



Original article

received 28.09.2025; accepted 14.05.2026; published 30.06.2026

doi: 10.12775/ EiP.2026.9

The right to strike and its perception by society in the process of digital labour platforms institutionalisation

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Abstract

Motivation: The article addresses the issue of platform work in Poland in the context of the development of social dialogue institutions and the right to protest. As a result of the implementation of the Directive on improving working conditions in platform work, this relatively new type of work should operate within a new, more coherent institutional environment. In Poland, the widely criticised standards of platform work and strikes undertaken by persons performing platform work have shown that social dialogue has an important role to play in this sector. In European practice, strikes and the resulting social dialogue have strengthened the process of digital labour platforms institutionalisation and accelerated the creation of the Directive.

Aim: The article aims to evaluate the institutional conditions and social climate in Poland in which the right to freedom of association and the resulting right to strike for persons working through digital platforms will be implemented.

Results: The conclusions were formulated based on critical literature review, analysis of legal acts, and data from an original diagnostic survey. The study shows that in Poland, the strike was an important factor that united platform workers and initiated the formation of trade

unions in this sector. As demonstrated, the implementation of the Directive on improving working conditions in platform work should indirectly strengthen its role. Platform workers in Poland can also count on social support in exercising their right to strike, which is a logical consequence of their right to participation in social dialogue.

Keywords: platform workers, trade unions, persons performing platform work, Poland.

JEL: J51; J83; K31.

1. Introduction

Advancing digitisation, platformisation and subsequent fragmentation of work have revealed new areas of concern and problems in the labor market that need to be addressed (Costa & Estanque, 2018, pp. 149–170). One of them is the increasingly common platform work, also referred to as the gig economy (Ostoj, 2020, p. 20; Wheatley, 2024, pp. 1–5). The essence of platform work is the provision of services (online or in the field) coordinated through a specialised digital platform (or digital labour platform – DLP) that enables a quick response to existing demand.

The conditions of platform work, especially for delivery workers operating through platforms using mobile applications, have elicited strong criticism due to the unclear status of workers, who tend to work based on civil law contracts or are self-employed, although they remain significantly dependent on and supervised by the platform, low pay and algorithmic order allocation and performance evaluation, as well as the inability to raise grievances and take joint organised action to protect their own interests (Prassl, 2018, pp. 24–26; Sieker, 2022, pp. 193–207; Au-Yeung et al., 2024, pp. 673–691; Tusińska, 2024, pp. 341–351).

In Poland, the growing conflict between food delivery workers (also known as couriers) and specialised delivery platforms has led to open protests in the form of strikes. It can be assumed that the strikes by delivery workers were triggered by the absence of or deficiencies in the regulations governing this sector of the economy. The situation also occurred in many other European Union countries (Piasna, 2024, pp. 1–15). The problem was recognised at the EU level, which resulted in the draft Directive on improving working conditions in platform work (the so-called Platform Work Directive – PWD), which was created in late 2021. The Directive was finally adopted in October 2024 and published on 11 November 2024, and it represents a step towards building an institutional environment for DLP.

In the PWD, persons performing platform work (including platform workers)¹ are guaranteed, among other things, the right to freedom of as-

¹ The Directive distinguishes between these two categories of persons, limiting the right

sociation, strengthened by the obligation imposed on platforms to facilitate communication between workers in order to create such an opportunity to unionise. The Directive will have to be implemented in the EU countries by 2 December 2026. It is member states that determine how to operationalise the solutions and adapt them to their national institutional infrastructure. The PWD introduces comprehensive regulation, often ahead of national legislation (Piasna, 2024), and intervenes in the most sensitive areas of labor law, such as an employment relationship, algorithmic management, and the right of platform workers to unionise. In this situation, it is important to identify the conditions for exercising the right to freedom of association and to verify to what extent – within the right to unionise – the right to protest, including strike action, can be used by platform workers in Poland. Until now, strike has been the main instrument for defending their interests.

The article aims to evaluate the institutional conditions and social climate in Poland in which the right to freedom of association and the resulting right to strike for persons working through DLP will be implemented. It puts forward arguments to support the thesis that the PWD, by strengthening the right to collective bargaining for persons performing work through platforms, enables the use of strike action as a dispute resolution instrument. This takes place in a favorable social climate.

The article uses critical literature review, analysis of legal acts, and data from an original diagnostic survey. It has the following structure: the part containing the literature review presents the institutional framework for the right to freedom of association and the right to strike in Poland, discusses the participation of persons performing work through platforms in protests, and the right to freedom of association and the right to strike in the context of the PWD. The next part presents the research method and the way of obtaining data characterising the society's attitude towards strikes by persons working through platforms, using the example of food delivery workers. The final part presents the findings of the study, followed by discussion and conclusions.

2. Literature review

2.1. The right to strike in Poland and its perception in society

The workers' right to strike is derived from the right to freedom of association and collective bargaining. The right to form and join workers' organisations is a fundamental workers' right enshrined in the International Labour

to be referred to as 'platform workers' to persons performing work through platforms who are bound to the platform by an employment contract or are in an employment relationship defined by law, collective agreements, or practice, in force in member states (...) (Directive EU, 2024, Art. 2).

Organisation Convention of 1949 (Convention No. 98). It is also included in the European Social Charter and, at the national level, in the Labour Code (Article 18) and the Trade Unions Act. Employers also have the right to freedom of association. Article 2 of the Trade Unions Act of 23 May 1991 (amended in 2018) stipulates that the right to form and join trade unions is granted to persons performing remunerated work, i.e. employees or persons performing work on a basis other than an employment relationship, provided that they do not employ other persons to perform their work and have rights or interests related to the performance of their work that can be represented or defended by a trade union. The Act of 23 May 1991 on the resolution of collective disputes (as further amended) stipulates that all groups of persons performing work who can join trade unions may be covered by a collective dispute. However, if there is no trade union operating in a given organisation, the collective dispute may be conducted by another trade union invited to represent the interests of a given group. If collective bargaining does not produce the expected results, a strike may be undertaken.

A labour strike is a radical form of expressing opposition to the conditions or rules in the workplace. It is a way of exerting pressure by collectively refraining from performing work or providing services to which the strikers are obligated under their legal relationship (Latos-Miłkowska, 2022, pp. 395–405). The purpose of a strike is to resolve a specific problem in a given company. In Poland, the right to strike is granted in Article 59(3) of the Constitution, while the right to organise strikes and other forms of protest is given to trade unions. It has become one of trade union freedoms and, at the same time, the way to conduct a collective dispute within the broader category of collective bargaining (Bocheńska, 2023, pp. 133–147).

The right to strike, which derives from the right to freedom of association, is not limited to employee-employer relations. As Latos-Miłkowska (2022) argues, the consequence of granting the right to form trade unions to persons performing work on a basis other than an employment relationship is that, under the Act on the resolution of collective disputes, these persons may also be a party to such a dispute. This, in turn, also results in the right to participate in a strike referendum and take part in a strike. At the same time, the author points out that this group's right to strike is less protected than that of employees, and that protection against the negative consequences of participating in a strike is also weaker, which may be particularly important in the case of persons performing work through DLPs, whose status on the labour market is ambiguous and who find it difficult to communicate with each other and to unionise in the traditional sense. No less important than the legal conditions is the social perception of how the right to strike is used, as, to varying degrees, society experiences the consequences of this type of protest. It also shapes the climate for workers to assert their rights, which may be more or less favourable.

The attitude of Poles towards strikes was examined by the InterviewMe agency (2022). A total of 1109 respondents took part in a survey on “What do Poles think about strikes in the workplace?” conducted in June 2022. The survey revealed that 43% of the respondents worked in a place where a strike had been considered, 32% thought to join a strike, while 24% had already had such an experience. In the group of respondents over 59 years of age, 34% had participated in a strike, whereas only 16% had done so among young people. According to the respondents, the most frequent reasons for a strike at the workplace were: low wages (64%), poor treatment of employees (64%), and poor working conditions (58%). In the surveyed population, 87% believed that employees should have the right to strike, 78% supported strikes in the workplace as a form of protest, and 61% expressed the conviction that strikes could be effective. The survey also found that 30% of the respondents working under civil law contracts were unaware that they had the right to form and join trade unions and defend their employment and social rights (InterviewMe, 2022). This reveals a picture of a society that broadly supports participation in strikes and perceives them as an effective way to assert workers’ rights, while it is not fully aware of the rights in this regard. In recent years in Poland, strikes have not been a frequently used tool to fight for workers’ rights. In 2021 and 2022 – the pandemic years – 7 and 29 strikes were recorded respectively, involving 1,369 and 3,804 workers. In both 2023 and 2024, the number of strikes stood at 14, though participation varied considerably – 9,260 workers took part in 2023 compared to 1,454 in 2024 (CSO, 2023, p. 217; GUS, 2025, p. 117). The scale of strike activity in any given year appears to depend on the prevailing economic and political circumstances.

2.2. Persons performing work through DLPs in Poland as strike participants

Persons performing work through DLPs constitute a specific group of workers who are not employees within the meaning of the Labour Code. Kozak-Maśnicka and Pisarczyk (2022, pp. 214–215), who studied DLP from a legal perspective, argued that in Poland the interests of workers (including platform workers) are secured neither by statutory standards nor by collective agreements. The law recognising the full trade union rights of a specific category of workers called ‘workers performing remunerated work’ (not only employees) was implemented in Poland on 1 January 2019 (in the Trade Unions Act already mentioned). As Kozak-Maśnicka and Pisarczyk (2022, p. 218) argued, these provisions do not specify either the amount of remuneration or the number of working hours, so persons performing casual work can also be covered by these provisions. Potocka-Sionek and Aloisi (2021, pp. 35–64) pointed out that, as a result of the crisis in collective bargaining in Poland, the possibility of participation in negotiations by persons working

through platforms who do not have employee status is purely theoretical. In such conditions, protest, including strikes, plays a special role as a form of expressing opposition to the existing rules and a way of making claims, and thus of presenting one's position.

In Poland, restaurant meal delivery workers and passenger transport drivers operating through platforms organised protests, even though they did not (at least initially) belong to a trade union. Although it was not impossible in legal terms, and theoretically self-employed persons and contractors can be members of a trade union, fragmented delivery workers operating through platforms were rarely members of trade unions, as initially there were no such organisations in this sector, and platform workers themselves did not necessarily see the need to participate in such organisations. The most publicised cases were those of negotiations and protests involving food delivery workers. For example, in April 2021, there was a wave of strikes by Glovo couriers against unfavourable changes in rates and the service billing system. In the case of the Pyszne.pl platform, a trade union of persons working through the platform was established in October 2022, and from that moment on, the interests of couriers were represented by the Inter-Company Organisation OPZZ Confederation of Labour, which conducted negotiations with the platform. Strikes were also organised in a number of cities in Poland: in Gliwice, Radom, and Rzeszów on 19 December 2022, in Kraków, Poznań, Gdynia, Bydgoszcz, and Warsaw on 3 February 2023, and in Poznań, Gdańsk, and Białystok on 21 March 2024. The strikes were enabled through communication afforded by social media and involved couriers not reporting their availability for work and participating in pickets with banners, as reported by Zentrale – a courier cooperative promoting workers' rights (Zentrale). The typical response of the platforms to the couriers' protests was to deactivate their accounts on the platform and recruit new courier candidates.

The courier strikes in Poland preceded the formation of the Couriers' Trade Union, which took place in Poznań on 13 April 2024. It represents couriers working through DLP across Poland. Its establishment was a direct consequence of the subsequent two-day strike by Glovo couriers in Poznań and the actions taken by Zentrale. Thus, the order of events was reversed (the protest preceded the formation of the trade union), which revealed the lack of institutional infrastructure at DLPs. According to Vandaele (2024a, pp. 30–32), app-based food delivery platforms are not only a symbolic industry in the platform economy, but it can also serve as an educational space for trade unions to develop organisational strategies in other industries affected by algorithmic management or non-standard work organisation, often by engaging young (including migrant) workers. Vandaele (2024b, pp. 93–100), in his cross-European study, sees the emergence of trade unions in this sector as a kind of experiment in which micro-syndicalism - in the form of new trade unions bringing together platform workers - clashes with traditional

macro-syndicalism, which experiences the pressure of the non-standard organisation emerging in the DLP.

2.3. The right to freedom of association in the context of the Directive on improving working conditions in platform work and its consequences

Literature provides examples of various forms of protest from around the world involving persons working through DLPs – strikes, log-offs, demonstrations, and institutionalisation legal actions on various work platforms across the world. These could be classified as social movement unionism (Moares & Nuez, 2023, pp. 1–7) due to the nature of the actions, which differed from those of traditional trade unions. The protests mainly concerned: platform worker status, algorithmic management, worker grievances about pay, and general working conditions, which reflected the insufficient institutionalisation of platform work. A study conducted by the European Trade Union Institute showed that – in EU countries – trade union membership among platform workers is similar to that of the population working outside the platform sector, averaging approx. 13%, but it is lower among food delivery couriers, amounting to approx. 7% (Vandaele, Piasna & Zwysen, 2024, p. 21). In Europe, in the years 2015–2020, most protests were connected with pay or employment status (Bessa *et al.*, 2022, pp. 7–8, 25; Joyce *et al.*, 2020, pp. 4–5). Due to the fact that the institutional power of platform workers was perceived as very low (Boavida *et al.* 2022, pp. 52–53; Tassinari & Maccarone, 2017, pp. 353–357; Cini & Tassinari, 2023; Joyce, Stuart & Ford, 2022), the possibility of the most appropriate response to these problems by EU institutions and individual member states was discussed.

The preparation of the draft Directive on improving working conditions in platform work in 2021, followed by its adoption in October 2024, can be seen as the consequence of a dispute concerning the need for separate regulations for DLP (Potocka-Sionek, Aloisi, 2021, pp. 35–64; Carelli, Oliveira & Grillo, 2022, pp. 29–53; Ostoj, 2023, pp. 143–155). One aspect of improving platform work conditions is granting the right to freedom of association, which is directly linked to the right to participate in collective labour disputes and the right to protest.

In accordance with Directive 2024/2831 (Art. 20), DLP are obliged to provide communication channels using the digital infrastructure of the platform for persons performing platform work, including the existence of private and secure mutual communication channels and mutual contact with representatives of persons performing work through the platform. Furthermore, it was stipulated that platforms should refrain from accessing or monitoring these contacts and communication processes. Article 25 lays down that member

states should take appropriate measures to promote the role of social partners and encourage the use of the right to collective bargaining, including in relation to determining the correct employment status and rights related to the use of algorithmic management, which are key issues for platform work.

Additionally, pursuant to the Directive, representatives of persons performing platform work have the right to participate in the assessment of how effectively automated monitoring and decision-making systems with related procedures work, performing the role traditionally assigned to trade unions. Therefore, it can be inferred that the regulation takes into account the complexity of associating persons performing platform work into typical trade unions and proposes this type of solution.

The PWD defined ‘workers’ representatives,’ which can be trade unions or persons freely chosen by platform workers, in accordance with national legislation and practice. It also defined ‘representatives of persons performing platform work’ as including representatives of employees and – to the extent provided for by national legislation and practice – representatives of persons performing work through platforms other than platform employees, granting representatives a broader range of powers.

As a result, despite the complexity and ambiguity of the situation of persons providing services through platforms, the PWD is an attempt to bring their rights closer to those granted to employees. Communication channels among workers, including their representatives, should, despite the absence of a common workplace, facilitate mutual acquaintance, the exchange of views, and the development of positions for negotiations with DLPs. It can be assumed that this might lead to the formation of a trade union or a similar organisation, as well as result in holding protests in various forms, including strikes.

Due to the implementation of the Directive and the need to develop social dialogue, it is important to study and understand the attitude of Polish society towards protests by platform workers and the climate in which the future implementation of the PWD provisions will take place, the logical consequence of which is that persons working through platforms are granted the right to freedom of association, the right to participation in collective bargaining, and, in consequence, the right to strike.

Public attitudes toward strikes by platform workers also inform the development of informal institutions that reflect the extent of social solidarity with workers who lack employee status. Public support for strikers could potentially influence the scale of use of such services and, for example, lead to boycotts. It may also stimulate a willingness to engage in social dialogue regarding the scope of platform workers’ rights in connection with the implementation of the Directive, and, in the future, influence their enforcement. It also contributes to the social debate concerning sustainable development goals in the context of decent work.

3. Methods

In order to examine society's attitudes toward protests by persons working through DLPs, a diagnostic survey was designed using an online questionnaire. The survey concerned food delivery services, which were chosen as a representative example. The survey was commissioned to Biostat, an agency with access to an appropriate research panel. The survey population was limited to city residents, as meal delivery services ordered and coordinated via digital platforms are only available there. It was important to reach respondents who had at least encountered this type of service, as it can be observed on city streets, but not necessarily used by them. The determination of the research sample assumed the fraction of 0.5 with a maximum error of 5%. The survey was conducted on 5-7 December 2023, which coincided with the discussions on the final draft of the PWD. The survey aimed to assess the social climate of institutional change, as it was conducted during a period of intensifying protests by couriers.

The survey covered adult city residents (aged 18 to 70). The sample was calculated at 401 respondents and was representative in terms of gender, age, and city of residence (Table 1). Quota sampling was used.

The sample included 43.6% of respondents with higher education, 25.9% with post-secondary or secondary vocational education, 17.7% with general secondary education, 11% with basic vocational education, and 1.7% with lower secondary education. The response rate was approximately 33%; questionnaires were selected based on the criterion of representativeness.

In terms of actual use of food delivery services, over 40% of respondents ordered meals or groceries at least several times a month. However, as many as 81.3% had contact with this type of service. The frequency of ordering such services was not linked to a statistically significant difference based on gender, but it did vary significantly based on age. In the case of meal delivery ($p=0.0004$), the highest percentage of respondents using the service very often or often was reported in the youngest age group (60%), in contrast to the oldest group where it was approx. 24%. Regardless of this difference, the assumption that these services were very popular was confirmed.

4. Results

In the survey, respondents expressed opinions on a five-point Likert scale ranging from 1 – strongly disagree, 2 – somewhat disagree, 3 – difficult to say, 4 – somewhat agree, to 5 – strongly agree. The analysis did not reveal statistically significant differences in responses based on gender, age, or city size, so the article presents the results for the total population.

First, respondents were presented with the issue and reminded that couriers delivering meals ordered through special platforms (their mobile apps or websites) were on strike against low pay rates and AI-based order management. The question was whether they considered these protests justified. The structure of the responses is presented in Chart 1.

The vast majority of respondents, almost 65%, considered the couriers' strikes that took place in Poland to be justified, with only 8% holding the opposite opinion. Thus, society responded positively to the couriers' actions in defense of their interests. Further in the survey, a more general question was asked: should food delivery couriers have the right to strike, similarly to other workers? Although this right is granted in the Constitution, it is explicitly linked to trade unions, which were not initially formed by persons working through DLPs, who relied on the support of other organisations. The question referred to the issue of the status of persons performing work through platforms, who are usually employed under the contract of mandate in Poland. The structure of the responses is presented in Chart 2.

An even higher percentage, almost 73%, admitted that couriers working through platforms should have the right to protest similarly to other workers, although this percentage was lower than the one obtained in the InterviewMe survey (2022), in which 87% supported workers' right to strike. Less than 7% were opposed, while about 1/5 of respondents did not have a specific opinion. These data are an important signal indicating that respondents interpret the facts in favor of treating platform workers as employees, including the rights to which they are entitled. This is also closely related to the European-wide discussion on the status of persons performing work through platforms (Bessa et al., 2022, pp. 7–8, 25; Joyce et al., 2020, pp. 4–5; Ostoj, 2023, pp. 143–155).

The next question expanded on the one concerning platform workers' right to strike and, in a way, verified the respondents' attitudes. It addressed the problem of discomfort experienced by customers, i.e. persons ordering food, which is associated with couriers' protests (Chart 3).

Respondents were more divided on this issue, although almost half disagreed with the statement, while about 1/3 had no opinion. Slightly more than 17% admitted that couriers should not protest because it constituted a problem for customers. This shows that, despite widespread acceptance of the right to protest and support for workplace strikes as a form of protest (78% in the InterviewMe survey, 2022), society is less supportive of this method of promoting the rights of platform workers when the attention is drawn to the discomfort that may be associated with it for the public. In this case, informal institutions clearly do not ensure solidarity with the strikers.

Therefore, legislation that would sanction the effective participation of platform workers in collective bargaining and the resulting right to protest, including strikes, appears to be necessary. The same applies to raising awareness in the area of working conditions in platform work.

5. Conclusion

Changes in the rules governing the engagement of labour began to accelerate further driven by technological advancements, particularly the development of DLPs. In the platform work sector, the employment relationship has virtually disappeared and civil law contracts and dependent self-employment (so-called bogus self-employment), not present in Polish law, have become widespread.

In Poland, as in other countries, strikes became a factor consolidating workers engaged through different DLPs. They preceded the formation of trade unions in this sector and were an important step towards the institutionalisation of DLPs. The process appears to be analogous to the emergence of labor law and workers' organisations in conditions of precarious employment in the 19th century, as argued by Joyce *et al.* (2022). It also underscores the weakness of the existing institutional infrastructure, whose incorporation of platform work is taking place in an atmosphere of conflict. In such a situation, society's attitude towards the protests of persons performing work through platforms can serve as an informal norm of social solidarity, supporting the difficult process of DLP institutionalisation. Simultaneously, the PWD implementation, taking into account the extension of the right to collective bargaining to representatives of persons performing work through platforms, appears to be necessary for the effective support of national solutions in the process of building institutions for DLPs. It can also be anticipated that new trade unions in the DLP sector and the stronger role of representatives of persons performing work through platforms will contribute to a revision of how labour issues, including non-standard labour, are approached from the perspective of trade union tradition and will cause this tradition to go beyond the framework of typical employee relations.

The study also has certain limitations. It was conducted as a one-time survey and focused on a single, albeit well-known, group of platform workers and a popular service. We cannot therefore be certain whether similar results would be obtained for other groups or in a survey conducted at a different time. Future research should focus on observing the activities of trade unions representing platform workers and their role following the implementation of the PWD, as well as their potential impact on further changes in labour law – changes that prevent precariousness while taking into account the impact of technological progress. The widespread use of DLP services creates a unique opportunity to observe and study informal labour market institutions and, in particular, the public awareness of how they operate and the working conditions of platform workers.

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Acknowledgements (style: Title 2)

Author contributions: author has given an approval to the final version of the article. Author's total contribution to the manuscript: I.O (100%).

Funding: this research was fully founded by the University of Economics in Katowice, Faculty of Economics, Department of Economics statutory sources.

Note: the results of this study were presented in another form at VII Scientific Conference: Institutions: theory and practice (September, 11–12 2025, Toruń, Poland).

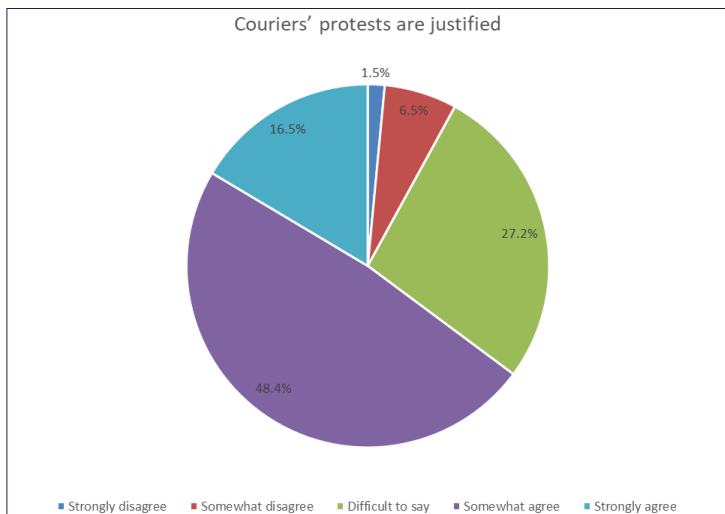
Appendix

Table 1. Structure of respondents (N=401)

Characteristic	Number	%
Gender		
Female	205	51.1
Male	196	48.9
Age		
18–24	38	9,5
25–34	76	19.0
35–54	167	41.6
55–70	120	29.9
City of residence		
City up to 50,000 residents	210	52.4
City above 50,000 residents	191	47.6

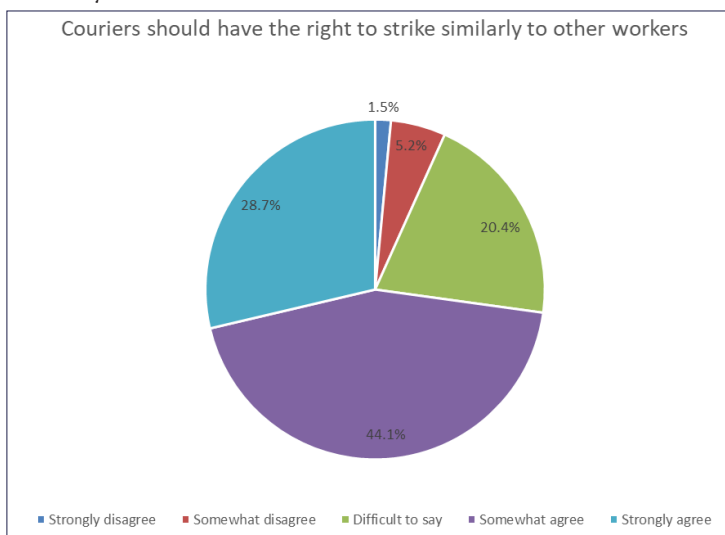
Source: Own preparation based on Author's research.

Chart 1. Structure of responses to the question of whether the couriers' protests were justified



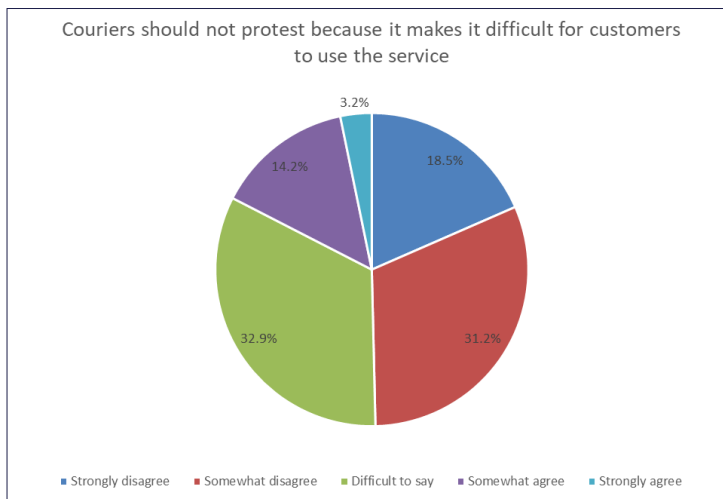
Source: Own preparation based on Author's research.

Chart 2. Structure of responses to the question of whether couriers should have the right to strike similarly to other workers



Source: Own preparation based on Author's research.

Chart 3. Structure of responses to the question: Do you agree with the statement that couriers should not protest because it makes it difficult for customers to use the service?



Source: Own preparation based.