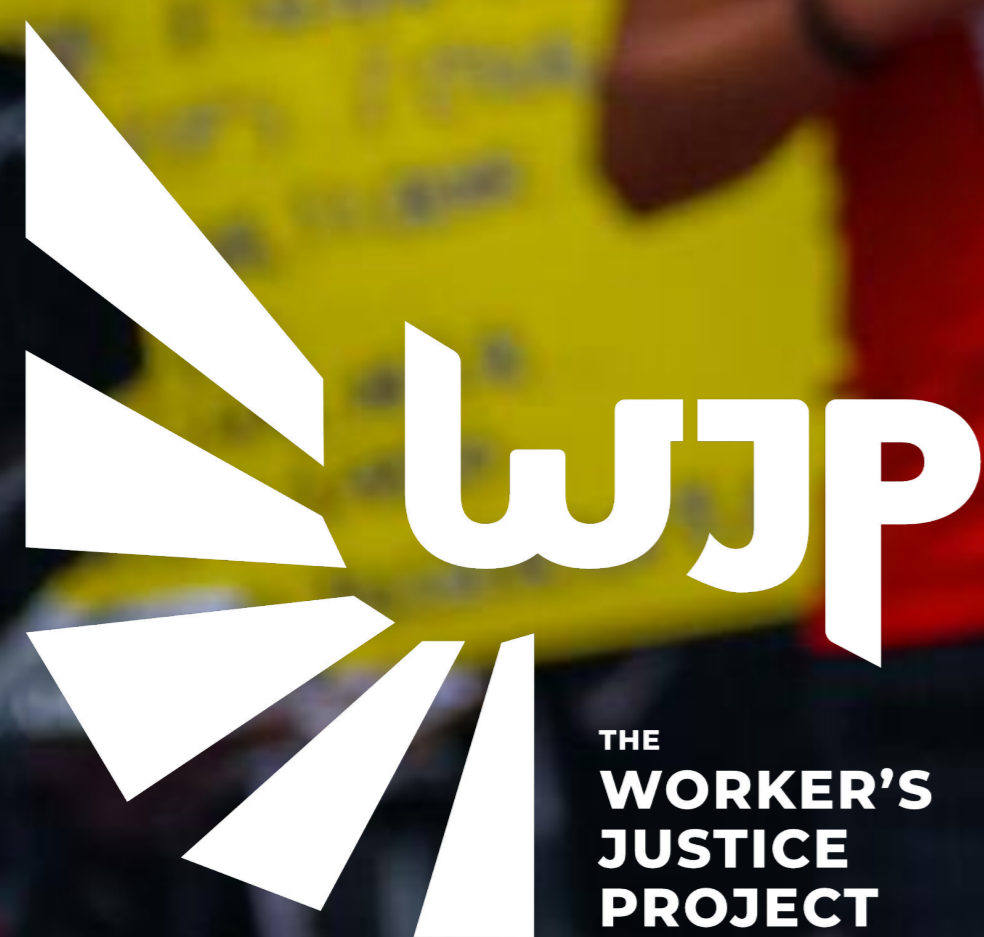


DELIVERING JUSTICE

A Worker Justice
Centered Vision for
Street Safety





Introduction

App-based delivery workers have played a vital role in keeping New Yorkers safe and the restaurant industry afloat through the pandemic and climate disasters. And yet they are excluded from fundamental labor protections, such as the right to a minimum wage, unemployment and workers' compensation insurance, paid sick leave and a safe and healthy work environment. According to the NYC Department of Consumer and Worker Protection, there are an estimated 61,000 people working as independent food delivery workers in New York City through delivery apps such as DoorDash, Uber Eats and Grubhub. This workforce is predominantly Black, Brown, Indigenous and immigrant.

Despite being denied collective bargaining rights – and against all odds – delivery workers organized as Los Deliveristas Unidos through the Worker's Justice Project to confront the lack of legal protections and regulation and to raise labor standards in the delivery app industry. In partnership with the New York City Council and New York City Mayor Eric Adams, Los Deliveristas Unidos has secured major industry reforms that have guaranteed bathroom access, tip transparency, a workers' right to set a maximum distance per trip they travel and a landmark minimum pay standard.

While landmark reforms have been secured to address basic needs, the delivery app companies are deliberately altering their algorithms to assign tasks, determine workers' schedules, set work pace and penalize workers to influence their behavior on the streets.

The app companies' unfair practices are fundamentally impacting the safety and health of delivery workers and affecting New Yorkers' quality of life.

Delivering safer streets in New York City starts with guaranteeing stronger worker protections against unfair deactivations; improving pay and tip transparency; securing access to all data the app companies collect; regulating how the app companies' algorithms affects workers' schedules, disciplinary actions and tasks assigned; and expanding access to additional labor protections like paid sick leave, unemployment insurance and workers' compensation insurance.

In addition to expanding labor protections under the NYC Department of Consumer and Worker Protection, we envision that the new Department of Sustainable Delivery would focus on creating, incentivizing and nurturing an equitable e-micromobility infrastructure, which would include a comprehensive network of e-bike charging stations, expanding protected bike lanes and e-bike battery swap programs and developing community-led safety education programs that are inclusive and designed to reach low-income communities – particularly working cyclists.



A delivery worker wearing a black helmet and jacket is riding a bicycle in a snowy, urban environment. The worker is looking towards the camera. The background shows blurred city lights and snow falling.

App-based Delivery Workers:

Working Conditions and the Need for E-micromobility Infrastructure

App-based delivery workers are vulnerable to health and safety risks as they cycle through our city's streets. The apps use their algorithmic management systems to allocate and manage the tasks assigned, set unrealistic time delivery predictions and penalize workers without cause and with the ultimate intent to maximize their profits at the expense of worker health and safety. As a result, app-based delivery work has become the most dangerous job in New York City.

The app companies' new algorithmic formulas pressure delivery workers to speed up the pace of work. Because the apps have altered the process for how delivery workers schedule shifts and receive order assignments while online – a process that can discriminate against some workers while favoring others – delivery workers have been pressured to accept those assignments requiring excessive effort or undue risk to avoid being deactivated. This is affecting the majority of delivery workers, but primarily those who use the platforms as their primary source of income, pushing them to be connected for longer hours and/or take on more risks to avoid being deactivated or bring restricted access to their scheduling system. The pressure to accept all offers and to deliver them within a specific amount of time determined by the apps is increasing workers' stress levels and pushing delivery workers to take on unnecessary risks on the roads. These risks are increased during inclement weather, when more orders come in and delivery workers are encouraged to keep up the pace – even in dangerous conditions.

The lack of adequate infrastructure – such as protected bike lanes, e-bike charging stations and safe e-micromobility devices – has posed a threat to the safety and health of the workers and all New Yorkers. According to the NYC Department of Consumer and Worker Protection, about 56% of app-based delivery workers depend on e-bikes (including mopeds) to perform app deliveries in New York City. Most delivery workers rely on e-bikes because they are both the more practical option and part of the norm to enter and work in the delivery app industry; however, this comes at huge out-of-pocket operating expenses for many delivery workers. The cost of an e-bike can range from \$3,000 to \$5,000 or more.

As a result, delivery workers have struggled to access batteries that are designed and have the battery life to meet the demands of their work, UL-certified batteries for their e-bikes and places to charge their batteries – and many are forced to resort to other options like electric and gas mopeds. The financial constraints and the lack of adequate, safe e-micromobility options has put delivery workers at risk of injury or death. Meanwhile, delivery app companies are profiting from the proliferation of unregulated and uncertified micromobility devices, and are not required to provide safe, UL-certified batteries or e-bikes or protective gear that meets quality standards.

Los Deliveristas Unidos, organized by the Worker’s Justice Project, is committed to advancing policy reforms that expand worker protections and build a safe micromobility infrastructure to enhance safety for all New Yorkers who share our streets, including public charging stations, expanded protected bike lanes, battery swap programs and safety education programs for app-based delivery workers and e-bike riders.





E-bike Licensing Will Harm Delivery Workers in New York City

Delivery workers are already subject to enormous amounts of traffic enforcement. Just like any New Yorker who doesn't follow the rules of the road, delivery workers regularly receive fines and tickets for breaking traffic laws. We strongly oppose any licensing requirement as a solution; while perhaps well-intentioned, licensing requirements would subject workers to a new and complex regulatory framework that not only risks criminalizing and over-penalizing workers, it also threatens to strip away their access to the job they rely on.

As an organization that is committed to educating delivery workers and professionalizing this emerging and rapidly growing app-based delivery industry, Worker's Justice Project holds the expertise and perspective needed to help shape bold solutions that protect e-bike riders, improve street safety and advance workers' rights. Our worker justice-centered street safety policy recommendations serve both to make our city's streets safer for all while ensuring that delivery workers — who will be among the most impacted by street safety legislation — play an active role in the policy-making process.



Reforming the Delivery App Industry in New York City

In New York City, we are rewriting the rules for app-based delivery workers to transform gig work into good jobs. In partnership with the NYC Department of Consumer and Worker Protection, we're successfully building a new and strategic co-enforcement model to hold delivery app companies accountable for these new labor standards, while together building trust with the delivery worker community through city-wide outreach and education. As we continue to push for major industry reforms, it's critical to engage Los Deliveristas Unidos and the Worker's Justice Project, who have a deep understanding of how algorithms affect workers and our communities — and who can guide on policy reforms to address the issues of street safety, labor protections and equitable infrastructure.

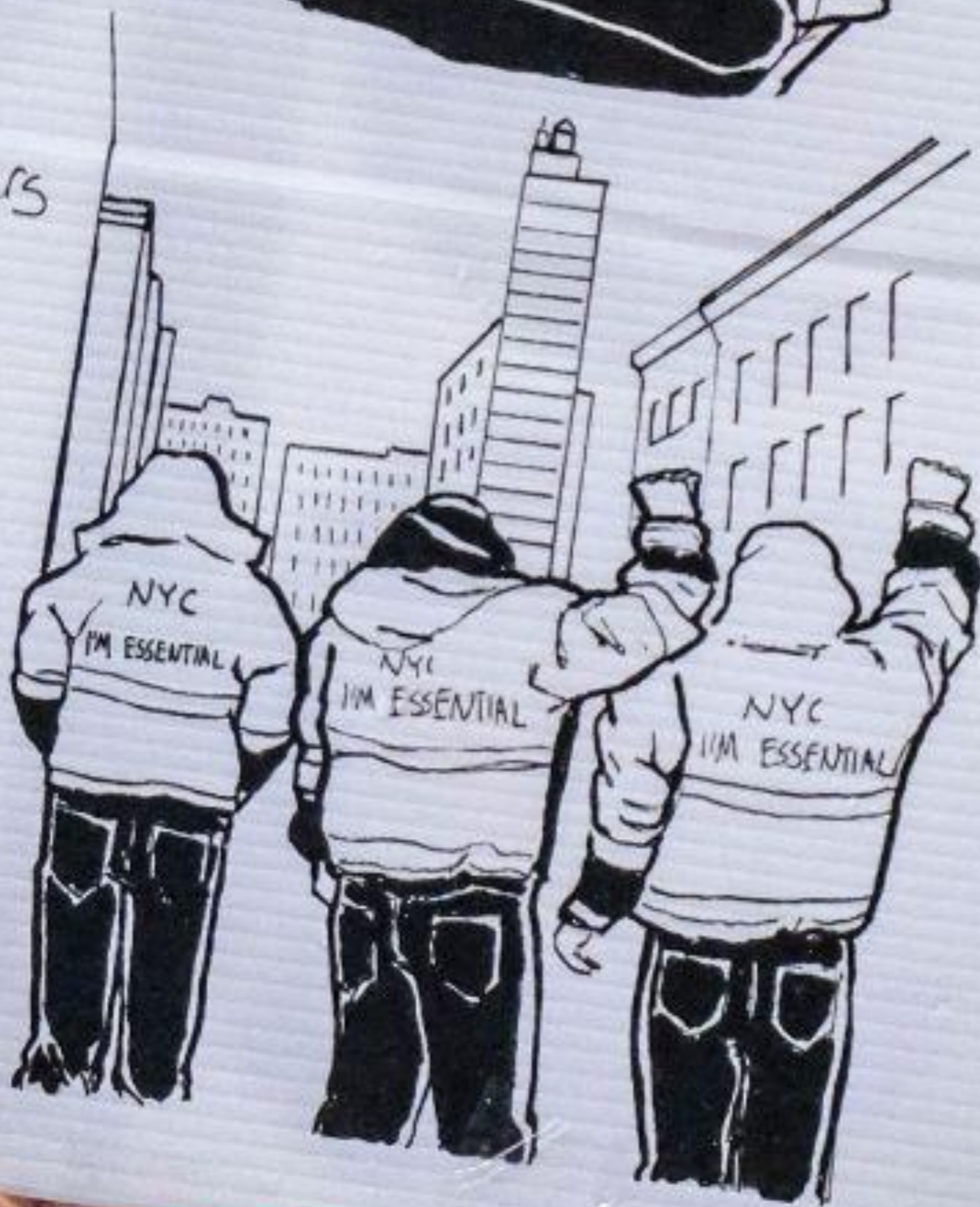
We recognize the urgent need to advance both short-term and long-term policy solutions that address the increasingly dangerous and unsafe streets and sidewalks in New York City. Every day, New York City's more than 60,000 app-based delivery workers navigate the city's streets to earn a living and feed New York families and their own families. We are fully committed to working with elected officials at every level of government to meet this critical moment with the equitable and justice-centered solutions it demands.

WITHOUT US, NO ONE EATS!



Delivery workers' labor to transport the food and investment of their own money to buy the vehicle and tools needed for the job

enabled New Yorkers pick up and food safely from comfort of their during the us pandemic.



Recommendations

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Workers' Rights and Protections

Since the implementation of the minimum pay rate, workers have been more incentivized to take their time with their deliveries; however, the delivery app companies have been quickly changing their procedures, offering less flexibility to workers and penalizing workers who are taking more time to safely complete their deliveries. We recommend:

Protecting workers against retaliatory deactivations:

Delivery workers deserve stronger protections against delivery app companies who retaliate and deactivate accounts based on the time workers need to complete a delivery and without due process or a mechanism for workers to challenge that deactivation.

Strengthening the pay standard:

Reduce the apps' flexibility for choosing between the two available payment methods, and increase pay transparency and safety protections by setting only one payment method for the big three companies, and eliminate Relay's exemption from the minimum pay law so that it, like the other app companies, is required to pay.

Ensuring tipping transparency:

Companies have been deliberately making it harder for consumers to tip. The City should mandate transparency on app companies' tipping procedures and mandate that a consumer be allowed to tip at the beginning of the order.

Implementing paid sick leave:

Expand paid sick leave protections to app-based delivery workers



Enhancing Street Safety

Our communities need comprehensive policies to regulate illegal scooters, among other safety-focused policies. Worker's Justice Project supports bold action that would require stronger retail enforcement and oversight for unsafe batteries and scooters, greater accountability for the app companies for creating unsafe streets and worker conditions and building a comprehensive street safety education plan in partnership with City agencies to ensure delivery workers are up to date on regulations. We recommend:

Stronger retail oversight and enforcement:

Hold accountable e-micromobility vendors who sell unsafe, faulty batteries that don't meet safety standards/UL certification

Require proof of license at point of sale when an individual purchases a gas or electric moped at a business

Stronger delivery app accountability for creating unsafe rider and working conditions:

Require delivery app companies to provide workers with safety gear and e-bikes

Create a workers' injury fund for delivery workers who have been injured on the job and are forced to be out of work and income for weeks on end

Explore ways to strengthen accountability measures for the apps through licensing processes modeled after existing City frameworks to license companies doing business in New York City

Building a comprehensive street safety plan:

In partnership with DOT/DCWP to ensure delivery workers are up to date on City regulations, laws and initiatives

Building Stronger Micromobility Infrastructure

Establish Deliverista Hubs to allow workers a safe place to charge their e-bike batteries and access critical know-your-rights and street safety education programming

Require the immediate implementation and support the expansion of the City's trade-in program for e-bikes and batteries to break down the financial barriers preventing delivery workers from transitioning to newer, certified models





Report by

Ligia Gualpa

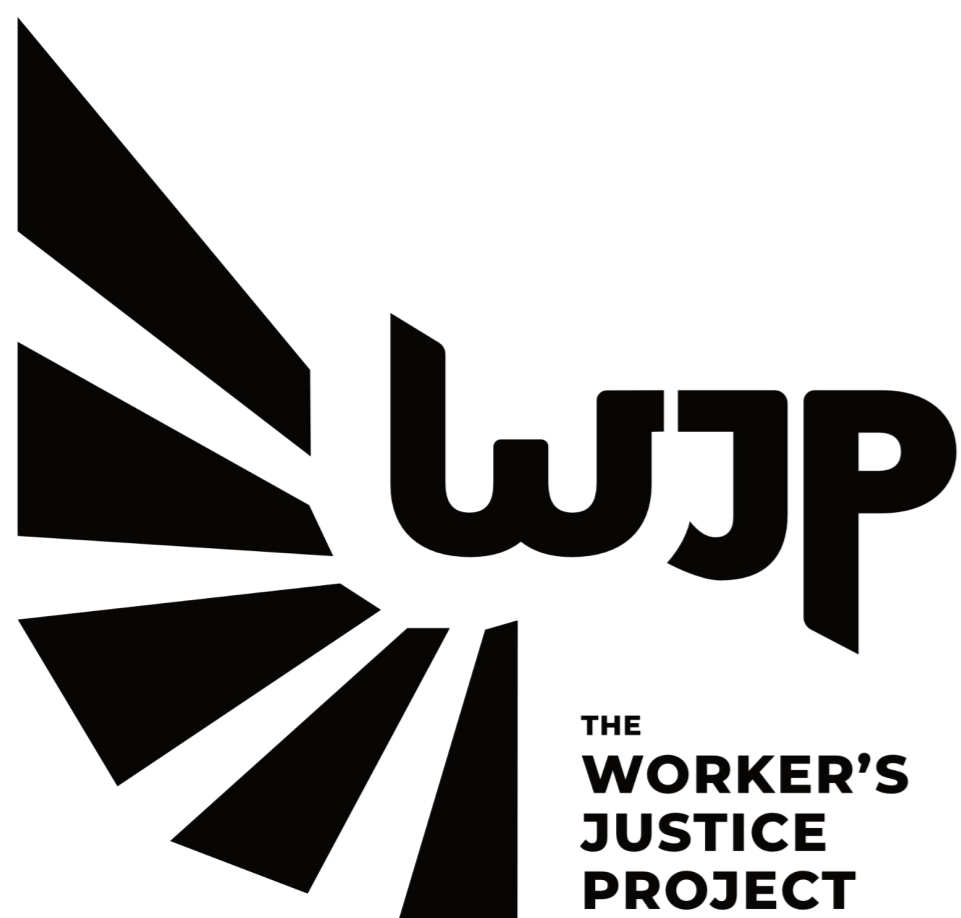
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Worker's Justice Project (WJP)

Worker's Justice Project has more than a decade of history in combining time-tested industry organizing techniques with innovative technology to build replicable new models for worker rights advocacy, co-enforcement, disaster recovery, workforce development, and city-planning related to transforming workforces across three industries — construction, housekeeping, and the delivery app industry.

Photos by

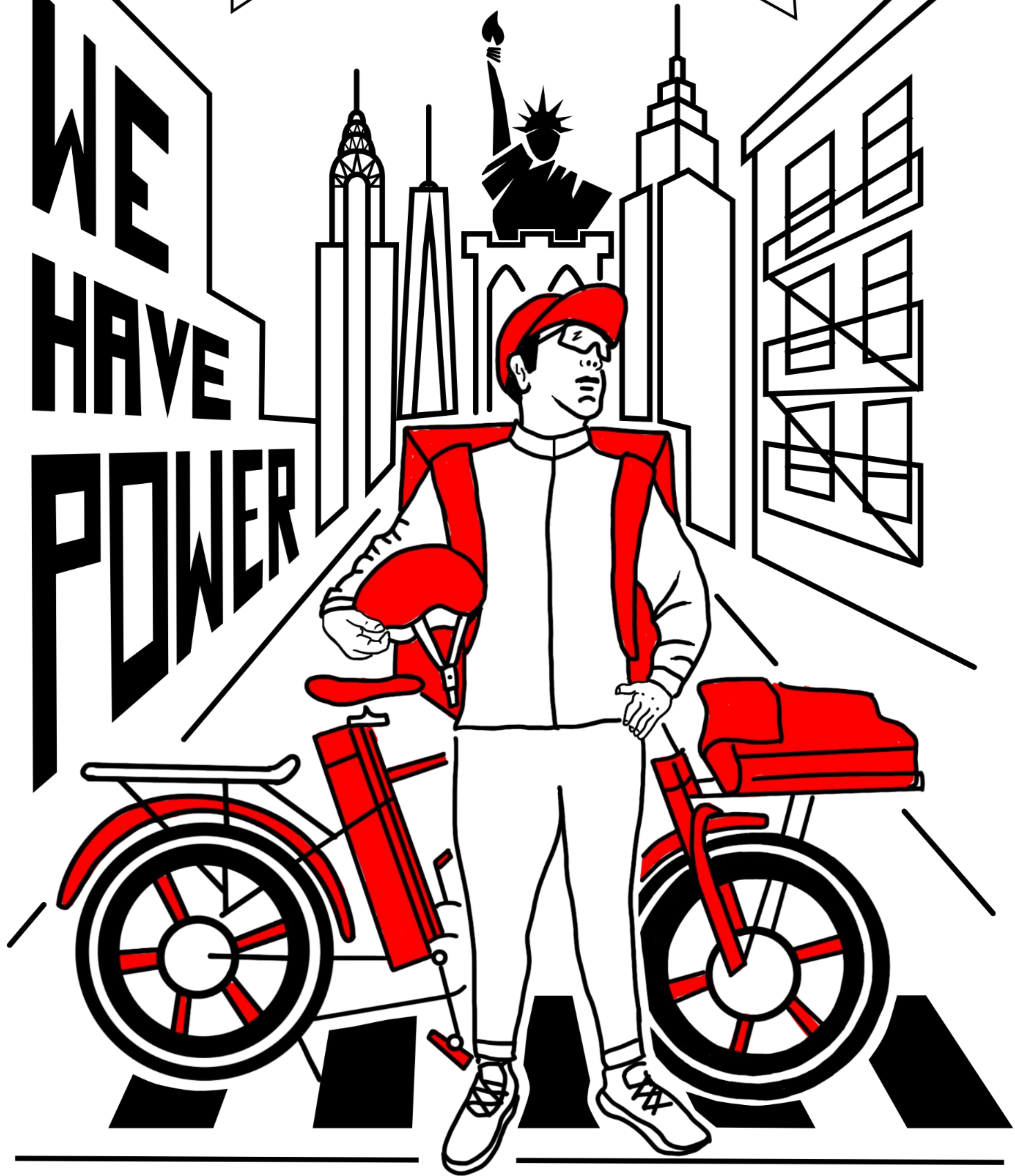
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LOS DELIVERSTAS UNIDOS

WE
HAVE
POWER



ROADMAP TO RIGHTS