general improvement of working conditions in these populations (Fedesarrollo, 2019: 3). However, the Colombian government has been reluctant to regulate digital platforms and particularly the work relationships embedded in their functioning.

Another regulatory document is Article 205 of the National Development Plan (2018–2020) (República de Colombia, 2018–2022) which required National Government to formulate a bill (before May 2020) to define the rules of engagement of the actors in the gig economy and digital platforms, regulating the access and contributions to social security systems, including workers providing services through applications and technological platforms. However, the government argues that, due to the COVID-19 pandemic, the legislative agenda in Congress has been affected. A practical solution to this deficiency on regulatory realms of the labour relations created by digital platforms is also claimed by other kinds of actors. Since 2018, six additional bills have been presented to Congress aimed at protecting workers and working conditions. These bills are: Bill No. 082 (2018); Bill No. 160 (2019); Bill No. 292 (2019); Bill No. 296 (2019); Bill No. 034 (2019) and Bill No. 085 (2020), and essentially seek to respect labour and social security rights concerning both the Colombian Constitution (República de Colombia, 1991) and the Substantive Code of Work (República de Colombia, 2011), namely:

Article 53 of the Colombian Political Constitution, on fundamental minimum principles, relates, among others, equal opportunities for workers; It adds that duly ratified international labor conventions are part of domestic legislation, and that the law, contracts, agreements and labor agreements cannot infringe freedom, human dignity or the rights of workers.

The Substantive Code of Work, whose primary purpose is to achieve justice in labour relations between employers and workers within a spirit of economic coordination and social balance, defines two types of relationships through which a natural person is linked with another natural or legal entity, in order to develop certain remunerated activities:

- Dependent worker by employment contract, in Article 22 the employment contract is defined as one by which a natural person undertakes to provide a personal service to another natural or legal person, under the continued dependence or subordination of the second and through remuneration, whatever its form.
- Independent worker by contract or convention, Article 34 defines independent contractors as natural or legal persons that contract the execution of one or more works or the provision of services for the benefit of third parties, for a specified price, assuming all risks, to carry them out with their own means and with freedom and technical and managerial autonomy, this type of contract is governed by the civil code.

Based on this distinction, it would be necessary to enact a new category for 'work' different from the traditional ones, i.e labour and service provision, especially considering new regulations introduced by different European Union countries regarding digital work: (a) freedom of workers to establish their own working hours; (b) freedom of workers to work with more than one platform; (c) limited liability of workers for damages, including damages involving clients affecting the platform reputation; (d) minimum wage (EU-OSHA, 2017).

As previously stated, there are three bills currently being discussed in Congress. Bill No. 190 (2019) (debated in Congress) frames platform work relationships in a *tertium genus* based on the economically dependent work model, establishing a specific structure in the distribution of percentages in the comprehensive social security system contributions (50% charged to the platform and 50% charged to the digital worker). In addition, it seeks to provide specific guarantees called 'association guarantees of the economically dependent self-employed worker'. As noted in Section 2, in no case the substantive relationship described in this law as 'economically dependent digital work' may be considered as an employment contract or a civil relationship for the provision of services. The foregoing is without prejudice to the provisions of Article 53 of the Political Constitution and Article 23, numerals 2 and 24 of the substantive labour code. On the other hand, Bill No. 296 (2019) defines work 'in digital platforms as protected by regulating the hiring of independent collaborators through digital platforms of collaborative economy'. This bill also frames the digital worker as a 'collaborator', excluding it from its nature of provision by legal means, which is contradictory with the constitutional principle of primacy of reality provided in Article 53. In legal labour studies the constitutional frame (work as a fundamental right) has prevailed, including the ideal of the 'new proletariat or digital day laborers of the 21st century'. In contrast, the third and most recent bill (Bill No. 085, 2020) proposes the new legal category 'collaborating contractor', defined as the natural person who provides services 'autonomously', 'personally', 'directly', on 'their own account' and with their own material or intangible resources, through one or more platforms and executes the service or is offered by it for a final consumer or client, the latter being a natural or legal person (Bill No. 085, 2020: Article 2).

As a result, the contractor partner will be required to affiliate him/herself to the General Pension System, the Social Security System and the Health and Occupational Risk System.

The contribution base, monthly paid by the contractor to the Comprehensive Social Security System will be 40% of the total income paid by

the Digital Platform. The platform will contribute with 50% of the total contribution and the collaborating contractor will pay the remaining 50%. The contributions to the Occupational Risk System will be fully assumed by the platform. (Draft Law 085, 2020: Article 6)

Collaborating contractors with income below a current monthly minimum wage may be linked to the social security system in pensions through the Periodic Economic Benefits -BEPS, in which case, the Digital Platform will be in charge of the minimum monthly contribution, defined by the board of directors of the BEPS administrator for each annuity. (Bill 085 of 2020: Article 7)

In terms of legal relationship between the independent collaborators (workers) and Digital Platforms, these regulations state that it may be constituted as 'a civil or commercial relationship' (Bill No. 296, 2019: Article 4), and the document that is signed as civil contract must contain at least: the object of the contract, the parties, the fees and their amount, form of payment and periodicity; rights and obligations of the platform and the collaborating contractor; term of duration, forms and causes of termination; possibility of assigning the contract or not, sanctions for non-compliance; obligations and rights of both parties, qualifications and incentives for good service and others that the National Government regulates. (BILL NO. 085, 2020, ARTICLE 4)

Finally, Bill No. 085 just filed in July 2020, aims to establish access mechanisms to the Social Protection Floor exclusively for those people who provide personal services through digital platforms, as the necessary means for the inspection, surveillance and control of the duties and obligations for workers. They will determine the social protection scheme to which it must be linked to, so the scheme adapts to the reality of the person's income due to the income received month by month, as follows:

(a) For those people who provide their personal services and who receive gross income recognized by the platform equal to or greater than one (1) current monthly legal minimum salary, they must make their monthly contribution to the Comprehensive Social Security System, and must join the Social Security Health System in its contributory regime, to the General Pension System and to the Occupational Risk System and make the corresponding contributions.

(b) For those people who provide their personal services and who receive gross income recognized by the platform below one (1) current legal

monthly minimum wage, they must be linked to the Social Protection Floor referred to in Article 193 of Law 1955 of 2019. The connection of said persons referred to in this Law must be made by the administrator of the digital platform and / or owner thereof, jointly and severally, who will be obliged to make the contribution to the Social Protection Floor.

The control and monitoring of the affiliation or connection and payments to the General Social Security System or the Social Protection Floor of the people referred to in this Law and of the people who must be linked to the social protection floor referred to in Article 193 of Law 1955 of 2019, will be in charge of the Pension and Parafiscal Management Unit (UGPP), for which it must adapt its operation.

Therefore, when delivery work is approached through digital platforms the regulation should consider its main feature: 'the subcontracting of collective work the division of labor into small independent short-term tasks and outsourcing of the service through self-employed workers' (del Bono, 2019: 3). The debates on the legal nature of the relationships that underlies the service provided by digital platforms has been led to recognize the coexistence of at least five differentiable relationships with their own legal regimes to consider further (but not part of this essay): (a) a mandate contract between the consumer and the platform worker ('rappitendero') — who, in legal terms, is henceforth called the 'agent', also regulated by 43 articles of the Civil Code); (b) a sales contract between the restaurant and the platform worker ('rapitendero'), and three contracts for the use of the platform that Rappi celebrates: one with the consumer, one with the 'rappitendero' and another with the restaurant (Pardo Rueda and Rodríguez, 2019).

Despite the different strikes and attempts of social mobilization developed since 2018, these actions have had almost no impact on a fairer work regulation, and they had not been translated into any concrete legal action. The only lawsuit filed by a delivery worker was a Writ of Protection (Acción de Tutela) in connection with a traffic accident (T-11001 4003 066 2019 01064 00). A Venezuelan Rappi delivery worker was hit by a car while working, and he was picked up by the police and moved to a hospital (Politika, 2019). The worker suffered a severe cranioencephalic trauma, had surgery and spent a couple of weeks at an intensive care unit in Bogotá. Because of his immigration status and lack of insurance, he was charged with the care costs; however, he filed a Writ of Protection with the support of Bogotá's Department of Healthcare (Secretaría de Salud). The Department of Healthcare and National Health Watchdog (Superintendencia Nacional de Salud) considered that Rappi should have been responsible for the healthcare costs given that

the accident happened in the middle of a delivery. However, the judge did not find Rappi accountable and ruled that the accident bill should be paid by the Public National Insurance scheme for traffic accidents (SOAT) and the Public Trust for Healthcare (ADRES). This favourable rule to Rappi produced a legal precedent for other related cases.

Therefore, although it appears Rappi does not have so far any legal problems with its workers, the company has had to deal with different lawsuits filed by customers. Under the regulation of customer protection, the Industry and Trade Customer Protection Board (Superintendencia de Industrial y Comercio, SIC) is following 472 lawsuits against Rappi, in which 108 have been ruled in favour of the customers. The lawsuits are related to:

1. Quality of the services (delayed and missed deliveries).
2. False information and publicity, changes to the prices and conditions of the contract (Credits).
3. Customer withdrawal rights.
4. Contract protection. Additionally, in 2019, the company faced a lawsuit related to intellectual property of the business model; the case is still ongoing.

The last regulatory movement is the concern of Healthcare authorities with the safety of Rappi delivery workers in the context of the Pandemic. Resolutions 666 and 0735 of 2020 from the Ministry of Health and Social Protection established a biosafety protocol adopted for the management and control of the risk of COVID-19 in home services, messaging and digital platforms. This resolution portrays delivery workers rather than essential workers as transmission agents and a source of risk.

The most recent development in the fight of platform delivery workers in the pursuit of fairer working conditions was a strike in the major Colombian cities (Bogotá and Medellín) held on 15 August 2020 and an official request (Derecho de petición) to the Information Technology Minister (Karen Abudinen Abuchaire), the Work Minister (Angel Custodia Cabrera) and Vice-Minister of Work Relations and Labour surveillance (Ligia Stella Chaves), asking for an official mediation with Rappi, filed on 19 August 2020. The official request summarizes 14 facts that have seriously affected the quality of the working conditions in digital delivery with the platform Rappi Colombia. The document adds important evidence to support their arguments, such as pictures of the interaction with the app from different workers. After almost three years of social mobilization, within a very fragmented community of workers, finally a project of organization is taking shape: The National Movement of Digital Platforms Couriers.

## 5 Discussion

The expulsions and precariousness of the Colombian urban economy have provided the ideal ecosystem for the expansion of digital food platforms such as Rappi strengthening a business model fed by the intersection between the informal and the digital economy. Such convergence has occurred in the context of economic globalization and the new forms of inequality that creates. The regulatory displacements of the gig economy constitute a new form of expulsion. In this case the expulsions are not only material or spatial, as those referred by Sassen, but also symbolic and normative. Platform workers are experiencing new forms of violence when the framing of their work is moved away from the workers' rights regulatory frameworks shaped by social historical mobilization to new normative arenas in which their margins of political action and legal recognition are very narrow. Law has had a key role in shaping and protecting digital platforms' business model and in shaping the new production–marketing–consumption relationships at the core of the gig economy. Digital platforms such as Rappi have assembled a techno-legal network that encompasses the material infrastructures that allow their operation, the legal binding with workers and users through the interface app and a broader regulatory environment that protects their operation and the assetization of the data harvested from workers' labour and customers' consumption. In the Colombian case, digital companies have exerted their influence in the shaping of a regulatory framework to operate their business almost completely centred in the acknowledgment of their character as technological operations within the IT law, moving issues such as labour relations, customer protection and industrial safety away from the more traditional industry and trade framing. This regulatory displacement has played well for Rappi avoiding legal problems with workers. However, as Jaramillo Jassir (2020) notes, despite the absence of specific international standards on work on digital platforms, given their recent emergence, there are some parameters contained in some conventions and recommendations of the International Labour Organization that guide the international discipline of work on digital platforms.

At the moment, the absence of assignment to a specific legal regime to structure a legal category for digital food delivery workers in Colombia makes it impossible to confer the status of employers on delivery workers. Only the definition of the employment relationship structures the subjective scope of legal-labour protection and compensation (Jaramillo Jassir, 2020). The different attempts to regulate digital platforms and digital delivery work follow a legal doctrinal trend, in which the existence of the employment relationship and the quality of worker in this business model is ruled out. As a result



the different bills and regulation efforts have proposed coverage of the comprehensive social security system based on specific tripartite contribution schemes: the platform, the restaurant and the worker. The only experience, within such framework in Latin America, is the Uruguayan rule of 3 June 2020 case 0002-003894/2019 that, based on analysis of the activity of an Uber driver, frames the relationship of digital workers as employment, in accordance with the indicators contained in ILO Recommendation 198 between the driver and the company that owns the digital platform that links them, in this case, Uber.

The legal space of platform delivery workers for the recognition of their rights in Colombia is still very narrow. Despite different strikes and attempts at social mobilization developed by the Rappi delivery workers since 2018, these actions have had almost no impact on a fairer work regulation and they have not been translated into any concrete legal action, beyond the Writ of protection previously noted. Nevertheless, there is hope. After three years of social mobilization, within a very fragmented community of workers, often divided by nationality (Colombian vs Venezuelan), vehicles (bikes vs motorbikes) and other interests, a project of unionization is taking shape: Movimiento Nacional de Repartidores de las Plataformas Digitales who have led the last strikes, is making the effort to find new negotiation scenarios with Rappi through the mediation of the Ministry of Work and the Ministry of IT. As the COVID-19 pandemic has accelerated the digital transition of different economic sectors in Colombia and around the world, this social mobilization has great importance for understanding the complexities of new ecologies of digitally mediated labour and in the development of action and discursive repertoires of the fight for dignity at work in the gig economy.

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## References

- Aguilera, A., Dabanc, L. and Rallet, A. "L'envers et l'endroit des plateformes de livraison instantanée: Enquête sur les livreurs micro-entrepreneurs à Paris". *Réseaux* 212(6) (2018), 23–49. doi: 10.3917/res.212.0023.
- Anwar, M.A. and Graham, M. "Hidden transcripts of the gig economy: labour agency and the new art of resistance among African gig workers." *Environment and Planning A: Economy and Space* 52(7), 1269–1291. <https://doi.org/10.1177/0308518X19894584>.
- Asomovil. *Uso de los smartphones en Colombia ya es mayor al 50% de la población, según Asomóvil* (2019). Available online at <https://www.asomovil.org/uso-de-los-smartphones-en-colombia-ya-es-mayor-al-50-de-la-poblacion-segun-asomovil/> (accessed 21 January 2021).
- Berg, J., Furrer, M., Harmon, E., Rani, E. and Silberman, S. *Las plataformas digitales de trabajo: cómo fomentar el trabajo decente en el mundo digital* (Geneva: ILO, 2019).
- Bill No. 002. "Por medio de la cual se regula la Economía Colaborativa Digital (ECD)." Congreso de la República (2016).
- Bill No. 110. "Por medio de la cual se regula el Trabajo Autónomo Económicamente Dependiente en Colombia y se dictan otras disposiciones." Congreso de la República (2016).
- Bill No. 082. "Por medio de la cual se regula el Trabajo Digital en Colombia y se dictan otras disposiciones." Congreso de la República (2018).
- Bill No. 160. "Por medio de la cual se regula el trabajo digital económicamente dependiente realizado a través de empresas de intermediación digital que hacen uso de plataformas digitales en Colombia." Congreso de la República (2019).

- Bill No. 292. "Por medio de la cual se regula el servicio privado de transporte intermediado por plataformas digitales." Congreso de la República (2019).
- Bill No. 296. "Por medio de la cual se protege el trabajo en entornos digitales mediante la regulación de la contratación de colaboradores autónomos a través de Plataformas Digitales de Economía Colaborativa." Congreso de la República (2019).
- Bill No. 085. "Por medio de la cual se regula la contratación de personas y aportes a la seguridad social en las plataformas digitales y se dictan otras disposiciones." Congreso de la República (2020).
- Bloomberg. '*Adios Colombia: Uber Makes Its First Exit in Latin America*' (2020). Available online at <https://www.bloomberg.com/news/articles/2020-02-01/-adios-colombia-uber-makes-its-first-exit-in-latin-america> (accessed 21 January 2021).
- Crichlow, M. "Discussion of Saskia Sassen's Expulsions." *Trajectories* (Newsletter ASA Spring) 27(3) (2016), 62–84.
- Del Bono, A. "Trabajadores de plataformas digitales: Condiciones laborales en plataformas de reparto a domicilio en Argentina." *Cuestiones De Sociología* 21 (2019). doi: <http://dx.doi.org.ezproxy.uniminuto.edu/10.24215/23468904e083>.
- Departamento Nacional de Estadística (DANE). *Cuentas Nacionales* (2019). Available online at <https://www.dane.gov.co/index.php/en/> (accessed 21 January 2021).
- De Stefano, V. The Rise of the "just-in-time workforce": On-Demand Work, Crowdwork and Labour Protection in the "gig-economy" *Conditions of Work and Employment Series* No. 71. (Geneva: ILO, 2016).
- Deloitte. *Consumo móvil en Colombia 2019* (2019). <https://www2.deloitte.com/co/es/pages/technology-media-and-telecommunications/articles/consumo-movil-en-colombia-2019.html> (accessed 21 December 2020).
- Duggan, J., Sherman, U., Carbery, R. and McDonnell, A. "Algorithmic management and app-work in the gig economy: a research agenda for employment relations and HRM." *Human Resource Management Journal* 30(1) (2019), 11432.
- EU-OSHA (European Agency for Safety and Health at Work). *Protecting Workers in the Online Platform Economy: An Overview of Regulatory and Policy Developments in the EU* (Luxembourg: EU-OSHA, 2017).
- Farrell, D. and Greig, F. *Paychecks, Paydays, and the Online Platform Economy: Big Data on Income Volatility* (New York, NY: JP Morgan Chase Institute, 2016).
- Fedesarrollo. *Informe mensual del mercado laboral: Nuevos modelos de negocio y seguridad social* (Bogotá: Fedesarrollo, 2019).
- Flichy, P. 'Platforms at the heart of new form of labour.' *DigiWorld Economic Journal* 108 (2017), 45–58.
- Food and Agriculture Organization (FAO). *Addressing Inequality in Times of COVID-19* (2020). Available online at <http://www.fao.org/3/ca8843en/CA8843EN.pdf> (accessed 25 August 2020).

- Forbes. *Why Delivery Apps from UberEats to Rappi Are Taking over Latin America* (2018). Available online at <https://www.forbes.com/sites/jonathanmoed/2018/11/15/why-delivery-apps-from-ubereats-to-rappi-are-taking-over-latin-america/#6d7e3517bf7d> (accessed 23 August 2020).
- Fortune. *Colombian Startup Rappi Wants to Deliver 'Everything'* (2016). Available online at <https://fortune.com/2016/11/08/rappi-delivery-latin-american/> (accessed 23 August 2020).
- Frenken, K. and Schor, J. "Putting the sharing economy into perspective." *Environmental Innovation and Societal Transitions* 23 (2017), 3–10.
- Friedman, G. "Workers without employers: shadow corporations and the rise of the gig economy." *Review of Keynesian Economics* 2(2) (2014), 17188.
- Gandini, A. "Labour process theory and the gig economy." *Human Relations* 72(6) (2019), 1039–1056. <https://doi.org/10.1177/0018726718790002>.
- Graham, M., Lehdonvirta, V., Wood, A., Barnard, H., Hjorth, I. and Simon, P.D. *The Risks and Rewards of Online Gig Work At the Global Margins* (Oxford: Oxford Internet Institute, 2017).
- INRIX. *INRIX 2019 Global Traffic Scorecard* (2020). Available online at <https://inrix.com/scorecard/> (accessed 23 August 2020).
- Jaramillo Jassir, I. *Riders: Entre el desvalor del trabajo y la superación del confinamiento (Trabajo y justicia social)* (Bogotá: FES, 2020).
- Jasanoff, S. *Designs on Nature: Science and Democracy in Europe and the United States* (Princeton, NJ: Princeton University Press, 2005).
- Jessop, B. "A cultural political economy of legal regulation of monopoly and competition." *Environment and Planning A* 48(12) (2016), 2541–2546. <https://doi.org/10.1177/0308518X16664092>.
- Kamdar, A. *Why Some Gig Economy Startups Are Reclassifying Workers as Employees. On Labor: Workers, Unions, Politics* (2016). Available online at <https://www.onlabor.org/why-some-gig-economy-startups-are-reclassifying-workers-as-employees/> (accessed 15 October 2020).
- Koutsimpogiorgos, N., van Slageren, J., Herrmann, A. and Frenken, K. "Conceptualizing the gig economy and its regulatory problems." *Policy & Internet* 12 (2020), 525–545. doi: 10.1002/poi3.237.
- Law 527. República de Colombia. Ley 527 (1999).
- Law 1341. República de Colombia. Ley 1341 (2009).
- Law 1480. República de Colombia. Ley 1480 (2011).
- Muntaner, C. "Digital platforms, gig economy, precarious employment, and the invisible hand of social class." *International Journal of Health Services* 48(4) (2018), 597–600. <https://doi.org/10.1177/0020731418801413>.
- Pardo Rueda, R. and Rodríguez, M. *Los 'rappitenderos', un conflicto que va más allá del Mintrabajo* (2019). Available online at <https://www.eltiempo.com/economia/>

- empresas/los-rappitenderos-un-conflicto-que-va-mas-alla-del-ministerio-de-trabajo-388236 (accessed 23 August 2020).
- Politika. *El accidente de Rappi que pagó el Estado* (2019). Available online at <https://politika.com.co/el-accidente-de-rappi-que-pago-el-estado/Press> (accessed 23 August 2020).
- Prassl, J. and Risak, M. "Uber, Taskrabbit, and Co.: platforms as employers-rethinking the legal analysis of crowdwork." *Comparative Labour Law & Policy Journal* 37 (2015), 619–652.
- República de Colombia. Código sustantivo del trabajo (2011).
- República de Colombia. Constitución política de Colombia (1991).
- República de Colombia. Plan Nacional de Desarrollo (2018–2020).
- Sassen, S. *Expulsions. Brutality and Complexity in the Global Economy* (Cambridge, MA: Harvard University Press, 2014).
- Savage, M. and Mouncey, P. "Social class in the 21st century." *International Journal of Market Research* 58(2) (2016), 335–338. <https://doi.org/10.2501/IJMR-2016-019>.
- Srnicek, N. *Platform Capitalism* (London: Polity Press, 2017).
- Vallas, S. "Platform capitalism: What's at stake for workers?" *New Labor Forum* 28(1) (2019), 48–59. <https://doi.org/10.1177/1095796018817059>.
- van Doorn, N. and Badger, A. "Platform capitalism's hidden abode: producing data assets in the gig economy." *Antipode* 52 (2020), 1475–1495. doi: 10.1111/anti.12641.
- Wood, A.J., Graham, M., Lehdonvirta, V. and Hjorth, I. "Good Gig, Bad Gig: Autonomy and Algorithmic Control in the Global Gig Economy." *Work, Employment and Society* 33(1) (2019), 56–75. <https://doi.org/10.1177/0950017018785616>.