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Colas, Alejandro (2019) Internationalism under platform Capitalism: Brexit and the organisation of UK fast food workers. *Political Quarterly* 90 (4), pp. 620-628. ISSN 1467-923X.

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## **Internationalism Under Platform Capitalism: Brexit and the Organisation of UK Fast Food Workers**

Alejandro Colás

**The Food Politics of Brexit: What's on the Menu?** Special Issue of Political Quarterly

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A new spectre is haunting Britain's urban restaurant sector. Tucked away in secluded trading estates and empty car parks, anonymous industrial units have been converted into 'dark kitchens' by food delivery firms like Deliveroo and UberEats, where brigades of cooks prepare take-away dishes from popular high-street restaurant menus, including Busaba Eathai, Gourmet Burger, Franco Manca pizzas and even Michelin-starred Gymkhana. Launched in May 2017 as 'Deliveroo Editions' (with each individual unit branded a 'Roobox'), the company thinks of these pop-up kitchens 'as hubs where we host collections of hand-picked restaurants, all specially designed for delivery', marketing them as a 'concept that puts an end to postcode food envy'.<sup>1</sup> Uber's US\$150 million take-over of the London dark kitchen start-up Foodstars in 2018 granted the Californian platform control of 100 sites across the city, reflecting the growing competition in the food delivery sector over the 'up-stream' part of the take-away food chain.<sup>2</sup> In a context where the UK's food-to-go market is now worth £8.1 billion, having grown 13.7 percent in value since 2017, and employing an estimated 231,000 people in 2016, it is reasonable to expect dark kitchens to continue proliferating across the country in coming years, as platform food consumption becomes an established trend.

The implications of Brexit for these developments may at first sight seem rather oblique. The expansion of aggregators into the food-to-go market is after all a global phenomenon, and the regulatory frameworks affecting investors in this sector are unlikely to change significantly whether the UK remains or not in the European Union (EU). Yet from the vantage point of fast food workers (including delivery couriers and 'dark kitchen' staff) the UK's relationship to the EU does have material consequences relating to employment rights, collective bargaining and the immigration status of the many foreign citizens working in the industry. The global day of action – or McStrike – organised last October by a coalition of trade unions and civil society organisations demanding a living wage, union recognition and the end to zero-hour contracts, is part of an international campaign aimed at organising workers in this notoriously low-pay, precarious and atomised economic sector. The rest of article takes the McStrike as a point of departure in considering several inter-related aspects of Brexit's impact on Britain's fast food workforce, including the place of the EU's Agency Workers Directive in their contractual terms and conditions, the role of free movement in labour recruitment into the sector, and the conflicting political standpoints adopted by the different unions engaged in the campaign for fast food rights. Like other contributions to this special issue, Brexit is used here as a prism through which to analyse aspects of Britain's contemporary food politics. In exploring the international dimensions of union organisation among the UK's fast food workers, other, more conceptual considerations regarding the changing nature of public and private food consumption and the place of food in the so-called 'gig economy' will emerge. Overall, and given the continuing uncertainty surrounding Brexit at the time of writing, it is difficult to draw any definitive conclusions about the impact of Brexit on fast food worker's rights in the UK. But the exercise of investigating the relationship does shed some light upon the complex

interplay between workplace organisation, immigration, internationalism and labour rights in the UK's fast food market.

The McStrike held on 4 October 2018 across various British towns and cities was called by the trade unions Unite, the Bakers, Food and Allied Workers' Union (BFAWU), and supported by the NGO War on Want, as well as International Workers of Great Britain (IWGB) and the International Workers of the World (IWW). This was the latest of several such global days of action held in the UK since 2015, inspired by comparable American fast food justice campaigns demanding union recognition and a US\$15 an hour minimum living wage. By all accounts, the walkouts in Britain involved a tiny number (less than 1 per cent) of employees from the three main targeted companies: McDonald's, Weatherspoons and TGI Friday's. But the lively protests that accompanied the day of action, and the significant nationwide media attention it drew, led TUC General Secretary to assert that, 'Although these are small-scale actions, they are growing and spreading'.<sup>3</sup>

In the context of this special issue, the effectiveness of these campaigns is of less interest than the internationalism that animates them. There is a proud and consistent invocation of transnational solidarity, anti-racism and the right to free movement among all the supporting organisations, and their militancy, as just indicated, is squarely situated within wider global struggles. Yet there is a striking divergence when it comes to Brexit: the IWGB, an independent union with a membership base among precarious workers of the 'gig economy' supports, as we shall shortly see, remaining in the EU through a People's Vote ('and, if a vote is impossible, a Brexit which ensures the UK remains a member of the single market, with EU employment law protections').<sup>4</sup> The BFAWU on other hand, with its 20,000 members concentrated in food processing plants and retail, backed Brexit (or more accurately, a Left-Brexit, Lexit). 'Our members', BFAWU President Ian Hodson has proclaimed, 'saw the EU as a gravy train, working in the interests of wealthy elites and industrial scale tax avoidance. They felt that leaving the EU would give the UK the best opportunity to renationalise our key industries and begin a programme of manufacturing on a scale that would allow us to be self-sufficient and independent while enjoying solid trading relationships with other countries'.<sup>5</sup> What accounts for these differences, and how have they played out in the organisation of fast food workers?

There is, first of all, a contrast in ideological orientation. The IWGB was founded in 2012 as a split from the historic anarcho-sindicalist International Workers of the World (IWW). It belongs to a tradition of grassroots unionism that prioritises direct action -including wildcat strikes and occupations- and anti-hierarchical 'rank-and-file' organisation, independent from larger, bureaucratic trade union federations like the Trade Union Council (TUC). The BFAWU, a successor to the Amalgamated Union of Operative Bakers established in 1847, is on the other hand affiliated to the Labour Party and the TUC. Its current leadership forms part of a broadly-conceived Bennite tendency within the Labour Party (which we'll see below informs its views on Europe) and has strongly supported Jeremy Corbyn's democratic socialist programme as leader of the opposition.

The two unions also represent different worker constituencies. The IWGB grew out of a campaign for sick pay, holidays and pensions for outsourced workers at the University of London, and has since extended its estimated 4,100 membership among Uber drivers,

couriers, foster care workers, and more recently electrical and game workers – mainly, though by means not exclusively, migrant workers living in London and the south-east of England. The BFAWU has a nationwide membership with greater density in food processing and to a less extent, retail. It has adopted a model of community or movement unionism pioneered in North America, which aims to recruit members in unorganised or fragmented sectors like fast food, mobilising a younger, more diverse workforce around core problems of pay, terms and conditions, as well as related political issues of harassment and mental health in the workplace and wider society.<sup>6</sup> But its trajectory and current organisation is still very much based around a conventional sector unionism.

These ideological and membership differences go some way toward explaining the divergent strategies adopted by the two unions when it comes to challenging employers, including with reference to EU law. Plainly, both the IWGB and the BFAWU combine existing repertoires of protest and mobilisation – strikes, rallies and demonstrations, political lobbying – with more institutionalised mechanisms of collective bargaining, workplace or industry agreements, and recourse to employment legislation. They have moreover collaborated on the UK's Fast Food Rights campaign, explicitly nurturing coalitions across different parts of the food supply chain and in some instances, encouraging members who began their campaigning career in one union to continue their activism in another. Yet the IWGB's emphasis upon waging test cases through the courts as a means of extending workers' rights within the 'gig economy' in particular stands out as their preferred tactic. At the end of 2018 the union brought to the High Court an application for the right of Deliveroo workers, under the EU Convention on Human Rights, to union representation and collective bargaining.<sup>7</sup> In 2017, it had won a 'landmark case' recognising a couple of Glasgow foster carers as Council employees.<sup>8</sup> Although the IWGB has thus far lost its High Court battle, there have been other smaller victories involving a six-figure pay-out to Deliveroo riders and union recognition among blood delivery workers employed by private agency The Doctors Laboratory (TDL).<sup>9</sup> The BFAWU in contrast gauges its achievements mainly in terms of local agreements with sector firms like Greggs or Warburtons. The Bakers Union President Ian Hodson has been clear that 'it's never been bureaucrats in Brussels or bureaucrats in any government that's given us any rights, it's what we have made sure that we have achieved by standing together collectively.'

The implications of these different strategies and cultures of unionism for fast food workers in the UK are twofold. Firstly, EU legislation is interpreted and instrumentalised in very different ways. For IWGB secretary General Jason Lee-Moyer, EU law acts as a 'constitutional underpinning' of worker's rights in the UK, offering protections and importantly, enforcement mechanisms through the Court of Justice of the European Union, which would otherwise be unavailable or significantly diluted. Indeed, the IWGB was one of several intervenors in the Supreme Court hearing on Gina Miller's legal case requiring a Parliamentary Act to formalise the UK's departure from the EU, and has assiduously deployed EU-based legislation in the high-profile cases involving its members. In this, the IWGB is aligned with some other TUC-affiliated trade unions one of which - the GMB – recently also won holiday pay and union recognition for couriers at delivery company Hermes.

For its part, the Bakers Union has not overlooked the potential significance of the EU to its members. In 2016, the BFAWU President submitted a petition to the European Parliament criticising McDonald restaurant's abuse of zero-hour contracts, arguing that the company's

extensive use of such contracts violates EU legislation granting employees protections including maternity pay, redundancy payments, and the right to claim for unfair dismissal. Whilst acknowledging that 'there are no rules at EU level specifically regulating the issue of zero-hour contracts', the European Commission's response to the petition concluded that the European Working Time Directive and its Maternity Directive apply to 'zero-hour' workers and furthermore, that they had no indications 'that zero-hours workers cannot rely on these provisions before UK competent authorities, including the courts'.<sup>10</sup> In effect, the Commission is recommending the Bakers Union wage this battle over 'zero-hour' contracts within the UK, not in Strasbourg or Brussels.

The negative experiences of the BFAWU with agency and posted workers undercutting existing local agreements is one reason its leadership is sceptical about the power of EU legislation when defending its members' working conditions. A bitter dispute at the Hovis Bakery in Wigan during the summer of 2013 brought this to the fore as the company tried to replace permanent employees with agency staff. Successive one week strikes eventually delivered an agreement that limited use of agency staff to any overtime and bank hours declined by permanent employees. But the struggles against casualization and precarity have coloured the Bakers Union stance on Brexit. At its 2016 Conference, the BFAWU voted against a motion proposing the UK is 'better being part of the EU'. In a lively and contested debate, delegates presented some familiar arguments in favour (the importance of EU legislation for workers' rights in the UK) and against (the EU Commission in particular as a force of neo-liberal privatisation) the motion. But perhaps the most salient fault-line in the discussion revolved around the place of democracy – both literally and figuratively – in the struggles for workers' rights. For some delegates, it is the last decade of Conservative rule in Westminster (and indeed the New Labour neo-liberalism that preceded it) that is responsible for the erosion of workers conditions in Britain; for others, it is the European institutions that have instigated, or at the very least been unwilling to block the deepening of austerity in the UK. For the Bakers Union, the interaction between political representation, state sovereignty, EU law and workplace democracy has direct implications for the terms and conditions of its members.

It is in this context that a second implication in the contrast between the IWGB and the BAFWU emerges, namely in conception and activation of internationalism. One notable feature of the Brexit debate at the BAFWU's 2016 conference is the almost unanimously positive attitudes toward immigration and the leadership's ideological commitment to freedom of movement.

Public/private – novelty is not darkness of kitchens (other similar campaigns hotels, drivers etc) but (a) death of restaurant ???– public sphere of consumption (Sennett etc) and (b) market fragmentation/flexibilization (return to *traiteurs*?). Stylised contrast between 'Anglo-Saxon' and 'Continental' models of restaurant/food consumption. 'Supply chain' unionism.

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<sup>1</sup> <https://foodscene.deliveroo.co.uk/promotions/deliveroo-editions.html>

<sup>2</sup> 'Uber founder buys more than 100 'dark kitchens' across London in new venture that allows takeaway-only businesses to rent them for £2,500 a month to sell food on apps such as Deliveroo', Sebastian Murphy-Bates

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for the Mail Online, 27 March 2019. <https://www.dailymail.co.uk/news/article-6855613/Uber-founder-buys-100-dark-kitchens-London-deal-delivery-food-firms.html>.

<sup>3</sup> Ben Quinn and Matthew Weaver, 'Labour is 100% behind McStrike, John McDonnell tells rally', *The Guardian*, 4 October 2018.

<sup>4</sup> 'IWGB joins call for a 'people's vote' on Brexit', 27 November 2018.

<sup>5</sup> 'Our union backed Brexit, but that doesn't mean scrapping freedom of movement', *New Statesman*, 18 August 2017.

<sup>6</sup> 'Fast food fighters', *Red Pepper*, 29 January 2019.

<sup>7</sup> 'Deliveroo wins latest court battle over rider rights', *BBC News*, 5 December 2018.

<sup>8</sup> 'Landmark' ruling says husband and wife foster carers are council employees', *The Herald*, 2 August 2017.

<sup>9</sup> 'Deliveroo couriers win six-figure payout in employment rights case', *The Guardian*, 28 June 2018 and 'Gig economy ruling: Couriers carrying blood for NHS win right to collective bargaining', *The Independent*, 1 March 2018.

<sup>10</sup> 'Petition No 0021/2016 by Ian Hodson (British) on behalf of the BFAWU, on working conditions at McDonald's in the UK', June 2016.