

Just Eat Takeaway - Lieferando – the Austrian Case

Background

- Ride Hailing Platforms like Uber since 2014, Food Delivery (with own fleet) since 2015 (foodora/Delivery Hero) – with mixed system

Lieferando.at (Just Eat) entered with own fleet 2017, only employed riders (!), WC since 2019

3 types of contract - Employment – free service contract (freier Dienstvertrag) – self employed

- NO rules/agreements for bike messenger companies at all
- Collective Agreement since 2020 – no agreement since 2023, for now frozen

Employment status as key for organizing!

Work Council in both companies very active (or kept busy...)

**Lieferando had about 900 Riders all over Austria and a
Work council representative in every major city**

On 18.3.2025 media (!!) informed the work
council and us about the lay
off/closure/change to free service contracts

- **No Work council**
- **No labour law/rights**
- **No collective bargaining agreement**
- **No minimum wage/paid sickleave...**

**“The logistics model of Lieferando Austria will
be aligned with Austrian industry standards.”**

Lieferando spokes person



UNTERM RAD

Lieferando kündigt alle Rider und stellt gesamte Logistik auf freie Dienstverträge um

Hunderte Kuriere verlieren in Österreich ihren Job. Der Kollektivvertrag für Fahrradboten wird zur Makulatur. Über einen vergeblichen Kampf gegen Lohn- und Sozialdumping

Verena Kainrath
18. März 2025, 14:00

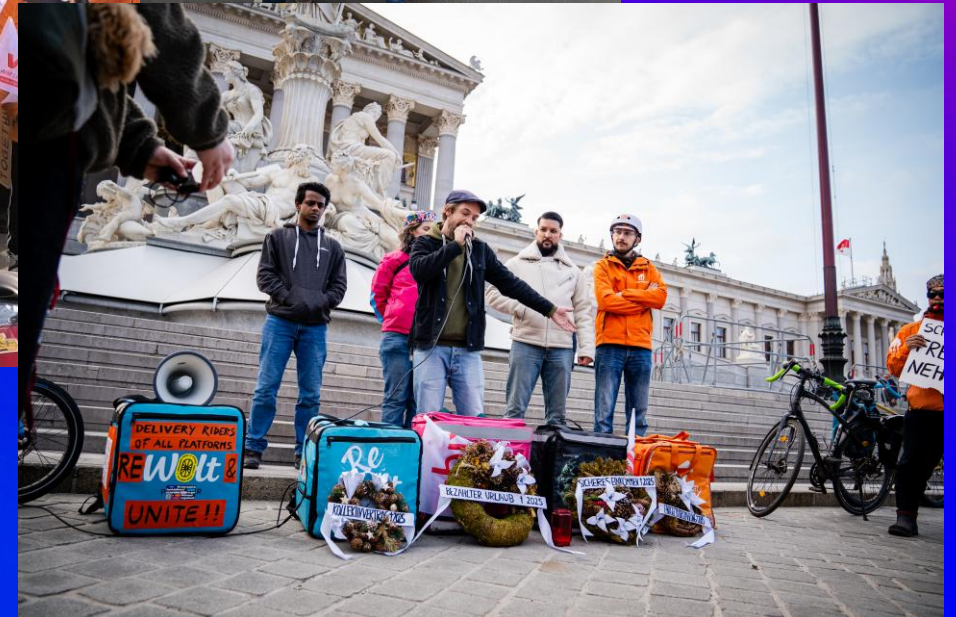
2134 Postings Später lesen

Die Pizza Salami ist der Renner unter den bis vor die Haustür gelieferten Speisen. Knapp dahinter rangieren Burger und Pommes. Kein Bote auf zwei Rädern kommt ohne das schnelle Essen im Gepäck aus. Künftig versorgen Rider Konsumenten damit ausschließlich auf eigenes Risiko und auf eigene Rechnung. Lieferando, neben Foodora der Platzhirsch unter den Zustellern, kappt sämtliche Anstellungsverhältnisse.

<https://www.derstandard.at/story/3000000261760/lieferando-kuendigt-alle-rider-und-stellt-gesamte-logistik-auf-freie-dienstvertraege-um>

First reaction? Demonstration!

On the 1. of April, based on Aprilsfool...



Work Council & Trade Union (Vida) action:

- A social plan is being negotiated immediately to determine whether financial compensation will be provided (1,7 million € in total)
- Employees are being involved and informed via company assemblies
Works council members are supporting riders on site

ONLY FOR WORKERS (RIDERS) BECAUSE THEY HAVE A WORK COUNCIL!

Why a social plan?

- Closure is inevitable in Austria; there are no rights of appeal that can really stop it ad hoc
Possible option: transfer of operations (delivery business transferred to Austrian branch of the Lieferando platform)
BUT takes a long time and creates uncertainty for employees -> primary focus was on a good social plan

Legal questions occurring:

Was the closure and continuation a transfer of operations?

The works councils are conducting the proceedings and have waived the voluntary severance pay from the social plan

They are currently still employed, and there are 17 proceedings, 1 with the closed company and 1 with the platform (purchaser of the business) in each case (WC member)

EU level See Directive

Council Directive 2001/23/EC

<https://eur-lex.europa.eu/eli/dir/2001/23/oj/eng>

If successful, the consequence is that all obligations must be assumed by the platform, and the mutual termination of employment relationships is then not legally valid!!

THANK YOU!

For further information/questions:
robert.walasinski@oegb.at

Check out:
www.riderscollective.at