

Couriers' Statement on Occupational Injury Protection and Other Issues

Labour and Welfare Bureau
Secretary for Labour and Welfare
Mr Chris Sun, JP

We are a group of foodpanda and Deliveroo full-time couriers. The delivery work is our long-term, primary income source.

In the past few years, hundreds of couriers of the platforms got injured or passed away during work. Every day, we risk our life on the road to provide citizens with delivery service. However, the delivery companies do not recognize us as employees and thus we are not protected by any work injury and other labour laws and regulations. We are heartbroken to learn that our colleague Mr. Chan passed away in a traffic accident, and foodpanda only gave the victim's family a small amount of payment 'out of compassion'. Does it mean that the price of our lives is just 75,000 Hong Kong dollars?

We are not only suffering from insufficient injury insurance, but also harsh working conditions and insufficient protection in wage, rest days, etc. Mr. Chan's tragedy should never happen again to the over 20,000 Hong Kong couriers. We urge the Labour and Welfare Bureau to introduce legislation or regulation to protect our right to work injury compensation as well as other basic labour rights.

Our demands

We demand that the government should introduce legislation or regulation to require that:

1. Delivery platforms provide all the delivery workers with insurance according to the compensation amount required by the Employees' Compensation Ordinance.
2. The coverage range of the insurance should include at least: 1) while on shift/online/on break; 2) one hour before the shift starts/couriers go online 3) one hour after the shift finishes/couriers go offline.
3. Delivery workers should be entitled to a minimum pay per order to avoid long working hours and drowsy driving.
4. Delivery workers should be entitled to one paid rest day in every seven days and paid annual leave to ensure sufficient rest time.
5. Delivery platforms should enroll delivery workers in an MPF scheme and pay

contributions to the schemes.

6. Delivery platforms recognize couriers as employees with all statutory rights and benefits.

Why we need protection?

1. Insufficient insurance protection from the companies

We work on the streets every day and we face great risk of traffic accidents. Moreover, our bodies are not covered by the vehicle when we are driving motorbikes and bicycles, which can result in higher level of danger compared with other vehicles even in similar accidents.

Although foodpanda and Deliveroo provide couriers with Personal Accident Insurance, the compensation amount is much lower than that required by the Employees' Compensation Ordinance. Some of us got injured seriously at work before, and we had to undertake all the medical expenses and face all the financial lost on our own. Delivery companies just shirk off all their responsibility.

There were at least two foodpanda and Deliveroo couriers who died in traffic accidents in this year. The victims' families did not get any compensation from foodpanda and Deliveroo's insurance because the accidents happened when the victims traveled between their home and place of work.

Because we use our bikes or motorbikes to do the delivery, we also have to use them to travel to our places of work. This is almost as risky as when we are actually working. So, the insurance provided by the delivery companies should also cover the accidents which happen on our way to work and our way back home.

2. Companies' working arrangements put us in danger

The companies manage and control our work process strictly. Some of the arrangements also increase the safety risks in our work.

For example, we are often assigned by the companies to deliver heavy goods and groceries, such as water, rice, and toilet paper. The goods can weight up to 14 kg and we can barely keep our bikes/motorbikes in balance due to overload. Furthermore, the customers' demand will increase when the Observatory issues the Strong Wind Signal

No. 3 or Red Rainstorm Signal, and we can be assigned to deliver 3 orders at the same time, which further affects the safety in driving, riding and walking.

We are paid on a piece-rate base, and we are not protected by any minimum hourly pay. The unstable income pushes us to rush on the road faster to complete more orders.

Also, foodpanda introduced a new service fee scheme this July. We are required to finish certain number of orders during the lunch time and dinner time to get the incentive bonus. The weekend incentives could account for 10% of our weekend earnings. We are overwhelmed with stress because of this arrangement, and we strive to drive/walker faster to get the bonus.

The delivery companies claim that the couriers have the freedom to reject orders. However, in reality, the companies control us by sanction and punishment. For instance, our performance score decreases when we reject orders. We would be put on 15 to 30 minutes 'breaks' if we redispach a certain number of orders (we cannot receive orders and thus will earn nothing in the break time). We receive warning letters or even termination notifications when our delivery time is longer than the companies expected.

3. Driver fatigue due to long working hours and wage cuts

In the past 4 years, delivery companies cut our wage frequently. The services fee has dropped by at least 20%. However, the gas fee and vehicle maintenance fee continued to increase. We have to work for 12 to 13 hours every day to maintain the same income level. In the meantime, as we don't enjoy paid annual leave, we can only take one or two days off in a month. The risk of driver fatigue might increase when we don't have enough sleep due to the long working time and lack of rest.

We are do not have any guaranteed minimum wage, and the delivery company can cut our wage whenever they want. It is not hard to imagine that the wage cuts will get more and more serious in the future, and the safety risks that come with insufficient rest and mental stress could also increase.

4. Lack of income support for retirement

In this job, many colleagues have strong feelings of anxiety and insecurity. It not only comes from the present precarious working conditions described above, but also from our insecure future.

As any other workers, we need old age income support in order to ensure a decent quality of life after we retire. MPF is the most important mechanism that serves this function for all Hong Kong people. But as the delivery platforms do not treat us as employees, they do not enroll us in MPF schemes, nor do they pay any contribution. This makes us fully dependent on ourselves regarding retirement support.

Also, because we are in a precarious condition, we are unable to plan much for the future. We have to push ourselves to the edge every day just for the immediate basic needs of ourselves and families, how can we make plan and afford the burden to save for the future solely on our own?

But this will create a huge gap in our old age support, leaving most of us in a precarious situation with nothing to rely on after retirement. The biggest reason for that is the companies are not taking their responsibilities as employers, as we believe they should be.

5. Unrecognised employment status

Many of our above demands are actually the same as or similar to statutory employees' rights, and we are always saying that the platform companies are evading employers' responsibilities. That's not surprising at all, because we just *work in the same way* as normal employees, and thus we naturally *need the same protection* from exploitation and risks that arise out of our subordination to and dependence on the companies that hire us.

In fact, some of us were former foodpanda employees. We enjoyed statutory occupational injury compensation and other rights before. However, foodpanda switched our contract from employment contract to independent contractor agreement. The working arrangements are basically the same as before, but our labour rights are totally denied.

The only difference between us and normal employees is that the platforms are acting as free riders, taking advantage of us in the work but exploiting the loopholes in the law and evading all their duties.

The platform/gig economy has been a new business trend. It is possible that more and more workers in different industries would face the same issues. The Labour and

Welfare Bureau should introduce legislation as soon as possible, not only to protect couriers' labour rights, but also to cope with labour issues that come with the development of gig economy at large.

A group of foodpanda and Deliveroo couriers

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