

Testimony from the New York City Department of Health and Mental Hygiene
New York City Department of Consumer and Worker Protection
App-Based Food Delivery Worker Public Hearing | June 15, 2022

The New York City Department of Health and Mental Hygiene (DOHMH) is pleased to submit testimony in response to the New York City Department of Consumer and Worker Protection’s (DCWP) public hearing on working conditions and minimum pay standards for app-based food delivery workers.

As the City’s public health department, we are strongly supportive of enacted legislation that improves the health and wellbeing of over 65,000 essential workers in New York City.¹ Despite being deemed essential throughout the pandemic, app-based food delivery workers have, until recently, remained largely unprotected as independent contractors in a low-wage sector of the NYC economy. The scope of these challenges is highlighted in a 2021 report by Los Deliveristas/Worker’s Justice Project and Cornell ILR’s Worker Institute (WJP-Cornell) which reveals long-standing issues around payment, workplace health and safety, and basic labor protections.

The latest package of laws addresses many of these concerns, among them, lack of minimum pay standards which contributes measurable gaps in health care access, utilization, and outcomes among underserved populations.

In New York City, app-based food delivery workers are disproportionately male, young, and from immigrant communities. A significant majority of workers identify as Latino/a, of which most originate from Mexico or Guatemala.¹ Many are undocumented.

Immigrants in NYC and throughout the United States report worse health outcomes, lower health care utilization rates, and more limited access to care than U.S.-born populations.^{2,3} These indicators can be attributed, in part, to a lack of insurance. In NYC, 12% of immigrants are uninsured (higher than the city-wide average), 46% of uninsured immigrants are undocumented,⁴ and about 47% of undocumented immigrants are uninsured⁵ – many of whom are ineligible for coverage altogether because the state and federal governments continue to exclude hundreds of thousands of NYC residents from programs due to their immigration status. Gaps in care have worsened in response to punitive immigration policies under the previous federal administration^{6,7} and throughout the COVID-19 pandemic, which has seen both

¹ Figueroa M, Gualpa L, Wolf A, et al. “Essential but unprotected: app-based food couriers in New York City.” Los Deliveristas/Worker’s Justice Project and Cornell LR’s Worker Institute. 12 Sep 2021.

² Singh GK, et al. Immigrant health inequalities in the United States: use of eight major national data systems. *Scientific World J.* 2013; Art ID 512313.

³ Lebrun LA, Dubay LC. Access to primary and preventive care among foreign-born adults in Canada and the United States. *Health Serv Research.* 2010;45(6):1693-1719.

⁴ Mayor’s Office of Immigrant Affairs Annual Report. “State of Our Immigrant City.” 2020.

⁵ Virgin V, Warren R. [Mapping key determinants of immigrants’ health in Brooklyn and Queens.](#) Center for Migration Studies. 23 Feb 2021.

⁶ Bernstein H, Gonzalez D, Karpman M, et al. [“Amid Confusion over the Public Charge Rule, Immigrant Families Continued Avoiding Public Benefits in 2019.”](#) The Urban Institute. 18 May 2020.

⁷ Protecting Immigrant Families. [“Harm of the Public Charge Regulations During the COVID-19 Pandemic.”](#) March 2021.

disproportionately high rates of COVID-19 morbidity and mortality, and disproportionately low rates of testing, treatment, and vaccination throughout immigrant communities.⁸

Immigrant workers have also been significantly impacted by job loss throughout the pandemic,⁹ leading many to turn to app-based food delivery work as their primary source of income. Most food couriers work five or more days a week and identify app-based delivery work as their sole means of employment.¹ The vast majority of these workers are not considered employees of the app-based food delivery companies they work for and are not eligible for employer-sponsored insurance (ESI). This leaves them with no access to the primary source of health coverage for employed people under the current U.S. insurance scheme.

The dangerous nature of food delivery accentuates the devastating impact of the lack of health coverage protection for workers. In 2021, it was reported that nearly 50% of food couriers had been in an accident or crash while completing a delivery, of which 75% said they had to pay for medical expenses using personal funds due to lack of coverage.¹ The pandemic has magnified the impact of the lack of health and financial protection for this population. The termination of the COVID-19 Uninsured Program due to lack of federal funds to support testing and treatment for uninsured people, expiring enhanced subsidies for those enrolled in Qualified Health Plans (QHP),¹⁰ and limited state relief for undocumented workers ineligible for stimulus checks and other federal financial aid, have all exacerbated health disparities among low-wage food delivery workers. Further, delivery workers bear a greater burden of work-related exposure to COVID-19, are at increased risk for traffic-related injuries, and at times have been targeted in acts of violence.¹¹

In addition to the Local Laws discussed in this hearing, the City has taken several steps to try to mitigate some of these harms. Over the past two years, DOHMH has worked tirelessly with the City's Taskforce on Racial Inclusion and Equity (TRIE) and other City agencies to mitigate impacts of COVID-19 in communities most affected by the pandemic and has seen remarkable success in increasing vaccination rates.¹² Similarly, other city agencies have implemented policies to make roads and bike paths safer, condemn racially motivated violence and discrimination, and strengthen protections against hate crimes. However, insufficient pay remains delivery workers' topmost concern¹ and one of the largest limiting factors in receiving timely, quality health care, given the concurrent lack of affordable coverage and care options.

From a health care affordability and accessibility perspective, providing app-based workers with employer-sponsored insurance would have the greatest impact on health care access, utilization, and outcomes. However, since most, if not all, food delivery apps employ couriers as independent contractors – and greater still, since many couriers are ineligible for coverage due to immigration status – setting minimum pay standards is critical to addressing such disparities. Higher pay can both reduce

⁸ "Fact Sheet: COVID-19 Health and Economic Impacts on Immigrant Communities." NYC Mayor's Office of Immigrant Affairs in partnership with NYC Office for Economic Opportunity and NYC Department of Consumer and Worker Protection. July 2020.

⁹ "Under Threat & Left Out: NYC's Immigrants and the Coronavirus Crisis." Center for an Urban Future. June 2020.

¹⁰ Cox C, Pollitz K, Ramirez G. "[How Marketplace Costs and Premiums Will Change if Rescue Plan Subsidies Expire.](#)" Kaiser Family Foundation. 24 September 2021.

¹¹ Ojeda RH. "Rideshare, Delivery Workers Demand Protections from App Companies." Documented NY. 20 May 2022.

¹² Testimony of Torian Easterling, M.D. before the New York City Council Committee on Health and Subcommittee on COVID-19 Recovery on COVID-19: Looking Ahead. 18 April 2022.

the financial burden for workers paying premiums on affordable coverage as well as undocumented workers paying costly out-of-pocket medical expenses. Further, employer-sponsored health insurance is a core part of compensation in our employer-based health coverage system. Whether employers offer health insurance as part of compensation should be considered when setting pay standards.

We also recommend that DCWP consider existing thresholds for affordable coverage when setting minimum pay standards. For example, under 2022 Federal Poverty Guidelines, single adults earning up to \$18,754 a year (138% FPL) may be eligible for Medicaid coverage in New York,¹³ and single adults earning up to \$27,180 (200% FPL) are eligible for coverage under the state's Essential Plan.¹⁴ For individuals enrolled in a Qualified Health Plan (QHP), single adults earning up to \$54,360 (400% FPL) may be eligible for tax credits to help cover the cost of premiums; existing subsidies received a bump and income eligibility caps were suspended for all QHP enrollees under the American Rescue Plan, but these enhanced protections expire at the end of 2022.¹⁵ Based on these thresholds and assuming 40-hour work weeks, app-based delivery workers making less than \$9.02/hour would qualify for Medicaid, \$13.06/hour for the Essential Plan, and \$26.13/hour for subsidized QHPs (assuming expiration of enhanced subsidies after 2022). It bears reiterating that most undocumented workers do not qualify for any of these programs.

The New York City Department of Health and Mental Hygiene is thankful for the opportunity to weigh in on the implementation of Local Laws 115 and 116 and looks forward to continuing our partnership with the Department of Consumer and Worker Protection as we promote and protect the health and wellbeing of all New Yorkers.

¹³ American Council on Aging. [“Federal Poverty Levels/Guidelines & How They Determine Medicaid Eligibility.”](#) 18 January 2022.

¹⁴ New York State of Health. [The Essential Plan Fact Sheet](#). 2022.

¹⁵ Healthcare.gov. [“Glossary: Federal Poverty Level.”](#) 2022.

**NYC DEPARTMENT OF TRANSPORTATION TESTIMONY
FOR THE DEPARTMENT OF CONSUMER AND WORKER PROTECTION'S
DELIVERY WORKER PUBLIC HEARING**

June 15, 2022

Good afternoon Commissioner Mayuga. I am Benjamin Smith, Director of Legislative Affairs at New York City DOT. I am happy to be here today to testify on behalf of Commissioner Rodriguez about delivery worker pay and conditions, as it relates to DOT's mission of street safety for all New Yorkers.

Delivery cyclists are under significant pressure to travel far and fast throughout the city to deliver our food. In this line of work, working conditions, economic pressures, and safety are closely connected. Thus, DOT supports efforts to improve working conditions and keep delivery cyclists and all New Yorkers safe—including setting minimum pay standards for these essential workers. Such standards should be structured to support safe and legal equipment and practices rather than potentially cheaper and substandard equipment and rushed or unsafe operation.

In 2020, the New York State legislature made amendments to the vehicle and traffic law (VTL) to create three classes of electric-assist bicycles, as you can see in the chart attached to this testimony. Despite having these legal electric-assisted biking options for delivery workers, DOT has seen an increase in heavier, more powerful motorized scooters on New York City streets, vehicles we refer to as illegal mopeds. It is illegal to either sell or operate them on public streets in New York City. However, these illegal mopeds are frequently marketed as “e-bikes” by shops within New York City that sell them in plain sight, and workers may buy them fully believing they are legitimate. These devices, lacking operable pedals, are less akin to bicycles and more similar to motorized vehicles. But, these vehicles lack a vehicle identification number (VIN) and are not registerable with the New York State Department of Motor Vehicles (DMV).

In contrast, legal mopeds or “limited use motorcycles” have license plates, are registered with DMV, and require a driver's license to operate. These are subject to all the safety regulations appropriate for motorized vehicles that come along with licensing and registration, such as the requirement to maintain liability insurance, the ability to have your license or registration suspended for traffic infractions, and being subject to DOT's automated speeding and red light enforcement.

Beginning in 2021, working together with the NYPD, DOT began separately tracking fatalities involving motorized devices that cannot be appropriately categorized as either bicycles or motorcycles. We refer to this category as “other motorized,” and in addition to illegal mopeds, they include standing e-scooters, which are legal to operate if they weigh less than 100 pounds. In 2021, 11 riders, several of them delivery workers, were killed using illegal mopeds, and one pedestrian was struck and killed by a rider.

Third-party delivery apps generally have a business model that centers on independent contractors who make deliveries. The independent contractors supply their own bikes or other vehicles at their own expense, with no way for companies to verify the legality or safety of such equipment, and such operators are under great pressure to make deliveries as fast as possible. Making a living working for third-party apps in many cases is dependent on participating in a

black market of illegal, unregistered, and possibly substandard devices or vehicles and the use of poorer quality batteries charged in private homes. This model creates the wrong incentives when it comes to the safety of the operators and other street users. DOT strongly supports a minimum pay standard that relieves some of this pressure.

The predominant business model of these companies also ignores local laws and rules. Third-party delivery apps are required to comply with the commercial cyclist law codified in Sections 10-157 and 10-157.1 of the New York City Administrative Code and Section 4-12(p)(4) of Title 34 of the Rules of the City of New York which apply to any business that use a bicycle or any human powered wheeled device or any motor-assisted device not capable of being registered with the DMV to deliver food, goods, or parcels. Pursuant to amendments made by the City Council in 2017, these requirements apply even when the delivery workers are independent contractors and not direct employees.

Under the law, third-party delivery apps must:

1. Register with DOT;
2. Ensure that delivery contractors do not use illegal mopeds in the course of their work as such vehicles are illegal on the streets of New York City, and it is a violation for any business to use or permit one to be used on their behalf for commercial purposes;
3. Assign each bicycle operator a three digit identification (ID) number, which DOT can expand to four or more digits if needed under the law;
4. Issue bicycle operators' ID cards containing the name, ID number, and photo of the bicycle operator as well as the name, address, and phone number of the company. Bicycle operators must carry those ID cards at all times when making deliveries or operating a bicycle on behalf of a company;
5. Provide a protective helmet and retro-reflective outerwear displaying the company's name and ID number to any bicycle operator;
6. Ensure that each bicycle has a white headlight and red taillight, a bell or other device capable of giving an audible signal for at least 100 feet, brakes, and reflective tires or a reflector mounted on the spokes of each wheel; this equipment must be provided free of charge, and under no circumstances should bicycle operators be required to spend their own money on helmets or other safety equipment;
7. Post the official commercial cyclist safety poster at their business site, or if they have only a post office address within the City, provide written notice of such information to each operator;
8. Maintain business records showing that every operator has completed the commercial cyclist safety course available on the DOT website prior to making deliveries, and make such records available to DOT or the NYPD upon request.

In December 2021, DOT's Commissioner sent a letter to over a dozen app-based deliver companies¹ reminding them of the requirement to comply with the above mentioned provisions, as well as of their outstanding fine amounts for violations of the commercial cyclist law.

¹ The companies to which DOT sent letters were GrubHub, DoorDash, UberEATS, Relay, Postmates, Hungry Panda, Delivery.com, Instacart, Favor, MealMe, Waitr, Drizly, EatStreet, Deliveroo, Shipt, BeyondMenu, Amazon Fresh, and goPuff

Thank you again for the opportunity to submit this public testimony. DOT looks forward to continuing to work with our agency partners to enforce existing rules, implement and enforce new laws in this area enacted by the City Council, and explore further possible regulations.



June 16, 2022

Testimony of AJ Yusuf, Neighborhood Organizer, Outreach
NYC Mayor's Office of Immigrant Affairs

Before a Public Hearing on App-Based Food Delivery Workers
Hosted by the New York City Mayor's Office of Consumer and Worker Protection



Thank you to Commissioner Mayuga and the team at the NYC Department of Consumer and Worker Protection (DCWP) for hosting this very important public hearing on the working conditions of app-based food delivery workers.

My name is AJ Yusuf, and I am a Neighborhood Organizer, part of the Outreach Team with the Mayor's Office of Immigrant Affairs. Within our work, we have seen firsthand the hardships and challenges that delivery workers and particularly app-based food delivery workers face across this city, both prior to the pandemic and more so as they were at the frontlines of COVID-19.

Through our touchpoint with delivery workers, we know that many delivery workers do not have social security cards. Because of this, many of them apply for and use ITIN numbers to work and file for taxes. Given their status and the massive shutdowns across all sectors during the pandemic, many delivery workers lost their jobs or saw diminished income and had limited avenues for seeking much needed supports – including federal government financial supports accessible only by US Citizens. This reality made their economic situation that more precarious. While some were able to access privately funded economic assistance and apply to the New York State's Excluded Worker's Fund, the need far exceeded the funds allocated and the funds were exhausted in less than two months.

I want to share the story of Borkot Ullah, a member of an organization called Desis Rising & Moving also known as DRUM. He was a young delivery worker in Queens. He echoed many of the same concerns noted here in this hearing. Borkot was struck and killed by a driver who ran the light while being chased by the NYPD. Borkot had fought and applied for the Excluded Worker's Fund, which he did not receive due to his tragic death. Following his death, his family became destitute as they relied largely on his income for sustenance. The life of a delivery worker is fraught with danger, and they deserve dignity and respect, but above all receive fair pay for their work.

Expenses of Being a Delivery Worker

Delivery workers have a high upfront cost for doing this job. To become a delivery worker, they must personally invest in expensive and sturdy bicycles or e-bikes, bicycle maintenance, appropriate safety gear (elbow pads, helmets, reflective vests), weather protection gear (rain jackets, bicycle mittens) as well as monthly unlimited MTA cards, before they can even begin to serve as delivery workers. According to members of DRUM, these costs can range from about \$2,700-\$2,800.

Any discussions around minimum wage should factor in cost of equipment and other materials needed to do the job safely as well as the impacts of stolen equipment.



Mayor's Office of
Immigrant Affairs

Earnings, Time, Scheduling and Pay of Delivery Workers

As the growth and use of food delivery applications rose, especially in 2020, the availability of jobs through these apps became more competitive. By the end of 2020, DoorDash controlled 45% of the food delivery market and earned nearly \$3 billion in revenue, with UberEats at 22%, Grubhub at 18% and Postmates at 8%.¹

Establishing a base salary and minimum wage for delivery workers is long overdue. Delivery workers often work between 8 and 16 hours shifts, and if the number of delivery orders are low on any given day, they can make as little as \$40 a day. Often delivery workers would turn on their app for hours with no delivery requests resulting in wasted hours that they could be earning wages elsewhere. A minimum wage would ensure an income for what is a very important or essential service in a city like New York.

Anecdotally, we have also heard from delivery workers that these delivery apps often keep the tips or keep a percentage of the tips they have earned. A minimum wage of \$15 an hour is not sustainable. Any minimum wage for delivery workers must be commensurate with NYC's cost of living, initial personal investments in the equipment needed to do the job and factor in other modes of transportation to make deliveries on time. If the minimum wage is too low, this will negatively impact their quality of life and ability to provide for themselves or their families.

Safety of Delivery Workers

Many delivery workers face unsafe working conditions every day – they are the targets of bicycle or e-bike thefts, the victims of assaults or attacks resulting in death, or suffer from workplace accidents without any health or sick leave coverage. Delivery workers also endure harsh weather conditions, deliveries are made rain or shine; as well as harsh or rude behavior from customers who do not value their work and sacrifice.

Health of Delivery Workers

Due to the unstable and precarious nature of delivery work, workers must pay for health insurance out of pocket. None of the delivery apps nor restaurants who employ them, provide healthcare of any kind. Many delivery workers use their ITIN numbers to file taxes and if their yearly income rises above \$50,000, then their insurance premiums through Get Covered NYC can increase exponentially causing them to either lose healthcare coverage or forgo it altogether.

The life of a delivery worker is exhaustive and uncertain, often with no income stability or employment security. Yet, NYC's delivery workers kept NYC running throughout the pandemic.

¹ <https://hoteltechreport.com/news/online-ordering-food-delivery-statistics>



**Mayor's Office of
Immigrant Affairs**

The Mayor's Office of Immigrant Affairs strongly advocates for a sustainable minimum wage for delivery workers that allows them to become even more integrated into the city's economic growth and further supports their contributions in recovering from COVID-19 and fully opening NYC.

Thank you.

TESTIMONY OF NEW YORK CITY COMPTROLLER BRAD LANDER
Department of Consumer and Worker Protection's Delivery Worker Public Hearing
Wednesday, June 15, 2022

Thank you for holding this Department of Consumer and Worker Protection (DCWP) hearing on delivery worker pay and working conditions, including time and scheduling, expenses, health and safety issues, and challenges workers face and for the opportunity to comment. New York City must be prepared for the economic road bumps that lie ahead. In order to do so, the City must invest in an economic recovery that will lift all boats and support workers that keep our city afloat, especially the app-based delivery workers who have risked their lives through the pandemic to provide food and other goods to New Yorkers who were unable or unwilling to leave their homes.

Last year as a Council Member, I was the prime sponsor of Local Law 115 of 2021, which established minimum per trip payments to third-party food delivery service and third-party courier service workers. I successfully advocated alongside *Los Deliveristas Unidos* and Councilmembers Carlina Rivera, Justin Brannan and Carlos Menchaca for landmark protections for *deliveristas*. Together, we passed a six-bill package that, among other things, mandates minimum payments per trips, grants workers access to restaurant bathrooms, requires companies to be transparency about tips and total pay, and limits how far they can be asked to ride.

Now, DCWP must follow through by establishing a Living Wage Standard for app-based food delivery workers. This standard is critical to ensuring these essential workers can pay rent, put food on the table, and provide for their families.

Worker Justice Project estimates that there are about [65,000](#) delivery workers in New York City. This workforce skews young: 59 percent of those surveyed by Worker Justice Project and Cornell were under 30 years of age. These workers, who predominantly live in the Bronx, Queens, and Brooklyn, are immigrant workers hailing from in Latin America (namely Mexico and Guatemala), South Asia (Bangladesh), West Africa and China. Many *deliveristas* work to support their families: more than 40 percent of respondents support a child or family member. Of that 40 percent, 37 percent support two children and 28 percent support three or more children.

CEOs of delivery app companies like [DoorDash](#) and [UberEATS](#) earn millions of dollars annually, while delivery workers on the ground make poverty wages. Worker Justice Project and Cornell [report](#) that after expenses, workers earn \$2,345 per month including tips. They estimate net hourly pay to be about pay per hour is about \$12.21 -- below New York State's legal minimum wage threshold of \$15 per hour. All the while, these companies have seen their revenues grow more than [200 percent](#) in the past five years.

Time & Scheduling

Delivery workers' pay and working hours are shaped by volatile factors outside of their control. Most apps, except for Relay and Chowbus, do not pay workers a fixed hourly rate: instead, they offer a "base pay" that is dependent on mile, minute, and order. The average base pay ranges between [\\$2.00 and \\$5.00](#) per delivery without tips. Tips, which represent 44 percent of workers' earnings, are not income and are completely up to customers' discretion. Workers are given an estimate of the tips they will receive because apps allow customers to change their tip allocation up to an hour after their food is delivered.

Workers in this industry rely on deliveries as their primary source of income: most delivery workers [surveyed](#) by Worker Justice Project and Cornell named app-based work as their primary and only job. 81 percent of respondents work more than 5 days a week and 64 percent reported working 6 to 7 days a week. *Deliveristas* work across multiple food delivery apps because working for just one would not provide sufficient income to sustain oneself or a family.

The apps only compensate workers for time spent on a delivery order, not for time spent waiting for orders. This means *deliveristas* work until they complete a sufficient number of deliveries to reach their desired pay, no matter how many hours it takes. Food delivery apps can assign delivery workers to any restaurant, no matter its proximity to the workers' location. As a result, in addition to workers waiting for the app to assign their next order, they must travel substantial distances to pick up the order. Workers [reported](#) that half of all deliveries take more than 30 minutes to complete. The Department of Consumer and Worker Protection must establish a living wage for *deliveristas*, and the pay standard must pay workers for active and waiting time.

Expenses

Under city law, restaurant must cover their delivery workers' expenses including bikes and phones. However, app-based delivery workers must make upfront investments to work in this industry. E-bikes can cost between \$1,000 and \$2,200, and lithium batteries cost about \$600 each (workers typically buy two). Workers spend an additional \$300-350 per month on cell phones, data plans, rain jackets, and bike maintenance. By establishing a living wage standard for delivery workers, the City can facilitate a more level playing field for restaurants and food delivery apps.

Health & Safety

Delivery workers have suffered assaults and abuse on the job: in 2021, fourteen *deliveristas* lost their lives delivering food. 54 percent of workers [surveyed](#) by Worker Justice Project and Cornell [reported](#) bike theft. 30 percent of this subset of workers reported physical assault.

New York City's streets, which are functionally *deliveristas*' workplace, pose a health and safety risk. According to Transportation Alternatives, more than 70 pedestrians and bicyclists have been [killed](#) in 2022 to date. Crashes killed 273 New Yorkers in [2021](#), making it the deadliest year in our city's streets since 2013. According to Worker Justice Project and Cornell, 49 percent of [respondents](#) suffered an accident or crash on the job. Investing in street safety will provide safer conditions for delivery workers to do their jobs.

Extreme weather events, including floods and snowstorms, are another health and safety risk for *deliveristas*. When tore through New York City, workers delivered food through [Hurricane Ida](#) resulting in costly damages to their e-bikes. Apps provide surge pricing, a preserve incentive, during these events to temporarily boost pay for workers that weather the storm.

New York City's Opportunity

New York is one of the major markets for app-based food delivery in the United States. Big companies are [swallowing](#) up smaller competitors: last year, DoorDash, GrubHub, and UberEats each represented roughly a third of the market in New York City. Right now, delivery apps focus on groceries and restaurant food. However, this industry is [expanding](#) to support health companies (including pharmacies) and department stores. The Department of Consumer and Worker Protection has an opportunity to lead the nation by establishing a minimum wage standard for this growing industry that adequately compensates delivery workers for their pivotal contributions to our City and their immense labor and ensure they can take part in our economic recovery.



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THE COUNCIL OF
 THE CITY OF NEW YORK
SHAHANA HANIF
 39TH DISTRICT, BROOKLYN

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 INTERNATIONAL INTERGROUP RELATIONS
 MEMBER OF COMMITTEE ON MENTAL HEALTH, DISABILITIES, AND
 ADDICTIONS

Good morning. I am Council Member Shahana Hanif. Thank you to the Department of Consumer and Worker Protection for holding this hearing and for granting me the opportunity to speak.

I am here today to express my support for establishing a living and minimum wage for app delivery workers in New York City. For too long, the livelihoods of our City’s delivery workers have depended on the generosity of customer tips. This is not a reliable source of income. When a delivery worker is offered an order, the amount they are told they will be paid in tips is often listed as an “estimate.” Most apps give customers up to an hour after their food is delivered to change the amount of tip they originally listed. If a customer is dissatisfied because an order was delayed, they may decide to remove the tip. Additionally, tipping for food orders has drastically declined toward pre-pandemic levels as the economy has re-opened¹.

This is a highly unstable form of income for the 65,000+ delivery workers across the city, with over 40% of whom are supporting family members². Deliveristas are predominantly young people, under 30 years old, people of color, and immigrants, and as the Chair of the Committee on Immigration, this issue is of dire importance to me. Despite being deemed essential during the pandemic, the City’s deliveristas remain unprotected in the largely unregulated platform economy. A deliverista living wage standard will establish national work standards in the app delivery industry, promote inclusive sector growth,

¹ <https://www.nytimes.com/2021/06/04/upshot/tipping-pandemic-new-york.html>

² <https://losdeliveristasunidos.org/ldu-report>

and build a future-focused economy with a local economic impact in every corner of New York City.

I want to thank the Workers Justice Project, Los Deliveristas Unidos, and Desis Rising Up and Moving (DRUM) who are continually fighting to bring awareness and basic protections for our City's delivery workers. Through their organizing, allyship, and lobbying, they were able to introduce the deliverista bill package that guarantees the first-of-its-kind labor rights for New York City app delivery workers. However, the fight for fair and just work conditions is far from over and we must institute a fair minimum pay for our delivery workers.

I look forward to continuing working with our City's deliveristas and community-based organizations to make New York City a safer and fairer place to work and a minimum wage is the next step in doing so. Thank you for your time and consideration.



Los Deliveristas Unidos/ WJP

Date: June 15th, 2022

To: NYC Department of Consumer and Worker Protections (DCWP)
From: Hildalyn Colon Hernandez, Director of Policy & Strategic Partnerships for Los Deliveristas Unidos/WJP

Re: Minimum Pay Standard Study for App-Based Food Delivery Workers

Dear DCWP Commissioner Vilda Vera Mayuda:

Los Deliveristas Unidos (LDU) is the largest worker-led movement founded by Deliveristas, app delivery workers, that work for multiple delivery platforms in NYC. Since 2020, LDU is fighting to build, establish new labor rights and standards that better the conditions of app delivery workers in NYC and beyond. *LDU is a new organizing effort powered by the Workers Justice Project (WJP).*

LDU's long journey to justice started as Deliveristas band together throughout NYC streets as they serve and feed New Yorkers and help to sustain small business during the COVID -19 pandemic. On April 21st, 2021 - Los Deliveristas Unidos (LDU) organized a [historic march of more than 2,000 app delivery workers biked from Times Square to Foley Square](#) to demand better wages and protections from the tech giants that run delivery app platforms.

In September 2021, Los Deliveristas partnered City Council Members Justin Brannan & Carlina Rivera and former city council members Brad Lander (now NYC City Comptroller), Carlos Menchaca to introduce the LDU bill package - ***NYC Delivered Justice to Los Deliveristas***. [LDU obtained a major labor victory in their journey to seek justice, when the NYC Council overwhelmingly voted to approve this landmark bill package](#). These first-of-its-kind labor rights for NYC's app delivery workers, such as minimum pay, Deliveristas will be able to establish the distance they want to travel, bathroom access, and other provisions.

Deliveristas started the year 2022 with labor rights, **1st Phase** Deliveristas Laws require that app delivery platforms must be licensed by DCWP to operate in NYC; apps must notify Deliveristas how much the customer tips for each delivery and their total pay and



Los Deliveristas Unidos/ WJP

tips for the previous day. In addition, Deliveristas have better access to restaurant bathrooms when they pick up an order.

And the journey to justice is far from over, on **2nd Phase of the Deliveristas Laws** require that app mus provide an insulated bag to workers; workers must be pay once a week and prohibits app charging payment fee to workers, and it must provide the Deliveristas all the information before he or she accepts a delivery. But more importantly, now Deliveristas have the power to limit how far they will travel from restaurants and refuse to use bridges or tunnels.

The NYC Department of Consumer Affairs & Workers Protection (DCWP) implements and enforces the new Deliveristas laws and regulates apps in NYC. *The **3rd Phase of the Deliveristas Laws** will culminate with establishment of the minimum pay for app delivery workers in the industry on Jan 1, 2023.*

Before the implementation of the minimum standard, [DCWP will host a virtual public hearing this Wednesday, June 15th, 2022 from 1pm to 4pm.](#) The NYC Department of Consumer and Worker Protection (DCWP) is inviting the public, workers, elected officials, and the community to testify about delivery worker pay and working conditions, including time and scheduling, expenses, health and safety issues, and challenges workers face.

Main Points

- Los Deliveristas Unidos (LDU)/Workers Justice Project is demanding that DCWP establish a living wage for Deliveristas that allow them to sustain his or herself and their family.
- Los Deliveristas Unidos & Workers Justice Project are demanding NYC to establish a minimum pay standard for Deliveristas in NYC. A strong living wage standard will be groundbreaking for underpaid essential workers, immigrant and people of color, app delivery workers who otherwise are excluded from standard labor rights.
- We urge the City's Department of Consumer and Worker Protections to consider the substantial labor costs borne by app delivery workers who are



Los Deliveristas Unidos/ WJP

non-employees, the dangerous conditions of their work, the prevailing wage of delivery services in the city, and the overall benefit to “rebuild, renew, reinvent” to the city’s economy in increasing delivery worker pay.

- Deliveristas’ living wage cannot depend the generosity of some customers. App must pay their fair share and pay Deliveristas a living wage for their essential work.
- Deliveristas had and continue to work on the frontlines - as they feed New Yorkers and sustained thousands of small busines during the COVID-19 pandemic. In addition, Deliveristas sustain [New Yorkers during extreme weather conditions caused by climate change and city emergencies, such as Hurricane Ida and even during Sunset Park Shooting lockdown.](#)
- Deliveristas are essential workers, as police officers, doctors, nurses, ride share drivers and teachers - NYC & apps must paid and treat them as such.
- The explosion of apps delivery has been great for startups’ investors — however Deliveristas who realize this hard job during extreme weather conditions - rain or shine, snow storms, and even during Hurricane Ida - have been emerge in poverty wages for past few years.
- The establishment of Deliverista Living Minimum standard go hand and hand with Mayor Adams’ “[Rebuild, Renew, Reinvent: A Blueprint for New York City’s Economic Recovery](#),” which focus on accelerate the economic recovery and built on equity and inclusivity.
- The Deliverista Living Wage Minimum Standard will set an example for the rest of the state and the country in how NYC protect, respect, and honor our [Essential/ But Unprotected App Delivery Workers](#), particularly as we continue the city’s efforts leave behind COVID-19 and continue our economic recovery.
- The Deliveristas Laws already has provide tangible new labor rights that have make an impact on Deliveristas’ lives, in their families and NYC as whole. However, Journey of Los Deliveristas is not complete until DCWP establish a Deliveristas Living Wage Stanard in NYC.

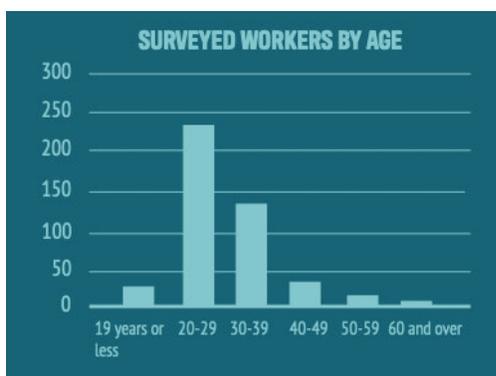


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- The Deliverista Living Wage Standard will establish national work standards in the app delivery industry, promote inclusive sector growth, and build a future-focused economy with a local economic impact in every corner of NYC.
- Despite being deemed essential during the pandemic, NYC Deliveristas remain unprotected in the largely unregulated platform economy. Additionally, App Delivery workers confront unique vulnerabilities as Deliveristas classified as independent contractors in a low-wage economy sector were exacerbated during the pandemic. They will continue if NYC DCWP doesn't establish a Deliveristas Living Wage Standard for these workers.

Last year, Los Deliveristas/ Workers Justice Project released the findings of the first of its kind gig economy report - [**Essential but Unprotected: NYC's App Food Delivery Workers**](#). A participatory action research project that examined the working and living conditions of NYC app-delivery workers. This report shows that Deliveristas went to work every day during the lockdown, keeping their fellow New Yorkers safe and fed, while facing inhumane treatment. As reflected by the report's findings, Deliveristas experience an unique working conditions, such as assault, abuse, wage theft, bike theft, withholding of tips, denial of bathroom access, unjustified deactivation of their app accounts, and even death in the streets, resulting both from traffic accidents and violent bike robberies. Even these challenges, many Deliveristas consider delivery as their main job and carry a lot of expenses to carry out this essential work.

App-based delivery workers have endured these conditions since long before the pandemic began, and COVID has only made the situation more dire. For this reason, Los Deliveristas Unidos/ Workers Justice Project is demanding DCWP to establish the Deliverista Living Wage Standard.



Here are some main points that allies can use in their testimony.

NYC App Industry & Deliveristas Profile

New York is one of the top markets for app-based food delivery in the U.S. This industry includes around a dozen apps, including dominant



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companies such as Doordash, UberEATS, and Grubhub, as well as their smaller competitors such as Relay, Chowbus, and Panda.¹

- Deliveristas are predominantly young people, under 30 years old, people of color and immigrants, which deal with many challenges as well as barriers to accessing justice and economic safety nets when facing pay issues or seeking to address bike or moped theft.
- Deliveristas are also disproportionately immigrant New Yorkers. We found that the dominant immigrant groups in the industry are Latinos, South Asians, West Africans, and Chinese. The Latinos reported primarily coming from Mexico and Guatemala.
- During the past years, [LDU/WJP has observed an increase in the number of women Deliveristas entering this sector, seeking flexibility and an opportunity to obtain a better income to sustain or supplement their family incomes.](#)
- Deliveristas are as diverse as New York City itself, coming from all boroughs and its major communities, but most the workforce reside in the Bronx, Queens and Brooklyn.
- While delivery workers are younger than the overall workforce, we found many of them are supporting family members. Overall, 40 percent of respondents said they are supporting a child or family member with their income. Of those who said they are supporting children under 18 years old, 37 percent were supporting 2 kids and 28 percent were supporting 3 or more minors.
- **In the industry, we have seen entire family networks that work and depend on the delivery industry.** For example - LDU Manny Ramirez and his wife work in this industry and raise their five children with this job. ([see video](#))



¹ [Essential but Unprotected: New York City's App-based Food Delivery Workers](#), (2021). Page 15.

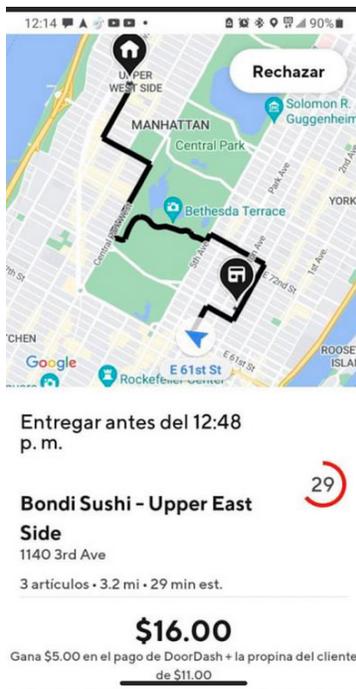


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Deliveristas' Working Conditions

- **Deliveristas work in NYC is most of these workers' full time and main occupation. The vast majority (81%) work 5 or more days and most (64%) work 6 or 7 days a week.**
- **Most Deliveristas reported this is their main and only job.** In NYC, there are a small, but not insignificant, number of delivery workers who work one to two days a week either because they are students, or this is how they make extra income.
- **Most Deliveristas work multiple apps at the same time as they cannot always get on a given app, and according to their statements in focus groups and interviews, working for one app does not generate enough income to make a living.**

Deliveristas Demand NYC a Living Minimum Wage



- In NYC, DoorDash, UberEats, and GrubHub pay workers a portion of the delivery order (base pay), while only Relay offers workers an hourly rate. For the apps that pay drivers a portion of the order their earnings are based on the company's base pay rate plus promotions and tips.

- Apps like DoorDash, GrubHub & UberEats paid Deliveristas a base pay, which is estimated on delivery time, distance and the "desirability" of the order. **An average base pay ranges between \$2.00 to \$5.00 per delivery trip without tips. If the average base pay is \$2.50, a Deliverista must complete at least 8 trips just to make \$20.00 without tips. Deliveristas earn and live on a poverty wage.**

- **Estimated delivery workers' revenues net of expenses are at \$2,345 per month, including tips. Given that most couriers work six days or more per week, and more than six hours on any day of the week, the hourly net pay, with**



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tips included, is around \$12.21.

- Excluding tips, which represent on average 44 percent of couriers' earnings and a highly unstable form of income, the average net pay of app-based delivery workers amounts to \$7.87, and the median net pay amounts to \$7.94.
- DoorDash claims their base pay ranges from \$2-\$10+ per delivery. These time and distance estimates may not always be accurate. *If DoorDash believes an order should be quick, but there are delays in preparing the food at the restaurant, which the app did not anticipate, the worker is not compensated for the waiting time.*
- ***In order to achieve these pay levels, which are well below legal minimums in New York, Deliveristas have to labor faster, for long hours and for multiple apps, since each individual app does not generate enough work to support a living wage.*** About two thirds of survey respondents reported that they regularly work at least six days per week, and 85 percent said this was their main and only job.
- **Deliverista's pay system is unstable and lack transparency** - the amount the apps pay per mile, minute, and other factors change from day to day. There is no fixed rate, so Deliveristas has to hustle everyday to take a decent amount money home.
- App promotions are algorithmic management tools that the apps use as incentives to direct Deliveristas when and where to work. The incentives primarily take two forms: surge pricing and quests.
- **Surge pricing temporarily boosts pay during bad or extreme weather or in certain neighborhoods to encourage drivers to cover an understaffed area.** Quests, which can be daily or weekly, are bonuses that are only triggered if the worker achieves a target.
- **Tips paid directly by the customer and are NOT INCOME.** When a delivery person is offered an order the amount they are told they will be paid in tips is often listed as an "estimate." This is because the apps give customers an hour



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after their food is delivered to change the amount of tip they originally listed. If a customer is dissatisfied because an order was delayed, he/she may decide to remove the tip.

How many deliveries do you typically make?				
	Median	Average	25th percentile	75th percentile
Day	15	17	10	20
Week	90	96	50	125

How long do you usually have to wait to receive an order from the apps?	Count	Percent
less than 15 minutes	133	29%
15 - 30 minutes	224	49%
30 minutes - 1 hour	82	18%
1 hour - 1 hour and a half	14	3%
More than 1 hour and a half	2	0%

In total, how long does it usually take you to complete a delivery?	Count	Percent
less than 15 minutes	122	20%
15 - 30 minutes	214	35%
30 minutes - 1 hour	248	40%
1 hour - 1 hour and a half	31	5%
More than 1 hour and a half	5	1%

¹⁹ The dominant apps such as GrubHub, UberEATS, and Doordash pay a base rate per trip that can vary depending on a series of factors such as mileage, time, and incentives.

- Tips are a highly unstable form of income, and according to an analysis by the New York Times, tips for online and in-person food orders in NYC have drastically declined toward pre-pandemic levels during the reopening of the economy. **Excluding tips, the average net pay of app-based delivery workers amounts to \$7.87, and the median net pay amounts to \$7.94.**

- ***When Deliveristas does NOT get paid, when they are actively waiting for an order. Apps only pay Deliveristas for “active time,” or the amount of time spent making a delivery, instead for the amount of time a worker is logged on to the app.***

- For example, if a delivery worker had scheduled a 10 hour shift with an app, but did not receive many orders, he/she may only have made \$70. The worker would report, “I

only made \$7/hour today.”

- A major concern of app couriers is that they are not getting enough orders to make a living. Since most apps, except for Relay and Chowbus, do not pay a fixed hourly rate, it is vital for delivery workers to receive enough deliveries each day to reach their desired pay targets. 19 Most respondents reported typically making 15 deliveries a day or about 90 a week. The middle quartile ranges were 10-20 a day and 50-125 a week.



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- Most food couriers work within these bounds. We found 71 percent of delivery workers typically wait 15 minutes or more to get their next order. Then given the lack of delivery zones, they report almost half of orders take over a half hour to complete. Given this uncertainty, food couriers explained that they often think in terms of hitting a goal number of deliveries each day. This means some days they hit their goal in 8 hours and other days they must work 12 hours. In the absence of a guaranteed minimum pay per hour, delivery workers struggle to make a living, often waiting hours a day for work.
- The app, on the other hand (ignoring the time the worker was actively waiting for an order) would say that the worker was on the clock only for 3.5 hours and therefore made \$20/hour. ***The new Deliverista minimum pay standard must pay workers for active and waiting time.***

Deliveristas & Expenses

- Most Deliveries done in NYC are done in two wheels - from fix bikes, e-bike, electric or gas mopeds or scooters. Small amount of food couriers in New York City use cars to do deliveries, especially in Manhattan.

	Cell	Maintnance	Garage	Bike Payments	Metrocards	Other	Total Expenses
Avg	\$78.65	\$138.84	\$93.03	\$367.59	\$103.25	\$103.25	\$338.99
Med	\$70.00	\$120.0	\$100.00	\$100.00	\$125.00	\$125.00	\$280.00

“Sometimes the pay is too little. We can go down 50 blocks and only receive \$5.”

- Deliveristas need to make an initial investment of \$1,500 to \$4,000 to start working in the app delivery industry. For example- if a new worker decide to buy an e-bike or moped - he or she will spend:
 - E-Bike (Arrow 9 & 10) - A Deliveristas spend approximately \$1,500 to \$2,000 on buying an e-bike. In addition, Deliveristas will pay \$600 for each lithium battery. Usually, Deliveristas buy two lithium batteries so they can work a shirt of 10 to 12 hours a day.
 - Electric or Gas Moped - A Deliveristas spend approximately \$1,500 to \$3,000 on buying this equipment, which doesn't include expenses for



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registration, license, insurance, or protective gear required under the NYS State Law.

- **Deliveristas spend approximately \$300 to \$350 a month on work expenses, not counting the cost of inflation.** Deliveristas must purchase one or two cell phone, unlimited data cell phone plans, rain coats jackets, and cover the monthly maintenance costs of their equipment, such brake changes, oil change, flat tire repair, e-battery charging, helmet, cloth, food, parking, tickets, etc.

Health & Safety: For Deliveristas NYC Streets are there Offices

Accident & Fatalities

- **Been a Deliverista in New York City is a dangerous job. Workers spend hours each day weaving through New York City's infamous traffic dodging cars and pedestrians.**
- As these bikes move faster they increase risks that accidents will result in serious injury. Most couriers reported using some kind of e-bike. The third most common response was a regular bike followed by a gas-powered scooter.
- **Year 2021 was the deadliest year for Los Deliveristas Unidos as 14 Deliveristas lost their lives delivering food to New Yorkers.** From the 2020, 21 Deliveristas have lost their lives on NYC Streets.
- Climate change has made incidents of extreme heat and erratic storms a consistent problem. Trucks pour out noxious fumes and kick up dirt and road salt which batters the workers. Many of these health and safety issues, though, are made worse by the platforms' policies and by the need for greater bike safety infrastructure in the city.
- App-delivery workers are exposed to risk of severe injuries, which can prevent them from working for several weeks, months or even permanently, without health insurance, workers compensation or any financial cushion.
- **About half of the surveyed delivery workers reported having been in either an accident or a crash while working.** The most common accident is being hit



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by someone opening a car door, followed by crashing because of an issue with the road, being hit by a car or truck, or being pushed off the road by a car or truck. **Many survey respondents also noted their accident was due to someone being parked in the bike lane.**

- **Of surveyed workers whose accidents required medical care, 75 percent of responses for how they paid for care indicated they used their own personal funds, as they lacked health insurance.**
- Forty-nine percent of survey respondents reported having been in an accident or crash while doing a delivery. When asked how they paid for their care 75 percent of responses said that they had paid for the medical care at least in part with their own personal funds.
- LDU is partnering with **SUNY Empire - The Harry Van Arsdale Jr. School of Labor Studies** to develop a training program for app delivery workers that aims to professionalize the industry and empower Deliveristas through professional, financial, tech and street safety training. At the end of the LDU training program - Deliveristas will obtain a certification from LDU and SUNY.

Street Safety: Assault & Robberies

- The most serious danger that delivery workers confront is to become victims of violent assault when using their when their most important work tool: e-bike or mopeds. electric bikes are stolen. This widespread issue also worsened during the pandemic and continue to rise today.
- **54% of the WJP-Cornell survey participants reported having experienced bike theft, and about 30 percent of these said that they were physically assaulted during the robbery.**

Restaurants & Delivery Workers

- Before introducing food delivery apps, most delivery workers worked directly for restaurants. Restaurants were interested in establishing delivery zones to ensure no customers had to wait too long for their food. The apps have eliminated this concern as any delivery worker can be assigned to any restaurant.



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- Under the **NYC City Code § 10-157 Bicycles used for commercial purposes - restaurant delivery workers' expenses must be covered by restaurants.**
- DCWP must establish a Deliverista Living Wage Standard that doesn't put law-abiding restaurants, and many small businesses, at an economic disadvantage over the apps.

Minimum Pay for App Workers - It is not a New Idea!

- In 2008, NYC TLC enacted a minimum driver pay standard for essential workers drivers for high-volume, for-hire vehicle services. According to [NYC Mayor Office](#) “share ride drivers earned nearly \$500 million more in the first six months the policy was in place than in the same period the previous year. The rules do not set the passenger fare or establish a minimum wage, but instead regulate the minimum amount the largest for-hire vehicles companies must pay drivers for each trip.”
- Driver Share minimum standard is proven public policy that provide a fair living wage to frontline workers, but has provided an inconomic boost to workes, local communities and New York City.
- [On February 11, 2022 - NYC Mayor Adams & NYC TLC announced an increase in of 5.3% in the minimum pay of drivers for high-volume, for-hire vehicle services.](#)



Los Deliveristas Unidos (LDU)/ Workers Justice Project

Date: June 15th, 2022

To: NYC Department of Consumer and Worker Protections (DCWP)

From: Jaime Garcia Pacheco, Deliverista & LDU Member

Re: Minimum Pay Standard Study for App-Based Food Delivery Workers

Dear DCWP Comissioner Vilda Vera Mayuda:

My name is Jaime Gacia Pacheco, LDU Member. I have two jobs, restaurant and app delivery work, to sustain myself.

I started working at DoorDash and Relay in the year 2020. Since then, I have been the victim of two thefts - my motorcycle, valued in \$3,500, was stolen in November 2020. Just a few months later, my e-bike, valued on \$2,000, was stolen on July 2021.

In addition, I had a wage theft case with DoorDash, which stopped paying my wages on August 2021. At that moment, DoorDash owned me more than \$3,000 dollars of previous earnings. Baecuase I am an LDU member, my organization represented and help me to fight my case. The case took several months - LDU team work on my case and were able to get my money back. I happy to informed DCWP, finally, DoorDash deposited a portion of the money early this week. However, even I was able to obtain my money - today I uncovered that Door Dash deactivated my account and I cannot work today.

While I fought my case, I struggle to make ends meet during that time. However, I was not getting paid - we need to continue paying for the expenses involved in working on the application are high and the risks are also high. I also want my testimony to be of help to achieve some positive change.

For that reason, as app delivery worker and representative of Los Deliveristas Unidos (LDU) we are demanding that NYC & DCWP establish a Deliverista Minimum Wage Standard for all Deliveristas in NYC.

Thank you,

Los Deliveristas Unidos (LDU)/ Workers Justice Project

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Los Deliveristas Unidos (LDU)/ Workers Justice Project

Jose Pacheco
LDU Member - Manhattan

Los Deliveristas Unidos (LDU)/ Workers Justice Project
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[@workersjusticep](#)



Los Deliveristas Unidos (LDU)/ Workers Justice Project

Date: June 15th, 2022

To: NYC Department of Consumer and Worker Protections (DCWP)

From: Jessica Choque, LDU Member

Re: Minimum Pay Standard Study for App-Based Food Delivery Workers

Dear DCWP Comissioner Vilda Vera Mayuda:

My name is Jessica Choque, I have been working as a Relay Deliveristas in Manhattan County since September 2018. This is my full-time job. From the beginning I worked and I saw the need to buy my first e-bike with a value of \$1,100 in the year of 2019.

Throughout these years I have had to buy 2 more e-bikes due to the wear and tear of daily use, their repairs were no longer enough and a new ebike of \$1,800 each was required, adding a total of \$3,600 for 2 e-bikes without mentioning the cost of telephones and the cost of childcare for my children and the operating costs.

As a woman and a delivery person, I have faced different challenges, before, during and after the pandemic, motherhood arrived for the last time in the year 2020, the high operating costs to be a deliverer added and the lack of labor rights in that year.

It was impossible for me to work during my first months of pregnancy because I could not have access to a bathroom before and after the pandemic. I had to stop working. There are no maternity benefits at this job.

a fair payment would not only be something fair but now with the economy it is more than necessary to be able to support our families.

Thank you for your attention and I hope that a little of my story can help to have some justice for the delivery women.

For that reason, as app delivery worker and representative of Los Deliveristas Unidos (LDU) we are demanding that NYC & DCWP establish a Deliverista Minimum Wage Standard for all Deliveristas in NYC.

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Thank you,

Jessica Choque
LDU Member

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Los Deliveristas Unidos (LDU)/ Workers Justice Project

Date: June 15th, 2022

To: NYC Department of Consumer and Worker Protections (DCWP)

From: Gustavo Ajche, Deliverista & LDU Leader

Re: Minimum Pay Standard Study for App-Based Food Delivery Workers

Dear DCWP Comissioner Vilda Vera Mayuda:

Mi nombre es Gustavo Ajche, soy de Guatemala y soy uno de los fundadores de Los Deliveristas Unidos (LDU), la cual es parte de Worker's Justice Project. Para mantener a mi familia tengo dos trabajos a tiempo completo, durante el dia trabajo construccion y en las noches soy Deliverista en el area de FIDI en Manhattan.

A principio del 2018 espese a trabajar con la aplicación ,y el número de trabajadores aumenta durante la pandemia ya que muchos perdimos nuestros trabajos en restaurantes, deli, construcción y otros durante la pandemia del COVID 19, ya estaban trabajando en las aplicaciones por años. Muchos entramos a esto industria de las aplicaciones y aun asi no teniendo trabajo todos y todas tuvimos que hacer una inversion inicial de mas \$3,000 dolares para comprar nuestras e-bikes, teléfonos, planes de data para teléfono, la carga de bateria, parking para la herramienta de trabajo, metro card y otras gastos para comenzar a hacer este trabajo.

Durante el tiempo de la pandemia, nos dimos cuenta que aunque la ciudad, las aplicaciones y los consumidores - nos consideraban con trabajadores esenciales y el trato, la paga y las condiciones de trabajo no reflejaban esa realidad.

Es por esto que con el apoyo incansable del Workers Justice Project, nos comenzamos a organizamos bajo el nombre de Los Deliveristas Unidos (LDU) para luchas contra estas injusticias y pasar legislaciones que nos proveen derechos laborales a mas de 65,000 Deliveristas que realizan este trabajo. Durante la pandemia, Deliveristas tuvimos que luchas contra todo el COVID 19, sin días de enfermedad y sin equipo de PPE, ya que las aplicaciones no nos dan esos beneficios y muchas veces clamaron durante la pandemia - que no proveernos equipo de PPE para hacer nuestro trabajo o uso del baño esencial de brindar comida y medicinas, a miles de personas que estaban enfermas o refugiando en sus casas, no era su responsabilidad. Tambien tuvimos que

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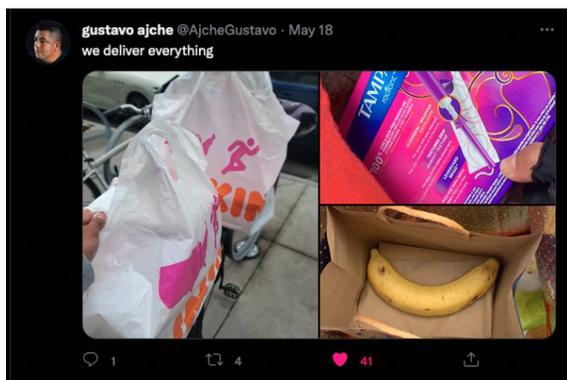


Los Deliveristas Unidos (LDU)/ Workers Justice Project

luchar contra la poca paga, el robo de salario y propinas, asalto y robos de e-bikes y en cambio algunos nuestros compañeros perdieron la vida a causa del COVID-19 y hasta asesinado, Francisco Villalba, por tomar un break para comer mientras estaba trabajando en East Harlem. Mientras estas realidades, las aplicaciones no nos brindaron “hazard pay”. Además muchos de nosotros luchamos contra los robos y accidentes, que muchos sufrimos y continuamos lidiando hasta el día de hoy, aun así las aplicaciones nos cobran un fee semanalmente para recibir la nuestra propia, que no ha llegado al mínimo por ley, que nos ganábamos con el sudor y sacrificio.

Aun así estas realidades, nos todos sin importar la nacionalidad nos organizamos como Los Deliveristas Unidos (LDU) y alzamos y [marchamos con nuestra e-bikes y motos Time Square a Foley Square el 21 de abril](#) para alzar nuestras voces para llevar al mundo la realidad de nuestras y demandar derechos laborales. Además de esto, [Los Deliveristas Unidos/Workers Justice Project nos aliamos con la Profesora Maria Figueroa y Cornell ILR](#) para realizar un encuesta participativa para traer la realidad de la situación de los Deliveristas en la calle, que en muchas ocasiones las aplicaciones

tratan de desmentir. Ese esfuerzo, que comenzamos en el año 2021, en septiembre alcanzamos que el NYC City Council aprobara el [paquete legislativo Justicia para los Deliveristas](#) que provee nuevos derechos laborales, muchos de los que comenzaron el 23 de enero de 2022.



Pero uno de los derechos que es más importante para todos los Deliveristas de NYC es el que estamos discutiendo el día de hoy - un standard de Salario Mínimo, digno y justo, para los Deliveristas NYC. Como muchos de nuestros van a comentar, los Deliveristas solo obtenemos un pago base por deliveries que aproximadamente entre \$2.00 a \$10.00, la cual solo obtenemos si la aplicación nos asigna deliveries, eso no incluye todo el tiempo que pasamos esperando la asignación de un delivery o el tiempo que el restaurante pasa cocinando la comida o el tiempo que pasamos esperando para pagar artículos en las farmacias o tiendas que nos asignan.

hoy - un standard de Salario Mínimo, digno y justo, para los Deliveristas NYC. Como muchos de nuestros van a comentar, los Deliveristas solo obtenemos un pago base por deliveries que aproximadamente entre \$2.00 a \$10.00, la cual solo obtenemos si la aplicación nos asigna deliveries, eso no incluye todo el tiempo que pasamos esperando la asignación de un delivery o el tiempo que el restaurante pasa cocinando la comida o el tiempo que pasamos esperando para pagar artículos en las farmacias o tiendas que nos asignan.

A delivery man struggled through floodwaters. The man who filmed him wants to give him \$1,700.

The New York Times

New York Flooding >

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Los Deliveristas Unidos (LDU)/ Workers Justice Project

En los últimos años, los Deliveristas hemos visto como el cambio climático está teniendo un tremendo impacto en nuestro trabajo. Ya que los Deliveristas trabajamos durante emergencias y condiciones climáticas extremas, como lo fue el [Huracán Ida](#), inundaciones, tormentas de nieves y calor extremo. Durante estos momentos, muchos de los equipos de trabajo, e-bike & motos de gas y eléctricas, se dañaron a causa de las condiciones extremas del clima. Somos nosotros los Deliveristas que tenemos que correr con los gastos económicos para reparar nuestros equipos lo más antes posible y volver a trabajar. No tan solo eso, sino que las aplicaciones no nos ofrecen “hazard pay” cuando estas condiciones climáticas extremas se exponen a riesgos adicionales mientras realizamos nuestro trabajo.



Yo como como más de 65,000 Deliveristas de NYC nos sentimos muy orgullo del trabajo esencial que brindamos a los clientes y pequeños negocios de esta ciudad. Los Deliveristas somos trabajadores esenciales, así como los son policías, enfermeras, médicos, bomberos, maestros - hoy estamos exigiendo que se nos pague un salario digno y justo como estos trabajadores.

Como Deliverista y Líder de Los Deliveristas Unidos (LDU) le exigimos a la ciudad y DCWP que establezca un estándar de salario mínimo real, sustentable y que tome en consideración los riesgos y gastos que enfrentamos en nuestro trabajo todos los días. Como Deliverista y trabajador esencial de NYC - le estamos pidiendo a la ciudad que los Deliveristas necesitan una seguridad económica para asegurarnos que podamos sustentar a nuestras familias y crear un ahorro que nos permita soportar estas situaciones tan frecuentes.

Muchas gracias por su presencia hoy día,

Gustavo Ajche
Líder de Los Deliveristas Unidos (LDU)
FIDI, Manhattan

Los Deliveristas Unidos (LDU)/ Workers Justice Project

<https://losdeliveristasunidos.org/>

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Los Deliveristas Unidos (LDU)/ Workers Justice Project

ENGLISH TRANSLATION

Date: June 15th, 2022

To: NYC Department of Consumer and Worker Protections (DCWP)

From: Gustavo Ajche, Deliverista & LDU Leader

Re: Minimum Pay Standard Study for App-Based Food Delivery Workers

Dear DCWP Commissioner Vilda Vera Mayuda,

My name is Gustavo Ajche, I am from Guatemala and I am one of the founders of Los Deliveristas Unidos (LDU), which is part of the Worker's Justice Project. To support my family I have two full-time jobs, during the day I work construction and at night I am a Deliverista in the FIDI area in Manhattan.

Many of my fellow Deliveristas went to work on the apps during the pandemic, as many of us lost our restaurant, deli, construction, and other jobs during the COVID 19 pandemic, while others were already working on the apps for years. Many of us entered this industry of applications and even so, not having a job, we all had to make an initial investment of more than \$3,000 dollars to buy our e-bikes, telephones, data plans for telephones, battery charge, parking for the work tool, metro card and other expenses to start doing this job.

During the time of the pandemic, we realized that even though the city, the apps and the consumers - we were considered essential workers and the treatment, pay and working conditions did not reflect that reality.

This is why, with the tireless support of the Workers Justice Project, we began to organize under the name of Los Deliveristas Unidos (LDU) to fight against these injustices and pass legislation that provides labor rights to more than 65,000 Deliveristas who carry out this work. During the pandemic, Deliveristas had to fight against all COVID 19, without sick days and without PPE equipment, since the applications do not give us those benefits and many times they cried out during the

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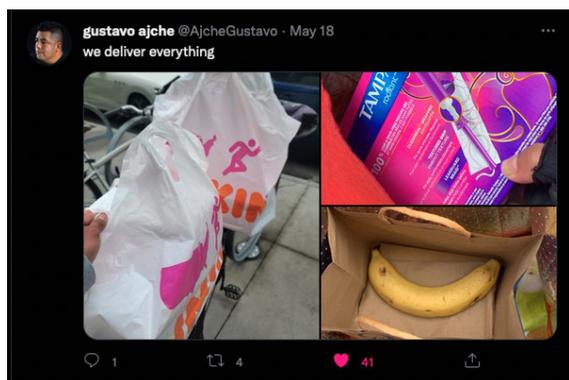
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pandemic - that they do not provide us with PPE equipment to do our work or use of the essential bathroom of providing food and medicine, to thousands of people who were sick or sheltering in their homes, was not their responsibility. We also had to fight against low pay, theft of wages and tips, assault and theft of e-bikes, and instead some of our colleagues lost their lives due to COVID-19 and were even murdered, Fernando Villalba, for taking a break to eat. while I was working in East Harlem. While these realities, the applications did not give us "hazard pay". In addition, many of us fight against thefts and accidents, which many of us suffer and continue to deal with to this day, even so the applications charge us a weekly fee to receive our own, which has not reached the minimum by law, which we earned with sweat and sacrifice.

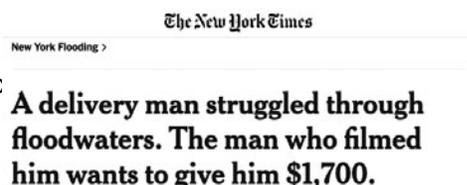
Despite these realities, we all, regardless of nationality, organize ourselves as Los Deliveristas Unidos (LDU) and rise and march with our Time Square e-bikes and motorcycles to Foley Square on April 21 to raise our voices to bring reality to the world. of ours and demand labor rights. In addition to this, Los Deliveristas Unidos/Workers Justice Project joined forces with Professor Maria Figueroa and Cornell ILR to carry out a participatory survey to bring the reality of the situation of the Deliveriats on the street, which on many occasions the applications try to deny. That effort, which began in 2021, in September we achieved that the NYC City Council approved the Justice for Deliverers legislative package that provides new labor rights, many of which began on January 23, 2022.

But one of the rights that is most important to all NYC Deliverers is the one we are discussing today - a decent and fair Minimum Wage standard for NYC Deliverers. As many of our customers will comment, Deliveristas only get a base payment for

deliveries that is approximately between \$2.00 to \$10.00, which we only get if the application assigns us deliveries, that does not include all the time we spend waiting for the assignment of a delivery or the time that the restaurant spends cooking the food or the time that we spend waiting to pay for items in the pharmacies or stores that are assigned to us.



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In recent years, Deliveristas have seen how climate change is having a tremendous impact on our work. Since Deliveristas work during emergencies and extreme weather conditions, such as Hurricane Ida, floods, snow storms and extreme heat. During these times, many of the work teams, e-bikes, gas and electric motorcycles, were damaged due to the extreme weather conditions. We are the Deliverers who have to bear the financial costs to repair our equipment as soon as possible and return to work.



Muchas gracias por su presencia hoy día,

Gustavo Ajche
Lider de Los Deliveristas Unidos (LDU)
FIDI, Manhattan

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Los Deliveristas Unidos (LDU)/ Workers Justice Project

Date: June 15th, 2022

To: NYC Department of Consumer and Worker Protections (DCWP)

From: Ernesta Galvez, Deliverista & LDU Leader

Re: Minimum Pay Standard Study for App-Based Food Delivery Workers

Dear DCWP Commissioner Vilda Vera Mayuda:

Mi nombre es Ernesta Galvez, soy líder de Los Deliveristas Unidos (LDU) y trabajo en el Upper East y LES en Manhattan. Yo resido en Corona, Queens y soy madre de tres hijos de 6, 14 y 16 años de edad.



Yo comencé hacer deliveries para las aplicaciones a tiempo completo unos 5 años atrás en el año 2017, ya que necesita ganar dinero para mantener a mi familia y estar ahí para mis hijos. [Comienzo a trabajar temprano en la mañana, una vez deje a mi hijo en la escuela, de ahí me monto en mi e-bike y me dirijo a Manhattan para comenzar mi trabajo. en estas rutinas puede hacer más 3,500 millas en mi e-bike en solo una semana.](#)

Sino completo el salario que necesito para cubrir para mantener mi familia, vuelvo y salgo a trabajar en la noche una vez hago las tareas de la escuela y le he hecho cena, para así asegurar el ingreso que necesito para darle lo que necesitan y cubrir los gastos de la casa. En los últimos meses, los Deliveristas tenemos que trabajar más horas para conseguir el ingreso necesario para mantener la familia, ya que el costo de vida ha subido drásticamente.

Cuando comenzó la pandemia, yo me comencé a conectar con Deliveristas en Lower East Side que se acercaban para ayudarles con las situaciones relacionadas con su trabajo, como robos de e-bike, desactivaciones, robo de salario, ya que las aplicaciones no les pagan, pago de tickets, y demandar equipo PPE durante la pandemia y mejoras

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cde condiciones laborales. Eventualmente, con el apoyo de Workers Justice Project los Deliveristas nos unimos bajo Los Deliveristas Unidos (LDU).

Una vez nos unimos - no hemos dado vuelta atrás - luchando contra robos, educando a nuestros sobre la tecnologías, recobrando miles de dolares en dinero que aplicaciones no le han pagado a Deliveristas, deactivaciones por alegaciones que la orden no se entrego a tiempo aun asi cuando el restaurante se tardo una hora o mientras había una tormenta, casos de robos de propinas, ayudando a compañeros y sus familias cuando se accidentan y hasta cuando pierden la vida en el trabajo. Para todos los miles de companeros que servimos diariamente, esto representa dinero y tiempo, que muchos de ellos pierden la esperanza de plear o que se frustran ya que es el dinero que ellos han trabajado arduamente para conseguirlo. Pero Los Deliveristas Unidos (LDU) no nos rendimos, aun asi sobrevivimos una pandemia y muchas otras cosas, hacemos el trabajo incasable para que cada Deliveristas obtenga su dinero y una representación justa. Diariamente, muchos de nuestros compañeros enfrentan estos problemas encima y batallan con estas situaciones, aun asi tiene que comprar sus herramientas de trabajo y correr con sus propios gastos y pago de impuestos.

En los últimos meses me he dedicado a organizar el Comite de Mujeres Deliveristas de mas de 50 mujeres, ya que yo que las situaciones económicas que enfrentamos las mujeres Deliveristas son únicas, ya que tengo compañeras que son madres solteras y muchas veces tienen que cumplir con las responsabilidades de llevar a sus hijos a la escuela, los doctores y otras citas, y buscar childcare para cuando tienen que ir a trabajar aun asi no tengamos dias de enfermedad o de familia. Por eso, nosotras luchamos por obtener nuevos derechos laborales para todos los Deliveristas y mucho de ellos son super importantes para Mujeres Deliveristas, ya que estos derechos como el de distancias, transparencia en nuestro pago y el establecimiento de un estandar de salario minimo, digno y justo, es tan importante para nosotras. Para nosotras, este salario minimo, no es solo para nosotras, pero tambien tiene un impacto directo en familias enteras - ya que muchas Mujeres Deliveristas son esposas o compañeras de Deliveristas, que realizan la misma profesión que ellos realizan.

Yo me siento muy orgullosa de mi profesión con Deliverista en NYC, ya yo y mis compañeros tenemos tremenda ética de trabajo y realizamos un trabajo esencial para esta ciudad.

Como Deliverista y Lider de Los Deliveristas Unidos (LDU) le exigimos a la ciudad y DCWP que establezca un estándar de salario minimo real, sustentable y que tome en consideración los riesgos y gastos que enfrentamos en nuestro trabajo todos los días. Como Deliverista y trabajador esencial de NYC - le estamos pidiendo a la ciudad que

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los Deliveristas necesitan una seguridad económica para asegurarnos que podamos sustentar a nuestras familias y crear un ahorro que nos permita soportar estas situaciones tan frecuentes.

Muchas gracias por su presencia hoy día,

Ernesta Galvez
Lider de Los Deliveristas Unidos (LDU)
LES & Upper East Side, Manhattan

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Los Deliveristas Unidos (LDU)/ Workers Justice Project

Date: June 15th, 2022

To: NYC Department of Consumer and Worker Protections (DCWP)

From: Joshua Wood, Deliverista & LDU Leader

Re: Minimum Pay Standard Study for App-Based Food Delivery Workers

Dear DCWP Commissioner Vilda Vera Mayuda:

My name is Joshua Wood and I am an UBEREats app delivery worker on a bicycle in Manhattan. I am also one of the leaders with the Delivery Workers United/ Los Deliveristas Unidos (LDU).

I was initially drawn to app delivery work because of the flexibility and low barrier to entry. I started as a side gig in 2016, then full time after moving back to New York at the start of 2020. Based on my personal experience, I have found that because of the lower pay, app delivery is not a consistent nor sustainable, long term option for income for me any more.

Every year, I economically dread the summers as it becomes incredibly slow for app delivery workers, as you spend much more time waiting for orders, which is time I want to make clear we don't get paid for. Additionally, I have consistently seen my earnings as a whole reduce each year that I have worked. While the first year of the COVID pandemic did provide moments of high pay when the relative demand for our labor appeared high, those days are no more. Food delivery apps are now a centerpiece of the New York City economy, there are more of us working the streets than ever, and we compete to be assigned orders through an algorithm that neither is transparent or fair. In order to sustain myself I've had to force myself into putting in additional hours during bad weather, late nights, and other dangerous conditions when the pay is higher. The apps used to provide us with high incentives to make us work when we otherwise wouldn't want to. Recently, however, even these additional bonuses have all but disappeared. Without a minimum wage guarantee, Uber and the other apps are able to overstaff their platforms in a way that traditional employers cannot get away with. We are all fighting for our little slice of the pie that is total orders, but unlike with hourly wage earners there is no lower limit on how small our individual slices can be.

My income reached a low point this spring, as I found that working for Uber was paying me less than it ever had been. I was luckily able to transition into a different delivery job

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to make ends meet. I enjoyed the freedom of being my own boss, but it cannot come at the cost of my personal expenses, physical toll on my body, and risks to our safety which have claimed several of my co-workers' lives. The lack of pay consistency and upward mobility in this industry has unfortunately left me no other choice but to find additional income.

My experience is not unique, I have heard similar stories from some of my co-workers that started in the app delivery industry many years ago. This is the reason, many deliveristas are organizing under Delivery Workers United/ Los Deliveristas Unidos (LDU), passing laws that provide me and my-coworkers working protections and living wage standard.

For that reason, as app delivery worker and representative of Los Deliveristas Unidos (LDU) we are demanding that NYC & DCWP establish a Deliverista Minimum Wage Standard for all Deliveristas in NYC.

Thank you for your time and consideration,

Joshua Wood
LDU Leader, Manhattan

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Los Deliveristas Unidos (LDU)/ Workers Justice Project

Date: June 15th, 2022

To: NYC Department of Consumer and Worker Protections (DCWP)

From: William Medina, Deliverista & LDU Leader

Re: Minimum Pay Standard Study for App-Based Food Delivery Workers

Estimada comisionada de DCWP, Vilda Vera Mayuda:

Mi nombre es William Medina y soy un líder de los Deliveristas en Astoria, Queens.

Mientras hablamos de todos los riesgos asociados con el trabajo de delivery para las aplicaciones, quería compartir que personalmente me atacaron y me robaron mi moto y herramienta esencial esta primavera. Mientras estaba trabajando para las aplicación de _____ en abril, 2021. Los ladrones me atacaron y robaron mi motocicleta, dejándome con heridas en la cara y el brazo. Como ciudadano de NYC, yo llamé a la policía, respondieron y pudimos recuperar mi herramienta de trabajo - pero le confieso yo soy muy afortunado. Ya que esta nos es la realidad de muchos de nuestros companeros Deliveristas en Astoria.

A causa de las heridas y los golpes recibidos, no habia podido regresar a trabajar de manera inmediata, ya estaba lidiando con dolores y heridas fisicas relacionados al incidente que me permitia estar en condiciones optimas para hacer este trabajo. Además de eso, sabía que los ladrones no fueron arrestados y podrían estar buscando vengarse de mí por llamar a la policía. Durante un mes, no pude trabajar más allá de las tardes, sabiendo que no estarían en la calle a altas horas de la noche. Esos dias que pase sin trabajar, no obtuve una paga ya que nosotros los Deliveristas si no estamos activamente haciendo deliveries para las apps, no cobramos y las aplicaciones nos brindan dias de enfermedad o compensacion en el trabajo.

Personalmente, yo quiero resaltar el efecto emocional y psíquico que los Deliveristas enfrentamos a causa de la violencia laboral que enfrentamos a diario. Fue traumático ser atacado en las calles en las que trabajas todos los días. Me dio ansiedad y miedo volver a las calles por un tiempo, y hasta el día de hoy sé que cada día en el trabajo es un riesgo enorme para mí, mi familia y mi esposa siempre anda ocupada de que me pase algo o no regrese a casa.

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Como líderes de Los Deliveristas Unidos (LDU) de Astoria y junto a mi compañero Antonio Solis - no tan solo hemos vivido esta experiencias, pero nosotros junto al equipo de LDU/WJP, nuestros abogados asistimos a nuestros compañeros con estos casos de violencia laboral y accidentes todos los días. Todos unimos nuestros esfuerzos, energías, conocimiento y recursos económicos para asegurarnos de que nuestros compañeros Deliveristas no se sientan que no hay opción.

Por favor, comprenda que como Deliveristas, su vida puede cambiar en un instante. Pero más que todo, ser Deliverista es nuestra profesión de la cual tenemos mucho orgullo de realizar. Pero quiero dejar bien claro, los Deliveristas no somos y no queremos ser policías y perseguir a los ladrones, ya que eso es trabajo de los policías.

Como Deliverista y Líder de Los Deliveristas Unidos (LDU) le exigimos a la ciudad y DCWP que establezca un estándar de salario mínimo real, digno y sustentable, para todos los Deliveristas de NYC independientemente para la aplicación para la que trabajaes. DCWP debe considerar los riesgos y gastos que enfrentamos los Deliveristas diariamente y que ese salario mínimo refleje esa realidad. Como Deliverista y trabajador esencial de NYC - le estamos pidiendo a la ciudad que los Deliveristas necesitan una seguridad económica para asegurarnos que podamos sustentar a nuestras familias y crear un ahorro que nos permita soportar estas situaciones tan frecuentes.

Muchas gracias por su presencia hoy día,

William Medina
Líder de Los Deliveristas Unidos (LDU)
Astoria, Queens

y necesitamos la seguridad financiera para poder cuidar de nosotros mismos y de nuestra familia.

Gracias,
-William Medina

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Espanol

Moto was robbed in April. Moto 4600, insurance 800 a year.

Placas registracion todo a su nombre

Police helped with it.

He was attacked, didn't want to go outside. Worried they would take revenge. Lost a lot a money, almost half the month didnt work out of fear. When he did work he only worked mornings, he was worried about them getting out of school.

Injuries to the face and arm.

For 4 months he had a different moto, 3400 cost him.

Risks are at 100 percent all the time. Todos los dias viven en peligro, ladrones, carros, dangerous zones, weather.

GAS- 32 a la semana.

450 dollars last month, had to change back tire, back frenos, aceite, had to change break handle because when he was robbed that was slip. Frenos every 5000 miles, aceite every 2000 millas, every 1.5 months.

Accident

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Los Deliveristas Unidos (LDU)/ Workers Justice Project

Date: June 15th, 2022

To: NYC Department of Consumer and Worker Protections (DCWP)
From: Antonio Solis, Deliverista & LDU Leader

Re: Minimum Pay Standard Study for App-Based Food Delivery Workers

Estimada comisionada de DCWP, Vilda Vera Mayuda:

Mi nombre es Antonio Solis y he trabajado en las aplicaciones entregando comida, bebidas, medicinas y hasta globos desde el año 2020. Soy líder de Los Deliveristas Unidos en representación del área de Astoria, Queens y actualmente trabajo para DoorDash y GrubHub. Nuestra area de trabajo es diferente a Manhattan y por esta razon utilizo un moto para hacer entregas.



Quería dar mi apoyo al testimonio de mis compañeros William Medina y Rafael Islas como sobrevivientes de un accidentes y robos. Como líder de los Deliveristas en aquí Astoria, puedo decir con absoluta certeza que sus casos no son anormales y, en cambio, describen parte de las realidades de ser Deliveristas ya que nosotros trabajamos 60 a 70 horas a la semana y estamos constantemente lidiando con los riesgos cotidianos de ir a nuestra oficina que es la calle.

Durantes esas horas de trabajo las aplicaciones nos pagan por delivery, donde muchas ocasiones el pago baso es de \$2.00 hasta \$10.00 (como un pago que no se ve todos los días días). Haciendo la matematica tenemos que pasar horas para poder llevar una salario que nos permita pagar la renta y los altos costos de vida de esta ciudad.

De esas horas, las aplicaciones solo nos paga cuando estamos haciendo deliveriries, pero nos paga cuando a causa de nuestro trabajo tenemos que lidiar con robos, accidentes y hasta cuando un companero fallece.

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Los Deliveristas Unidos (LDU)/ Workers Justice Project

En mi areas de Queens - a mi me alertan de 6 a 7 robos de motos, gas y electricas, a la semana. Nosotros, como Deliveristas, tenemos que tomarnos mucho tiempo para cuidarnos, ayudarnos unos a otros a proteger nuestras motos, ya que en muchas ocasiones el NYPD no toma estos casos con seriedad. Tiempo de trabajo que no se nos compensa, aun asi esta directamente relacionado con nuestro trabajo de deliveries.

Cada moto que usamos para trabajar es una gran inversión y sacrificio de tiempo y dinero: Yo pagué \$4500 por mi última moto de gas, actualmente pago mas \$300 por año en seguro, \$40 por gasolina cada semana y \$170 cada mes por descansos y cambios de aceite. Y estos gastos estan aumentando cada, ya que el costo de vida y inflacion sigue creciendo. Quiero dejar claro que estos costos no incluyen los gastos de licencia, registro, inspeccion, tickets, reparaciones por danos, ni el costo que tengo que invertir en todo los efectos que necesito para protegerme y requerido por el DOT.

Con gasto en mantenimiento y dinero que invertimos, estoy seguro de que todos aqui pueden entender lo devastador que es que te roben una de estas motos. Cuando te roban una moto, tu herramienta de trabajo más importante se ha desvanecido en unos minutos y en muchas ocasiones esto ocurre cuando estamos trabajando. Las aplicaciones no nos brindan asistencia cuando esto nos ocurre, y Deliveristas como yo y mis companeros, de la nada tenemos que volver a empezar y ver como nos reconstruimos de nuevo. Ya que el poco dinero que nos queda, lo usamos para mantenernos a nosotros y nuestras familias. Asi que de repente, Deliveristas tenemos que conseguir \$4000 dólares mientras no está trabajando para continuar trabajando ya que ser Deliverista es mi trabajo a tiempo completo.

Además de verse afectados financieramente por un robo o un accidente, los Deliveristas también se ven afectados física y emocionalmente, tal como lo describen Rafa y William. En casos graves, tenemos companeros Deliveristas que pueden quedarse sin trabajo por meses, o indefinidamente, o en el peor de los casos, morir por uno de estos incidentes que sufrimos mientras estamos trabajando.

Como Deliverista y Lider de Los Deliveristas Unidos (LDU) le exigimos a la ciudad y DCWP que establezca un estándar de salario minimo real, sustentable y que tome en consideracion los riesgos y gastos que enfrentamos en nuestro trabajo todos los dias. Como Deliverista y trabajador esencial de NYC - le estamos pidiendo a la ciudad que los Deliveristas necesitan una seguridad económica para asegurarnos que podamos sustentar a nuestras familias y crear un ahorro que nos permita soportar estas situaciones tan frecuentes.



Los Deliveristas Unidos (LDU)/ Workers Justice Project

Muchas gracias por su presencia hoy dia,

Antonio Martinez Solis
Lider de Los Deliveristas Unidos (LDU)
Astoria, Queens

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Los Deliveristas Unidos (LDU)/ Workers Justice Project

Date: June 15th, 2022

To: NYC Department of Consumer and Worker Protections (DCWP)

From: Manny Ramirez, Deliverista & LDU Leader

Re: Minimum Pay Standard Study for App-Based Food Delivery Workers

Dear DCWP Comissioner Vilda Vera Mayuda:

My name is José Ramírez, and I go by 'Manny.' I have been doing delivery work for DoorDash and Relay for six years in Uptown Manhattan, Morningside, and Columbia University. My wife, Jessica Choque, and I work as Deliveristas and sustain our children's five children, ages 1, 6, 10, 13, and 14, by doing deliveries for app companies in NYC.

In my six years as Deliverista, I have experienced many issues at my job, from deactivation, accidents, paternity, labor violence, and everything in between. These experiences have motivated me to join Los Deliveristas Unidos (LDU)/ Workers Justice Project as a leader in my area to fight for better labor conditions and represent my co-workers in dealing with injustices with the apps.

In 2020, as Deliverista, I experienced how my wife, during pregnancy, had to work and ride an e-bike and move thru floors across Upper Manhattan working for the app delivery companies. During that time, I was always worried that something would happen to her on the street. To ensure she was safe and comfortable, we spent a lot of money buying a more steady e-bike and additional protective equipment to ensure she was safe on the street. Expenses that came out of our pocket. Now, Jessica stays at home caring for our children until he is old enough for daycare because she doesn't have sick days, maternity leave or benefits, so we have been supporting our family with only one income. Once our child is older, my wife will return to the Work , NYC Streets, and continue working as Deliverista.

On February 29, 2021, I got into a labor accident because a car hit me while making a delivery. It cost me around \$ 1,500 to repair my equipment, and at that moment, I didn't have the medical treatment or the quality legal representation that guided me to process. The apps did not cover equipment or medical treatment costs, and I had to go

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Los Deliveristas Unidos (LDU)/ Workers Justice Project

back to work in pain and start working extra hours to make up for the lost time and money.

On September 14, 2021, I experienced my second labor accident. This experience was, unfortunately, but it was different and empowering for me. As a member of Los Deliveristas Unidos (LDU), my union provided me with sound legal benefits and representation thru my case. Our lawyer promptly took care of my case, dealt with expenses, and received medical treatment. But as Willian mentioned, I am lucky because I knew my rights, LDU trained me & as a leader on what to do and how to document these cases, and I had the support of an organization that is looking out for us.

As I have got involved in supporting Deliveristas - I have heard many stories of Deliveristas that have similar experiences. Still, they ended victims of predatory personal injuries lawyers who don't know the app delivery industry, didn't inform them of their Deliveristas' labor rights & process and didn't provide the right representation to Deliveristas who are victims of accidents, assault, or fatalities.



We often receive Deliveristas in the office who have been injured and didn't submit the claim on time because they didn't know, misinformation, or even that someone just took advantage of them. For that reason, many workers in this industry need financial assistance after getting into an accident. In addition, we often work paycheck to paycheck and cannot afford to lose several days of work due to injury or broken equipment. In these cases, Deliveristas end up covering all their medical expenses, the repair cost of their equipment, and loss of wages, which lead to many ending up in collection agencies, in debt and struggling to sustain their families. Even these

Deliveristas were injured on the job. Apps don't contribute anything to assist the Deliverista injured on the job.

For that reason, as Deliveristas, we are organizing and building Los Deliveristas Unidos. I am fighting for labor protections and a fair wage for all Deliveristas in NYC.

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For that reason, as app delivery workers and representatives of Los Deliveristas Unidos (LDU) we are demanding that NYC & DCWP establish a Deliverista Minimum Wage Standard for all Deliveristas in NYC.

Thank you for your time and consideration,

Manny Ramirez
LDU Leader, Upper Manhatt

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Los Deliveristas Unidos (LDU)/ Workers Justice Project

Date: June 15th, 2022

To: NYC Department of Consumer and Worker Protections (DCWP)

From: Alfredo Gomez, Deliverista & LDU Leader

Re: Minimum Pay Standard Study for App-Based Food Delivery Workers

Estimada comisionada de DCWP, Vilda Vera Mayuda:

Mi nombre es Alfredo Gómez y he trabajado en la entrega de aplicaciones desde febrero de 2019. Soy líder de Los Deliveristas Unidos en representación del área de Washington Heights.

En mis más de tres años de experiencia haciendo entregas para DoorDash, yo y mis compañeros Deliveristas hemos visto una disminución constante del salario por mi trabajo año tras año. Ya en muchas ocasiones nos conectamos en la aplicación y la misma no tiene horas esperando sin recibir un delivery. Todo el tiempo que los Deliveristas llevamos esperando una orden, las aplicaciones no las pagan. Y se nos envían deliveries, muchas veces cuando llegamos al restaurante tenemos que esperar una hora o más, ya que el restaurante recibe unos minutos cuando llegamos a recogerla, mientras la aplicación no está enviando mensajes de que vaya a recoger el delivery inmediatamente. Para los Deliveristas es cuestión de tiempo ya que las aplicaciones no pagan por delivery realizado, y por eso para los Deliveristas el tiempo para nosotros es dinero.

Muchas personas pueden suponer que ganar dinero como Deliverista es similar a ser mesero en un restaurante, que la mayor parte de su dinero se gana con las propinas de los clientes. Esta nunca ha sido mi experiencia, ya que mi propina suele ser de 1 a 2 dólares en el área que trabajo. Así que los Deliveristas de Washington Heights siempre están en la necesidad de hacer la mayor cantidad de deliveries posible.

Los Deliveristas Unidos (LDU)/ Workers Justice Project

<https://losdeliveristasunidos.org/>

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Los Deliveristas Unidos (LDU)/ Workers Justice Project

Es muy raro que me den una propina de más de 7 dólares por un viaje. Dependemos absolutamente del pago que la aplicación esté dispuesta a darnos, ya es el único ingreso constante que recibimos. Para los Deliveristas en mi, las propinas de los clientes han demostrado ser un pequeño porcentaje de nuestras ganancias.

Pero como Deliveristas sabes que las propinas no son ingresos y muchas veces con situaciones con la pandemia del COVID 19 vimos que muchos de los clientes se quedaron sin trabajo y no nos podían ofrecer propinas, aun así que estaban agradecidos por nuestros servicios. Es por esto que estamos solicitando a DCWP que establezca un salario mínimo digno para los Deliveristas de NYC.

Además de los costos de ropa impermeable, reparación de bicicletas, etc., muchos de nosotros, los inmigrantes, también enviamos una gran parte de nuestras ganancias a los dependientes en casa. Envío dinero a México todos los meses a la familia que lo necesita.

En conclusión, el trabajo ha sido consistentemente menos remunerado y más extenuante en mis tres años de entrega. Tampoco podemos depender de las propinas de los clientes para ganarnos la vida, depende de la aplicación pagarnos un salario decente.

Como Deliverista y Líder de Los Deliveristas Unidos (LDU) le exigimos a la ciudad y DCWP que establezca un estándar de salario mínimo real, sustentable y que tome en consideración los riesgos y gastos que enfrentamos en nuestro trabajo todos los días. Como Deliverista y trabajador esencial de NYC - le estamos pidiendo a la ciudad que los Deliveristas necesitan una seguridad económica para asegurarnos que podamos sustentar a nuestras familias y crear un ahorro que nos permita soportar estas situaciones tan frecuentes.

Gracias por su tiempo y consideración,
Alfredo Gomez
LDU Leader - Washington Heights

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Los Deliveristas Unidos (LDU)/ Workers Justice Project

Date: June 15th, 2022

To: NYC Department of Consumer and Worker Protections (DCWP)

From: Hector Manzano, Deliverista & LDU Leader

Re: Minimum Pay Standard Study for App-Based Food Delivery Workers

Dear DCWP Comissioner Vilda Vera Mayuda:

My name is Hector Manzano, leader of Los Deliveristas Unidos (LDU), working in the area of Midtown Manhattan (Time Square). I did app delivery work full time and started developing my mechanic skills and repairing e-bikes and mopeds.

As I donate my time as a mechanic during the LDU Bike Tune-Up across the five boroughs, I have seen that many Deliveristas are using faulty equipment that, if not replaced, can result in accidents or injury. For example, some Deliveristas use e-batteries that do not connect to the motor properly, creating the possibility of fire or battery explosion if they ride in the rain. Other Deliveristas use e-bikes that need replaced brakes, which are quickly worn down when delivering orders full-time. These can cause serious accidents that have, in some cases, killed deliveries.

All these situations have a common denominator, Deliveristas have to choose between eating and feeding their families and paying for repairing their equipment because apps don't pay workers a living wage. Deliveristas do not earn enough and have a low to zero safety net - they constantly choose to ride on this equipment rather than not work.

In addition, we Deliveristas have additional labor expenses such as e-bike charging, phones, data plan, GPS, and other expenses. The applications do not cover these equipment costs, leaving us to pick up extra hours to pay to replace our batteries, brakes and sometimes even fix the smartphones we use for work.

Every day, I see Deliveristas face a tough choice: work with faulty, dangerous equipment or take a pay cut.

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For that reason, as app delivery workers and representatives of Los Deliveristas Unidos (LDU) we are demanding that NYC & DCWP establish a Deliverista Minimum Wage Standard for all Deliveristas in NYC.

For that reason, as app delivery worker and representative of Los Deliveristas Unidos (LDU) we are demanding that NYC & DCWP establish a Deliverista Minimum Wage Standard for all Deliveristas in NYC.

Sincerely,
Hector Manzano,
LDU Leader - Midtown Manhattan

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Los Deliveristas Unidos (LDU)/ Workers Justice Project

Date: June 15th, 2022

To: NYC Department of Consumer and Worker Protections (DCWP)

From: Adan Perez, Deliverista & LDU Leader

Re: Minimum Pay Standard Study for App-Based Food Delivery Workers

Dear DCWP Comissioner Vilda Vera Mayuda:

Saludos a todos y gracias por escuchar mi testimonio. Mi nombre es Adán Pérez y soy uno de los líderes, trabajo para DoorDash como Top Dasher en el area de DOWTOWN Manhattan, en especial en el area de Chelsea. Yo uno de los mecánicos de de Los Deliveristas Unidos. Yo realizo mi trabajo de mecanico de forma voluntaria, ya que conozco en carga viva lo dificil de este trabajo y lo carro que es mantener el equipo que uso para hacer deliveries.



Yo siempre les digo a los Deliveristas es que es vital que tengan una e-bike o moto que esté en excelentes condiciones, ya que estamos de 6 a 7 dias en la calle trabajando unas 8 a 12 horas diarias. Esto significa al estar en contaste uso y deterioro, por esto los Deliveristas requieren que la herramienta de trabajo esté en buenas condiciones, ya que de no estarlo es peligroso para los Deliveristas y para los habitantes de NYC.

Cada e-bike necesita reparación y reemplazo constante de mantenimiento y piezas para que esté en buenas condiciones. Yo, personalmente, he gastado más de \$350 en solo herramientas para reparar e-bike para mí y mis amigos. Este dinero no cubre los gastos de la

reparacion mensual que requireme mi herramienta de trabajo. Yo pago los frenos nuevos y los cambios de aceite todos los meses, que pueden ser más de 100 dólares

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al mes. En mi caso en particular, como se y he aprendido de mecanico para e-bike, yo realizo estas reparaciones la cual requieren que yo saca tiempo de trabajar para mantener mi herramienta de trabajo. Todo las herramientas, trabajo y tiempo que le dedico al mantenimiento sale de mi bolsillo.

Estas reparaciones no solo cuestan dinero a los Deliveristas, sino que también toman tiempo, ya que la ciudad no cuenta con muchos mecanicos de e-bike confiables, que realizen un buen trabajo, asi que la seleccion es limitada. Al llevarlo al mecanico de bicicleta, el Deliverista tiene que tomar tiempo para que se haga la reparacion. Es simple, muchos han accidentado porque no han tenido el dinero o tiempo para arreglar su herramienta principal de trabajo.

Ademas lo gastos que le menciono anteriormente, son solo reparaciones necesarias, esto no incluye las reparaciones de emergencia que surgen cuando se te poncha una llanta, se dana la bateria, tienes problema con la computadora del e-bike, entre otros. Yo y mis companeros Deliveristas siempre estamos teniendo que elegir constantemente entre pagar el costo de pagar por el mantenimiento a su herramienta de trabajo, mantenerse uno mismo o sus familias.

En adicción, yo gasto unos \$100 al año se destinan a mis pagos de GPS para poder rastrear mi e-bike.

Como Deliverista y Lider de Los Deliveristas Unidos (LDU) le exigimos a la ciudad y DCWP que establezca un estándar de salario minimo real, sustentable y que tome en consideracion los riesgos y gastos que enfrentamos en nuestro trabajo todos los dias. Como Deliverista y trabajador esencial de NYC - le estamos pidiendo a la ciudad que los Deliveristas necesitan una seguridad económica para asegurarnos que podamos sustentar a nuestras familias y crear un ahorro que nos permita soportar estas situaciones tan frecuentes.

Muchas gracias por su tiempo y por escucharme.

Adan Perez

Lider de Los Deliveristas Unidos

Manhattan, Chelsea

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June 17, 2022

Department of Consumer and Worker Protection
City of New York
42 Broadway
New York, NY 10004

RE: Comments on DCWP Delivery Worker Hearing

Dear Commissioner Mayuga:

My name is Sascha Owen and I am the Senior Manager of Government Relations for New York at DoorDash. We are a technology company whose mission is to grow and empower local economies, including in New York City. We do that by partnering with thousands of local businesses for online ordering, takeout, delivery, and marketing services. We also empower New Yorkers from all walks of life to earn money when, where, and how they choose by delivering meals and other essentials to their communities.

We appreciate the Department's attention to important issues facing delivery workers in New York City and are thankful for this opportunity to provide insights about the Dasher community and the work that we are doing to support them.

The NYC Dasher Community

Technology has unlocked new ways for people to access supplemental earnings opportunities at the touch of a button, filling an important need in the labor market that is not served by traditional part- or full-time employment.

Dashers use DoorDash to earn when, where, and however long they want. They tell us they value the accessibility, flexibility, and independence. Dashing allows millions of students, teachers, parents, retirees, small business owners, caregivers, and others to sign up, log on, and start earning income almost instantaneously, with the freedom and flexibility to design their own schedule and reach their own goals.

While Dashers come to DoorDash for a variety of reasons, very few appear to rely on app-based work as their main source of income. For example, in Q1 2022, Dashers worked on average fewer than 3 hours a week and earned nearly \$29 on average per hour they're on a delivery in New York City, including 100% of their tips. And, more than 90% of Dashers worked fewer than 10 hours per week on the platform.

Supporting NYC Dashers

DoorDash is constantly working to support Dashers. That's why we have established a series of industry-leading programs and features to enhance Dashers safety and improve their experience on the platform.

Coverage by Occupational Accident Insurance

While safety incidents are extremely rare, DoorDash is there to offer support to Dashers when things go wrong. In June 2019, DoorDash became the first in the industry to provide occupational accident insurance at no cost to Dashers and with no-opt-in required, helping support Dashers if they're injured while delivering on our platform. The policy covers medical expenses up to \$1,000,000. It also provides disability payments and survivor benefits for eligible dependents. This coverage is available automatically to Dashers with no deductibles, co-pays, or premium payments.

Assistance from a 24/7 Trust & Safety Team

Whenever we are made aware of an incident involving a Dasher or any other member of our community, our 24/7 Trust & Safety team is available 365 days a year and in more than five languages to investigate and take all appropriate actions. This includes reaching out to those involved, providing support, and engaging with law enforcement as needed. The team also makes every effort to contact a Dasher's family to offer support when such outreach is appropriate.

Access to In-App Safety Features

Last year, we were proud to launch SafeDash, our in-app toolkit powered by ADT to help Dashers feel safe and give them greater peace of mind. New York was one of the first cities where SafeDash was introduced for Dashers. The toolkit includes:

- **Safety Reassurance Call**. In the event a Dasher feels unsafe, they can quickly and easily connect with a trained ADT safety agent through our app. ADT will call the Dasher and remain on the phone until the Dasher feels safe. If the incident escalates, and the Dasher is unresponsive for a period of time, ADT will contact 911 to request emergency response to the Dasher's last known location, based on GPS from their smartphone.
- **Emergency Assistance Button**. If a Dasher needs emergency services, they can use the app to call for assistance. ADT will be able to pass along critical information such as their location, which will be shared directly with emergency responders. This also enables a Dasher to get help from 911 silently, providing additional information to ADT without needing to speak on the phone.

We are also continually developing additional in-app features to further improve Dasher safety and provide greater peace of mind, and we look forward to announcing those in the near future.

Free PPE and COVID Financial Assistance

Since the beginning of the COVID-19 pandemic, DoorDash has hosted events with local community partners across the five boroughs in order to distribute thousands of masks, hand sanitizer and other resources to Dashers and community members. These events are an extension of our continued effort to provide free personal protective equipment to all Dashers free of charge. We also continue to provide up to two weeks of financial assistance for eligible Dashers who are quarantined or diagnosed with COVID-19.

Our New York Dasher Advisory Group

Last year, we established the New York Dasher Advisory Group, dedicated to amplifying the voices of Dashers in New York and empowering them to advise on key issues, act as a sounding board for ideas, and shape DoorDash's future by testing new product features. As part of these meetings, we

have received feedback from Dashers on the importance of flexibility and choice in their lives, taken recommendations on how to improve safety on the platform, and discussed community engagement efforts they would be interested in. We've always felt it's important to hear from members of our own community and we're grateful for the perspectives we've heard from participants.

Delivery Worker Expenses in NYC

We understand that the Department is currently conducting an assessment of delivery workers' pay, expenses, hours, and other issues pursuant to Local Law 115. To help inform the Department's study, DoorDash and Uber engaged an independent research firm to develop cost estimates on the fixed and variable costs per mile that a typical app-based delivery worker operating on e-bikes and traditional bikes incurred in New York City in 2021. The study is based on data provided by DoorDash and Uber as well as third-party research. We are attaching a copy of the full study to this submission, but the chart below summarizes the findings of bike-based delivery worker expenses on a per mile basis:

Primary Mode of Transportation	E-Bike	Regular Bike
Fixed Costs per Mile	\$0.171	\$0.090
Variable Costs per Mile	\$0.070	\$0.057
Total Costs per Mile	\$0.241	\$0.146

As you can see, the researchers estimate that expenses for workers using e-bikes – including purchase price, charging and maintenance costs, and cell phone data – typically costs approximately \$0.24 per mile. Relevant expenses for a typical worker using a traditional bike is estimated at approximately \$0.15 per mile.

* * *

Thank you again for this opportunity to provide these comments as the Department conducts this assessment. We look forward to working with the Department on an earnings standard that supports our Dashers while minimizing impacts on merchants and customers who also rely on our platform.

Sincerely,

Sascha Owen
Senior Manager of Government Relations for New York



**BEFORE THE NEW YORK CITY DEPARTMENT OF CONSUMER AND WORKER
PROTECTION**

**Public hearing to examine the working
conditions of app-based food delivery
workers.**

Public Hearing: June 15, 2022

COMMENTS OF UBER TECHNOLOGIES, INC.

Hayley Prim
175 Greenwich St.
New York, NY 10001
Email: prim@uber.com

Uber Eats welcomes a continued conversation with the New York City Department of Consumer and Worker Protection (DCWP) on the topic of minimum pay rates for third party delivery workers in New York City. Over the past several years, the process of food delivery has evolved significantly. What used to be a simple relationship between a consumer, food establishment, and delivery person now also includes app-based technology and major national corporations.

The COVID-19 pandemic had a major impact on the food delivery industry in New York. Uber Eats, which prior to 2019, was largely centered around Manhattan and Western Brooklyn, saw a shift both in the customer and worker base to the outer boroughs. And in the first few months after COVID-19 hit New York City, we saw tens of thousands of New Yorkers sign up to deliver using our platform, with the largest increases coming from those who live in the outer rings of the outer boroughs. Additionally, in the same time period it became clear that New Yorkers in traditionally low-income neighborhoods also relied on Uber Eats more than anyone else. Those residents who did not have the flexibility to leave the City, and were forced to stay home due to social distancing concerns turned to Uber Eats to get basic necessities for their families. For example, in the early months of the pandemic we saw a 61% increase in orders in Southeast Queens, a 35% increase in the South Bronx, and an 88% increase in outer Queens. This is compared to the West Village and Upper East Side, where we saw food delivery orders decline.

Restaurants also benefit from Uber Eats. While some third party services simply offer listing or marketing to local merchants, a restaurant can sign on to list their menu on Uber Eats and also have Uber Eats aid in the fulfillment of the orders for the restaurants, including handling all the logistics and facilitating payments to the delivery people for the cost of their delivery services. New York City currently has a commission cap in place, which limits how much we can charge a restaurant, but it's important to recognize that commissions go towards many things, including:

background checks, maintaining safety on the platform, insurance costs, technology services, customer support, and importantly, a portion of the commission goes toward paying the delivery worker who is transporting the food from the merchant to the consumer.

As DCWP conducts its study in order to create a minimum earnings standard for delivery workers, we hope you will consider many key factors as it relates to the current landscape of food delivery in New York City. Uber offers the following testimony for DCWP's consideration:

DCWP Study: As the DCWP continues to collect information to analyze the delivery industry in New York, we believe that any compensation study should consider the food delivery industry as a whole. Third Party Delivery Service (TPDS) and Third Party Courier Service (TPCS) workers provide the same services for consumers as delivery workers that are employed directly by restaurants. Accordingly, the study should include how much the restaurant industry (which food delivery platforms support) pay their delivery drivers, and use that data to help inform the forthcoming earnings standard.

Utilization as a factor: We understand that "utilization" was critical in developing an earnings standard for the High Volume For-Hire Vehicle industry in New York City. However, when the Taxi and Limousine Commission developed the earnings standard for drivers, it was already regulating the for-hire industry and had access to driver's vehicle registrations, drivers licenses, base affiliations and other important information to determine the scale and scope of the industry. Currently, DCWP only requires licenses for TPDS - not TPCS, nor restaurants that employ delivery workers directly, and not the delivery workers themselves. By only requiring licenses of a small segment of the industry, the City is unable to capture the level of detail of data necessary in order to create a minimum earnings standard that would be based around a utilization rate. We believe that a utilization-based standard will not serve the same purposes or address the same needs for the food delivery industry as it did with the transportation industry. Instead of measuring utilization, DCWP should include a factor based on all open time between trips for those couriers it is able to match across platforms or those who rely on one app and maintain high acceptance rates. This factor can be applied to the time when a courier picks up an order at a restaurant to when the job is complete as well as the distance a courier travels from the restaurant to the drop off location.

Gratuities as a factor: While we understand that a minimum payment standard cannot include gratuities as per Local Law 115, the same local law also says that "such study shall include, at minimum, consideration of the pay food delivery workers receive and the methods by which such pay is determined." We know that tips make up a considerable portion of compensation for third party delivery workers similar to other food and other services industry workers in New York City. Accordingly, food service workers in the City are subject to a \$10/hr minimum wage and a \$5 tip credit, and service workers in the City are subject to a \$12.50/hr minimum wage and a \$2.50 tip credit. As DCWP continues to analyze this industry, we urge you to create a standard that recognizes that tips are, and will continue to be substantial, as it has been culturally adopted in NYC's food and service industries, including in traditional food delivery.

New Rules Create More Autonomy for Workers: Any earnings standard must take into consideration legislation recently enacted by the City of New York that grants delivery workers increased autonomy. By law, food delivery workers have the ability to:

- See complete information about each trip, including actual earnings and expected tip
- Set parameters determining the distance they are willing to travel
- Accept or reject any trip without negative consequences

These laws were designed to give couriers more choice over the jobs they wish to accept and any future earnings standard must be designed to interact smoothly. For example, setting an artificially high per order minimum may lead to couriers setting low parameters around travel distance. Most importantly, since TPDS are required to show actual earnings on a per trip basis prior to the trip and the time and distance a delivery worker travels will not be known until the trip is complete, an earning standard cannot be implemented on a per trip basis. Instead, the standard should look at all the time and distance a food delivery worker spent delivering food over the course of two weeks and apply the earnings standard over that period.

Fraud: Earnings standards have the potential to increase fraud on platforms. Any earnings standard must therefore limit opportunities for bad actors to commit fraud, and fraud may come in many forms. For example, an earnings standard that fails to address fraud incentivizes bad actors to unreasonably delay deliveries in order to exact illegitimate earnings. Unreasonably delayed deliveries may come in the form of workers unnecessarily prolonging the time spent traveling to a restaurant to pick up an order, and/or prolonging the time it takes to deliver the order to the waiting customer. As another example of fraud, a fraudulent courier may travel to a restaurant, collect the order, and then cancel the delivery. It should go without saying that such couriers should not be mandated payment for a delivery that doesn't occur. As can be seen from these examples and others, an earnings standard silent on fraud, in effect, encourages fraud. Such fraud is not only costly, but it negatively impacts restaurants, customers, and other couriers in NYC. In order to reduce the avenues for fraud, an earnings standard should permit app-based companies to take reasonable measures to address fraud in its many forms, including providing app-based companies with the ability to withhold driver payments and suspend couriers while suspected fraud is investigated, and to deactivate couriers who are found to have acted fraudulently.

Batched Orders: DCWP should encourage batched orders which increase utilization and trips by not double counting time and distance on delivery trips that include batched orders. By doing this, companies will be incentivized to bundle deliveries together that are going from one restaurant to destinations in the same areas of the City. This would improve operations for restaurants as restaurants would be able to interact with fewer individual delivery workers to move meals to multiple consumers, and create a smoother operation for workers, who will be able to stop at fewer restaurants and complete more deliveries. As order density increases, batching makes the marketplace more efficient by keeping delivery partner ETAs lower and freeing up more capacity.

Commission Caps for Restaurants: Last fall, the New York City Council passed a permanent commission cap on TPDS regulating the fees they are able to charge to restaurants who list their menus on their apps. Once the DCWP finalizes an earnings standard for delivery workers, TPDS will have set prices on two of the three sides of the marketplace, thereby forcing additional costs onto consumers. We believe restaurants should have the option to absorb additional costs instead of forcing them on their customer base as this allows them to preserve consumer demand and opt into additional services that could be beneficial to them and their operations.



DOORDASH/UBER DELIVERY WORKER
COST STUDY
E-BIKES AND REGULAR BIKES

PREPARED BY HR&A ADVISORS, INC.
JUNE 1, 2022

DoorDash/Uber Delivery Worker Cost Study

EXECUTIVE SUMMARY

Overview: Costs Per Mile

Based on data from DoorDash and Uber, in addition to third-party research, HR&A developed cost estimates on the fixed and variable costs per mile that a typical app-based delivery worker incurred in New York City from January 2021 to April 2022, separating costs by e-bike and regular bike. Our estimates only consider active time (P1 time, or time that a delivery worker spends waiting for a job, is excluded).

Primary Mode of Transportation	E-Bike	Regular Bike
Fixed Costs per Mile	\$0.171	\$0.090
Variable Costs per Mile	\$0.070	\$0.057
Total Costs per Mile	\$0.241	\$0.146

Fixed Costs

Fixed costs do not vary with the level of service a given worker provides. For example, the purchase price of an e-bike is a fixed cost because the cost is the same whether the delivery worker travels 50 miles or 500 miles in a month.

In our cost estimates, we assume that the typical worker would purchase an e-bike or regular bike for the primary purpose of doing app-based food delivery.

We exclude fixed costs related to overnight parking in Manhattan for e-bike and regular bike users, as such costs would not be economical for the majority of workers, especially given that if a worker stored their bike in their home at no cost, additional commuting costs (i.e., related to battery charging and maintenance) would be relatively low.¹

Other fixed costs include the incremental cost of unlimited data plans required to make app-based deliveries.

To calculate fixed costs per mile, we amortize such costs on a monthly basis (as applicable) and divide by the average monthly miles traveled per worker. Delivery workers that use e-bikes or regular bikes as their primary mode of transportation travel 223.0 miles per month on average.²

¹ See p. 5 for more information.

² We calculated average monthly miles traveled per worker by mode of transportation based on app-based food delivery platform market share data, delivery worker data from Uber and DoorDash, and internal DoorDash survey data for 2021. See p. 3 for more information.

Variable Costs

Variable costs refer to incremental expenses incurred for each additional mile traveled by a given delivery worker and can include fuel/battery charging, depreciation, and maintenance. For example, maintenance costs for a delivery worker that travels 500 miles in a month will be higher than that for a delivery worker that travels 50 miles in a month. Depreciation costs for e-bikes and regular bikes are captured by amortizing the purchase price across the lifespan of the bike.

Fixed and Variable Costs – Detailed

Cost Type	E-Bike	Regular Bike
Fixed Costs per Mile	\$0.171	\$0.090
Purchase Price, Amortized Across Lifespan	\$0.100	\$0.019
Insurance (Incremental)	N/A	N/A
Unlimited Data (Incremental)	\$0.071	\$0.071
Variable Costs per Mile	\$0.070	\$0.057
Fuel/Battery Charging	\$0.003	N/A
Depreciation	N/A	N/A
Maintenance	\$0.067	\$0.057
Total Costs per Mile	\$0.241³	\$0.146

³ Such costs are significantly lower than e-bike rentals. On Zoomo, a part-time delivery worker can rent an e-bike at \$35 per week, or \$140 per month. Dividing by the average mileage for e-bike-using workers (233.0 miles) yields an estimated cost of \$0.601 per mile.

DETAILED ESTIMATES, SOURCES, AND ASSUMPTIONS

Calculating Average Monthly Miles Traveled per Worker by Mode of Transportation

To calculate fixed costs on a per mile basis, HR&A estimated the average monthly miles traveled per worker by mode of transportation. We used the following inputs to develop our estimate:

- DoorDash and Uber data on workers and miles traveled by primary mode of transportation for 2021.
- DoorDash and Uber data on worker modal share for 2021.
- The DoorDash November 2021 delivery worker survey, which includes data on the share of Dashers that use other app-based food delivery platforms.
- The market share of app-based food delivery platforms in New York City for 2021. Data was sourced from [Bloomberg Second Measure](#), a technology company that analyzes billions of anonymized purchases to analyze company performance and consumer behavior.

Please see below for our methodology:

- Using DoorDash and Uber monthly worker data, applied market share data as a proxy to determine the number of workers on other app-based food delivery platforms in 2021.
- Used DoorDash 2021 survey results as an assumption for the share of workers that deliver on Uber Eats and other platforms. We benchmarked this assumption to other relevant studies of delivery workers.⁴ Based on this data, we estimated the total number of unique workers in NYC.
- Distributed unique worker population across DoorDash, Uber, and other platforms using market share data.
- Applied modal share data from DoorDash and Uber to determine unique workers by mode of transportation.
- Using DoorDash and Uber monthly active mileage by mode of transportation, applied market share data as a proxy to determine monthly active mileage on other platforms.
- Divided the total active mileage by mode of transportation by corresponding data on unique delivery workers by mode of transportation to determine average mileage per worker.

Based on our analysis we determined that the average monthly miles traveled per worker was 233.0 miles for e-bike and regular bike users. Note that because disaggregated data for e-bikes and bikes was unavailable, we assume the same average mileage per worker for both modes of transportation. We divided fixed costs by the corresponding average mileage per worker estimates to determine fixed costs per mile.

⁴ *Designing Benefits for Platform Workers* (2022) by Jonathan Gruber; *Seattle DNC Driver Survey* (2021) by Drive Forward.

Fixed Costs – E-Bike

Purchase Price, Amortized over E-Bike Lifetime

We estimate amortized purchase costs at **\$0.100 per mile** based on market research (see below). We calculate the average cost of an e-bike to be \$1,400. Consistent with the Uber Australia report,⁵ we assume the average lifetime of an e-bike to be 60 months. While some sources contend that an e-bike can last as long as 10 years, we believe that a more conservative estimate is justified given frequency at which delivery workers may use e-bikes. The amortized monthly cost of an e-bike is therefore \$23.33. Dividing by the average monthly mileage for e-bike-using workers (233.0 miles) yields an estimate of \$0.100 per mile.

Source	E-Bike Type	Price
Transportation Consultant	Lower-end e-bikes with parts sourced from multiple manufacturers	~\$1,000
Chas E-Bike Store	New e-bike	\$1,650
MNG E-Bike Repair	New e-bike	\$1,550
Average		\$1,400
Uber Australia report benchmark (converted from Australian dollars)	\$1,330	

Unlimited Data

We estimate incremental costs associated with upgrading to an unlimited data plan, discounted by the share of workers that already have an unlimited data plan, at **\$0.071 per mile**. Wirefly indexes mobile service plans based on user-specified inputs. We assume that a basic plan includes 2 GB of data, 2,500 minutes, and 500 messages. We assume an upgraded plan, which generally is necessary for delivery work, includes unlimited data, 2,500 minutes, and 500 messages. The most affordable basic plans are in the \$15 to \$30 per month range, whereas the most affordable upgraded plans are in the \$40 to \$60 per month range. The monthly incremental cost is the difference between the midpoint of those ranges (i.e., \$50 minus \$22.50).

Based on data from mobile service providers and national surveys (see below), we conservatively estimate that 40% of workers may already have unlimited data plans. We discount the monthly incremental cost (\$27.50) by 40%. Dividing by the average monthly mileage for e-bike-using workers (233.0 miles) yields an estimate of \$0.071 per mile.

⁵ *Making Delivery Work for Everyone* (2021) by Accenture, commissioned by Uber.

Parking Costs

We do not include e-bike parking costs in this study, given our assumption that the majority of workers that use e-bikes do not pay for parking. We reached out to several garages in Manhattan, none of which provide e-bike parking for delivery workers.⁶

Furthermore, we do not believe that e-bike users rent overnight parking in areas with high delivery activity to avoid expending their battery charge and subjecting their e-bike to wear and tear by commuting to and from their home. If we conservatively assume that e-bike parking would cost \$50 per month,⁷ based on our per mile cost estimates for battery charging (\$0.003) and maintenance (\$0.067), a worker would need to commute more than 714 miles per month for a parking rental to make sense from a financial perspective.

We do acknowledge that e-bike theft may also be factor that might motivate workers to rent overnight parking. Further analysis may seek to provide a more in-depth analysis of potential parking costs.

⁶ We reached out to Icon Parking, in addition to garages on Transportation Alternative's [bicycle parking list](#).

⁷ Based affordable options on Transportation Alternative's bicycle parking list.

Variable Costs – E-Bike

Battery Charging

We estimate battery charging to be **\$0.003 per mile** based on market research (see below). Our sources indicate that e-bikes have an average battery capacity of 0.41 kWh. Mileage on a full battery charge is 29.3 miles. We divide the average battery capacity by the average range of travel, and multiply by electricity costs (\$0.22 per kWh⁸) to calculate a cost of \$0.003 per mile (compared to \$0.004 in the Uber Australia report).

Maintenance

We estimate maintenance costs to be **\$0.067 per mile**, based on a bottom-up calculation of typical maintenance costs, which include:

- Tune-up servicing at a bike shop every 1,750 miles (\$0.034 per mile)⁹
- Mechanical equipment replacement (e.g., spokes, tubes, chain, etc.) every 2,150 miles (\$0.023 per mile)¹⁰
- Battery replacement every 29,250 miles (\$0.010 per mile)¹¹

We are conservative in our maintenance cost estimates (with respect to cost and distance) based on the assumption that e-bike users may seek out the most economical options and may service their e-bikes less frequently than is typically recommended.

Depreciation

We exclude depreciation costs from this analysis as they are duplicative of the amount spent on purchasing an e-bike.

⁸ U.S. Bureau of Labor Statistics; January 2021 to April 2022.

⁹ Tune-up costs based on the average of the most affordable options on a [list of bike shops](#) created by Transportation Alternatives. Tune-up frequency (in terms of mileage) based on [I Love Bicycling.com](#) and [Einstein Cycles](#).

¹⁰ Mechanical equipment replacement costs based on [REI](#), [Bicycle Habitat](#), and [The Mount Bike](#). Mechanical equipment replacement frequency based on [E-Bike Generation](#), [Bicycle Warehouse](#), and [Bicycling.com](#)

¹¹ Battery replacement costs based on [Electric Bike City](#). Battery replacement frequency based on [Electric Bike City](#) and [Bicycle Volt](#).

Fixed Costs – Regular Bike

Purchase Price, Amortized over Bike Lifetime

Consistent with our e-bike analysis, we estimate amortized purchase costs at **\$0.019 per mile** based on market research (see below). We calculate the average cost of an e-bike to be \$260. In accordance with the Uber Australia report, we assume the average lifetime of a regular bike to be the same as an e-bike (60 months). The amortized monthly cost of an e-bike is therefore \$4.33. Dividing by the average monthly mileage for e-bike-using workers (233.0 miles) yields an estimate of \$0.019 per mile.

Source	Regular Bike Type	Price
Uber Australia Report	Popular, affordable models	\$319
Bike New York ¹² ; New York Times ¹³	Used/older models	\$200
Average		\$260

Unlimited Data

We estimate incremental costs associated with upgrading to an unlimited data plan, discounted by the share of workers that already have an unlimited data plan, at **\$0.071 per mile**. We use the same methodology to calculate costs as for e-bikes.

Parking Costs

We do not include bike parking costs in this study, given our assumption that the majority of workers that use bikes do not pay for parking. See our analysis on e-bikes (p. 5) for more information.

¹² [Bike New York](#) states that mountain bikes start at \$200, and the least expensive hybrids range from \$250 to \$300.

¹³ [The New York Times](#) cites that a durable used bike can be purchased for under \$200.

Variable Costs – Regular Bike

Maintenance

We estimate maintenance costs to be \$0.057 per mile, based on a bottom-up calculation of typical maintenance costs, which include:

- Tune-up servicing at a bike shop every 1,750 miles (\$0.034 per mile)
- Mechanical equipment replacement (e.g., spokes, tubes, chain, etc.) every 2,150 miles (\$0.023 per mile)

We are conservative in our maintenance cost estimates (with respect to cost and distance) based on the assumption that regular bike users may seek out the most economical options and may service their regular bikes less frequently than is typically recommended.

Depreciation

We exclude depreciation costs from this analysis as they are duplicative of the amount spent on purchasing a regular bike.

**Testimony before the New York City Department of Consumer and Worker Protection
on the Working Conditions of App-Based Food Delivery Workers**

CUNY Urban Food Policy Institute, CUNY School of Public Health

Nevin Cohen, Director, Associate Professor

Mustafa Husein, Assistant Professor, Health Policy and Management

Eman Faris, Director of Advocacy

Emilia Vignola, Doctoral Candidate

Barry Commoner Center for Health and the Environment, Queens College

Sherry Baron, Professor

June 15, 2022

Good afternoon. My name is Eman Faris, and I am the Director of Advocacy at the CUNY Urban Food Policy Institute (CUFPI) at the CUNY School of Public Health. I am pleased to present testimony to the Department of Consumer and Worker Protection (DCWP) on the health and safety of app-based food delivery workers. My comments reflect the work of researchers at the Urban Food Policy Institute and Barry Commoner Center on the potential occupational safety and health concerns posed by the growth of the platform-based food delivery workforce.

The Urban Food Policy Institute works across disciplines and sectors to make the food system just, healthy, and resilient. With our partners, we develop strategies to address the root causes of urban food problems. To improve the working conditions of low-wage food workers, CUFPI analyzes employment practices in the food sector, provides research support to food labor organizations, and develops career pathways inside and outside CUNY to help food workers improve their wages, working conditions, and job prospects.

The Barry Commoner Center for Health and the Environment is an environmental and occupational health research institute at Queens College. Its mission is to identify and help rectify environmental and occupational threats to human health. The Center uses real world occupational and environmental problems as its entry point for research, emphasizing a scientific approach that facilitates public participation in gathering information and developing solutions and interacting with people and organizations that determine or are affected by these policies.

Research by DCWP, pursuant to Local Law 115 of 2021, will assess the working conditions and compensation of food delivery workers who are working for third-party food delivery platforms. Focusing on platform-based food delivery work is critically important because the sector is growing rapidly. Over the last decade, online shopping has become widespread due to a twin boom in technologies and business models that deploy workers to provide services or to pick up and deliver goods. In particular, the market for food delivery has grown substantially, and is currently valued at \$150 billion worldwide. In the US alone, food delivery sales more than

doubled during COVID as people were encouraged to stay home and avoid many public settings.

The study underway by DCWP is a key step towards establishing fair compensation standards for platform-based delivery work. These new rules, in addition to regulations governing the food delivery sector that have been adopted over the past two years, will dramatically improve the lives of delivery workers by increasing their income. We commend the Department for its efforts and offer our technical support in furtherance of its mission.

We would like to suggest several additional areas of attention by DCWP. Despite the growth of platform-based food delivery, there has been limited research on the health effects of platform-based work among delivery workers. Most existing studies are based on small samples using qualitative methods. Yet this small but growing body of literature suggests that platform-based delivery work – particularly due to the algorithms that control the work process – may adversely affect the health and wellbeing of workers, and these health effects may disproportionately harm certain populations of workers.

The research suggests that platform food delivery workers face high levels of work demands with little control over their work pace, a combination that has been shown to lead to both mental and physical health problems in other workers. As this segment of the labor force grows, it is imperative to measure the occupational safety and health challenges of platform-based work to inform future policies and practices that protect and prioritize worker health and safety.

The current literature on the health and safety challenges of platform-based work is limited and often lumps the risks specific to platform-based work with the characteristics of precarious work more generally, such as low pay, job insecurity, schedule instability, and limited rights or power in the job. These characteristics of precarious employment are important and have been tied to poor mental and physical health in many studies. Yet there are two additional risks unique to platform delivery work. First, the classification of delivery workers – and many argue it is a misclassification – as independent contractors prevents them from being afforded legal protections and employees – even low wage workers – receive, such as paid sick leave and workers compensation. Second, algorithmic management, whereby the labor of delivery workers is driven by automated procedures designed to optimize workflow and maximize returns, perhaps without adequate regard to worker safety, may create negative physical and mental health effects.

Algorithmic management adds even more uncertainty on top of an already precarious food delivery sector, as jobs are assigned using formulas to maximize speed and profits. Apps do not assure platform workers of continuous tasks, and this uncertainty of work can pressure platform delivery workers to accept even those delivery jobs that require excessive effort or undue risk, to avoid unpaid down time. This especially affects delivery workers who use the platforms as their primary source of income, pushing them to work longer hours and/or take on

more risks to make a decent wage. The pressures to deliver more food more quickly can lead to increased stress levels, sleep deprivation, and major work-life imbalance.

Though platform work can offer flexibility in schedules, which is positively associated with worker satisfaction and mental health, schedule variability and limited control over the work process can pose problems for those who are financially dependent on continuous work. Unlike a traditional job, where the responsibility of generating work falls on the owner or manager, platform workers are responsible for finding their own jobs and the lack of a job or income guarantee forces workers to work throughout the day to catch peak periods like lunch and dinner time. Algorithms are also crafted to limit the ability of workers to engage in work customization, such as devising their own delivery routes or rejecting orders without being penalized. Studies have found that control over one's work protects against the negative impacts of a high workload.

Algorithms can add yet another layer of stress by controlling the work pace of workers. Speed of work is a major health and safety risk factor, as workers may adopt unsafe practices to meet delivery demands, to complete more orders and thereby earn more money, and to avoid negative consequences caused by delays, such as bad reviews or low tips from customers and/or any fines or penalties imposed by the app. Workers may speed on their bikes or cars, use their phones while driving, run red lights, and skip lunch and bathroom breaks, which could lead to worker fatigue, illness, and fatal accidents. This risk is increased during inclement weather, when more orders come in and delivery workers are encouraged to keep up the pace even in these less-safe conditions. A fast work pace can also lead workers to cut corners on health and safety precautions, such as not wearing a helmet or not using hand sanitizer or wearing masks.

Platform-based workers must also provide their own bicycles and safety equipment (e.g., helmets), yet there are no standards for their quality or condition. If workers use substandard equipment, they can be at greater risk of injury or death. In the winter, the failure to wear weather-appropriate gloves, face masks, shoes, and other clothing can create a risk of hypothermia and frostbite. Ensuring that the delivery platforms maintain and inspect delivery equipment and provide protective gear that meets quality standards to their delivery workers is essential to protect their health and safety.

The health effects of platform-based, algorithmically managed delivery work are likely to vary in magnitude across distinct groups of workers. Workers who do not have another job face the most deleterious effects of delivery work, while those who use the platforms to supplement another full-time job may face the least. Those who have the knowledge and skills to "game" the platforms, such as by working on multiple apps and making choices to maximize revenue and minimize down time, may benefit more than those who do not know the steps to gain those advantages. These two examples suggest that disparities in health effects likely exist among platform workers and that a subset of workers are at a higher risk of experiencing occupational safety and health challenges because delivery work is their sole gig or because they are not as savvy with the apps.

More research is needed to measure the unique health challenges posed by platform delivery work and to develop policies and practices that ensure and prioritize the safety and health of workers, with an emphasis on those who are most vulnerable. We need to investigate the degree to which algorithmic management contributes to stress, other negative health outcomes, and work-related safety risks. It is important to understand how this might vary in terms of worker demographics, such as age, gender, education, and work status, and to develop effective, evidence-based policies to improve worker safety and health. We welcome the opportunity to support and collaborate with the DCWP as they break these new grounds.

Thank you for the opportunity to testify here today. My colleagues and I will be happy to answer any questions.

DCWP Minimum Wage Study

June 15, 2022

Thank you for the opportunity to submit written testimony in regards to the DCWP's minimum wage study. My name is Charlene Obernauer and I am the Executive Director of the New York Committee for Occupational Safety and Health (NYCOSH).

NYCOSH is a non-profit membership organization of workers, unions, community-based organizations, workers' rights activists, and health and safety professionals. NYCOSH uses training, education, and advocacy to improve health and safety conditions in our workplaces, our communities, and our environment. Founded in 1979 on the principle that workplace injuries, illnesses and deaths are preventable, NYCOSH works to extend and defend every person's right to a safe and healthy workplace.

NYCOSH has supported the efforts of deliveristas to improve their working conditions for many years, advocating for the legalization of e-bikes alongside many worker organizations, and supporting Worker Justice Project and Los Deliveristas Unidos.

This population faces hazards on the job every day as they struggle to complete their work, including:

- Deliveristas are forced to deliver as quickly as possible, racing to speed up their work to meet delivery times. This can have tragic impacts on delivery workers and is the result of companies putting pressure on workers instead of supporting them. Further, their bike equipment can be in varied state of disrepair (and should likely be provided by the employer), which can make cycling more dangerous.
- Deliveristas have high incidents of being struck by cars or other vehicles, which only increases due to their employers placing unreasonable expectations on delivery times. The stress factor of riding in NYC's streets is dire.
- Heat and cold hazards as they deliver food in high heat and low cold throughout the year.
- Deliveristas have been exposed to workplace violence, with some high-profile cases of workers being killed on the job.
- The stress of earning subpar wages on workers is severe, leading to many stress-induced illnesses.

Deliveristas deserve living wages so that they can sustain themselves and their families. Living wages should not be reliant upon the tips of generous customers, but should fall on the companies who profit off of the hard work of these essential workers.

Thank you.

June 15, 2022

To: Department of Consumer and Worker Protections

Re: Minimum Pay Standard Study for App-Based Food Delivery Workers

In 2021, New York City government passed a law charging the Department of Consumer and Worker Protection with investigating the working conditions for delivery service workers. Based on this research, DCWP is tasked with establishing a method to determine the minimum payment that must be made to a food delivery worker by January 1, 2023.

We, the undersigned organizations and individuals, strongly support New York City government's initiative to establish a strong floor for payment to platform-based delivery service workers.

A wage standard set by city government for platform-based delivery service workers is an effective way to ensure that there is a fair and equitable minimum for payment.

So far, comprehensive data in this sector has been hidden from public view, although surveys of platform-based delivery service workers suggest that workers frequently put in six or more days a week in shifts of 12-hours or more, yet they currently earn less than would be legal if they were paid on an hourly basis.¹

The DCWP's study will be an important new source of information about the conditions of work in this industry. We urge the agency to be thorough in fulfilling its charge to get and analyze data from the platform companies that control this industry. DCWP should make use, if necessary, of the subpoena power granted to the agency to ensure that it has all the information it needs to make an informed report.

The wage standard should be a fair living wage. It should consider the actual time workers spend on the job, not only the number of minutes from pickup to drop-off. It should include the expenses delivery workers incur in providing their own means of transportation and other items necessary to do their jobs. This includes purchasing bicycles or other vehicles, paying for upkeep and wear and tear, and accounting for the risk they incur of having their primary means of transport stolen while bringing orders directly to customers' homes.

The wage standard should also include the cost to workers of having to purchase their own health insurance and coverage for other benefits.

¹ A 2021 survey of app-based delivery service workers suggests that the median wage for platform-based delivery workers is a little more than \$12 per hour. "Essential but Unprotected: App-Based Food Couriers in New York City" by Maria Figueroa, Ligia Gualpa, Andrew Wolf, Glendy Tsitouras, and Hildalyn Colón Hernández.

In our city, there should be no second-class New Yorkers, and no second-class jobs.
Signatories

Organizations

Asian American Federation
Center for New York City Affairs at the New School
Los Deliveristas Unidos
Desis Rising Up and Moving (DRUM)
Economic Policy Institute
Hispanic Federation
Immigration Research Initiative
Interfaith Center on Corporate Responsibility
National Employment Law Project
National Day Laborer Organizing Network (NDLON)
National Immigration Law Center
New York Civil Liberties Union
New York Communities for Change
New York Taxi Workers Alliance
Pratt Center for Community Development
SEIU 32BJ
Worker's Justice Project
Workers United NY NJ Regional Joint Board a/w SEIU
United Church Funds
Zevin Asset Management

Individuals*

Andrew Stettner, Senior Fellow, the Century Foundation
Cathy Rowan, Resident, Bronx, NY
James DeFilippis, Professor of Urban Planning and Public Policy, Rutgers University
Seon Britton, CUNY Graduate Center

* Organization for identification purposes only.

For information contact: Anthony Capote, Immigration Research Initiative, acapote@immresearch.org.



**Department of Consumer and Workers Protection Delivery Worker Public
Hearing Testimony on Living Wage Minimum Pay for App Based Delivery Workers
and Citywide Protected Bike Lane Network
Juan Restrepo, Senior Organizer at Transportation Alternatives
June 14, 2022**

Good afternoon, my name is Juan Restrepo and I am the Senior Community Organizer with Transportation Alternatives. For nearly 50 years, TA has led the movement for safe, equitable streets in New York City.

Thank you to the NYC Department of Consumer and Workers Protections for convening this hearing. Today, we are submitting testimony in support of establishing a living wage minimum pay for the more than 65,000 app-based delivery workers in NYC and the creation of a citywide network of connected and protected bike lanes to provide safe passage through their work shift.

Protected Bike Lane Network

Delivery workers need a safe network of protected bike lanes not only as a matter of convenience, but as a basic workplace protection. Delivery workers require clear bike lanes with complete separation from car traffic, minimal potholes and adequate intersection safety to safely ride along the streets making their daily deliveries. When these provisions are not met, and they routinely are not, delivery workers face unsafe work conditions that threaten their safety on the job. I know these workplace safety issues all too well, as a former working cyclist in NYC. The consequences of these conditions are dire: on average 1-2 working cyclists are killed on the job every month in New York City.

Delivery workers are provided [very few, if any, workplace benefits](#) from employers due to their employment status as independent contractors. As a result, they have no health care coverage when crashes happen, and often avoid hospitalized care out of fear of being hit with an expensive hospital bill. A citywide network of protected bike lanes is a necessary safety tool for our essential delivery worker population. NYC Department of Transportation's statistics show a [risk reduction of 34% across all study projects for the efficacy of protected bike lanes, including a 60% drop in cyclist risk on the most dangerous streets](#).

In 2020, Transportation Alternatives collaborated with the Regional Plan Association to propose the Five Borough Bikeway, a 425 mile network of priority, high-capacity, protected bike lanes that serve as the heart of a comprehensive and cohesive bicycle network. [See the executive summary, full report and map here](#).

The NYC Department of Transportation also [received a 5-year, \\$900 million investment from the city budget towards the installation of the NYC Streets Plan](#), which mandates the creation of 250 miles of protected bike lanes as well.



The NYC Department of Consumer and Worker Protections should issue a memorandum of support and further collaborate with the NYC Department of Transportation for the implementation of a network of protected bike lanes as a tool of worker protections.

Establishment of Living Wage Minimum Pay

The establishment of a living wage minimum pay can prevent unnecessary death in this working community. Delivery workers are paid per delivered order, which economically incentivizes each delivery job to be finished as quickly as possible to increase their wages. The direct result of this wage system is delivery workers risking their bodies on the streets to shave seconds to minutes off of each job. This includes various forms of dangerous riding behavior including biking the wrong way down a street, or ignoring red lights to not be caught waiting to cross the street. A living wage minimum pay will provide an economic framework that will direct work behaviors towards safety.

It can also alleviate the many economic stresses that come from delivery work, including bike repairs; replacing e-bikes commonly [confiscated by police](#) or [stolen by vandals](#); ticketing along popular greenways that prohibit e-bike usage, including the [Prospect Park loop](#) and [Hudson River greenway](#); and the health costs incurred from crashes while working.

By providing a liveable wage and safe street conditions for delivery workers, we can ensure that they can safely continue to do their jobs, and our city can continue to economically thrive as a result. With NYC still under high COVID-19 alert, home delivery of food remains an important lifeline for New Yorkers, and the least our city can do for these essential workers is ensure their basic standards of living and safety are being met.

I would like to take this final moment to shout out the organizations that are leading the effort to ensure our most marginalized essential workers, delivery workers, can thrive and provide great services to our city. Thank you to Ligia and Hildalyn from the Workers Justice Project, Gustavo Ache from Los Delivestras Unidos, and all the other organizations elevating delivery workers' voices in this space.

Electric Bicycles & More

Not everything is an e-bike. Know the differences - and always ride legally and safely.



Know the difference

	E-Bike Class 1	E-Bike Class 2	E-Bike Class 3	Moped Class C	Moped Class B	Moped Class A	E-Scooters	Not Legal E-mobility Devices
	Electric Bike with Pedal Assist	Electric Bike, Throttle up to 20 MPH, Operable Pedals	Electric Bike, Throttle up to 25 MPH, Operable Pedals	Limited Use Motorcycle, Low-speed, 2-3 Wheels	Limited Use Motorcycle, Low-speed, 2-3 Wheels	Limited Use Motorcycle, Low-speed, 2-3 Wheels	Device with handlebars, a floorboard or seat, weighing less than 100 lbs, Can be powered by electric and/or human power	The following are examples of illegal e-mobility devices
								Moped (without license plate or VIN) 
How fast can I go?	20 MPH	20 MPH	25 MPH	20 MPH	30 MPH	40 MPH	15 MPH	Electric Skateboard 
Do I need a license?	No	No	No	Yes, Driver's License	Yes, Driver's License	Yes, Driver's License Endorsement	No	Segway 
Do I need to register my bike?	No	No	No	Yes, Must be registered with NYS DMV, must have license plates & VINs	Yes, Must be registered with NYS DMV, must have license plates & VINs	Yes, Must be registered with NYS DMV, must have license plates & VINs	No	Hoverboards 
Where can I ride?	Bike Lanes* and streets with speed limits no greater than 30 MPH	Bike Lanes* and streets with speed limits no greater than 30 MPH	Bike Lanes* and streets with speed limits no greater than 30 MPH	Right lane and/or shoulder** (except when making a left turn)	Right lane and/or shoulder** (except when making a left turn)	Vehicular Lanes **	Bike Lanes* and streets with speed limits no greater than 30 MPH	Electric unicycle (two types) 
Do I need to wear a helmet?	Recommended for all, Required for 16-17 year olds and working cyclists	Recommended for all, Required for 16-17 year olds and working cyclists	Yes, Required by law	Recommended	Yes, Required by law	Yes, Required by law	Recommended for all, Required for 16-17 year olds	

*Including on bridges

** Including vehicle lanes on bridges

Rebecca Dixon
Executive Director

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June 14, 2022

Re: Minimum Pay Standard for App-Based Food Delivery Workers

To Department of Consumer and Worker Protection:

On behalf of the National Employment Law Project, we write in support of a strong minimum pay standard for New York City’s app-based food delivery workers (or *deliveristas*). A strong wage standard will be groundbreaking for underpaid, app-based delivery workers who otherwise are excluded from standard labor rights. We urge New York City’s Department of Consumer and Worker Protection to consider in its study the substantial labor costs borne by app-based delivery workers who are non-employees, the dangerous conditions of their work, the prevailing wage of delivery services in the city, and the overall benefit to “rebuild, renew, reinvent” the city’s economy in increasing delivery worker pay.

Given the reasons articulated in detail below, we support a pay standard that goes beyond the state’s minimum wage and urge DCWP to set a fair living wage for an essential workforce mostly made up of immigrants, people of color, and others from marginalized communities.

I. As non-employees, app-based food delivery workers cannot access basic worker protections to assist them against poor working conditions.

App-based delivery workers suffer poor working conditions with low, irregular pay and few, if any, benefits or protections. Because their employer insists that they are not employees, app delivery workers do not have the right to a guaranteed minimum wage, paid leave, unemployment insurance, workers’ compensation, and employer-provided healthcare. **DCWP should ensure that the new pay standard reflects the costs that workers must carry themselves when they cannot access these basic worker rights.**

While app-based delivery companies advertise relatively high hourly earnings,¹ many workers report that their pay is substantially lower than advertised.² According to a survey of New York City workers, delivery workers regularly experience low wages, stolen tips, and rampant theft while on the job.³ Without a minimum wage floor, app-based delivery workers’ average net pay is \$7.87, and 85

¹ See, e.g., DoorDash, *Dasher Pay – Discover how Dashers get paid and how it’s calculated*, <https://dasher.doordash.com/en-us/pay> (last visited May 23, 2022) (“Dashers nationally earn \$25 per hour they work, including 100% of tips.”).

² Because information on worker pay is limited and not publicly reported by delivery app companies, we particularly urge DCWP to request or issue subpoenas for data on worker pay.

³ Maria Figueroa, et al., *Essential but Unprotected: App-based Food Couriers in New York City*, Cornell University Industrial and Labor Relations School & Workers’ Justice Project (Sept. 14, 2021), <https://img1.wsimg.com/blobby/go/6c0bc951-f473-4720-be3e-797bd8c26b8e/09142021CHARTSLos%20Deliveristas%20Unidos-v02.pdf>.

percent of workers reported that deliveries are their only job.⁴ Worse still, the pay is not only low but inconsistent week to week, which makes it difficult for workers to maintain their families and themselves, pay bills on time, and build up savings.⁵ As non-employees, delivery workers must pay out-of-pocket for substantial business expenses as well.

Because many food deliveries are made on fix-bike, electric bike or moped, there is significant risk of severe physical injury—despite the inability of workers to access paid sick time or other safety protections. Forty-nine percent reported having been in an accident or crash while making a delivery. Of those, 75 percent said they paid for their medical care with their own personal funds because they lack health insurance.⁶ Fifty-four percent reported having experienced bike theft, and of those, 30 percent said they were physically assaulted during the robbery.⁷

Because they are underpaid and lack access to basic workers' rights, delivery workers have suffered through financial insecurity and dangerous working conditions since well before the pandemic. However, since 2020, delivery workers' economic hardships have multiplied. They risk on-the-job exposure to disease at almost the same rates as nurses and paramedics.⁸ A survey of New York City app-based delivery workers found that "[a]pp-based gig workers are twice as likely as workers who did not engage in app-based gig work to have contracted COVID-19[.]"⁹ Particularly due to high health care expenses, as well as housing and food insecurity, app-based workers were "twice as likely as employees or even other self-employed workers to experience multiple hardships since the start of the pandemic."¹⁰ And 38 percent of app-based workers reported that they or a family member had contracted COVID-19 compared to 26 percent of regular employees. These pandemic-related risks are on top of delivery workers' risk of serious injury from accidents, as well as the daily stresses and physical strain inherent in the app-based delivery work model.

II. DCWP should go beyond the state's wage floor and consider the prevailing pay in the city's delivery services industry.

Along with the costs shouldered by app-based food delivery workers due to their status as non-employees, **DCWP should consider the prevailing wage that delivery workers, directly employed by restaurants, earn in New York City**, which is well above the legal minimum of \$15/hour.

⁴ *Id.* at 7.

⁵ Irene Lew, Debipriya Chatterjee, and Emerita Torres, *The Gig is Up: An Overview of New York City's App-based Gig Workforce during COVID-19* 18-19, Community Service Society (July 2021), https://smhttp-ssl-58547.nexcesscdn.net/nycss/images/uploads/pubs/Gig_Workers_V10.pdf.

⁶ Figueroa, et al., *supra* note 3, at 8.

⁷ *Id.*

⁸ Wilfred Chan, *Food Delivery Workers Are Coronavirus First Responders—Here's How You Can Repay Us*, NBC News (Mar. 22, 2020), <https://www.nbcnews.com/think/opinion/food-delivery-workers-are-coronavirus-first-responders-here-s-how-ncna1164946>.

⁹ Lew, et al., *supra* note 5, at 18.

¹⁰ *Id.* at 20.

While a \$15 minimum wage is a helpful reference point in assessing pay, it is an across-the-board wage floor that does not reflect specific industry conditions that dictate worker pay.¹¹ In many industries, including delivery, an hourly pay standard of \$15 may well represent a decrease in average pay. In addition, under NYC Administrative Code § 10-157, bicycles used for commercial purposes, employers provide restaurant delivery workers with the protective and reflective gear and e-bike used to make deliveries.

If DCWP fails to incorporate the prevailing wage for delivery services in New York City, the platform/app-based model used by DoorDash, GrubHub, and others will continue to drag down pay and standards across the industry. Further, it will invite more restaurants to turn to an app-based model that undermines worker stability and decent pay. DCWP should consider the importance of creating a level playing field between app-based delivery companies and restaurants, small business and companies that directly employ delivery workers. Otherwise, even if the new pay standard modestly increases pay for app-based workers, it will fail to stop the bleeding for workers who otherwise could enjoy greater pay delivering directly for a restaurant.

III. Higher pay for app-based delivery workers is a racial justice imperative.

Excluding workers from labor rights is a racist policy dating back to the post-Civil War era. For example, agricultural and domestic worker exclusions from bedrock New Deal laws meant that 65 percent of the country's Black workers were excluded from federal wage and hour and collective bargaining protections.¹² Today, in New York City, app-based delivery workers' exclusion from basic labor rights primarily affects workers of color and immigrants (who moreover tend to come from minority and marginalized groups within their immigrant communities).¹³

New York's minimum wage was an important step toward addressing the racial income gap.¹⁴ But even the strongest minimum wage leaves app-based delivery workers behind. DCWP not only has an opportunity to set an inclusive economic growth for the future, but more dramatically improve the material conditions that currently leave so many workers of color on the precipice of financial devastation.

IV. Increasing delivery worker pay boosts the New York City economy overall.

A wage floor for app-based delivery workers—who earn an estimated average hourly pay, after expenses, of \$7.87—is a direct economic boost for New York City overall. Economic analysis shows

¹¹ See, e.g., Matt Day and Spencer Soper, *Amazon Has Turned a Middle-Class Warehouse Career Into a McJob*, Bloomberg (Dec. 17, 2020) (noting that Amazon, which pays a starting hourly wage of \$15 for its warehouse workers, has had the effect of dragging down overall warehouse earnings).

¹² Larry Dewitt, *The Decisions to Exclude Agricultural and Domestic Workers from the 1935 Social Security Act*, Social Security Bulletin, Vol. 70:4, 2010, <https://www.ssa.gov/policy/docs/ssb/v70n4/v70n4p49.html>.

¹³ Figueroa, et al., *supra* note 3, at 23.

¹⁴ See Laura Huizar and Tsedeye Gebreselassie, *What a \$15 Minimum Wage Means for Women and Workers of Color*, National Employment Law Project (Dec. 2016), <https://www.nelp.org/wp-content/uploads/Policy-Brief-15-Minimum-Wage-Women-Workers-of-Color.pdf> (“A \$15 minimum wage could make significant inroads in helping women and people of color make ends meet, closing persistent gender and race-based pay and wealth gaps, and improving educational and health prospects for children.”).

that better pay for low-wage workers supports a stronger economy. Studies from the Economic Policy Institute demonstrate that higher minimum wages raise earnings primarily among lower-income households that tend to spend every additional dollar they receive just to get by. Consequently, raising the minimum wage bolsters consumer demand and job growth.¹⁵

At a time when underpaid workers, already struggling to make ends meet, are facing even greater challenges due to inflation and rising prices, the need to set a strong wage floor could not be greater. DCWP can help thousands of New York families afford their basic needs by raising the pay of more than 65,000 low-wage delivery workers.

For the reasons outlined above, the National Employment Law Project urges DCWP to set a pay standard that incorporates workers' costs and arduous working conditions, the prevailing wage of delivery services in the city, and the many public policy reasons that compel a strong pay standard for New York City's app-based delivery workers.

Sincerely,

Brian Chen, Senior Staff Attorney
Laura Padin, Director of Work Structures

National Employment Law Project

¹⁵See generally Heidi Shierholz, *EPI testimony on increasing the minimum wage to \$15 per hour*, Economic Policy Institute (Feb. 24, 2021), <https://www.epi.org/publication/epi-testimony-on-increasing-the-minimum-wage-to-15-per-hour/> (“The weight of the economic research on the minimum wage, as well as the best scholarship, establishes that increases in the minimum wage have raised the pay of the low-wage workforce without causing meaningful job loss.”).

June 17, 2022

NYC Consumer and Worker Protection Affairs

VIA EMAIL

CommunityAffairs@dcwp.nyc.gov

Re: Coworker Testimony for Delivery Worker Public Hearing

Coworker.org welcomes this public testimony by the NYC Consumer and Worker Protection Affairs on delivery worker working conditions and the need for a Living Wage Standard. For the past four years, Coworker has been conducting research and providing analysis for the field on the impact of technological changes in the workplace and specifically, the expansion of the gig economy. We've also conducted research with Shipt workers to investigate pay models being implemented by "black-box" algorithms, which was reducing the wages of 40% of workers¹.

In the past two years, we have been documenting and investigating the proliferation of gig economy companies due to a growth in available venture capital investments. These new and emerging companies (e.g. GoPuff, Gorilla, Relay, Chowbus, Panda, Getirs, Drizly, Eaze, Fridge No More, Duffl, etc.,) combined with established ones such as Doordash, UberEATS, and Grubhub in NYC; highlight how this segment of the economy is becoming a durable and permanent trait of the labor market, even as it remains largely unregulated. In the long term, it will be a main sector for employment, particularly, for delivery workers most economically marginalized (e.g. immigrants, people of color, lower wage, youth, etc); in addition to being a sector in which the companies who dominate it, utilize business models reliant on extracting more (work, data, efficiency, productivity, etc.) from workers without better and consistent pay and in many cases undermining workers' safety and mental health. Therefore, a public intervention is needed in order to ensure protections and basic living wage standards for the workers that rely on this sector of the labor market for employment and sustenance.

Delivery workers have investigated, spoken, and organized in order to alert and educate elected officials and consumers about the problematic work conditions they have to endure. As described in the report, [***Essential but Unprotected: NYC's App Food Delivery Workers***](#), these working conditions range from assault, abuse, wage theft, bike theft, withholding of tips, denial of bathroom access, unjustified deactivation

¹ "Data Shows Shipt's 'Black-Box' Algorithm Reduces Pay of 40% of Workers." Coworker.org. 10/15/20.

of their app accounts, to inconsistent and nontransparent pay structures, fraudulent business practices, concerns about the fair allocation of delivery assignments, and the health and safety impacts on the constant surveillance. This report highlights the need to listen and center the voices of delivery workers, who endure these working conditions in order to bring ease and comfort to NYC residents and are also often left voiceless due to successful lobbying of delivery companies at the state and local level.

If the gig economy is here to stay, we need to ensure a baseline of working standards, protections, and living wages in order to ensure these companies contribute to inclusive economic growth and development for NYC and its residents. A first step for realizing this is to ensure a strong living wage standard for delivery workers. The Deliverista Living Wage Standard proposed by the Worker Justice Center/Los Deliveristas, is a timely and unique example of how local cities can do that by establishing national work standards in the app delivery industry, promoting inclusive sector growth, and building a future-focused economy with a local economic impact in every corner of NYC.

Thank you for the opportunity to provide this testimony,
Wilneida Negrón, PhD
Director of Research and Policy
Coworker.org

**Testimony before the
New York City Department of Consumer and Worker Protection**

**Hearing on Delivery Worker Pay Standard
June 15, 2022**

Establishing a Minimum Pay Standard for Third Party Restaurant Delivery Workers

**James A. Parrott, PhD
Director of Economic and Fiscal Policies
Center for New York City Affairs at The New School**

Good afternoon. My name is James Parrott, Director of Economic and Fiscal Policies at the Center for New York City Affairs at The New School. Thank you for the opportunity to testify.

I want to express strong support for the establishment of a minimum per trip payment for third party food delivery service workers, as authorized by Local Law 115 of 2021.¹ This measure builds on the highly successful pay standard for For-Hire-Vehicle (FHV) drivers established in December 2018 by the City's Taxi and Limousine Commission (TLC). I co-authored a study for the TLC analyzing the need for and the components of the New York City driver pay standard, and also co-authored a study for the City of Seattle informing a similar driver pay standard that was enacted in August of 2020.²

In both New York City and Seattle, the driver pay standards were designed to compensate drivers for their working time and to account fully for drivers' vehicle and other expenses during

¹ Local Law 115 of 2021. <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4927204&GUID=FCEA3CE8-8F00-4C8C-9AF1-588EA076E797&Options=ID|Text|&Search=2294-A>

² James Parrott and Michael Reich, [An Earnings Standard for New York City's App-based Drivers; Economic Analysis and Policy Assessment](#), Center for New York City Affairs at The New School and UC Berkeley Center on Wage and Employment Dynamics, July 2018. <http://www.centernyc.org/an-earnings-standard>; James Parrott and Michael Reich, [A Minimum Compensation Standard for Seattle TNC Drivers](#), Center for New York City Affairs at The New School and UC Berkeley Center on Wage and Employment Dynamics, July 2020. <http://www.centernyc.org/reports-briefs/2020/7/2/seattle-report>

their working time. In an evaluation of the first year of the New York City app-dispatched driver pay standard, we found a high rate of compliance and that driver pay had increased by about nine percent, or \$1.33 per trip. Total driver pay increased by \$340 million for the 11 months of 2019 the pay standard was in effect. Passenger wait times declined and some of the pay increase was absorbed through lower effective commission rates taken by the companies. While passenger fares rose and trip volumes leveled off and declined some in the latter part of 2019, these trends were also evident in Chicago where a pay standard was not implemented.³

The scope of the mandated Department of Consumer and Worker Protection (DCWP) study of third party food delivery includes “per trip pay and the methods by which such pay is determined,” hours worked including time on on-call waiting for a dispatch, and time spent picking up, waiting for, and delivering food orders. The study should also include an analysis of delivery worker expenses as well as other pertinent factors and issues. Following the study, DCWP will implement a rule “establishing a method for determining” a minimum per trip payment. Local Law 115 is explicit that the third party delivery services shall not use tips to offset required minimum payments.

A path-breaking report prepared by researchers at Cornell University together with the workers group, Los Deliveristas Unidos (LDU)/Worker’s Justice Project, surveyed over 500 delivery workers and provides estimates of after-expense hourly pay and numerous other important insights into the working conditions experienced by delivery workers.⁴

It is important for the DCWP study to examine comprehensive data provided by the app companies on the workforce, trip activity, waiting time, compensation, tips, and other data required to conduct a full analysis, including contact information for delivery workers. A fully-informed analysis will best serve all parties involved in ensuring that this essential workforce is fairly compensated for their labor and expenses.

Thank you for the opportunity to testify on this important matter.

³ Dmitri Koustas, James Parrott and Michael Reich, New York City’s Pay Standard: Effects on Drivers, Passengers, and the Companies, Center for New York City Affairs at The New School, UC Berkeley Center on Wage and Employment Dynamics, and The University of Chicago, December 2020. Research funded by the Alfred P. Sloan Foundation. <http://www.centernyc.org/reports-briefs/2020/12/8/new-york-citys-gig-driver-pay-standard-effects-on-drivers-passengers-and-the-companies>

⁴ Maria Figueroa, Ligia Guallpa, Andrew Wolf, Glendy Tsitoruas, and Hildalyn Colon Hernandez, *Essential but Unprotected: App-based Food Couriers in New York City*. Cornell ILR and Los Deliveristas Unidos/Worker’s Justice Project, 2021. <https://www.ilr.cornell.edu/worker-institute/blog/reports-and-publications/first-its-kind-industry-report-shows-new-york-citys-app-based-delivery-workers-experience-harsh>



June 16, 2022

42 Broadway, Manhattan, NY 10004

To: The New York City Department of Consumer and Worker Protection

On behalf of The Workers Lab, I am writing in support of better worker pay and working conditions for delivery workers, including a living wage standard for delivery workers in NYC.

- **Gig and delivery workers kept whole cities fed during the pandemic and they continue to do so today.** Delivery workers worked on the frontlines - as they fed New Yorkers and sustained thousands of small businesses during the COVID-19 pandemic. In addition, they sustained New Yorkers during extreme weather conditions caused by climate change, such as Hurricane Ida, and even during events like the Sunset Park Shooting lockdown. Delivery workers are as essential, as police officers, doctors, nurses, ride share drivers, and teachers. While the explosion of delivery apps has been great for investors, the workers who make those profits possible continue to scrape by with low wages.
- **Flexibility shouldn't come at the cost of a living wage --** All work should allow workers flexibility without sacrificing quality. Workers deserve wages that keep pace with the rising costs of healthcare and childcare, which are putting more low-wage workers in desperate positions. The Workers Lab has borne witness to and invested in ideas, such as Los Deliveristas Unidos and The Driver's Cooperative (Co-op Ride) in New York, and across the country, that enable better access for workers who are at the margins or typically excluded from traditional service and opportunity delivery. Delivery workers need a living wage that allows them to sustain their families.
- **This push for a Living Wage Standard and other work in NYC will help set standards and catalyze change nationally.** A Living Wage Standard for delivery workers will establish national work standards in the app delivery industry, promote inclusive sector growth, and build a future-focused economy with a local economic impact in every corner of NYC and beyond. Promoting a living wage standard for delivery workers will support and set a precedent that all workers deserve to be safe, healthy, and secure, especially those who would otherwise be excluded from the workforce – an unnecessary tradeoff that hurts workers, consumers, and our economy.



Sincerely,

A handwritten signature in black ink, appearing to read "Adrian Haro". The signature is fluid and cursive, with the first name "Adrian" and last name "Haro" clearly distinguishable.

Adrian Haro

Chief Executive Officer

The Workers Lab

Delivery Experience in NYC

Larry Bennett [REDACTED]

Sent: Wed 6/15/2022 9:18 PM

To: CommunityAffairs (DCWP)

Tips aren't guaranteed, pickup waits are too long. An hourly minimum wage to complement base pay + tips would help delivery personnel maintain financial security even while on the road.

Larry Bennett

Delivery Testimony

M.S. [REDACTED]

Sent: Wed 6/15/2022 12:56 PM

To: CommunityAffairs (DCWP)

My name is M.S. and I am a full time delivery driver in Manhattan, New York City. I have been full time since 2015 and have had a mixed experience overall.

The gig economy has allowed me to sustain myself for over 7 years, but this has only been at the customer's expense. Nearly all the companies I have worked with have usually paid a paltry base pay of \$2.50-\$3.50 per delivery. Before taxes and expenses, this amount quickly approaches \$1-\$1.50 per delivery. I am essentially performing deliveries for free without the tip considered. Meanwhile, a company like DoorDash has gone public and has made acquisitions of other delivery apps in the hundreds of millions of dollars and tried to recently purchase Instacart for several billion privately. This is confusing.

Uber has also pushed for profitability at the expense of their workers compensation, to prove to investors that they will be a very profitable going concern in the future.

All us delivery folks desire is transparency, a \$5-7 base pay and to be treated with respect for the role we play in driving the operations of these companies. To not be fully reliant on customer tips to survive. Essentially, I'd like to see less greed and more equal distribution of the profits from these companies to their workers. Enough is enough.

Sincerely,

A frustrated gig worker

DoorDash

Naomi Chambrie [REDACTED]

Sent: Wed 6/15/2022 1:19 PM

To: CommunityAffairs (DCWP)

I worked for DoorDash and honestly I know DoorDash make a lot of money the most I make for a delivery was \$15 and the drive is so far most times so it doesn't make sense because the end of the day my gas is low and now a days it takes a lot of money to full up my gas tank it's just not fare working all day and not getting paid well and plus I order DoorDash myself and I don't even get a lunch discount or anything for working for the company

Sent from my iPhone

Testimony

Orlando Bispo [REDACTED]

Sent: Sat 6/18/2022 10:09 PM

To: CommunityAffairs (DCWP)

To NYC council and department of consumer and worker protection.

I have worked as a food delivery partner for around three years getting back to October 2019 in the time since I've worked as a delivery partner I have been in two car accidents been deactivated illegally four times and have my right to use the bathroom restricted. Today I write to you in this written form of a testimony restating what I said on June 15 during the public hearing. Grubhub is not following policy we are unable to set our boundaries for delivery distance it is nowhere to be found in the settings app and it is nowhere to be found on the driver request form furthermore they intentionally remove deliveries after five minutes of "in activity" I two days ago while waiting for a large order my second delivery was unassigned for this exact reason even though I had to wait over an hour for the order to be ready and it was catering sized but it was labeled as regular resulting in a strike on the account that I was using. My own account had its contracts terminated January 1 before they implemented a strike system and they refused to reactivate me even as we speak they did not explain what rules I violated there is no due process and I want for this to change. On May 1 I was struck by vehicle in a hit-and-run accident on White Street by Pier 40 while on a delivery I confronted Uber about this accident and they told me that there was nothing that they could do that they don't carry insurance for us even though they're supposed to while working on the clock apparently because I'm 1099 I don't have that right. DoorDash on June 7 has taken away the right to work via walking this has affected many differently abled individuals and they need to be held accountable Uber has done something similar in that they change their algorithm to redirect orders towards mostly bikers. In 2020 I was robbed at gunpoint and when I had confronted a police officer about it not only did he not do anything he told me to just get better and put me on the train home. There is no help from anyone for us until now and even with new laws The big three Uber GrubHub and DoorDash refused to cooperate. It is in my hopes that with the passing of new legislation and with the creation of this department that the laws will be enforced and that they will be held accountable especially Uber and GrubHub. DoorDash has stolen my tips three months in a row and give it back to me stating it as a miscellaneous pay but I am not able to identify if those tips are correct it is in my hope with the creation of this new department that we will have complete transparency thank you for your time.

Orlando Bispo.

Written Testimony

Robert Reimers [REDACTED]

Sent: Sat 6/18/2022 8:13 AM

To: CommunityAffairs (DCWP)

Hello my name is Robert Reimers. I am writing this testimony to help people who have done delivery work and feel that they are treated like garbage. Yes many people can do it but that does not mean you have to be treated like dirt. The apps I will be discussing are Shipt, and Grubhub and their horrible work conditions.

First with Shipt they are a scheming company. They want you to do what's best for them and the customer but do not want to help you as a driver. Matter of fact they purposefully sabotage you as a driver. Now with Shipt when you go to do a delivery where you have to pick up the groceries manually. Which means you have to physically get each item it's not just handed to you to drive to the customers place this can be hard to handle in the one hour time they act like they give you. First Shipt wants you to ask if the customer needs anything else to add to the list, and if an item is missing ask for a substitution. Think about this you are giving me an hour to find multiple items and if they aren't there I have to ask a customer who most of the time will want to add to their shopping list or who has definitely forgot a couple of items on their shopping list to coordinate with me to find what they want. If I don't the customer has the power to lower my rating which can get me fired. Also when most people go shopping they usually forget a multitude of things to buy even with a list. So you can imagine all of the things people ask for which will almost certainly make you late. On top of that the customer may not even be paying attention to their phone to answer you quickly, or they won't answer at all. Also the target employees may have an attitude and not want to get an item in the back. For example one time I was looking for a birthday type of plate for a women who was obviously having a party for her child. I didn't see it so I asked a target worker to check if they had it. They did but do you know what she did, she asked another target worker who was busy fixing shelves if he could get in the back. I waited about fifteen minutes with them going back and forth. Eventually I left to finish my delivery to try to get to the women's house on time. I didn't make it and it lowered my on time percentage. I told Shipt this and they still fired me and didn't listen. See they tried to drown me but I had back up plans to continue to thrive. What if I really needed the job and you just fire me like that I could have lost it all. Their negligence is extremely rude. Also why can't I as a delivery worker give customers a bad rating. We all know why because the app wants to keep customers well guess what uber lets you give people a bad rating and they have kept customers so that's an excuse.

Next I will talk about Grubhub and their horrible etiquette when it comes to drivers. See Grubhub likes to think people do not pay attention but I did. First when a restaurant gets an order when they press it they get a Grubhub banner that says the order is ready to go from the restaurant. When you go more times than not the order hasn't even been started yet. They lie straight on the app. Instead of saying the restaurant is preparing the order it says it's made. So many times including me drivers come and have to accommodate the restaurant and the app because the food has to be prepared if I leave I don't get anything. Another trick they try to get away with is not paying compensation for driving to a restaurant and it gets cancelled. They have actually told me I would get compensated and never sent the money to me I got so frustrated that I just stopped asking them for the money. They are not a reputable company

and will do whatever it takes to hoard all the money but not show respect to the workers that make the app go. It's a shame and hopefully this testimony can start to get apps to do what they were meant to do which is help customers, customer support, and drivers. Think about all the gas some drivers wasted and Grubhub can't even compensate them with a little something. They will say yes you will get compensated and never get to it. Their app is horrible and I am happy I get to bring these issues to the light so people can finally be treated with the respect they deserve.

Thank you for your time and for reading.

Abuso por parte de la aplicación relay

Jorje [REDACTED]

Sent: Fri 6/17/2022 8:35 AM

To: CommunityAffairs (DCWP)

Hola buenos días, mi nombre es jorge, yo soy un repartidor de comida en Manhattan, para la aplicación de relay, pero ahora a aplicado muy duramente sus abusos en contra de nosotros sus repartidores, por ejemplo yo fui un repartidor esencial a tiempo completo en la pandemia, y gracias a nosotros existen sus plataformas, por ejemplo ahora llano me deja reservar horas para poder trabajar y solamente me ando metiendo en la aplicación para que pueda trabajar en ratos y nos castigan por no ir a entregar deliverys muy lejos y sin propina, que además estoy al corriente con mis impuestos, muchas gracias,

Audiencia Pública

Wellington Briones [REDACTED]

Sent: Thu 6/16/2022 7:16 AM

To: CommunityAffairs (DCWP)

Hola. Mi nombre es Wellington Briones y trabajo varios años para Relay Delivery. Como persona que utiliza bicicleta para entregas mis peticiones serian:

Tratar de mantener despejadas las lineas para bicicletas y que se continúe agregando mas lineas donde sea posible.

Aumentar los patrullajes de la policía en zonas consideradas peligrosas .

Limitar el radio de entrega durante climas extremos como tormentas de nieve.

Muchas gracias.

Sent from my iPhone