

# Growing e-Commerce and Diminishing Labor Rights: Platform Work in Argentina, 2020-2021



Flora Partenio



Feminist Digital Justice is a collaborative research and advocacy initiative of IT for Change and DAWN (Development Alternatives with Women for a New Era). We aim to reinterpret the emerging techno-social paradigm from a Southern feminist standpoint. The project foregrounds debates at the intersection of enduring feminist concerns about gender justice and women's human rights on the one hand, and emerging issues at the digital frontier on the other. It responds to the urgent need for Southern visions of transformative change in these times of paradigmatic shift, exhorting feminists from the South to engage with the political economy of data, and to use their knowledge and experience to reframe the debates. In doing this, we seek to support and strengthen informed and cutting edge feminist analysis and action.

This is the fifth piece in a series of issue papers that traces the contours of a feminist development agenda for the digital economy.



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Development Alternatives with Women for a New Era (DAWN) is a network of feminist scholars, researchers and activists from the economic South working for economic and gender justice and sustainable and democratic development.

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## Growing e-Commerce and Diminishing Labor Rights: Platform Work in Argentina, 2020-2021<sup>1</sup>

The emergence of new forms of work with the advent of the platform economy has thrown up fresh challenges in the demand for labor, social security, and social protection rights. For a long time now, labor researchers and activists have warned about the risks of “de-labourization”<sup>2</sup> of work on digital platforms – a growing trend characterized by the complete breakdown or modification of the traditional labor contract between employer and employee, complex contractual arrangements, individualization of labor relations, emphasis on independent or self-employment, and disregard for labor laws. Narratives praising the collaborative or sharing economy and digital commerce have complicated the scenario further, undermining demands for corporate tax regulations as well as better working conditions and social protections for workers who depend on these sectors for an income.

**In general, digitalization and the platform economy have not only reinforced existing gender biases and asymmetries in the access to technologies and connectivity, but also escalated a care crisis with women workers at its center.**

The resulting labor crisis has affected workers across the categories of gender, race, class, and migration status, but its impact has been felt most keenly by women. The indicators of unemployment – informal work and lack of protections – are more exaggerated for women workers. The already alarming unemployment rates among younger women have worsened during the pandemic. Women who are at the retirement age are now more likely to apply for social security coverage due to work histories marked by informality. In general, digitalization and the platform economy have not only reinforced existing gender biases and asymmetries in the access to technologies and connectivity, but also escalated a care crisis with women workers at its center. These developments are in keeping with earlier trends. Even before teleworking and “forced virtualization”<sup>3</sup> became widespread, there was the risk of a “return to the home” for women working remote jobs (Scasserra & Partenio, 2020).

It is against this backdrop that the Feminist Agenda 2020, organized by the Argentinean Association for Research in Women’s History and Gender Studies (Asociación Argentina para la Investigación en Historia de las Mujeres y Estudios de Género in Spanish) highlighted the importance of building a feminist agenda for digital justice during International Women’s Day, 2020 (ibid). Feminist activists from the different provinces of Argentina collectively defined a broad-based agenda that captured the demands, problems, and possible intervention strategies for trade union activism, labor rights, and the digital

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1. I am grateful for Masaya Llanerías Blanco’s comments on the preliminary version.

2. Derived from *deslaborización* in Spanish.

3. A phrase used by the Argentinian feminist collective, Workers’ Assembly in Pandemic Times, in their campaign ‘Teleorganized in Front of Covid-Capitalism’.

justice agenda. Since then, with the ongoing Covid-19 pandemic, the risks and challenges highlighted by the Feminist Agenda 2020 have become exacerbated, urgent, and for many workers across the world, well and truly realized.

Against this backdrop, this paper presents a feminist analysis of the tensions and disputes around the regulation of platform labor, particularly in the context of delivery workers in Argentina. The first section outlines the strategies deployed by powerful transnational or trans-Latin corporations to lobby against regulations directing them to take on the responsibilities of employers, with an eye on increasing their profits. The second section examines the forms of labor regulations and social protections that would be essential for platform workers in the post-Covid context, taking into account inequalities that lie at the intersections of gender, race, class, and immigration status. The final section then disputes this so-called new normal for work from a feminist perspective and a Global South framework, and lays down the conditions that would lead to a more just and equitable agenda. The paper uses Argentina as a case study, bringing it in conversation with other Latin American countries where signs of working-class precariousness under platform capitalism are similarly evident (Srnicek, 2018).

## The Paradox of Essential Work During the Pandemic

In March 2020, the Argentinian [government imposed the Social, Preventive, and Compulsory Isolation \(ASPO as per the Spanish acronym\)](#) measures as part of the pandemic-induced health emergency declared throughout the country. This decree remained in force until the end of November 2020, at which point – due to a gradual reduction in the rate of infections – a phase of Social, Preventive, and Compulsory Distancing was introduced in most cities and towns.

**Even in its early days, the pandemic exposed the pre-existing precariousness and structural weaknesses embedded in various sectors of work.**

The ASPO measures specified the categories of workers who were forbidden from going into physical workplaces and travelling on public roads, including teachers at all levels of education, shopping centers, the banking sector, administrative activities, etc. that could be carried out remotely. It also listed workers who were exempted from complying with the isolation measures because they were “essential in the emergency”.<sup>4</sup> This included “health personnel, security forces, and armed forces”. Finally, the delivery of food, groceries, and medicine was also classified as an “essential activity” to allow the rest of the population to stay home.

Even in its early days, the pandemic exposed the pre-existing precariousness and structural weaknesses embedded in various sectors of work. The unstable arrangements that characterized everyday care

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4. See Decree 297/2020 of the Argentine President dated 19/03/2020: <https://www.boletinoficial.gob.ar/detalleAviso/primera/227042/20200320>

networks, for instance, were thrown into complete disarray by the compulsory isolation measures, impacting essential workers who had to step out as well as those who could telework. In the absence of an integrated national care system, home care practices had to be combined with teleworking, which was no longer an option but became the permanent modality of work during the pandemic. The problem was even more acute for essential workers. Unable to rely on family members or public care services to care for the young, sick, and elderly, they struggled to organize care arrangements during the pandemic. At the same time, they had little option but to go out to work.

**While companies raked in millions in profits, courtesy the new pandemic-induced measures, labor market informality meant none of these profits were directed towards safeguarding workers.**

As countries went into partial and complete lockdowns across the Global South and North, delivery work was carried out entirely by ‘riders’ on mobile application-based platforms (Partenio, Hidalgo, & Valencia Castro, 2020). Even before the pandemic, the delivery sector in Argentina was monopolized by a handful of trans-Latin or transnational companies including UberEats, Glovo, Rappi, and PedidosYa. They operated as digital platforms, assigning orders to delivery workers via geolocation-enabled mobile applications and, with very little set-up costs, expanded rapidly across different cities. The aftermath of the pandemic saw these companies consolidate their positions. They launched advertising campaigns that emphasized [contactless](#) and no-cost delivery, thus increasing their customer base. They also enabled financial exchanges through e-wallets, thereby expanding into a wide array of services including entertainment. At the same time, riders on these platforms struggled to fulfil an essential service at great risk to their health and safety and with almost no social protection measures. The Global South is home to [93 percent](#) of the world’s informal workers, and as Gurumurthy and Chami (2020) point out, the advancement of platformization has only translated into the “formalisation of informal work” without “additional rights or guarantees to workers”. While the companies raked in millions in profits, courtesy the new pandemic-induced measures, labor market informality meant none of these profits were directed towards safeguarding workers.

## **The Big ‘Winners’ and ‘Losers’ of the Pandemic**

In these ways, lockdown opportunism and the absence of labor regulations allowed powerful corporate interests to profit from the pandemic. Throughout Argentina, the suspension of social life and economic activity during the pandemic applied only to people, and not extractive projects linked to mining, deforestation, the intentional burning of wetlands and land for real estate speculation and agribusiness, and the exponential growth of platform companies. In the absence of labor, social security, and tax regulations, app-based companies engaged in platform delivery, logistics, and passenger transport were able to increase their profits exponentially even before the pandemic, but the over-reliance on digital technologies prompted by the health crisis exacerbated these tendencies in its aftermath. This



opportunism, bred in crisis and confinement, reiterated what we already knew – that capital always has a way out (Gurumurthy & Chami, 2020).

The advent of ‘multi-delivery on-demand’ platforms in Argentina can be traced back to the neoliberal government of Mauricio Macri that incentivized them to operate in the country. Since 2017, companies such as Glovo, PedidosYa, Rappi, and UberEats have been able to set up shop without having to guarantee basic labor rights, being subject to labor regulations, or being held accountable to the institutions that regulate labor relations.

Remaining outside the scope of regulations meant bearing no responsibility for workers who used these platforms as a source of income during the pandemic. Despite a government decree (No. 329/2020) prohibiting the dismissal and suspension of workers, several app-based companies blocked workers – temporarily or permanently – from accessing their platforms. These blockades were mainly targeted at those who organized strikes and mobilizations for better working conditions, and meant that these workers were not assigned orders. Business decisions aimed at capital concentration also put jobs at risk. During the pandemic, [Glovo sold its operations in Argentina and other Latin American countries to Delivery Hero](#), plunging its entire workforce into an uncertainty barely alleviated by the ‘promise’ of being hired by the buyer company.

**With a business model that tries to emulate Amazon, Mercado Libre has been one of the biggest ‘winners’ of the pandemic.**

Like the monopolistic tendencies of the delivery sector, the ecosystem of e-commerce and the financial technology businesses in Latin America has also been dominated by a single player. With a business model that tries to emulate Amazon, Mercado Libre has been one of the biggest ‘winners’ of the pandemic. Even before the pandemic, this Argentina-headquartered unicorn<sup>5</sup> was listed on the US stock exchange and generated profits in several Latin American countries. During the lockdown, Mercado Libre diversified into online sales, warehouses, logistics, mail delivery, and electronic wallets. It extended its e-wallet business, revitalizing financial transactions and creating credit opportunities. It also expanded into app-based delivery from neighborhood shops, allowing digital payments via the same app. These business decisions led to a [35-fold increase in its profits](#) as of June 2020 compared to before the lockdown.<sup>6</sup>

A more insidious outcome was that Mercado Libre was now present across the e-commerce and e-payments ecosystem, stepping in like clockwork at crucial points to allow buying and selling, easy access to credit, payments, and logistics services. As a result, it started exerting an effective

5. The term is used to describe emerging technology startups valued at more than USD 1 billion.

6. At the beginning of 2021, the company was reported to have reached a “market capitalization” of USD 84 billion, and is ranked 24th in the Financial Times’ world ranking of the fastest-growing firms in 2020.

monopoly on this ecosystem, thereby creating conditions that would lock in buyers and sellers who operate on its platform. Consumers and suppliers buying and selling on the platform, make payments exclusively through Mercado Libre's e-wallets. More crucially, they access credit with almost no formal requirements via Mercado Credito, thus remaining trapped within this circuit through a cycle of indebtedness. Operating in a landscape that is unregulated, untaxed, and outside the control of local financial institutions also allows the company to levy commissions at its own discretion. As its portfolio of users grew during the pandemic – courtesy of offers and discounts – Mercado Libre began to modify its commissions, increasing its own profits and squeezing the margin available to users to get out of its payment ecosystem.

**With an eye on growing profits, companies like Uber and Rappi now offer multiple services within the on-demand economy model.**

Mercado Libre is just one among the retinue of platform companies – based in Argentina but with a transnational presence – that are using such expansion, diversification, and consolidation tactics. The company Rappi is also following this path, pretending to become the traditional app, moving towards a 'super app' model. With an eye on growing profits, these companies now offer multiple services within the on-demand economy model. For instance, Uber and Rappi – which started off in ride-hailing and food delivery respectively as a single service, acting as 'intermediaries' between 'buying users' and 'delivering users'<sup>7</sup> – [are now venturing into new businesses](#) such as entertainment or care services. Other similar platforms have either set up their own supermarkets or are providing 'live events' via streaming and other tourism options.

In order to establish themselves as super apps, these platforms are also channeling huge investments into hiring for their development and engineering centers. Paradoxically, this new class of recruits will be salaried staff and considered 'employees' of the company, a classification that continues to elude 'delivery users' who generate income through orders and remain in the precarious category of 'independent contractors'. As these expansions and diversifications continue, it is critical to look at the impact that these churns create in the world of work, starting with two key questions:

- What is the nature and/or type of employment relationships that these platforms establish (or conceal)?
- What forms of collective organization around workers' union representation<sup>8</sup> can effectively address this moment of churn?

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7. These are the terms used by the managers of the subsidiaries of companies such as Rappi. See an interview with its country manager in Argentina in the newspaper *La Nación*: <https://www.lanacion.com.ar/economia/negocios/rappi-planee-expansion-app-colombiana-polemica-repartidores-nid2521790>

8. For an analysis of the forms of collective organization and unionization strategies of platform workers in Latin America, see the recent compilation of the Platforms Observatory of the Friedrich-Ebert-Stiftung Ecuador FES-ILDIS.



In countries such as Argentina, which have a long tradition of trade union organizing and high union membership rates, conflicts can arise because some unions are affiliated<sup>9</sup> only to certain sectors of economic activity.<sup>10</sup> In such sectors, e-commerce companies have deployed expansion and diversification plans that present new challenges for trade unions in the face of the risks posed by the deepening precariousness of these workers. When Mercado Libre set up a logistics network to support its e-commerce marketplace during the pandemic, the work of loading and unloading of goods was transferred from the control of the postal service to the company's storage centers in order to speed up the delivery process. Against this development, it became imperative for trade unions to ask: to which sector of activity do the logistics workers belong? What collective bargain agreements govern the new workforce? How are their working conditions different from workers in the e-payments sector, for instance? And can special regulations for the logistics workers lead to downward regulations, that is, dilute or weaken existing labor regulations?

Another challenge lies in the realm of discourse. Business models such as the one promoted by Mercado Libre present an idealized view of entrepreneurship and the collaborative economy. This narrative is then used to put a positive spin on the newer modalities of work generated by the platform economy in which workers become 'collaborators', 'freelancers', 'your own boss', or simply 'delivery users'. In reality, these terms are misleading because they conceal extractive and exploitative labor relations and the lack of employer obligations, and undermine demands for workers' rights.

## Social Inequalities Exacerbate Workers' Vulnerability

These paradoxes have become especially clear during the Covid-19 moment. Workers exempt from compliance with the ASPO decree in Argentina were deemed 'essential', but their wages, working conditions, and social protections were not prioritized. During the early days of the pandemic, some platform companies launched campaigns lauding the "heroism"<sup>11</sup> of delivery workers during the lockdown, through slogans like, "For delivering what we need, we call them Rappi heroes." To this, trade union organizations responded with, "[We are not heroes or heroines. We are workers at risk](#)," thus laying bare these companies' attempts to pacify workers through empty rhetoric without providing them with the basic social protection measures (masks, sanitizer, gloves, etc.) and exposing them to the risk of infection.

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9. Although it is not a subject that is dealt with in depth in this paper, it is important to point out a series of key issues when analyzing the importance of unionization: the problems associated with trade union affiliation of workers in the platform sector in general; the importance of union representation in the face of the asymmetry of power with the platform companies; the difficulties caused by the lack of recognition of the employment relationship between platform companies and delivery workers, since the companies only recognize them as "independent workers".

10. In the case of Argentina, with a tripartite labor relations system, the regulation and protection of each sector of activity is regulated by the existence of collective bargaining agreements. During 2019 and 2020, there were a series of complaints at Mercado Libre's warehousing and distribution centers because the truck drivers' union was demanding a change in the trade union affiliation of a significant number of employees who were covered by the collective bargaining agreement of the "Loading and Unloading" union: <https://www.pagina12.com.ar/279170-camioneros-levanto-el-bloqueo-a-mercado-libre>

11. This campaign was implemented not only in Argentina, but also in Colombia: <https://youtu.be/3mcbzJDQP14>

Under these conditions, migrant workers find themselves especially at risk. Studies show that a large proportion of app-based delivery workers in Latin America are migrants unable to access more formal means of income (ECLAC/ILO, 2019). A 2019 study indicated that young, male, migrant workers make up a significant portion of the delivery sector in Argentina. About 83 percent of Rappi's delivery workers, for instance, are migrants from other Latin American countries, mainly Venezuela (Madariaga et al., 2019). A similar trend is observed in studies conducted in Peru and Ecuador (Hidalgo Cordero & Salazar, 2020). Without emergency medical care and social protections in the host country and unable to return to their home countries, migrant workers find themselves in a double confinement (ECLAC/ILO, 2020). Besides, the rise of unemployment in Argentina, particularly among young people, in the aftermath of the pandemic has hit the migrant population the hardest.

**Gendered disparity is exacerbated by unfair algorithmic management practices that 'punish' those who are unable to "reconcile work and family" by allotting them fewer orders, thereby reducing their income.**

Among migrant workers, women have been particularly affected. Income gaps widen when female workers – who bear a disproportionate burden of household and care work within the home – have to juggle their delivery and domestic work. The trade union organization Platform Staff Union (APP as per its Spanish acronym) questioned the negative impact of being forced to work fewer hours on women workers who have to care for children and the elderly and attend to other unpaid household tasks. The gendered disparity is further exacerbated by unfair algorithmic management practices that 'punish' those who are unable to "reconcile work and family" by allotting them fewer orders, thereby reducing their income (as workers are paid per order). In effect, these algorithms work against women (Lee et al., 2015). Besides, most migrant workers, and especially women, are unable to access the government's Emergency Family Income (IFE as per the Spanish acronym)<sup>12</sup> because they do not have the required years of residency, due to incorrect records or their immigration status.<sup>13</sup>

Through presidential decree 367/2020, Argentina recognized Covid-19 as an "occupational illness" for employees who come under the purview of public labor law governed by the Law on Employment Contracts, but stopped short of bringing platform workers under its ambit. There are no easy answers for how workers, left out of this new regulation, could avail a leave of absence to recover from Covid-related illness or take leave to care for a family member.<sup>14</sup>

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12. Interview with workers who are members of APP, one of the trade union organizations in Argentina that still does not have trade union status granted by the National Ministry of Labor.

13. In this regard, see the report of migrant organizations such as AMUMRA (2020). [Report: The Emergency Family Income. Problems in access and granting to the migrant population](#). Buenos Aires. April. Also, see [the report from ILO](#) (2020).

14. [According to Administrative Decision No. 390/20 throughout Argentina](#), which was implemented on 16 March 2020, leave was allowed for mothers and fathers in the public sector with children of school-going age.

It is clear from these omissions and disparities that the platform economy is currently sustained by precarious, delocalized, and outsourced delivery services provided by workers who have little or no access to social protections and legal rights. With the pandemic deepening the vulnerabilities workers can face in such an unregulated landscape, the next section examines the forms of labor regulation that should be imposed on platforms in a post-Covid environment.

## Normalizing the Lack of Protection? Regulations that Deepen Precariousness

In mid-July 2020, during the eight-month lockdown in Argentina's capital Buenos Aires, the local government<sup>15</sup> adopted legislation that placed app-based platform companies at an advantage and plunged delivery workers into greater precariousness. The legislation modified the Code of Traffic and Transport by doing away with the dependency relationship between employers and workers and relieving platform companies of their employer obligations.

The modification required each delivery person to register as a 'self-employed person', providing their city address and complying with fiscal registration rules.<sup>16</sup> Failure to comply with these rules would result in sanctions and monetary fines, disqualification from the platform, and confiscation of their vehicles (motorbike or bicycle). This method of registration generated specific complications for the migrant population, who may have little documentation or may be in the process of obtaining it. Each worker, under this system, would also have to assume the responsibility for their own social security contributions and health coverage.

By categorizing workers as self-employed persons, the legislation effectively eroded the labor relationship between workers and platform companies. It also exempted companies from all liabilities by positioning them as mere intermediaries who enable 'users' to 'exchange' services on their platform.

Despite an expedited passage of the bill, trade union organizations and opposition legislators were able to introduce certain modifications by way of insurance coverage for workers, suspension of the system of rewards and punishments for delivery drivers, removal of nationality requirements to obtain work authorization, and provisions for health and safety of workers. However, the basic issue remained unaddressed: by categorizing workers as self-employed persons, the legislation effectively eroded the

15. Belonging to the political force opposing the current president. This government had taken a similar pro-business stance when it did not comply with a court ruling that forced the suspension of platform companies that use delivery apps if they did not comply with basic safety standards: <https://www.lapoliticaonline.com/nota/118654-un-juez-ordeno-a-la-ciudad-que-prohiba-rappi-glovo-y-pedidosya/>

16. This figure of the 'self-employed worker' in Argentina is known as 'monotributo'. The system unifies the tax component, the social security component, and pension contributions, which are all covered by a single monthly quota and added to the account of each small taxpayer.

labor relationship between workers and platform companies. It also exempted companies from all liabilities by positioning them as mere intermediaries who enable 'users' to 'exchange' services on their platform.

Labor lawyers<sup>17</sup> criticized the legislation, arguing that “the Legislature of the City of Buenos Aires does not have the power to regulate substantive rights (...) it is an invasion of powers granted by the National Constitution” (Duarte, 2020). This new legal framework, they posited, not only normalizes worker precarity but is also unconstitutional since a local/provincial government cannot override a national public labor order using the ruse that it is a “road issue” governed by local regulations (transport, traffic safety, etc.). These lawyers suggested that a labor regulation can only be modified by the national parliament. However, as things stand, this specific regulation is still in force in Buenos Aires, and there have been no interventions by the national parliament.

**It is essential to pay attention to the ways in which a delocalized workforce is appropriated through labor fraud.**

In the absence of legal recognition for the relationship of dependency between platform companies and delivery workers, it is essential to pay attention to the ways in which a delocalized workforce is appropriated through labor fraud. Given the existing legal vacuum, it is dangerous to create new regulations tailored to the needs of the companies because they end up regulating downwards. Besides, controversial regulations introduced in a specific sector can be used as a precedent to pass similar legislations in other areas of the digital economy. From the perspective of feminist labor lawyers, “it is not a question of making regulations more flexible, but of covering these new forms of current exploitations in the law”, and therefore, “we must apply existing legal standards and improve them” (Lozano, 2020). They call for adherence to international human rights and social and economic rights standards which “embody principles that protect the individual as a human being”, along with and application of the most favorable standard and favoring principles of “progressivity”, “equality and non-discrimination” (ibid).

At the international level, platform companies continue to lobby for regulations that present them as mere “supply and demand operators”, against court injunctions that state the opposite. As seen in Chile<sup>18</sup> and Colombia,<sup>19</sup> the judicial route has been widely used to push for recognition of workers’

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17. In this sector, there were very interesting exchanges from labor law on regulations, which can be found here: <http://www.laboralistas.net>

18. In the case of Chile in 2020, [a labor court in the city of Concepción recognized](#) the employment relationship between the platform company and the delivery driver. This judgement came after the worker had already been dismissed, i.e., had lost his job.

19. In September 2020, [a labor court in Bogotá declared](#), for the first time in Colombian law, the employment relationship between a delivery driver and a platform. The court ruled that employees, collaborators, or the self-employed, are real workers.

rights. It is, however, not the best option, especially in the event of the termination of the employment relationship between the employer and the worker. Litigation also requires financial resources. A ruling in favor of the company places the burden of legal costs on workers. Besides, the few rulings that have favored the recognition of workers' rights involve male petitioners/workers, exposing the precarious conditions that limit women's access to justice, and casting doubts on the possibility of them finding redress.

The passage of Proposition 22 in the United States clearly demonstrates the imbalance of power and resources in such legal wrangles. The legal campaign mounted in California by transportation and delivery platforms such as Uber, DoorDash, and Lyft – these companies had invested USD 200 million in lobbying for this initiative – ended with drivers and delivery workers being declared “independent contractors” and left without any employee protections (Chen, 2020). Trade unions have since launched a campaign to condemn a business model that they say is “based on threats, closures, and exploitation”.<sup>20</sup> But despite a change in administration after the defeat of Donald Trump in November, 2020, things are hardly expected to favor workers. Even as Americans voted in record numbers to ensure a win for the Democratic Party in the presidential elections, Californians overwhelmingly approved Proposition 22.

**Although women workers are a minority among the almost 80,000 delivery workers in Argentina, they have collectively become a voice to be reckoned with in the mobilization.**

Against this backdrop, it is useful to be aware of the path that Argentina is on, compared to other countries. The debate on bills to regulate app-based delivery work in Argentina is currently divided between two options: a) recognizing the relationship of dependency between employers and workers in the private sector and formulating protections under the Labor Contract Law that governs the employer-employee relationship in the country; or b) building specific legal statutes for this purpose. Since the unique characteristics of platform work differentiate it from most other forms of work in the private sector, the National Ministry of Labor favors the creation of special regimes that value the “sovereignty of working time” and will be managed by platform workers themselves. A few such bills, set in motion before the pandemic, have since been stalled to focus all energies on tackling the health emergency. There is, however, a common understanding among trade unions, state institutions, and civil society actors (labor lawyers' organizations, the academia, etc.) that the push for protective regulations granting labor rights must continue.

Meanwhile, delivery workers' unions in the country have held several strikes and virtual assemblies, and joined international rider strikes. Although women workers are a minority among the almost 80,000 delivery workers in Argentina, they have collectively become a voice to be reckoned with in

20. See: <https://www.facebook.com/VoteNoOnProp22/>

the mobilization. This is also the case in other Latin American countries. The broad demands of the mobilization include recognition as workers, the provision of safety and protective gear, a doubling of the payment per order, the reinstatement of dismissed workers, and justice for workers who died in road accidents during the course of work and had no insurance cover.<sup>21</sup> Companies still do not guarantee basic labor rights, wages, and insurance against accidents at work on the grounds that such measures would make their businesses unprofitable. However, as labor lawyers rightly point out, any perceived dilemma between “economic development of these companies” and “sacrificing people’s lives” is a false one (Duarte, 2020). It cannot be left up to companies to decide whether their business model is able to profitably accommodate the guarantee of labor rights.

## An Agenda that Contests the ‘New Normal’

Any analysis of the so-called ‘winners’ and ‘losers’ of the pandemic tends to invisibilize or undermine its social costs. The assertion that “the Covid-19 virus does not distinguish between social class, ethnicity, or race to spread”<sup>22</sup> rings hollow once we start paying attention to the situation of delivery workers during this pandemic – its immediate effects on their bodies and lives, and the deepening of the precariousness, asymmetries, and discrimination that they face. Moreover, the impact of digital platforms has played out quite differently across the Global North and South – and rather severely so – for women, queer and trans folks, migrants, and racialized populations.

The situation calls for urgent rethinking of how to continue and double down on the fight for labor rights in the post-pandemic context. What strategies do we adopt in the face of lockdown opportunism? How do we construct an emergency care policy that covers all workers in general, and women in particular? How do we articulate an agenda that combines migrant rights with the agenda for labor and digital rights? To this end, this paper offers six key recommendations that would temper the excesses of e-commerce and digitalization:

- **Make the conflict between capital and life visible:** Reveal how certain labor regulations, in the guise of reform, have exacerbated precarious forms of work, for instance in app-based transport and delivery platforms in Argentina. Denounce local government projects that seek to exempt platforms from liability and burden delivery workers with requirements and sanctions, as in the case of Buenos Aires legislation<sup>23</sup> described earlier. Extend the chain of responsibility of food, beverage, and supermarket chains that use precarious labor. Look into the impacts of local by-laws that create

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21. Communiqué issued for the “national strike of delivery workers” in May 2020 <https://www.anred.org/2020/05/04/el-viernes-8-de-mayo-habra-un-nuevo-paro-de-repartidores-por-mejores-ingresos-y-condiciones-laborales/>

22. To analyze the unequal impacts of the pandemic on different sectors of the population, revisit the work published in the midst of the pandemic by Eldeib Duaa and other authors (2020).

23. This law was [passed on 16 July](#). The main observations and reasons for its rejection can be read in this study produced by Filipetto, S. & Romano, D. (2020) “Trabajadores de apps de delivery en Argentina: La lucha en tiempos de pandemia”, Serie Ensayos CEM N°22, Buenos Aires: <http://estudiosmetropolitanos.com.ar/wp-content/uploads/2020/07/Trabajadores-de-apps-de-delivery-en-Argentina-La-lucha-en-tiempos-de-pandemia.pdf>



delivery and transport circulation registers, which emphasize 'customer safety' without protecting the rights of workers.

- **Value essential jobs:** Recognize labor rights, the right to care, and social security for delivery app workers. Guarantee paid leave so that workers can care for sick and elderly family members without loss of income. Design policies beyond leave to care for dependents. Consider policies that reflect the psychosocial impacts of these jobs and design compensation, leave, and self-care time accordingly.
- **End discrimination against migrant workers:** During the pandemic, the migrant population campaigned for the repeal of xenophobic and anti-immigrant decrees like DNU 70/2017 in Argentina that hinder migrant workers' right to regularization. As a result of this intense campaign, DNU 70/2017 has recently been repealed. However, it is yet to be implemented in emergency policies and programs that prevent the precarization of migrants, particularly in platform jobs. It would also be important to consider the concrete possibilities of this repeal in terms of migrant workers' right to unionize in sectors such as those mentioned here.
- **Build digital sovereignty:** Introduce regulations that allow for public control of the data generated in the course of platform work and through the use of apps (by users or workers).
- **Usher in fiscal and feminist justice:** Put in place regulations and taxes for the big winners of the pandemic: the platform companies. Analyze gender inequalities in taxation that affect the platform sector. Review the burden of direct and indirect taxes that falls on users of and workers on these platforms.
- **Imagine possible futures beyond hegemonic financial circuits:** Design devices with cooperatives, recovered companies,<sup>24</sup> and other relevant actors to create public digital platforms that make it possible to boost marketing and e-wallets based on fair trade. This will allow the production of a social and popular economy outside the hegemonic financial circuits that currently control the virtualization of finance (which translates into the hegemony of Mercado Libre in Argentina and Latin American countries, and the hegemony of Amazon in others).

The pandemic has underlined the conflict between capital and life, and has demonstrated, once again, that it is always capital that ends up being prioritized. Across the world, the demand for rights that guarantee even minimum protections to workers have been thwarted by powerful business lobbyists and political forces in local and national governments. But the lack or loss of rights cannot be allowed to become the new normal. The pandemic has exacerbated many forms of precarity faced by workers in the platform economy. At the same time, it is a moment for social pedagogy and the starting point for

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24. The recovery of companies and factories has been one of the most intriguing social mobilization experiences in the last two decades in Argentina. The term recovered factory has been used to name a specific struggle for employment sources in which workers combine labor and self-management.

long-term transformations that are committed to the sustainability of life. It is imperative that we seize this moment to put forth a new digital justice agenda that is attentive to labor rights.

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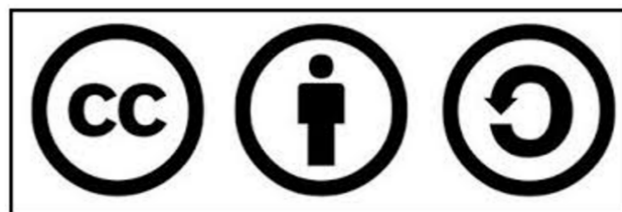
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