

Social Rights and Work on Digital Platforms in Brazil: The Case of “Breque dos Apps”

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The movement known as “Breque dos Apps” was a social movement of a striker nature, which took place in Brazil in July 2020. Such movement was organized by workers which provided services to delivery apps (like iFood, Loggi, Uber Eats and Rappi). They demanded better working conditions and social protection measures, since they were out of the protection of the Brazilian legal system. The reason for this lies in the fact that there is a debate about the classification of these workers—the maximum expression of the gig economy—as employees under Brazilian legislation. As a result, and with the exponential growth in the use of these applications due to the Covid-19 pandemic, thousands of workers were left on the fringes of any social protection. This study aims to analyze the aforementioned movement and its demands within the paradigm of social rights, especially the ones regarding collective representation, which are guaranteed by the Brazilian Constitution. In terms of methodology, the content analysis method will be applied, considering that the established objective presupposes the study of theoretical and legal texts that allow the structuring of concepts applicable to the theme. The research technique to be adopted will be the analysis of indirect documentation, that is, literature review, to be carried out through bibliographic and documentary research, focused on literature and legal texts related to the topic.

Keywords: Breque dos Apps, strike, delivery apps, digital platform workers, social rights

Introduction

The “Breque dos Apps” (expression that can be freely translated as “break on the apps”) is a social movement that happened in Brazil and firstly unfolded in two different moments, July 1st and July 25th, 2020. Such movement may be perceived as having the nature of a strike and was organically organized by workers which provided services to food delivery apps/digital platforms (like iFood, Uber Eats and Rappi).

The workers—couriers or delivery men and women—decided to organize a movement to protest against several working conditions, generally associated with the most precarious forms of work, and the absence of social protection measures. The scenario under which those workers were became worsened by the Covid-19 pandemic, represented both a health and an economic crisis for many countries.

During this time, the possibility of working with food delivery digital platforms became the main—if not

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the only—source of income for a large number of Brazilian workers. This situation then led to an increase in the number of couriers waiting to provide services and, consequently, in increasing the competition between them, resulting in a decrease in the amounts paid as delivery fees, beyond all risks associated with the idea of working in precarious conditions aggravated by the context of a pandemic.

A fundamental issue within this analysis is the fact that there is a debate over the legal framework of digital platform workers in Brazil. Indeed, scholars and courts have not yet achieved a consensus over whether they should be considered employees—and thus receive all the social protection conferred by the Brazilian Consolidation of Labor Laws—or self-employed/autonomous workers, a different category not entitled to said framework of social protection.

Therefore, this paper's main objective is to analyze the “Breque dos Apps” movement and its demands within the paradigm of social rights, especially the ones regarding collective representation, which are guaranteed by the Brazilian Constitution and by the Brazilian Consolidation of Labor Laws.

In order to perform this investigation, this paper proposes the following research question: was the “Breque dos Apps” a response to or a symptom of the issue regarding the legal framework of digital platform workers in Brazil?

The applied methodological approach consists of a theoretical qualitative research conducted through the method of content analysis. Thus, the applied research technique was based on indirect documentation, i.e., literature review, both bibliographical and documental.

Finally, it is observed that the paper is structured as follows: Introduction; Section 1. The issue regarding the legal framework of platform workers in Brazil; Section 2. The “Breque dos Apps” movement, which unfolds in two subsections 2.1. Organization and demands of digital platform workers and 2.2. Developments; Final considerations and research limitations; and References.

The Issue Regarding the Legal Framework of Platform Workers in Brazil

Before analyzing the movement known as “Breque dos Apps” it is important to briefly comment on a fundamental issue: are digital platforms workers categorized as employees in Brazil?

In order to address such issue, it is essential to understand that the Brazilian legislation has certain requirements to consider someone an employee, that is, one of the subjects of the so-called employment relationship. This is not a mere technical detail, as it is the characterization of the employment relationship that brings both the status of employee to someone, and all the labor and social protection that derives from this quality.

Therefore, according to article 3 of the Brazilian Consolidation of Labor Laws of 1943 (known in Portuguese by the acronym CLT), someone is considered an employee when is an individual who provides services of a non-continuous nature to an employer, under his/her dependence and in return for a salary.

Thus, the essential requirements of an employee are: must be a natural person, working on a non-eventual basis, receiving remuneration and under subordination to the employer—fundamental element; business risks must be entirely borne by the employer (according to some authors).

Although all requirements are relevant, the most important one is subordination: basically, it refers to the idea that an employee works under the employer's dependence. But another question then arises: What kind of subordination? Is such dependence an economic one, a technical one or a legal one?

Scholars and courts have long since come to the conclusion that the requirement is the legal subordination: the employee's subordination comes from the law. The employer gives the employee the rules and guidelines regarding how to carry out the provision of services. Thus, the employee does not have autonomy to conduct such services.

Absent the legal subordination, there is no employment relationship. It is important to consider that in this case there might be (self-employed/autonomous) work, but not employment. This is the background regarding the current debate on qualifying digital platform workers as employees or autonomous workers.

For those who consider them autonomous/self-employed, allegedly there would not be any trace of subordination in the relationship between workers and digital platforms. The context would be the one represented by the idea of self-management: workers have autonomy to conduct the provision of services, i.e., choose how, how much hours and when to work. Actually, based on this argument, companies behind apps/digital platforms have been presenting themselves as mediators between supply and demand, denying the subordination and employment relationships in this intermediation.

Nevertheless, there is a counterpoint, known as algorithmic subordination (Fincato & Wunsch, 2020; Carelli, 2020). The idea behind it is to defend that there is control over the work performed by those workers. However, such control would not be made by a person, but defined by a logical, finite and defined sequence of instructions—an algorithm. This new form of work control unfolds via technological tools, such as apps.

As mentioned before, there is no consensus in Brazil whether or not to qualify digital platform workers as employees or as autonomous workers. Since they are currently not legally qualified as employees, they are constantly exposed to revolving around the idea of precarious work, such as poor working conditions; lack of social protection; not being able to collectively organize themselves through unions (the alternative for collective organization being the so-called civil associations, which have different prerogatives).

Due to the growing use of digital platforms in the provision of services around the world, the phenomenon known as “uberization” began to be observed. It is about a new way of managing, organizing and controlling work which asserts itself as a global trend, representing a new form of control and management of work, presenting it as an organizing trend that eliminates rights and turns workers into subordinated self-managers, available for work, used as just-in-time workers (Abilio, 2019).

Although there are other companies using the same approach, the pioneering and early global success of Uber caused this type of relationship to be named after the aforementioned company.

The workers providing delivery services to digital platforms on the food sector are just one category of workers of digital platforms submitted to the phenomenon of “uberization”. This is an extreme precarious category and they are at the center of the “Breque dos Apps” movement. Thus, after this brief context, this paper shall focus on the “Breque dos Apps” episode.

The “Breque dos Apps” Movement

In July 2020, took place in Brazil an episode known as the “Breque dos Apps”. It unfolded in two different moments (July 1st and July 25th) and represented a collective movement of workers of digital platforms (applications), mainly those related to food and goods delivery, such as iFood, Rappi and Uber Eats.

It is important to highlight the context of such action of a striker nature, which aimed to give visibility to the precarious working conditions, to which these workers were submitted. Although such conditions have been inherent to the provision of this kind of work since the beginning of it, the scenario caused by the pandemic of

the new coronavirus, vector of the Covid-19 disease, caused a significant impact and brought this issue to be discussed on the public debate.

The World Health Organization (WHO) made the official announcement classifying the Covid-19 disease as a pandemic on March 11, 2020, immediately calling on countries to adopt coordinated approaches between government spheres and civil society, aiming at the achievement of strategies that could prevent infections and save lives (OPAS, 2020). Thus, one of the measures adopted in several countries was the recommendation for people to practice social distancing and stay in their homes, avoiding going out on the streets unless it was extremely necessary.

As a result, it became decided that a significant part of the services would be interrupted and collective spaces would be closed, both those of a public nature and those of a private nature. Among them, commercial establishments, with special relevance given—for the purpose of this work—to those belonging to the food sector, such as bars, restaurants and snack bars.

Specifically, regarding the Brazilian case, the pandemic also reflected in the maintenance of a high level of informality in the labor market, which already observed high rates in previous years.

In accordance with official data provided by the Brazilian Institute of Geography and Statistics (*Instituto Brasileiro de Geografia e Estatística* acronym IBGE—IBGE, 2018) informality rate in Brazil was around 40.8% in 2017, the year in which the Brazilian Labor Reform was approved by the Parliament. According to the results of the Continuous National Household Sample Survey, released by the same institute on August 12, 2022, the informality rate in the country is currently 40.0% (IBGE, 2022).

In addition to the health crisis, one of the consequences of the pandemic was the increase in unemployment. The reason for this being the fact that many activities were discontinued due to the global economic impacts and, consequently, jobs were lost. Without the possibility of immediate reabsorption by the market, there was an even greater increase in the informalization of work and other elements of precariousness, such as outsourcing, subcontracting, flexibilization, part-time work and sub-proletarianization (Costa, 2020).

With a large part of the population complying with social isolation and constricted to remote work regimes, there has been an increase in demand for the provision of delivery services, mainly food delivery. In other words, the service has become practically essential for consumers, but also for businessmen in the food sector.

Restaurants, bars and snack bars now have the delivery service as a kind of lifeline to continue developing their economic activities (Brail, 2020). Many who were not used to providing this type of service or for whom delivery represented a low portion of operations found themselves urged to remodel their businesses, even if just temporarily, in order to remain in operation.

Therefore, during this time and within the aforementioned context, the possibility of working with food delivery digital platforms became the main—if not the only—source of income for a large number of Brazilian workers. This situation then led to an increase in the number of couriers waiting to provide services and, consequently, in competition between them, resulting in a decrease in the amounts paid as delivery fees.

In fact, the couriers, who are fundamental to the operation of this gear, remained in highly precarious working conditions for extremely low remuneration, in addition to being exposed to various risks. The main one being, at the time, the risk of contagion by the disease caused by the COVID-19 virus and its possible consequences, for instance: lack of social protection due to the time of leave, loss of source of income, chain of contagion in the family, risk of developing comorbidities and, ultimately, risk of death.

In the first months of the Covid-19 pandemic in Brazil, business companies in the app delivery business, such as iFood and Rappi, acted timidly, to mitigate the risk of contagion for couriers. As a result, the Brazilian Public Prosecution of Labor Office filed a public civil action against the platforms with a request for provisional/urgent remedy in April 2020, aiming to ensure the adoption of a minimum of health, social and labor measures in favor of the couriers.

The preliminary injunction was granted by Judge Elizio Luiz Perez, who determined the adoption of a series of measures to guarantee the health and safety of couriers, whose compliance should take place within 48 hours. Otherwise, a fine would be applied as penalty. Among these measures, the following stand out: provide sufficient information and guidance to reduce the risk of contamination as much as possible; distribution of protective products and equipment, such as hand sanitizers and masks, free of charge; provide and accredit spaces for cleaning vehicles, backpacks, helmets and jackets; guarantee financial assistance equivalent to at least one minimum wage for the worker eventually contaminated, and also for workers who are part of the so-called risk group for the disease (BRASIL, 2020a).

Although it did not address the matter of any recognition of an employment relationship between couriers and platforms, the court decision under discussion recognized that: (i) business companies centralize and organize digital platforms and, therefore, make the connection between couriers and the third parties (consumers); (ii) the right to reduction of work risks based on health, safety and hygiene standards is constitutionally guaranteed to workers; (iii) the nature of the activities provided by the platforms entails strict liability in the event of damage being caused to service providers (BRASIL, 2020a).

Immediately, the business company that owns the iFood platform filed a writ of mandamus, succeeding in halting the effects of the injunction, after the decision of Judge D'Áris Ribeiro Torres Prina. The Judge based her decision on three central arguments: (i) there would be no employment relationship between the platforms and the couriers, who would be mere users of their services; (ii) the measures intended by the Public Prosecution of Labor Office could have the effect of preventing the full execution of the services provided by the platforms, which, due to the context of social isolation, were essential; (iii) given that the digital platforms did not cause the pandemic, such requirements would be inappropriate, as the measures would be complex and the deadline to implement them was very short (BRASIL, 2020b).

iFood claimed that it was already complying with some of the measures, such as the distribution of hand sanitizers and the creation of the Solidarity and Protection Fund to guarantee financial aid for contaminated couriers, although in amounts and scope lower than those determined by the preliminary injunction.

Amauri Alves, Lorena Marques Bagno and Nicolle Gonçalves comment that the platform's reaction was more an attempt to maintain a good reputation with the public than to guarantee the health and safety of workers, also drawing attention to the possibility that such assistance was result of an attempt to conform the category and avoid greater insurgencies of these workers against their working conditions (Alves, Marques Bagno, & Gonçalves, 2020). It is observed that such an attempt proved to be unsuccessful, since the couriers organized themselves around the "Breque dos Apps" stoppages.

According to the lesson of Allyson Mascaro (2020), for whom the reaction of business companies within the capitalist system tends to be a minimal response to maximum demands, the authors infer that, in this case, even the minimum seems excessive for those who do not want to have any liability over the provision of services received (Alves et al., 2020).

As seen, it is important to emphasize that digital platform workers in Brazil, the category in which app delivery people fall, are often supporters of discourses of overvaluation of entrepreneurship and free market exacerbation. In this context, supported by the idea of self-management at work, they tend to be resistant to the idea of regulating the activity they perform, and, consequently, to the precepts of unionism and the defense of labor laws (Delgado & Carvalho, 2020; Desgranges & Ribeiro, 2021; Abilio, 2019).

Faced with the situation resulting from the pandemic, which revealed even more clearly the levels of precariousness of this work regime, this dominant mentality in the category began to be questioned (Desgranges & Ribeiro, 2021). Many couriers began to expose the reality of their daily lives on social networks, starting a wave of reflection on existing vulnerabilities and the need to demand improvements.

This movement culminated in the stoppage/strike of the activities of couriers in several Brazilian cities on two occasions during the month of July 2020. This stoppage became known as the “Breque dos Apps” and had the support of trade union movements and civil society, which promoted the issue on social networks.

After this brief but necessary contextualization, this paper shall be dedicated to analyzing in more detail the organization of the movement and its demands.

Organization and Demands of Digital Platform Workers

The “Breque dos Apps” that took place on July 1, 2020 was the first national manifestation of app delivery couriers. The couriers had the objective of paralyzing the delivery applications for one day, so that their claims could be amplified and considered, in the wake of what comments Ricardo Lourenço Filho:

The name chosen for the mobilization was “Breque dos Apps”, an expression that alludes to the digital platforms that offer delivery services to the market, such as iFood, Uber Eats and Rappi. The reality faced in carrying out delivery activities led application workers to gather and organize collectively. The difficulties, associated with the long hours, the risk of accidents, the low wages, were accentuated during the pandemic time. (Lourenço Filho, 2020, p. 80, our translation)

Even in the context of a pandemic, in which agglomerations were discouraged, therefore making social mobilization more difficult, the movement had significant adherence. The organization of the stoppage was inspired by other protest movements that took place at the same time, mainly the anti-racist demonstrations resulting from the George Floyd case, in the United States, and acts organized by parts of the organized football fans in Brazil, self-titled “anti-fascist fans”.

The anti-fascist fans were organized supporters who took the streets to protest against the ineptitude of the then federal government in dealing with the pandemic, as well as other authoritarian conduct frequently undertaken.

Understanding that the scenario could be conducive to their protest, the delivery apps couriers used social networks (for example, Instagram, Youtube and Twitter) to publicize the main agendas of the mobilization. This strategy was successful and caught the attention of left-wing movements, trade union movements and journalists, who were engaged in amplifying the cause (Desgranges & Ribeiro, 2021).

Returning to the idea undertaken by Shoshana Zuboff about surveillance capitalism as “a new economic order that claims human experience as free raw material for covert commercial practices of extraction, forecasting and sales” (Zuboff, 2020, p. 14, our translation), in which the use of technological tools is an essential instrument and provides forms of power and control by the great holders of modern capital, the organization of the “Breque dos Apps” can be perceived as a very interesting inversion point.

The rationale is as follows: app delivery couriers, who provide their services through digital platforms, basically used the same technology that provides the execution and control of their services as a collective organization tool against the reality of the work regime that prevails in these business models.

Indeed, they used various technological tools to coordinate the actions necessary to carry out the mobilization, such as: (i) applications aimed at holding meetings remotely; and (ii) social networks, to disseminate guidelines and attract support (Lourenço Filho, 2020).

Specifically, regarding the use of social networks for dissemination of the agenda, it is observed that those networks played an essential role in the adhesion of other couriers—and, therefore, in the amplification of the movement—and, above all, in convincing consumers of the importance of joining and supporting the claims.

Engagement on social networks brought the topic to the center of the public debate and encouraged consumers to adopt active support measures, such as the conduct of negatively evaluating delivery applications (both directly on platforms and in applications where downloads are made on smartphones, notably PlayStore and AppStore), in addition to encouraging “negative” conduct, notably not using applications on the days set for mobilization. In summary:

In addition, the couriers who were mobilizing for Breque asked for support from consumers, as their participation would be essential for an actual stoppage of the apps. The “Treta no Trampo” Instagram profile published booklets with instructions for customers who wanted to support the Breque. The post asked customers to help by publicizing Breque, printing flyers, putting up posters and sharing the hashtags #BrequeDosApps and #ApoioBrequeDosApps. In addition, it asked people to evaluate delivery apps with just one star on the PlayStore and the Apple Store, to tarnish the image of platform companies. It also insisted that they not order on the apps on the day of Breque. (Desgranges & Ribeiro, 2021, p. 198, our translation)

The participation of consumers in the movement is a very interesting aspect, especially when analyzed from the perspective of the so-called stakeholder capitalism, a term first coined by Klaus Schwab in the 1970s and which was recently revisited in initiatives by the Business Roundtable of 2019 and the 2020 Davos Manifesto (Schwab, 2019).

In general terms, this model of capitalism opposes the idea that the purpose of a company is reduced to maximizing profits for distribution to partners/shareholders (a premise of the model known as “shareholder capitalism”), and should, in fact, aim at creating shared and sustained value for all stakeholders surrounding the business activity.

Among such stakeholders are included, for example, consumers, workers, suppliers, local communities, governments, the environment, and others. As explained by Ana Cláudia Redecker and Luiza Trindade, stakeholder capitalism:

[...] is based on the premise that institutions should collaborate with all those subjects who are somehow impacted by their activities (stakeholders), and not just with their shareholders. The company, as a legal entity governed by private law, has as its object not only the obtaining of profit, but also the rescue of principles inherent to the Democratic State of Law, such as equality, human dignity, development, freedom, well-being and the social values of work and free enterprise. (Redecker & Trindade, 2021, pp. 71-72, our translation)

The authors are emphatic in pointing out a logical relationship between stakeholder capitalism, corporate sustainability and the adoption of environmental, social and governance practices (environmental, social and governance—ESG) by enterprises, because they would consist of a mechanism for the realization of the social

function of the company, at the same time that they can provide the creation of long-term value for all stakeholders (Redecker & Trindade, 2021).

The fact is that in both phenomena—stakeholder capitalism and ESG business practices—the way in which a business organization relates to its social stakeholders is fundamental, and there must be a concern over, for example, diversity, dignified labor relations, employee engagement based on suitable work environments, relationships with the communities in which business companies operate and consumer satisfaction.

Within this context, public pressure has become increasingly common, which can be carried out by consumers through boycott campaigns, for instance, for economic agents to carry out their activities in accordance with these metrics. Consequently, disregarding them can ultimately mean business losses.

Thus, the engagement of civil society and, in particular, the support shown to couriers by consumers of delivery apps in the “Breque dos Apps” episode is understood as a possible example or reflection of the aforementioned phenomenon. In short, it is argued that such adherence was fundamental for the achievement of some conquests by the category.

Resuming the previously developed reasoning, the “breque” itself was structured from the organization of some strategies, among which: pickets and motorcycle motorcades; incentive for couriers to stay offline in the applications; face-to-face demonstrations in the streets; and transmissions through social networks. The demands were basically related to aspects of that work relationship that reflected the precarious conditions to which the couriers were subjected (Lourenço Filho, 2020).

In short, the claims were: an increase in the value of delivery fees per km traveled; raising the minimum delivery fee; the end of blocks carried out by the applications considered improper by the couriers and reactivation of the registrations of blocked couriers; granting insurance against theft and accidents; granting paid leave to workers infected during the pandemic; distribution of personal protective equipment, including those capable of helping to prevent the spread of the coronavirus, such as protective masks and hand sanitizers; in addition to the end of the scoring system, which could imply an increase or decrease in remuneration for the service.

Essentially, the “Breque dos Apps” can be understood as a movement in search of recognition and, above all, guarantees of carrying out a job in dignified conditions. From the perception that the applications were prospering in their profits at the expense of the inherent precariousness that involves the work of delivery, which was boosted by the wide availability of manpower for the performance of this activity, it is noted that the mobilization turned to the struggle to ensure minimum conditions of dignified subsistence for workers who often are hungry while delivering meals to app users (Braga & Santana, 2020).

It was in this context that an important leadership emerged, normally seen as the “face” of the movement and one of its creators. It is the courier Paulo Lima, known as “Galo” or “Galo de Luta”, who founded the “Antifascists Couriers” in the city of São Paulo, a relevant collective aimed at fighting for the improvement of working conditions for the category.

In an interview for the newspaper *El País*, Galo says that the seed of the collective, which today brings together couriers from several cities in the country, took place on March 21, 2020, his birthday. On that occasion, the tire on his motorcycle went flat, making it impossible for him to complete a delivery in progress. As a result, the application to which he provided the service blocked him and this action was the trigger for the courier: “That’s when I thought ‘enough, bro, I’m going to report these guys around’. They don’t explain why

they block you, they tell you to read the contract and say they don't have to explain anything, no" (Oliveira, 2020, s/p, our translation).

In the same month, Galo created a petition demanding that the apps provided breakfast, lunch and dinner, in addition to hygiene kits for couriers:

"When I went to talk to my colleagues, some told me to go to Cuba, saying they weren't starving, that what they wanted was to earn more to buy their own food", he recalls. Gradually, he gained support and strengthened his movement, which has already raised, for example, the average earning of this risky activity: 963 reais per month for 12 hours of work per day. (Oliveira, 2020, s/p, our translation)

Such a reaction on the part of couriers points to something that scholars of the phenomenon of the uberization of work have already pointed out: although there is heterogeneity in the category, which, in itself, already makes collective organization difficult, it is very frequent for Brazilian platform workers to adhere to the discourse of individual entrepreneurship, which is guided by the neoliberal rationality deeply analyzed by Pierre Dardot and Christian Laval (2016).

More than that, as Rosana Pinheiro-Machado adds, there is a significant identification of a large part of these workers with anti-democratic extreme right-wing ideologies and rejection of agendas historically associated with the left, such as labor, unionism and social assistance:

The biggest problem to be faced is political. A significant part of the new precarious forms of work via platforms comes with an ideological component attached—and this component is profoundly anti-democratic. It is as if the work package came with a political plug-in installed, without the worker having necessarily chosen that product. Work and politics have always gone hand in hand. Work alienates, but it is also a terrain of resistance. However, coexistence between people is increasingly scarce in the 21st century, giving way to functions performed in isolated and intermittent ways, mediated by platforms and obscure algorithms that encourage hyper-individualization, competition and what researcher Fernanda Bruno calls rationality algorithmic: the individual who blames himself for the failure, even in the face of a non-transparent pricing policy of the platforms. (Pinheiro-Machado, 2022, s/p, our translation)

This scenario is reflected in two essential characteristics for understanding the "Breque dos Apps" episode, which are in line with what was exposed in the first section of this paper. The first is the fact that the couriers did not reach a consensus on claiming recognition of the employment relationship with the digital platforms, which, ultimately, would attract the protective legal regime of employees, moving from an (alleged) relationship of autonomy for the recognition of a relationship of legal subordination.

The second characteristic was the very choice of the name of the movement: "Breque" and not "Strike", a term that is historically used to refer the phenomenon of mobilization and collective resistance of workers/employees. The term "breque", in turn, alludes to the idea of blocking deliveries, and its "choice represents the intention to achieve a new form of organization and collective action" (Lourenço Filho, 2020, p. 82, our translation).

The group led by Galo started to attend anti-fascist protests and draw the attention of the press with the agenda of the anti-fascist couriers. Some of his videos went viral, especially one in which he denounced the difficulty of carrying food on his back on an empty stomach. In a video interview for the series "E Eu?" ("And Me?"), from the newspaper *Folha de São Paulo*, Galo says that he started to suffer what he calls a "white block": he claims that apps do not officially block to avoid legal problems, since there would not be a specific cause for such action, but the couriers stop taking orders, usually those associated with movements demanding better conditions.

Despite the resistance of some of his colleagues, Galo has since then played a strong role as a recognized popular political leader, being fundamental to the organization of the July 2020 “strikes” and other initiatives. The courier calls himself a “street politician”:

Galo forged his political background in exchanges with fellow hip hop artists, who introduced him to books. “Then I started to know stories of street politicians, like Malcom X, Martin Luther King, Che Guevara, Mahatma Ghandi, and I felt like being that”, he admits. “My political school is hip hop. Thanks to rap, I always had this anti-fascist feeling with me. But if I became an important name in this movement, it’s more because of circumstances than knowledge”, says Galo, who defines himself as a “street politician” [...] “But street politics is important, bro. A street politician can change much more than a pen politician, because it is the clenched fist that says what the pen has to write. Clenching your fist in the street is the most important policy in the world”, he says. (Oliveira, 2020, s/p, our translation)

Having undertaken the context of the “Breque dos Apps” movement, highlighting some of its particularities, claims and organizational aspects, the sequel to this paper shall be dedicated to making brief comments on the main developments of the stoppages carried out in July 2020.

Developments

It is possible to state that the digital strategy used by the organizers of the movement to amplify it was successful. The public debate on the topic and the visibility of the “Breque dos Apps” events were defined and based on the forms of organization, coordination and political action elaborated on social networks. In this context, for example, the hashtag “#BrequeDosApps” reached the trending topics on Twitter and engaged app users, artists, traditional political actors and digital influencers (Piaia, Matos, Almeida, Dienstbach, & Barboza, 2021).

In the wake of what was mentioned on the previous sections of this paper, such engagement from various sectors of civil society contributed to the amplification of the agendas and demands of the couriers. This combination of pressure exerted by workers, the press and the public, in addition to studies conducted on the subject, raised questions about digital platforms regarding their operational mechanisms. It also had the effect of an association between the brands and the phenomenon of the exploitation of human labor in its most precarious and cruel forms (Galvão, 2020).

The first effect of possible damage to the image did not go unnoticed by digital platforms. After the brake episodes, some strategies were employed in order to reverse the negative impression and improve the image with the public, remembering that it had already suffered damage due to the public civil action filed by the Public Prosecution of Labor Office months before.

Among them, initiatives that sought to contemplate some of the demands of the couriers, in addition to widely publicized advertising campaigns. As an example, iFood, which dominates this delivery market in Brazil, announced that it would double the resources allocated to the so-called Solidarity and Protection Fund.

The “Breque dos Apps” also served to draw the attention of the political class, boosting legislative activity around the topic. On July 8, 2020, the national leaders of the movement were able to meet with the President of the Chamber of Deputies at that time, Rodrigo Maia, to present their demands.

Also in July 2020, five bills were proposed in the Chamber of Deputies to guarantee rights and decent working conditions for app delivery workers. In summary, the projects and their proposals deal with:

Bill Project 3577/20, authored by federal deputy Márcio Jerry (PCdoB-MA): proposal involves the recognition of an employment relationship between couriers and digital platforms, provided that the courier has worked at least 40 hours per month in the last three months or for nine months over the course of a year;

contracting insurance (life, vehicle damage, theft) free of charge for the worker through the platform; guarantee of food, drinking water, a safe space to rest and personal protection equipment; 10 days' prior notice is required in the event of the termination of the employment relationship;

Bill project 3597/2020, authored by federal deputy Bira do Pindaré (PSB-MA): proposal involves the hiring, by platforms, of insurance against accidents and contagious diseases, at no cost to couriers, in addition to the provision of personal protection equipment and the guarantee of financial assistance to couriers who have had an accident or have been contaminated by Covid-19;

Bill project 3594/2020, authored by federal deputy Airton Félix Cirilo (PT-CE): proposal involves the mandatory use of protective equipment against Covid-19 by couriers, whose supply is in charge of the platforms, either due to the availability of the materials themselves or resources so couriers can acquire them on their own;

Bill project 3599/20, authored by federal deputy Eduardo Bismarck (PDT-CE): proposal aimed specifically at cyclist couriers, providing that they adopt minimal equipment and receive specific benefits. Under the terms of the bill, such couriers could not receive a daily value lower than the daily minimum wage, the workday whose control should be given by the platform should observe the limit of ten hours a day, and there should be provision of rest spaces every 3 km traveled;

Bill project 3748/2020, authored by federal deputy Tábata Amaral: proposes the creation of a new work regime for platform workers, called "work on demand". It configures a kind of hybrid regime, something between self-employment and the employment regime regulated by the CLT. In the suggested regime, the rates for couriers must observe a minimum value per hour worked, which cannot be less than the minimum wage or the minimum wage for the category. In addition, it provides for the guarantee of benefits such as unemployment insurance and maternity pay for the category, as well as obligations for platforms regarding the provision of personal protective equipment and contribution to Social Security.

It is important to observe the argument provided by Gabriela Neves Delgado and Bruna Carvalho, in the sense that such bill projects are not necessarily aligned with the Brazilian constitutional logic of protection of human work, since they only serve as specific responses to the emergency claims presented due to the pandemic context. Actually, they include the prediction of some rights in favor of digital platform workers who are currently outside the legal protection of work. The authors illustrate their reasoning with the criticism undertaken on bill project 3.748/2020:

In line with the worsening of labor precariousness, it is possible to highlight excerpts from the justification for bill project 3.748/2020 that contradict the Constitution, if the socio-environmental dimension of the fundamental right to decent work is considered. The justification for the project, for example, mentions the "concern of not establishing imposing rules regarding a mandatory period of inactivity on the part of the worker", a loophole that can cause the commodification of life time, neglecting the fact that it is not convenient for society of performance or effective worker rest. In this context, it should be noted that the constitutional foundation on which labor policy in the national legal order must be based is synthesized in the concepts of dignified work or decent work, the latter according to the nomenclature adopted by the International Labor Organization (ILO), of which Brazil is a signatory member. Decent work represents the combination of social, economic and humanitarian nuances that consolidate the set of guidelines and guidelines outlined by the ILO, within the scope of international governance, and that establish, as a programmatic framework, the commitment to human dignity and the promotion of justice. (Delgado & Carvalho, 2020, s/p, our translation)

The bill projects were also not received with enthusiasm by the category, especially those that propose the recognition of an employment relationship between couriers and digital platforms. As previously mentioned, a significant portion of the category rejects this traditional framework.

It is also interesting to mention bill project 1665/20, authored by deputy Ivan Valente (Psol-SP and 9 other parliamentarians), approved by the Chamber of Deputies on December 1, 2021. This bill project created social protection and health measures to couriers while the public health emergency caused by the Covid-19 pandemic lasted.

The end of the decree of public health emergency by Covid-19 in Brazil took place in June 2022. Immediately, iFood announced, on its official website, the interruption of the reimbursement on protection kits, as well as the Solidarity Fund, from June 15, 2022. It is worth noting that, before that, complaints from couriers regarding difficulties in accessing the benefits and resources of the funds established by the company were common.

Furthermore, it is important to highlight a recent development, the result of a complaint made by a report by *Agência Pública* (“Public Agency”, an independent news website) published on April 4, 2022. According to the report, iFood would have hired two communication agencies to develop a veiled marketing campaign against claims made by couriers of the application during the period from July 2020 to November 2021.

The campaign would have been structured around the use of fan pages and fake profiles on social networks such as Facebook and Twitter, aiming to disseminate content that was supposedly authored by couriers. In order to do so, the produced content simulated the ways of speaking that could be identified with couriers, such as jargons normally employed by them. However, such contents would have been ordered by iFood and actually prepared by professional advertising agencies.

The objective would be to launch an attack on workers’ claims, especially those related to work stoppages for better working conditions and adequate remuneration, such as the “Breque dos Apps” movement, reversing public opinion in favor of apps. The idea was to simulate a spontaneous participation of workers who would be against the claims and who defended the measures supposedly adopted by the platforms in their favor, disqualifying the complaints and agendas of the insurgent couriers.

The Federal Public Prosecution Office requested that iFood provided clarification on the facts narrated by the report, in order to determine whether the campaign violated the constitutional right of access to information. The suspicion is that the manipulation of facts would have altered their understanding by couriers and consumers. The results of the investigation were not disclosed until the moment this paper was concluded.

From a practical point of view, it is important to point out that couriers, in general, do not envision reaching effective achievements from the “Breque dos Apps”. This perception is illustrated by Galo’s speech in the aforementioned video interview broadcast by *Jornal Folha de São Paulo* in 2021, here transcribed with our translation:

“Today I think... There was no achievement, bro. iFood didn’t pay attention, the apps didn’t pay [sic] attention, nothing changed. The guys spent millions to make a commercial during the Jornal Nacional break saying that ‘life is a delivery’... On their side, nothing has changed, but on our side, bro, we [sic] guided the elections, ya know [sic]? There are people who painted a delivery man the size of a building in São Paulo. We didn’t exist, now we exist, bro. So, I think the achievement is this: we exist. And now, any problem that the city has to solve, will it have to deal with this problem called uberization, precariousness of work on top of couriers, got it?”

Such perception is consistent with the idea that the main achievement—which, by the way, is not small—of the movement known as the “Breque dos Apps” in July 2020 was to give visibility to the problems faced by the category, exposing the reality of the precariousness of work performed under these conditions in Brazil.

According to Andreia Galvão (2020), the “Breque dos Apps” constituted a true historic milestone for the collective organization of precarious workers and emerged as the main progressive demand movement in recent years. Hence the enthusiastic reception on the part of unions, researchers, parties and left-wing militants, who saw in the movement, despite its heterogeneity, a sense of collectivity and the emergence of a new paradigm for the struggle.

This reasoning is corroborated by the reflections of Gabriela Neves Delgado and Bruna Carvalho:

Amidst all this context of demands of the digital age, app workers played a historic role in the fight for the rights of the category, based not only on the Brazilian Constitution, but also on international guidelines for the protection of work. Tired, but still mobilized, they sparked a national movement against the new model of labor exploitation in the 21st century, denouncing the state of vulnerability and precariousness of workers on digital platforms. Powerful, the Breque dos Apps spread from end to end, strengthening ties of solidarity, collective agendas and the right of resistance. (Delgado & Carvalho, 2020, s/p, our translation)

In the same sense, Ricardo Lourenço Filho (2020) commented that the “Breque dos Apps” gave visibility to the organization of couriers by the formation of collectives, such as “Antifascists Couriers”, as well as the idea of thinking about fairer ways of executing the delivery work. For the author, the choice of this form of collective organization, as an alternative to the unions that are traditionally used, signals the intention, conscious or not, to think about new institutional forms of representation for this type of work, different from the traditional legal regime of employment relationship provided and regulated by the Brazilian Consolidation of Labor Laws.

That being said, it is considered necessary to keep in mind that couriers through digital platforms remain outside the protection of the law, both individually and collectively, since the legal qualification of the contractual relations signed with the digital platforms remains a disputed field, resulting in important consequences for collective forms of organization and action (Lourenço Filho, 2020) for improvements, as mentioned in the first section of this paper.

Final Considerations and Research Limitations

First, it is important to point out this paper’s research limitations, which are basically the ones regarding the difficulty in apprehending the phenomenon of work on digital platforms broadly, since it was methodologically necessary to restrict the investigation of “uberization” to the perspective of food sector digital platform couriers. Furthermore, this research was conducted through a theoretical approach/analysis.

Due to all the above, this paper’s main conclusion is that these workers remain unprotected by the Brazilian law, both individually and collectively, as the legal qualification of the contractual relationships signed with the digital platforms remains a disputed field.

Therefore, given the proposed research question—whether the “Breque dos Apps” could be considered a response or a symptom of the legal issue regarding the legal framework of digital platform workers in Brazil—our understanding is that it seems to be both.

The reasons for this rely on the following facts: the “Breque dos Apps” was a form of insurgency against the reality of excessive exploitation of labor, such insurgency only being possible due to the use of (i) technology and (ii) mechanisms traditionally associated with collective labor law (strike or similar approaches, as stoppages); the conscious choice not to adopt the term “strike” to designate the movement; the lack of framing in the traditional molds of the employment relationship (which is even rejected by a significant part of

the category) prevents the formation of unions and creates space for organizations through collectives or associations that, although relevant, do not hold the same prerogatives of unions; the difficulty in ensuring basic rights within this context.

Finally, it should be noted that this paper does not intend to exhaust the theme in analysis, which can still admit different approaches on the future.

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