

NEW YORK CITY
DEPARTMENT OF CONSUMER AND WORKER PROTECTION

DELIVERY WORKERS PUBLIC HEARING

42 Broadway, Manhattan, New York

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1 MS. TANJILA RAHMAN: Alright. Welcome,
2 everyone. Good afternoon. My name is Tanjila Rahman
3 (phonetic). I'm from the New York State Department of
4 Consumer and Worker Protection. Thank you for joining
5 us here today for our delivery worker public hearing.
6 We will be getting started shortly. I just want to
7 give a few minutes for everyone to join and this
8 hearing is, is going to be recorded and it's going to
9 be Facebook Live streamed as well. Okay. Alright.
10 Good afternoon, everyone. Welcome. My name is
11 Tanjila Rahman, and I'm from the New York City
12 Department of Consumer and Worker Protection. Thank
13 you, everyone for joining us here today for our
14 hearing on delivery workers. We will be getting
15 started soon. Just a little housekeeping before we
16 start the hearing. Today, we are providing
17 simultaneous interpretation in Spanish, Bangla and
18 Mandarin. For language interpretation in Spanish,
19 please select the globe icon at the bottom of the Zoom
20 channel and select Spanish. For interpretation in
21 Bangla, please select the globe icon and select the
22 language titled German and for interpretation and
23 Chinese -- sorry, Mandarin, please select Chinese
24 globe icon at the bottom of the Zoom channel. I'm
25 going to allow our interpreters here today to

1 translate and make sure that attendees know how to
2 participate and select the appropriate icon. So,
3 Lorena (phonetic), if you want to ju-, just notify
4 them that they have to select the, the Spanish icon
5 for Spanish interpretation.

6 SPANISH INTERPRETER: (Speaking in Spanish)
7 For the translation, for the Spanish translation
8 you have to choose the icon for Spanish, I think?

9 MS. RAHMAN: Whiley (phonetic), do you want
10 to just state -- let them know that they have to
11 select German for Bengali interpretation.

12 BENGALI INTERPRETER: (Speaking in Bengali)
13 For Bengali you have to click on globe icon then on
14 the diamond icon, it will be Bengali then. Yes, yes if
15 you need Bengali interpretation you have click on the
16 diamond icon on Zoom channel.

17 MS. RAHMAN: Fanny, do you want to just --

18 MANDARIN Interpreter: (Speaking in Mandarin)
19 For Chinese translation, please select the
20 nationality button below. Then you can change it
21 to Chinese.

22 MS. RAHMAN: Thank you. So, reminding
23 everyone in the Zoom chat, we do have the texts
24 available, so reminding everyone that if you would
25 like to listen into the hearing in Spanish, please

1 select the globe icon at the bottom of the Zoom
2 channel and click on Spanish. If you would like
3 interpretation in Bengali, please select the globe
4 icon at the bottom of the Zoom channel and click
5 German, and for interpretation in Mandarin, please
6 select the globe icon at the bottom of the Zoom
7 channel and select Chinese. And we also have text
8 available in the chat and we want to make sure that
9 attendees today can participate. We are providing
10 simultaneous language interpretation in those three
11 languages. Just, you know, following remarks from our
12 New York City Department of Consumer Worker
13 Protection, Commissioner Mayuga, we will have your
14 testimony from sister agencies in New York City
15 Department of Transportation and the Mayor's Office of
16 Immigrant Affairs. And following that, we will hear
17 testimony from leadership and members from key
18 stakeholders from 1:15 to 2:15. And then we will also
19 allow individuals to provide testimony as well
20 following, you know, testimony from selected key
21 stakeholders. If you would like to communicate with
22 me, the, you know, feel free to share in the chat if
23 you have any questions and we can follow up and we'll
24 include our community affairs e-mail address in the
25 chat if you have any, you know, follow ups or

1 questions after the hearing. So, now we are going to
2 begin the hearing today and I will hand it off to our
3 Commissioner Mayuga from the New York State Department
4 of Consumer Protection. Thank you.

5 MS. VILDA VERA MAYUGA: Thank you, Tanjila.
6 And if I may, you know, I, I do happen to be fluent in
7 Spanish as well and I just wanted to clarify a little
8 bit just in case for the -- for those who will be
9 joining in Spanish, so I apologize to those who are
10 only English speakers, but I will just say something
11 in Spanish real quick.

12 MS. MAYUGA: (Speaking in Spanish)

13 Just because I think that the- as for those
14 who are going to need the interpretation in Spanish, I
15 think we are talking about the icon of the globe,
16 which we wanted it to say Spanish, but it says
17 "Interpretation", so that there is no confusion for
18 those who need the Spanish translation, please press
19 the globe drawing at the bottom of the Zoom screen and
20 there you can select the channel that says "Spanish"
21 to receive the information during the public hearing
22 this afternoon.

23 MS. MAYUGA: Okay. So, now that I did that
24 -- Spanish is my language. Good afternoon, everyone
25 and thank you so much for joining us today because

1 it's really exciting for me. It's actually my first
2 public hearing. As Commissioner, I started in March
3 of this year, and I'm excited to be part of this
4 process for delivery workers. My name is Vilda Vera
5 Mayuga. I -- and I am the Commissioner of the New
6 York City Department of Consumer and Worker Protection
7 in New York City. I'm -- like I said you're very
8 happy to welcome all of you here and I can't wait to
9 hear what everybody has to share. As many of you know
10 last year delivery workers came together and really
11 fought hard to win first in the nation legislation to
12 raise standards in their industry. These new
13 protections are part of an effort to increase
14 protections for consumers, restaurants and workers
15 alike, recognize the essential role food delivery
16 workers have played in New York's restaurant sector
17 for nearly 50 years. It was amplified of course by
18 the COVID-19 pandemic and transformed by the role of
19 technology. The first round of protections primarily
20 for consumers and restaurants went into effect in
21 January of this year. While the new measures designed
22 to give workers more control over their deliveries and
23 routes, and more transparency into their pay have been
24 in place since the end of April. What does this mean?
25 This means that food delivery workers now have more

1 control over their deliveries, better access to
2 restaurant bathrooms when picking up orders, the right
3 to receive advanced notice of delivery details,
4 payments at least once a week and the right to receive
5 a free insulated food delivery van after six
6 deliveries. An important, important detail that you
7 can see at the bottom of the screen, we say no
8 retaliation, but super important to also remember and
9 emphasize that delivery workers are covered by these
10 new laws regardless of immigration status, okay? So,
11 we want everybody to really pay attention to that. We
12 know that it takes courage, right, to, to raise your
13 voice and come forward but we really depend, you know,
14 you are the ones doing the work, so we really expect
15 you to come and let us know what is going on. If
16 there is no violation after we look into it, we will
17 tune in and let you know. But there is no better way
18 for us to carry on our enforcement mandate and to hear
19 directly from those impacted by these new protections,
20 okay? Now the third set of protections gives DCWP, is
21 our acronym for our agency, there are 30 percent a new
22 minimum pay rate by the -- by rule for this sector.
23 And that new minimum pay rate will go into effect on
24 the -- this coming January, January 1st, 2023. And as
25 part of this effort, DCWP has been tasked with

1 conducting a study into the pay, working conditions,
2 schedules, and expenses of app-based food delivery
3 workers. Today's public hearing gives us one of our
4 best opportunities to hear directly from delivery
5 workers and other stakeholders about pay and working
6 conditions for third-party delivery app workers,
7 including time and scheduling expenses, health and
8 safety issues and other challenges workers face. We
9 want to make sure our rule reflects the public's
10 values and concerns and are seeking input from a
11 diversity of voices. The Office of Labor Policy and
12 Standards as a Division of this agency is serving
13 workers to better understand working conditions at
14 thousands of companies. We are excited to build off
15 this expertise to develop our understanding of this
16 new industry. This public hearing is the first of two
17 opportunities for stakeholders to provide input on the
18 public record, and as a second chance, we'll come
19 later this year when the draft rule is formally
20 published in the city record. So, please follow us on
21 social media, come to our website, call 311. We
22 really want to make sure that you take advantage of
23 these opportunities for us to hear you out. We will
24 be combining the feedback from the oral and written
25 testimony we receive today, with the results of the

1 survey that has been sent to nearly 70,000 app-phase
2 (phonetic-00:11:58) delivery workers in New York City
3 that has allowed us to directly reach out to this
4 impacted, but sometimes hard to reach communities. As
5 well as interviews and a questionnaire shared with
6 restaurants, sit downs with companies to learn more
7 about the different business models that are prevalent
8 in this industry and a detailed trip level data to
9 better understand the contours of this work. We know
10 that app-phase delivery workers retained as
11 independent contractors really face unique challenges
12 and opportunities that can differ significantly from
13 delivery workers directly employed by restaurants. We
14 want to understand more about the expenses of doing,
15 doing this intense work. This (inaudible-00:12:48)
16 sits at the intersection of so many issues that are
17 important to us as a community, racial justice,
18 immigrant rights, food justice and even climate
19 justice. And by raising standards in this sector, we
20 will lift up not only the tens of 1,000s of delivery
21 workers who do this essential work, day in and day
22 out, but also the families they support, the
23 neighborhood they live in, and the other New Yorkers
24 to work help sustain it. We will improve working
25 conditions for all New Yorkers by making sure no one

1 is left behind. DCWP looks forward to continuing to
2 partner with stakeholders in making sure that delivery
3 workers, restaurants and consumers are aware of these
4 new laws and protections available. Truly thank you
5 for helping us in this important endeavor. And I
6 truly look forward to hearing testimony from each of
7 you today. Thank you so much.

8 MS. RAHMAN: Thank you so much, Commissioner
9 Mayuga. Just a quick reminder for anyone that's
10 joining in now, we have simultaneous interpretation in
11 Bengali, Spanish and Mandarin. Just a quick reminder
12 and it's also in the chat as well. Please select the
13 globe icon for interpretation. For Bangla, you would
14 have to select German. For Spanish, please select
15 Spanish in the interpretation icon. And for
16 interpretation in Mandarin, please select Chinese.
17 Again, reminding anyone that has joined recently,
18 please, for language interpretation in any of the
19 three languages, please click on the globe icon and
20 select the interpretation channel. Now we will be
21 hearing testimony from Ben Smith, Director of
22 Legislative Affairs at the New York City Department of
23 Transportation. Ben, I'm going to promote you to
24 panelist, and you have up to three minutes to provide
25 testimony. Thank you. Hey, Ben.

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MR. BENJAMIN SMITH: Hey there.

MS. RAHMAN: Hi. Welcome.

MS. MAYUGA: I'll jump right in. And thank you very much for the opportunity. So, good afternoon, Commissioner Mayuga and the rest of the DCWP staff and everyone else attending today. I'm Benjamin Smith. I'm a Director of Legislative Affairs at New York City, DOT. I'm 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 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 standard should be structured to support safe and legal equipment and practices rather than potentially cheaper and substandard equipment or rushed and unsafe operation. In 2020, New York State -- the New York State Legislature made amendments to the vehicle and traffic law to create three classes of legal electric assist

1 bicycles as you can see in a chart attached to my
2 written testimony. That chart is very helpful and is
3 in English and Spanish and Chinese and is also on
4 DOT's website in the bicyclist section. Despite
5 having these legal electric assisted biking options
6 for delivery workers, DOT has seen an increase in
7 heavier, more powerful motorized scooters on New York
8 City streets. Vehicles we refer to as illegal mopeds.
9 It is illegal to either sell or operate them on public
10 streets in New York City. However, these mopeds are
11 frequently marketed as "E-bikes" by shops within the
12 city that sell them in plain sight, and workers may
13 buy them fully believing they're legitimate. These
14 devices, lacking operable pedals, are less akin to
15 bicycles and more similar to motorized vehicles. But
16 they lack a vehicle identification number and are not
17 registered with the New York State Department of Motor
18 Vehicles. In contrast, legal mopeds are limited use
19 motorcycles have license plates, are registered with
20 the DMV, and require a license to operate. These are
21 subject to all the safety regulations appropriate for
22 motorized vehicles that come along with licensing and
23 registration, such as the requirement to maintain
24 liability insurance, the ability to have your license
25 or registration suspended for traffic infractions and

1 being subjected to DOT's automated speeding and red
2 light enforcement. Beginning in 2021, working
3 together with the NYPD, DOT began separately tracking
4 fatalities involving motorized devices that cannot be
5 appropriately categorized as either bicycles or
6 motorcycles. We refer to this category as other
7 motorized and in addition to illegal mopeds, they
8 include standing E-scooters, which are legal to
9 operate if they weigh less than 100 pounds. In 2021
10 11 riders, several of them delivery workers, were ki-,
11 were killed while using illegal mopeds, and one
12 pedestrian was struck and killed by a rider. Third
13 party delivery apps generally have a business model
14 that centers on independent contractors to make
15 deliveries. The independent contractor's ride their
16 own bikes or other vehicles at their own expense with
17 no way for companies to verify the legality or safety
18 of such equipment and such operators are under great
19 pressure to make deliveries as fast as possible.
20 Making a living working for a third-party app in many
21 case cases is dependent on participating in a black
22 market of illegal unregistered and possibly
23 substandard devices or vehicles and the use of poor-
24 quality batteries charged in private homes. This
25 model creates the wrong incentives when it comes to

1 the safety of the operators and other street users.
2 And DOT strongly supports a minimum pay standard that
3 relieves some of this pressure.

4 MS. RAHMAN: Hi, I'm sorry, Ben, we're out
5 of time, so, I'll just allow you to finish your final
6 sentence. Thank you.

7 MR. SMITH: Alright. In that case, I'll
8 just highlight the requirements in the ad code under
9 10-1-37 and 137.1, and then DOT rules as well.
10 There's quite a bit in my written testimony about the
11 requirements of all the third-party apps to comply
12 with those requirements. And our Commissioner sent a
13 letter in December of 2021, notifying over a dozen
14 companies with the requirement to follow those
15 requirements. It includes providing safety equipment,
16 ensuring that these illegal devices aren't used by any
17 of their operators. And again, we, we would support a
18 minimum pay standard that would allow the operators to
19 use legal devices and ensure that all the companies
20 are, are complying with those safety requirements.
21 Thank you.

22 MS. RAHMAN: Thank you so much, Ben. Okay.
23 so next we will be hearing testimony from RJ Yusuf
24 from Mayor's Office of Immigrant Affairs. RJ, raise
25 your hand if you're in the attendee list, and I can

1 promote you to panelist. If not, we can come back to
2 Moyer and move on to testimony from some of our key
3 stakeholders. Okay.

4 MR. SMITH: Actually, if I could just close
5 out by saying that we look forward to working with
6 your agency. And I also want to recognize all the
7 delivery workers who are participating today, and our
8 agency is very committed to continuing to partner and
9 engage with them as well.

10 MS. RAHMAN: Thank you so much. Thank you.
11 Okay. Alright. So, I do not see RJ from Moyer, but
12 we will, you know, check in later. So, next, we will
13 be hearing testimony from key stakeholders and
14 leadership from Workers Justice Project, Los
15 Deliveristas Unidos and DRUM. The first speaker will
16 be Ligia Guallpa (phonetic). So, Ligia, I'm going to
17 promote you to panelist, and you have up to three
18 minutes to provide testimony. Thank you. Hey Ligia,
19 can you hear us?

20 MS. LIGIA GUALLPA: Yes.

21 MS. RAHMAN: Hi. Good afternoon.

22 MS. GUALLPA: Good afternoon. Thank you for
23 inviting me to testify today. So, my name is Ligia
24 Guallpa. I'm the Executive Director of the Workers
25 Justice Project, a worker's rights organization that

1 represents New York City delivery workers across the
2 city. And over the last past two years workers
3 justice project has been partnering with app delivery
4 workers to build Los Deliveristas Unidos which is a
5 new form of worker representation to raise labor
6 standards for 65,000 deliveristas across the city.
7 We're proud to have partnered with New York City
8 Council to set this new standards, including setting,
9 setting up a minimum pay, that will create significant
10 economic impact in the lives of working families and
11 will renew the city's economy. And we also continue
12 excited to partner with the Department of Consumer
13 worker protection in ensuring that we can make sure
14 that the voices of delivery workers are included in
15 the process in ensuring that we can define a new
16 minimum pay as an organizer as an advocate even as a
17 researcher. Last year, we launched a research -- in
18 2020, we launched a research report that is called
19 Essential, but Protected. That captured the voices of
20 more than 500 deliveristas across the city, who share
21 their concerns, who express the core issues that
22 they're facing while delivering food, medicine and
23 other essential goods across the city. One of the
24 main issues that they had mentioned has been the
25 minimum pay. They have reported that almost a great

1 percentage of deliveristas earn less than minimum pay,
2 \$7.87, which is not even half of New York City's
3 minimum wage. 69 percent have experienced that they
4 have been punished by the apps for claiming back their
5 tips, own paid tips, or for denying to take long
6 distances. Also, we have found out that about 85
7 percent of those deliveristas have reported to work
8 full time, even though a lot of the apps have reported
9 that most of them work part time. What we ignored to
10 know within the industry is that in order for workers
11 to stay full time, they mu-, they work with multiple
12 apps, sometimes do three to four apps at the same
13 time. They work over 70 to 80 hours per week. As it
14 was previously mentioned over 21 workers since 2000-,
15 2020 have already died while delivering food to New
16 Yorkers. Half of the industry have been experiencing
17 accidents and crash. What we're here today along with
18 Los Deliveristas Unidos, to say is that the -- we want
19 to make sure that the city, when they set the minimum
20 pay, they not only deciding based on what the minimum
21 wage should be for deliveristas, but consider that
22 these are the workers in order to do this work, they
23 have to make a large investment from buying their own
24 micro mobility device, whether it's a E-bike, whether
25 it's a motor scooter that can cost up to \$5,000. But

1 also, the incurred large operating costs, including
2 paying rent of parking lots that can cost \$6,220 per
3 month, including --

4 MS. MAYUGA: I think -- I'm so sorry, the
5 time is up, but you can --

6 MS. GUALLPA: Okay.

7 MR. SMITH: -- you know, I know you always
8 have lots to share and --

9 MS. GUALLPA: So, we, we're excited to
10 endeavor in this partnership. I think you will be
11 hearing more from a lot of our members who will be
12 sharing directly their own experience. And thank you
13 for the opportunity to testify and look-, looking
14 forward to partner together.

15 MR. SMITH: Thank you.

16 MS. RAHMAN: Thank you, Ligia. Thank you.
17 Okay. Next, we will be hearing from additional
18 leadership and members from Workers Justice project
19 Los Deliveristas Unidos. So, I am going to be calling
20 on Hildalyn to testify next. Okay. Hi, Hildalyn.
21 You have up to three minutes to provide testimony.
22 Okay. One second. Okay. Sorry about that. Okay.
23 I'm going to also ask Maria Valdez from Workers
24 Justice Project Los Deliveristas Unidos to join and
25 provide testimony. Hi, Maria. Can you hear us?

1 MS. HILDALYN COLON HERNANDEZ: Yes.

2 MS. RAHMAN: Hi.

3 MS. COLON HERNANDEZ: Sorry, it's not Maria,
4 it's Hildalyn.

5 MS. RAHMAN: Oh, hi, Hildalyn. How are you
6 doing.

7 MS. COLON HERNANDEZ: (Inaudible-00:26:45).
8 I apologize for the confusion.

9 MS. RAHMAN: No, it's okay.

10 MS. COLON HERNANDEZ: We're, we're working
11 through technology.

12 MS. RAHMAN: Okay.

13 MS. COLON HERNANDEZ: Thank you, everybody.
14 Commissioner Mayuga, thank you for giving us the
15 opportunity to have this conversation, as well as
16 delivery services. As a person that represents Los
17 Deliveristas Unidos, we were very grateful for this
18 opportunity. I think what we are trying to, and
19 you're going to hear from many of our workers is that
20 we have been fighting for a year or two for these
21 workers to obtain labor protections that make sure,
22 that ensure and demonstrate the essential of their
23 work, but more important that take into consideration
24 the issues that they confront on the street. I
25 unfortunately have the, the hard job to get the calls

1 when I have got 14 workers die last year. It's a very
2 difficult challenge to explain family members that
3 they're not coming home, because of the high risks of
4 what this workers confront. That is something that we
5 hope that this, that the city as they consider a
6 living wage can change a reality for workers to make
7 sure that they can save and make sure that they don't
8 have to feel that they're running constantly to try,
9 to try to make ends meet. And it's something that we
10 are kind of like asking the city to do a living wage
11 that reflects the realities. I think as all of us
12 know here, delivery workers kind of like invest a huge
13 amount of money in order to make this work. From like
14 making an initial investment would be between \$1,000
15 and \$3,000 to buy a bike. To them the maintenance
16 that actually requires from that. And unfortunately,
17 as we've seeing, and anything else we have kind of
18 like being educated workers, we have seen us many of
19 the time this workers actually fell into victims of
20 being in accidents, or even assaults on the street as
21 they do this work. We're looking forward to
22 definitely this being a game changer, as New York City
23 will set this new standard in the next coming year.
24 And I think these for this administration is essential
25 because I know there is a real interest from the

1 administration to actually reveal and, and rebuild and
2 reinvest in this economic engine. But that I know
3 it's going to have a multiplier effect as we have
4 65,000. So, we really appreciate it. And thank you
5 very much.

6 MS. RAHMAN: Thank you so much Hildalyn.
7 Now I understand additional workers will be testifying
8 from Workers Justice Project Los Deliveristas Unidos
9 and DRUM. Do you want to introduce them? Are they
10 using your account or I see --

11 MS. COLON HERNANDEZ: Sure. I'm -- I think
12 said Sergio was going to go first, but if you want to
13 -- like I leave it to you guys. I know there's
14 specific orders that you guys want to follow. But we
15 will be using this account to testify for workers on
16 this side.

17 MS. RAHMAN: Okay. Who, who did you want,
18 Sergio?

19 MS. COLON HERNANDEZ: Yes, please. If you
20 don't mind. He's from home.

21 MS. RAHMAN: Yeah.

22 MS. COLON HERNANDEZ: He finished his first
23 --

24 MS. RAHMAN: What's the account? I'm just -
25 -

1 MS. COLON HERNANDEZ: It will be Sergio
2 Gustavo Ajche's account.

3 MS. RAHMAN: Gustavo. Okay, perfect. I
4 will promote him.

5 MS. COLON HERNANDEZ: Thank you.

6 MS. RAHMAN: Thank you so much. Thank you
7 Hildalyn. Alrighty. Hi, Sergio. Can you hear us?

8 MR. SERGIO GUSTAVO AJCHE: Yes.

9 MS. RAHMAN: Hello. Okay. Okay, perfect.
10 I'm going to make your own video. Okay. Thank you so
11 much for joining us here today, Sergio. You have up
12 to three minutes to provide testimony. Now will you
13 be providing testimony in English or Spanish.

14 MR. AJCHE: Spanish.

15 MS. RAHMAN: Spanish. Okay. So, I, I would
16 ask that -- we do have a -- Lorena here is going to
17 provide consecutive Spanish to English interpretation.
18 So, in order to allow the interpretation please pause
19 after every few sentences to allow Lorena to provide
20 interpretation. Thank you so much, Sergio.

21 MR. AJCHE: (Speaking in Spanish via the
22 Interpreter)

23 Okay. Good afternoon. My name is Gustavo
24 (inaudible-00:30:53), I'm from Guatemala and I'm a
25 member of the Proyecto de Justicia Laboral/ Worker's

1 Justice Project.

2

3 MS. RAHMAN: Okay. One second, Sergio. I'm
4 going to allow Lorena to, to try and --

5 SPANISH INTERPRETER: Good afternoon. I
6 didn't hear his full name. He said I remember the Los
7 Deliveristas Unidos --

8 MS. RAHMAN: Okay. You can go on, Sergio.

9 MR. AJCHE: (Speaking in Spanish via the
10 Interpreter)

11 Okay. Well, first of all, thanks to
12 everyone who is here today and for this hearing,
13 since this hearing is of the utmost importance
14 since for years *delivery* workers have suffered
15 and have lived, worked in the midst of
16 irregularity.

17 MS. RAHMAN: Sergio, I'm going to allow
18 Lorena to provide interpretation.

19 MS. RAHMAN: Okay. You can go on Sergio.

20 MR. GUSTAVO: (Speaking in Spanish via the
21 Interpreter)

22 And today, for example, I mean... We could
23 say thanks to the pandemic, which emphasized that
24 *delivery* workers are an essential part of this

1 city.

2 MS. RAHMAN: Okay.

3 MS. LORENA: -- that (inaudible-00:32:02)

4 essential workers for the city.

5 MS. RAHMAN: If you --

6 MS. MAYUGA: I'm sorry, let me just --

7 MS. RAHMAN: Yeah, yeah.

8 MS. MAYUGA: -- make sure, so that we are
9 all on the same page here. Do you want Sergio to talk
10 first and the interpreter will wait until he stopped
11 for a little bit and then -- I just want to make sure
12 because I hear you're trying to interpret?

13 MS. RAHMAN: Yeah, yeah.

14 MS. MAYUGA: And I think we're waiting for
15 him --

16 MS. RAHMAN: Yeah, yeah.

17 MS. MAYUGA: And then you're going to
18 interpret what he said for the benefit of everybody
19 who may be watching this.

20 MS. RAHMAN: Yes.

21 MS. MAYUGA: Agree, right?

22 MS. RAHMAN: Yeah.

23 MS. MAYUGA: Is that the goal?

24 MS. RAHMAN: Okay.

25 MR. SMITH: Okay. So, it's just not for us

1 to hear, since we're live streaming this, we want
2 everybody who is hearing can hear Sergio's testimony
3 at the same time.

4 MS. LORENA: May I tell him in Spanish to
5 speak --

6 MS. RAHMAN: Yes.

7 SPANISH INTERPRETER: (Speaking in Spanish)
8 Mr. Sergio, please speak in short sentences
9 so I can translate.

10 MR. AJCHE: Okay.

11 MS. RAHMAN: Okay. Thank you.

12 MR. AJCHE: (Speaking in Spanish via the
13 Interpreter)

14 Okay. Like I said the pandemic helped us
15 to come out of the dark and to advance. We've gained
16 a lot, but the primary thing would be to have a salary
17 that we will be able to support our families. For
18 example, in the summer it's a very difficult time for
19 the workers because they are out in the street the
20 entire day. And sometimes you don't even earn
21 anything. This is complicated for us and because we
22 are freelance contractors, it is very difficult for
23 us. Okay. To be able to work for the delivery apps,
24 one has to invest close to \$3,000. Okay. So, it's
25 important that this changes so that we can stop these

1 companies from making money on the backs of these
2 workers. Today is a great day for me because now that
3 we are here, where you're going to be able to listen
4 to the workers, the delivery, delivery workers. The
5 thing that -- what you hear today is the reality of
6 the workers in spite of the company saying
7 differently. I could go on and on and talk about
8 this, but I know there are other people who will be
9 testifying, and you will hear their experiences.

10 MS. RAHMAN: Thank you.

11 MR. AJCHE: (Speaking in Spanish via the
12 Interpreter)

13 Thank you for what you're doing and
14 hopefully for 2023 delivery workers will have a better
15 life.

16 MS. MAYUGA: (Speaking in Spanish)
17 Sergio, I have a question for you.

18 MR. AJCHE: Okay.

19 MS. MAYUGA: (Speaking in Spanish)
20 What made you start working for the apps?

21 MR. AJCHE: (Speaking in Spanish via the
22 Interpreter)

23 Okay. Mostly because of the flexibility. I
24 have two jobs and I work doing deliveries.

25 MS. MAYUGA: Okay. Thank you.

1 MR. AJCHE: (Speaking in Spanish via the
2 Interpreter)

3 Thank you.

4 MS. RAHMAN: Thank you so much. Thank you.
5 Okay. Alright. So, next I believe I will be going to
6 Los Deliveristas Unidos account. Hello. Hi. Hi, if
7 you could state your name and if you will be providing
8 testimony in English, Spanish, Mandarin or Bangla, and
9 I will make sure that we provide the interpreter to
10 make the interpretation. Thank you.

11 MS. ERNESTA GALVEZ: Spanish.

12 MS. RAHMAN: Alright. Okay. So, Lorena
13 will provide interpretation. If you could please,
14 Lorena, if you want to --

15 MS. GALVEZ: Okay.

16 MS. GALVEZ: (Speaking Spanish via the
17 Interpreter)

18 My name is Ernesta Galvez. I am Mexican.
19 Okay. I am a mother of three and I am the leader of
20 the, the Los Deliveristas Unidos. Okay. I began my
21 work with Los Deliveristas Unidos approximately five
22 years ago. I started in 2020. During the pandemic,
23 we united and I used to work in the Upper East Side
24 and I ended up working in the Lower East Side. That's
25 where we started organizing and helping other comrades

1 and companions to help them fill out forms,
2 applications. Okay. Thanks, thanks to project -- the
3 Justice Project or (spanish-00:40:48), they are the
4 ones who helped us to get organized. Together, we
5 have been helping our comrades to regain the money,
6 the pay that is owed to them and help them to activate
7 applications. At times a company deactivates them
8 and, and says --

9 SPANISH INTERPRETER: (Speaking Spanish)

10 Continue.

11 MS. GALVEZ: (Speaking Spanish via the
12 Interpreter)

13 They say that we haven't delivered the food
14 which is not true. And we actually have the proof
15 that we had. I have a lot to say but I know that time
16 is short. I would probably -- could spend at least an
17 hour talking to you. I want to say again, I'm the
18 mother of two and -- I'm the mother of three I'm
19 sorry, and I actually work two shifts. I dropped my
20 children off at school and in an effort to try to earn
21 but it's never enough. When I first started to work,
22 I invested \$5,000 on my motorcycle or bicycle. I need
23 two batteries because my bike is my transport. I live
24 in Queens, and I have to ride all the way to the Lower
25 Eastside which takes me an hour every day. I don't

1 know if you want me to say more. I do have a lot to
2 say.

3 MS. RAHMAN: But time.

4 MS. MAYUGA: Ernesta.

5 SPANISH INTERPRETER: I'm sorry.

6 MS. MAYUGA: (Speaking Spanish)

7 Ernesta, I, I, I'm happy that you have a lot
8 to share and we do want to know about everything you
9 have to say. So, so we are running out of time for
10 your turn, but please, you know, feel comfortable and
11 I hope I encourage you to do submit more and anything
12 you feel like we should keep in mind in writing. It
13 can be sent in Spanish if you're more comfortable that
14 way and we'll take care of making sure that it's
15 translated here for our purposes. But I really wanted
16 to encourage you to do that.

17 MS. GALVEZ: (Speaking in Spanish via the
18 Interpreter)

19 You know, there's a difference between the
20 deliverista, the male deliverista and a, and a woman's
21 perspective as a deliverista. I don't know if, if
22 they've talked about that or if it's the same but
23 women have more responsibilities. I, up to this
24 point, I have a group of almost 70 women deliverista
25 in a group on WhatsApp.

1 MS. MAYUGA: Thank you.

2 MS. RAHMAN: Thank you so much. I think
3 we're going to be hearing from additional members from
4 Workers Justice Project Los Deliveristas Unidos from,
5 from this account. Thank you. Hi. Good afternoon.
6 If you could, please unmute yourself and state your
7 name. And if you would like interpretation, in Span-,
8 if you'll be providing testimony in Spanish, Mandarin
9 and Bangla today.

10 MR. JOSHUA WOOD: I'll be in English.

11 MS. RAHMAN: Okay. Thank you. You have up
12 to three minutes. Thank you so much.

13 MR. WOOD: Amazing. So, my name is Joshua
14 Wood. I am an Uber Eats delivery app worker. I work
15 on a bicycle primarily in Manhattan. I am one of the
16 leaders with Delivery Workers United, Los Deliveristas
17 Unidos. I was initially drawn to app delivery work
18 because the flexibility and low barrier to entry. I
19 started off as a side gig in 2016 and then I became
20 full time after I moved back to the city at the start
21 of 2020. Based on my personal experience, I have
22 found that because of the lower pay, app delivery is
23 not a consistent nor sustainable option for income for
24 me anymore. Every year I have come to economically
25 dread the summers as it becomes incredibly slow for

1 app delivery workers. We spend much more time having
2 to wait for orders which is time, that I want to make
3 clear, we do not get paid for. Additionally, I have
4 seen my earnings as a whole reduce each year that I
5 have been working for these apps. The first year of
6 the COVID pandemic did provide moments of high pay
7 when the relative demand of our labor appeared high.
8 Those days are no more. Food delivery apps are now a
9 centerpiece of the New York City economy. There's
10 more of us working on the streets than ever, and we
11 are competing to be assigned orders through an
12 algorithm that is not transparent and fair. In order
13 to sustain myself, I've had to force myself into
14 putting in additional hours during bad weather, late
15 nights and other dangerous conditions when the pay is
16 higher. These apps used to provide us with high
17 incentives to encourage us to work when we otherwise
18 wouldn't want to, such as in these bad conditions.
19 But recently, even these additional bonuses have all
20 but disappeared. Without a minimum wage guarantee,
21 Uber and the other apps are able to overstaff their
22 platforms in a way that traditional employers can't
23 get away with. We're all fighting with our -- over
24 our little slice of the pie, the total pie that is all
25 the orders coming into the city. But unlike hourly

1 wage earners in traditional jobs, there's no lower
2 limit on how small our individual slice of that pie
3 could be. My income reached a low point this spring,
4 as I found that working for Uber was paying me less
5 than ever had been. Luckily, I found a way out, I was
6 able to transition into a different form of delivery
7 work. I enjoyed the freedom of being my own boss that
8 these apps gave me. But it came at the cost of
9 personal expenses, a huge physical toll on my body
10 from being on my bike every day, risks my safety,
11 numerous accidents, always being in the fear of, of
12 the type of accident that has claimed some of my
13 coworkers lives, and the lack of pay consistency, the
14 lack of upward mobility. All this indicates that as
15 it stands right now, this is a job that is not
16 sustainable as a long-term job in the way that
17 traditional employment can be. And my experience
18 isn't unique. I've heard similar stories from some of
19 my coworkers that started in the app delivery industry
20 many years ago. And this is the reason that many
21 deliveristas are organizing under Deliveristas Unidos,
22 passing laws that provide me and my coworkers with
23 protections and a basic living standard. And it's --

24 MS. MAYUGA: Time is up, so if you want to
25 finish your sentence and then I have a question for

1 you.

2 MR. WOOD: Okay, yeah. I was, was about to
3 finish up by saying that that is why we are asking NYC
4 City Council and the DCWP to establish a delivery
5 estimated minimum wage standard.

6 MS. MAYUGA: Okay. Thank you so much. I
7 have a question for you. I don't know if I missed it
8 in the beginning.

9 MR. WOOD: Okay.

10 MS. MAYUGA: You mentioned how you started
11 as a side job and then I -- is it that it became, in
12 2020, it became your full time job?

13 MR. WOOD: Yeah, it was my only source of
14 income at the start of the pandemic. It kind of just
15 became that way.

16 MS. MAYUGA: Got it. So, were you doing
17 other type of work before or --

18 MR. WOOD: Been doing some other odd jobs
19 that just happen to wor-, worked out for me.

20 MS. MAYUGA: Okay. Okay. Got it. Thank
21 you so much.

22 MR. WOOD: Alright.

23 MS. RAHMAN: Thank you. Hi, how are you?
24 Good afternoon. Please state your name and will you
25 be providing testimony in, in Spanish today?

1 MR. WILLIAM MEDINA: Yes.

2 MS. RAHMAN: Yes. Okay. Alright. Thank
3 you. You have up to three minutes.

4 MR. MEDINA: (Speaking in Spanish via the
5 Interpreter)

6 First of all, I want to thank the
7 Commissioner and, and your team for what you're doing,
8 for bringing light into the work that the, the
9 deliveristas do.

10 MS. MAYUGA: (Speaking in Spanish)
11 So, sorry. Did we catch your name?

12 MR. MEDINA: William Medina.

13 MS. RAHMAN: You can continue. Thank you.

14 MR. MEDINA: (Speaking in Spanish via the
15 Interpreter)

16 Regarding the risks that we take working
17 for these delivery apps is what I, I want to address.
18 First, I want to share that this past --

19 MS. MAYUGA: Remove your hand from your
20 mouth.

21 SPANISH INTERPRETER: I'm sorry.

22 MR. MEDINA: (Speaking in Spanish via the
23 Interpreter)

24 This past spring I was assaulted on my
25 motorcycle and injured.

1 MS. MAYUGA: Can I just actually -- I'm so
2 sorry to interrupt. I just want to make sure we catch
3 your testimony correctly. Did you say that you were
4 assaulted while on your motorcycle or that you were
5 assaulted, and your motorcycle was stolen? Wait, did
6 you understand what I said or should we go through the
7 interpreter? I want to make sure of that.

8 MR. MEDINA: I understand. I understand.

9 MS. MAYUGA: Okay.

10 MR. MEDINA: (Speaking in Spanish via the
11 Interpreter)

12 I was attacked while I was delivering an
13 order. I was working for Uber. My motorcycle was
14 stolen and then recovered that same day. Thanks to my
15 companions, coworkers we found the bike and we grew
16 our communication, and everyone got together and helps
17 to find the bike. Thanks to my, my coworkers and the
18 police, I was able to recover my bike and also to be
19 able to return home un-, unhurt or in a, you know, a
20 healthy condition. Correction. Because of the
21 assault and the physical injuries that I sustained, I
22 still have been unable to return to work. Because of
23 the injuries they wanted me to work that day. I
24 haven't been able to work since the spring. The
25 consequences of this attack have -- has caused trauma

1 and affected my job and my family. I had physical
2 injuries as well as trauma, psychological trauma. The
3 principle effect of this is that I haven't been able
4 to work for a long period of time. And the
5 consequences was that I could not receive a salary
6 because we don't have a job that's consistent, that
7 provides us salary if you're out. With the help of
8 the, the deliveristas and --

9 MS. MAYUGA: You want to say that in
10 English?

11 SPANISH INTERPRETER: Okay.

12 MR. MEDINA: (Speaking Spanish via the
13 Interpreter)

14 With the help of the deliveristas and my
15 friends here in Astoria, and my friend, Antonio Solis
16 (phonetic), through the organization, we've been able
17 to discuss and come up with, what the issues are and
18 what are the problems that we face. The organization
19 has been very helpful in supporting us. Also, I would
20 like to bring to light that the deliveristas are, you
21 know, are at risk all the time. Not only from being
22 assaulted, but from the bad weather during hurricanes
23 or snowstorms, we are the ones that show up to work.
24 Even --

25 MS. RAHMAN: We're out of time.

1 SPANISH INTERPRETER: Oh, his time.

2 MS. MAYUGA: But she needs to finish the
3 interpreting.

4 MS. RAHMAN: Yeah.

5 MR. MEDINA: (Speaking in Spanish via the
6 Interpreter)

7 In spite of all the risks, I am very proud
8 of my job. On behalf of all my coworkers and
9 deliveristas here in New York, as a leader I am asking
10 that the city provide a minimum wage for delivery
11 workers. We're very proud to serve all of the
12 citizens with this work that we provide. And to
13 realize that, you know, behind all these deliveries
14 are -- is, is a person who has to support a family and
15 has to maintain a sustainable income.

16 MS. MAYUGA: William, the time is up and I
17 don't know if you realize that, so I just want to let
18 you know so that we can let, you know, have others
19 testify. Is that okay?

20 MR. MEDINA: I just finish. Thank you.

21 MS. RAHMAN: Thank you so much.

22 MS. MAYUGA: Thank you.

23 MS. RAHMAN: I believe we're going to have
24 two more workers from Workers Justice Project Los
25 Deliveristas Unidos testify, so -- from this account.

1 So, I think it's Antonio Solis. Thank you.

2 MR. MEDINA: Okay. Thank you so much. Have
3 a great day.

4 MS. RAHMAN: Thank you. Thank you so much.
5 Hi, good afternoon. Please state your name.

6 MR. ANTONIO SOLIS: Hi. Antonio Solis.

7 MS. RAHMAN: Okay. One second. I think
8 Ian, are you, are you there?

9 MR. IAN: Yeah, I am.

10 MS. RAHMAN: Do you did you want to do the -
11 - I think I heard that you wanted to do the
12 consecutive like, right -- in real time?

13 MR. IAN: I could definitely help out with
14 that.

15 MS. MAYUGA: We have somebody here. I think
16 I'd rather stick to the --

17 MS. RAHMAN: Okay.

18 MR. IAN: Okay.

19 MS. RAHMAN: Thank you.

20 MR. SOLIS: (Speaking in Spanish via the
21 Interpreter)

22 Good afternoon to all. My name is Antonio
23 Solis and I am a deliverista in the area of Queens. I
24 work with DoorDash, the applications DoorDash, Uber
25 and Relay. I work two or three apps seven days a

1 week, a 10-hour day. And for a pay between \$7 and \$8
2 an hour. Besides having that pay, we get robbed, we
3 have to worry about accidents. We leave our homes and
4 we don't know, you know, how we're going to return, if
5 we're going to return with an injury with a, you know,
6 injuries to an arm or a leg. Just last week, there
7 was a robbery of six motorbikes in the cost of
8 \$24,000. On May 7th of my, my coworkers had accidents
9 and had to stop for two weeks from work. The
10 deliveristas from Astoria had to invest from \$8000 to
11 \$9,000 just to be able to work. This includes the
12 expenses of the motor, of the helmet and of GPS among
13 other expenses. And apart from -- and along with the
14 -- this initial expense, we have to pay for the
15 insurance for the motorbike. And, and the equipment
16 of the, the telephone equipment. And if they steal
17 our motorbikes, we have to invest from \$4,000 to
18 \$4,500 for a new bike. Every week I have to spend
19 from \$400 to \$500 in operating costs. That's why,
20 it's just to work so that we have to work seven hours
21 a day, seven days a week. And we still don't earn
22 enough and that is why I am here. And I'm here to
23 demand a dignified salary that is just. I love doing
24 this work. I love doing this job. This job deserves
25 to have a just pay. With the help of all of my

1 colleagues, we will continue to organize and to fight
2 for a decent wage along with the 60,000 workers.
3 Thank you very much.

4 MS. RAHMAN: Thank you. Thank you so much.

5 MS. MAYUGA: I'm going to actually just ask
6 for a pause. If we can -- if everybody just have a
7 little bit of patience because I need to talk with the
8 team here for a moment. So, we're just going to go on
9 mute and please don't leave, and we'll be right back,
10 okay?

11 **[OFF THE RECORD-01:10:48]**

12 **[ON THE RECORD-01:12:42]**

13 MS. RAHMAN: Good afternoon, everyone.

14 Thank you so much. We'll be starting in a few
15 minutes, okay? Thank you for your patience to come
16 back and then we will listen to more testimony soon,
17 in a, in a minute. Thank you.

18 **[OFF THE RECORD-01:12:56]**

19 **[ON THE RECORD-01:12:42]**

20 MS. RAHMAN: Good afternoon, everyone.

21 We'll be getting started in a few. I just want to
22 remind everyone that we do have interpretation
23 available in Mandarin, Bangla and Spanish. So, please
24 select the icon for interpretation. In Bangla you
25 must select the German icon. For interpretation in

1 Mandarin, please select the Chinese globe icon at the
2 bottom of this Zoom channel. And for Spanish, please
3 select the Spanish icon. Thank you.

4 **[OFF THE RECORD-01:15:10]**

5 **[ON THE RECORD-01:20:17]**

6 MS. MAYUGA: Okay. Thank you so much for
7 your patience. What we're going to do is that we
8 really want to hear from as many people as possible,
9 and we want to be respectful of everybody's times.
10 And so we want anybody who wants to testify and we'll
11 call your name as we've been doing to promote you to
12 panelist and you can have access to giving your
13 testimony. Do please start by stating your names and
14 the language in which you plan to testify. Do not
15 worry about an interpreter, we are sure to have here
16 what we need. If it's in Spanish, as I told you in
17 the beginning, I'm fluent in Spanish, so is Liz
18 Wagoner, who I didn't introduce in the beginning, but
19 she's acting Commissioner for the Office of Labor
20 Policy and Standards in our office. So, we, you know,
21 you won't see an interpreter but just understand that
22 we understand what you're saying. And if we have any
23 questions, we'll ask those questions. If it's other
24 languages, we do also have other interpreters here
25 that if that is the case, you may see that we mute

1 ourselves and that is so that we can have simultaneous
2 interpretation taking place here and not disturbing
3 the public view and listening of that, that witness --
4 I'm sorry, that testimony taking place. Okay. Thank
5 you so much. And we're going to move on to our next
6 person.

7 MS. RAHMAN: Hi, good afternoon. Please
8 state your name and the language that you will provide
9 testimony in today. You have up to three minutes.
10 Thank you.

11 MR. JOSÉ RAMÍREZ (Speaking Spanish via the
12 Interpreter)

13 Of course. My name is José Ramírez, and
14 everyone knows me as Manny Ramírez, and I am going to
15 speak in English.

16 MS. MAYUGA: Go ahead.

17 MR. RAMÍREZ: Okay. Well, I just need to
18 say that I just work for Los Deliveristas Unidos but I
19 usually, I have to work by six years doing delivery
20 works. And DoorDash, I use for, for DoorDash and
21 Relay. I run Manhattan, all Manhattan, and I'm part
22 of the Bronx also, Morningside and Columbia
23 University. Me and my wife was always working on
24 delivery work for almost six years. Jessica -- his
25 name is Jessica Churken (phonetic). To, to try to

1 provide and to support our family, my kids from one
2 year -- three, I mean, one year, six, ten, 13 and 14
3 years. So, I got a big family. I'm doing delivery
4 for this company and the New York City by I'd say six
5 years, I have many incidents, like robberies,
6 assaultings, incidents with the car, the payment dis-
7 activations and all things like that. And the first
8 incident that happened and I'm just only mention
9 someone else, and the last more recent in the last
10 years. In January the last years the car make the U-
11 turn and hit me and then send me to, to make, to make
12 the rest like for six or five months. And that was
13 when my wife is just -- my baby's newborn that year.
14 And the same, the same year in a different month,
15 September month. No sorry, February month. When that
16 happened, the car hit me they don't have a license,
17 they don't have insurance. So, I have a troubles
18 because to pay all that -- all the money because the
19 ambulance picked me from the ground. And that was so
20 hard to me to because I save some money to care my
21 baby, my newborn and now we -- I all the money I spent
22 into medical assistants to help, help, help paying
23 from my pocket. That was so hard to me and my family.
24 Because, because when that happened, I working on the
25 -- for one of those delivery apps, delivery -- food

1 delivery apps. It is really hard for my family
2 because my wife is not working for more than one year
3 because she was pregnant. She cannot use the
4 restaurant when she was pregnant. When, when she --
5 she try also, but she cannot work because they need to
6 use her sometimes in the, in the restaurant. During
7 the pandemic that was not available because we don't
8 have the rights. At that moment, we don't have that
9 kind of rights. And then another incident happened
10 and, and just in September from the last year, the
11 same, another car hit me and U-turn. They don't have
12 a licenses, they don't have a registration, they don't
13 have insurance. And this is the same things that
14 happened to me. But--

15 MS. MAYUGA: Manny, the time is up, but I do
16 have a question for you, if you don't mind.

17 MR. RAMÍREZ: Wow. Sure, sure, sure, you
18 hear -- I hear you.

19 MS. MAYUGA: Okay. If you got paid more,
20 what would you say that means to you and your family?

21 MR. RAMÍREZ: This will be a, a really big
22 thing. Because right now, we, we don't have any
23 covering. If you have a car incidents, or stolen
24 bikes, because that's the thing that I, I saw every,
25 every day in the, in the -- in our community. We

1 don't have nothing to -- any protections. So, a very
2 -- fair, fair -- pay -- fair pay, fair pay, that helps
3 to us to, to, to, to pay or to, to provide and to take
4 some days to go recover ourself to any incidents or
5 crash incidents to support our family too. Because
6 right now, a lot of, a lot of delivery workers is
7 running really fast to getting an extra cash for
8 because they want to make extra order to get some cash
9 extra. Because we know we have a lot of expenses to
10 cover. Not just like a regular employee. Our rent is
11 \$2,000, our phone is really high. The apps still give
12 it to us less and less and less money by right. How
13 big that -- how, how can that change that our life is
14 so big. Because that -- we use it to support our
15 family. Me, my wife and many another workers. That
16 was really important for us.

17 MS. MAYUGA: Thank you so much.

18 MS. RAHMAN: Thank you.

19 MR. RAMÍREZ: Thank you. Thank you everyone
20 for hearing me.

21 MS. RAHMAN: Yeah.

22 MR. RAMÍREZ: I hope that helps.

23 MR. IAN: So, I think we're probably going
24 to go to Kazi's (phonetic) group.

25 MS. RAHMAN: Okay. So, I'm going to select

1 Hildalyn's account, right Ian?

2 MR. IAN: Yeah, that's Hildalyn's account,
3 exactly.

4 MS. RAHMAN: Perfect. Thank you. Alright.
5 Hello, Kazi and DRUM. How are you guys?

6 MS. KAZI FOUZIA: We're doing okay.

7 MS. RAHMAN: Okay, thank you. So, thank you
8 so much for joining us here today to provide
9 testimony. Please state your name and the language
10 that you will be providing testimony in today. You
11 have up to three minutes. Thank you.

12 MS. FOUZIA: Hi, everyone. Good afternoon.
13 My name is Kazi Fouzia. I'm the director of
14 organizing DRUM; Desis Rising Up & Moving. We
15 organize South Asian low-income immigrant community
16 across the city. We actually organize all our low-
17 income South Asian community based on their identity,
18 restaurant worker, retail worker, delivery worker,
19 domestic worker, to all working class. But specific,
20 we start organizing delivery worker after the incident
21 one of the Bangladeshi delivery worker's death. It's
22 a hit and run case. NYPD running behind the person
23 and person driving fast that day and kill Burkota
24 (phonetic). Burkota was very active member and leader
25 who is part of accident worker fund campaign fight and

1 many more. So, when we lost Burkota we realized there
2 is at best 65,000 delivery worker and how many
3 Bangladeshi work are working right now, deliveries --
4 as a deliveristas, we even don't know. So,
5 deliveries, you know, those step up to support us to
6 organize Bangladesh delivery worker. We are
7 partnering with Joint Orientation, bring more
8 Bangladeshi delivery worker in this fight. They are
9 providing legal support. I, I just want to say a few
10 words before I pass my leader. Every single day I'm
11 getting called from delivery workers they are in zone
12 accident. Sometimes is hit by car, sometime is even
13 is dead, or something just accident. And the problem
14 I found deliveristas support us legal, but the problem
15 is their language does not serve any legal
16 (inaudible-01:29:53). Like a first you have to call
17 and all, all support we need to provide to get the
18 legal support, survive the accident and time helped
19 them to get medication and treatment in hospital. And
20 also, legal support time there is no language serve
21 anywhere, no hospital, no the legal officials. Like a
22 deliveristas, how they support their members, the
23 Spanish speaking language people, that the way we are
24 supporting our people like a South Asian language.
25 So, this is just extra time as our organizer we have

1 to work now to make sure that they get supported from
2 us. There are legal service provided, there are, you
3 know, the -- when they are not able to work, they have
4 a food in home, or they can pay the rent and also same
5 they have good treatment. So, this is all about
6 whatever the conversation we are doing today, like a
7 minimum wage, unhealthy situation, hostile app
8 situation, the beyond is every single day is accident
9 news. So, these, these jobs is not the easiest jobs.
10 And as a person, as the organizer, I don't do deliver
11 worker, I can't, I can't like up those story and pain
12 proper. So, I prefer to pass my leader. Four people
13 is here. And some people in Brooklyn, some people in
14 Jamaica, so I will ask them to short, so all people
15 able to raise their concern. Some people will --

16 MS. MAYUGA: They will each have three
17 minutes. Your three minutes are actually up. So,
18 I'll pass it on to your next colleague, okay?

19 MS. FOUZIA: Okay.

20 MS. MAYUGA: Thank you.

21 MS. RAHMAN: Thank you.

22 MS. FOUZIA: And they all speak English here
23 and one of them is speak Bangla. When they will speak
24 Bangla, they will let you know is Bangla.

25 MS. RAHMAN: Okay, perfect. Thank you,

1 Kazi.

2 MS. FOUZIA: I'm passing Rajiep first, and
3 then Razi will pass Mamoen.

4 MS. RAHMAN: Okay. Thank you.

5 MR. RAJIEP: Hi, I'm Rajiep, I'm a delivery
6 worker. As you already know that we have 64,000
7 delivery worker in this town, but I believe the actual
8 number is quite high. And we face, every day, we face
9 difficulties on the road, we face road rage, we spend
10 a lot of time on the road. And you know, delivery
11 workers face all of those difficulties, and often they
12 earn meager pay. So, we -- I, I personally invested
13 \$4,000 for my bike, but my bike got stolen last month.
14 And we, we make sure, we make sure that you're -- we
15 make sure that your pizza is hot so that you enjoy it
16 on the couch. But I know last night I, I, I did a, I
17 did a delivery in a, a -- I delivered a pizza only,
18 only for \$3. So, it took me one hour to deliver this
19 pizza. So, do you think, my question is, do you think
20 it is the equal -- it is the, it is the -- what is
21 this called? Not a geo payment? Do you, do you
22 believe that it's fair pay for \$3 for a, for a four
23 hour? So, we are not begging anything. We are asking
24 for equitable -- a fair pay, because I believe the
25 American society believes in equality and justice.

1 That's it.

2 MS. RAHMAN: Thank you. Thank you so much.
3 Please state your name and the language that you will
4 be providing. Thank you.

5 MR. MAMOEN SINGH: Hi, my name is Mamoen
6 Singh. I am a member of DRUM. So -- and also I'm a
7 delivery man. I'm working in Uber, DoorDash and
8 Grubhub. So, today I'm talking about our problem.
9 So, we have a lot of problem in the city right now.
10 So, the problem, if we call the police, the police
11 didn't solve our problem. Because of why you know
12 that sometime -- it's not just sometime, right now as
13 lot of -- we lose our lot of bikes, our bags, even our
14 helmets. It will put on the bike our helmets, if we
15 come back, we didn't see our helmets. Last time, last
16 week they took my bag. So, right now is lot of
17 problem in the city. Our bike is (inaudible-
18 01:35:15). We call the police, police is coming like
19 30, 30 minutes later. So, if we see the, if we see
20 that took my bike, then I can't go with him because he
21 had a gun, sometime he had a knife. So, we call the
22 police, police is coming like 30 minutes later. Then
23 he's gone. Then for some time we have our, in our
24 bike inside we have the GPS, so we check the GPS, then
25 we tell the police, you see my bike is right here.

1 Police say I don't have rights to go the home. So,
2 who are going to help us for right now? We have a lot
3 of problem right now. And we get a lot of problem
4 from the apps company, like Uber, GrubHub, DoorDash
5 because right now is summertime, so when they need us
6 in the snow, in the rain, heavy rain, we work for them
7 they give us the minimum fee. But right now, it's
8 summer, they us the give \$2, \$3 and they even,
9 sometime they took our best payment. So -- and
10 sometimes if five minutes late, ten minutes late, we
11 have traffic in our city. So, five minutes, just ten
12 minutes is not too, too late. Then sometime customer
13 call us and they, they just lock our apps. So, right
14 now we need a minimum fare for us. Like it's slow
15 time, it's busy time. So, we need to -- this -- our
16 minimum fare. So, thank you for you guys for working
17 with us. I believe you guys working for us. Thank
18 you so much everyone.

19 MS. LIZ WAGONER: Thank you very much.

20 MS. RAHMAN: Thank you. Would you please
21 tell us your name and your language?

22 BENGALI MALE SPEAKER 1: My name is
23 (inaudible-01:37:17). And I talk Bengali language.

24 MS. RAHMAN: You could, you could start.
25 You have up to three minutes. Thank you.

1 MR. SHASIDUL ISLAM JWEL: (Speaking Bengali
2 via the Interpreter)

3 I am Shasidul Islam Jwel. I am a delivery
4 worker. I am a member of DRUM. I have been delivering
5 things for a long time in Quence Jameika. We have been
6 facing some problems every day. In that case, we are
7 facing the most frequent problem is the bike ticket.
8 Sometimes in our way, we make some mistakes and police
9 give us ten to twelve tickets at a time. I tell you
10 the last incident. I was going to have a food
11 delivery. That time police signaled me to stop. I
12 parked at once. That time policeman gave me nine
13 tickets at a time. I wonder, suddenly a person can not
14 make nine crimes at a time. So, one is for having no
15 registration, despite having helmet one was for that.
16 It is not DMB approved, the policeman said. This is
17 not dotted. I did not know even there was any DMB
18 approved helmet. I go to DMB for my bike registration
19 but they dose not provide me any. They say it is an
20 electric bike and no registration available for it.
21 After that we know it has a VIN number. It is vehicle
22 identification number and with that number the could
23 provide a registration. Policemen did not provide us
24 such information. No papers they issued so that we
25 could have a registration. The did not even told us to

1 go to DMB and we could help you in this. They hand
2 over nine to ten tickets with those papers. Now you
3 can get help by this to get registration. The dose not
4 help us properly. The most difficult problem we have
5 to face when we get fall under rainy or snowy
6 condition. That time policemen usually does not come
7 on our call. They make a huge delay. Many times we
8 have to keep our bike under the building. Down there
9 someone steal our bike while we gone up for the food
10 delivery. Seriously, we all live with our family here.
11 I have three kids. Only I but my wife does not have
12 any job. If I have an accident, it is bad for our
13 family. I have given ten to twelve tickets which is
14 fifteen to sixteen hundred dollar. If I pay it I will
15 be not able to pay my house rent. It will be very
16 difficult to survive for me and my family. It is not
17 only for us but also all delivery men. They all have
18 to face the same problem. Recently the most difficult
19 problem is low delivery price. Five to six mile for
20 one or two dollar is low payment. It is not possible
21 to continue. We all want that is to set a price so
22 that we could live well with our family. Thank you
23 all.

24 MS. RAHMAN: Thank you. Thank you.

25 MS. FOUZIA: Tanjila, just now, I have one

1 account from Brooklyn. He will be in one account from
2 Jamaica then we done for --

3 MS. RAHMAN: Okay. Okay, perfect. So, I'll
4 select Jessica.

5 MS. FOUZIA: No, you have to select a DRUM,
6 Desis Rising Up & Moving, Jamaica.

7 MS. RAHMAN: Which -- what's the account
8 Jamaica?

9 MS. FOUZIA: Yeah.

10 MS. RAHMAN: DRUM? DRUM, okay. Perfect.
11 Right.

12 MS. FOUZIA: Desis Rising Up & Moving.

13 MS. RAHMAN: Thank you. Thank you, Kazi.
14 Hi, how are you?

15 MR. MD ABDUL MABU: Yeah, I'm good.

16 MS. RAHMAN: Thank you so much for providing
17 testimony today. Please state your name and the
18 language that you will be providing testimony and you
19 have up to three minutes. Thank you.

20 MR. MABU: Okay. My name is Md Abdul Mabu.
21 I'm a delivery worker and I'm a member of DRUM. And
22 I'm in New York, since like the last five months. And
23 last ten months I started doing deliveries. And in
24 these three months I experienced a lot about
25 difficulties and doing delivery. So, first when I

1 started delivery, that time the food price was good,
2 it was going okay. And that time when I start, that
3 time I invest like \$4,000 for my bike. And when I
4 bought bike and after that time I saw many of my
5 coworkers bike was stolen. So, that time I actually
6 looking for parking and I get a parking in a house.
7 And for that parking I need to pay \$100 each month.
8 So, first month was good. I only use UberEATS
9 application. And after one month, day by day the food
10 price was going down. Like it seems like they have a
11 program like fast they make me interest to doing their
12 job. So, I was doing and later they are doing like
13 they are giving me low price and I was bound to
14 receive those amounts. And day by day is come into a
15 situation like I cannot make more than \$50. And
16 sometimes I cannot make \$50 in a day. When I use this
17 one app, so that I might get suggested from my friend
18 that you can use two apps. So, that time I was start
19 to doing with another appointment, app named DoorDash.
20 So, I was working in both apps. But as I said last
21 time, the food price was good. In the next month, the
22 food price was low. So, to make those money like \$100
23 in a day, I have to do many deliveries and I have to
24 work seven days in a week. So, I don't have any rest.
25 And that time to make \$100 or \$150, I have to do like

1 10 to 12 hours a day and it was affecting my health
2 condition. I was feeling back, back pain and more
3 difficult in -- and difficulties in my body. And in
4 the same times I was also facing and other things,
5 like I using two app so to make money I have to
6 actually receive orders. Like in the same time I
7 ordered to deliver -- two orders. And I was thinking
8 like I do one first and do the other one later. And
9 sometimes you know, this happened, if I go to the
10 restaurant, we cannot get the always food on time.
11 Most of the time like if you go, especially those
12 restaurants are popular like McDonald's, IHOP, you go
13 there to receive the food, they take 15 to 20 minutes,
14 especially Friday, Saturday and Sunday to make those
15 make those food. But the food price is lie only \$6 or
16 \$10, and to receive their food I spend 20 to 30 dollar
17 there, sorry, minutes there. And after receiving the
18 food sometimes it's happened, no, this takes time to
19 receive the order and the customer cancel the order.
20 That time I don't get -- make money that like if it
21 was \$10, I cannot get \$10. So, I call the company,
22 they only give me \$3. If the orders \$3 -- no, no, if
23 UberEATS sometimes \$3 and (inaudible-01:45:57) \$2 like
24 this. And sometimes like you call them, their
25 customer care is busy and you cannot get any money.

1 MS. WAGONER: Thank you so much. We -- your
2 time is up but we'll have to pause you there. Thank
3 you very much for your testimony. Thank you.

4 MS. RAHMAN: Thank you.

5 MR. MABU: Okay.

6 MS. RAHMAN: Please state your name and the
7 language we'll be providing testimony. You have up to
8 three minutes. Thank you.

9 MR. MD BELAYET HOSSIN: (Speaking Bengali
10 via the Interpreter)

11 Brother, my name is Md. Belayet Hossin. I am
12 from Jameika. I am a DRUM member. I fell like I fell
13 that-- I have been making delivery for two years.
14 Having my job, I fell many thins in my mind. Like when
15 we make accident, get tickets or delayed by restaurant
16 and then go to the customer. The say why are you late?
17 Restaurant makes me late - I say. They tell to
18 restaurant, to the organization that they have made
19 the delivery delay. The give an unlike to the APs. Or
20 may close the Aps. On which my wife was working, they
21 closed that. I had an Uber account, that is closed
22 also. They say it is a wrong driver but it is not. I
23 was a right driver. The have closed it with their
24 compline, I mean for late delivery. They did not allow
25 me any trip. I have not get any help from police after

1 calling them, sometime they comes at very late. They
2 come after half an hour, ten to twenty minutes. Yes,
3 when we have a road accident the usually not try to
4 help us. Some time the come properly and sometime at
5 late. I have been given sixteen tickets. Sixteen
6 tickets I have been given, I was heaving my delivery,
7 I drooped one. When I have the round trip I was given
8 eight tickets. Again when I was going to drop another,
9 they gave me eight more. One day sixteen tickets. How
10 would I pay those. Lately, I gave some tickets to the
11 lawyer and some of I am being made hearing. I have a
12 filmily, I have kids. Moreover I have a large house
13 rent. I am giving two thousand dollar as house rent. I
14 have other expenses. Expenses of my kid's, Expenses of
15 my wife's, and mine also. All in all, I am in a big
16 trouble. I want every one help us, city mayor
17 president everyone. I wish all Bengali all, as they
18 are delivery-man, all get some assistance. We are
19 cordially expect that. Thank you so much. [

20 MS. RAHMAN: Thank you so much.

21 MR. MD BELAYET HOSSIN: (Speaking Bengali
22 via the Interpreter)

23 Thank you so much. I have many Bengali
24 brothers here.

25 MS. RAHMAN: Thank you so much.

1 MS. WAGONER: Thank you.

2 MR. MABU: That's all from Jamaica.

3 MS. RAHMAN: Okay. Thank you. Thank you so
4 much. Okay. Next, we will allow, I believe there's
5 another site for DRUM and we will allow Ruvi to
6 provide testimony. Thank you.

7 MR. NAZMUL HOSSAIN: Hello.

8 MS. RAHMAN: Hi, how are you? Can you
9 unmute your phone please? Thank you.

10 MR. HOSSAIN: (Inaudible-01:50:14).

11 MS. RAHMAN: (Inaudible-01:50:16). Please
12 state your name and the language that you'll be
13 providing testimony today. You have up to three
14 minutes. Thank you. Hi sir, you're, you're on mute.
15 Okay.

16 MR. HOSSAIN: (Speaking Bengali via the
17 Interpreter)

18 Hi, my name is Nazmul Hossain. I live in
19 Brooklyn. I am a member of DRUM and as well as a base
20 leader. I have been working here for three to four
21 years. From that time I have been observed that our
22 colleagues are facing many problems at work. Most of
23 them are accident related. When the have an accident,
24 we use Aps, the have make no contact after our
25 accident. I hope, it is a prayer from me that Aps will

1 help us. Those who have an accident on working place,
2 I wish they will get helped. Five or six months have
3 to get rest after an accident. At that time they have
4 to expense only no income. How could he meet up those
5 expenditure. If Aps help him, he could carry his rent
6 and food expenditure. Otherwise he has to make loan.
7 Some problems other then that was mentioned by the
8 brothers of Jamaica and Manhattan. It is the same from
9 passport to bike theft. Theft of food is the same
10 problem as it is to them. Those who works here, have
11 the same problems. At the food delivery to the up-
12 stairs leaving bike down, when I come I saw that my
13 bike has gone. It was mine. As I am a delivery worker
14 and leader, in the last month two or three bike was
15 stolen of mine. Let you assume that one bike two or
16 three thousand. So it is very difficult for us. Even
17 we can not make three thousand in one moth many times.
18 It is very hard time to make money. I think now no one
19 can make three thousand dollar par-month. So while we
20 can not make such money, how could we afford we?
21 Finally we become a loser when the bike was lost.
22 Price of a bike is two and half or three thousand
23 dollar, how can we afford it. No Apps helps us and we
24 become owed working here. So I hope, Aps will help on
25 this. Brother, who are now listening to me, Aps will

1 compensate those who are have accident on working.

2 MS. RAHMAN: Thank you so much. Thank you.
3 So, today we have -- I'm going to pause shortly. We
4 have councilmember Shahana Hanif, that will be
5 providing short testimony. So, thank you so much. I
6 am going to allow councilmember Shahana Hanif to join
7 and provide a brief testimony. Thank you so much
8 DRUM. Hi Councilmember Hanif. How are you?

9 CM SHAHANA HANIF: I am doing okay. Good
10 afternoon.

11 MS. RAHMAN: Good afternoon.

12 CM HANIF: I'm councilmember Shahana Hanif.
13 Thank you to the Department of Consumer and Worker
14 Protection for holding this hearing and grant-,
15 granting me the opportunity to speak. I was signed on
16 for the last 15 or so minutes. And it's been really
17 wonderful to hear directly from workers, many of whom
18 live in my district that 39th, and work through the
19 corridors of 5th and 7th Avenue and live in
20 Kensington. And so, it is incredibly critical for us
21 to hear their testimonies and take into account their
22 experiences as we develop protections and minimum pay
23 scales. So, I'm just here today to express my support
24 for establishing a living and minimum wage for app
25 delivery workers in our city. For too long the

1 livelihoods of our city's delivery workers have
2 depended on the generosity of customer tips. That is
3 not a reliable source of income. When a delivery
4 worker is offered a order, the amount they are told
5 they will be paid in tips is often listed as an
6 estimate. Most apps give customers up to an hour
7 after their food is delivered to change the amount of
8 tip they originally listed. If a customer is
9 dissatisfied because an order was delayed, they may
10 decide to remove the tip. Additionally, tipping for
11 food orders has drastically declined toward
12 pre-pandemic levels as the economy has reopened. This
13 is a highly unstable form of income for the over
14 65,000 delivery workers across our city with over 40
15 percent of whom are supporting family members.
16 Deliveristas says are predominantly young-, younger
17 people under 30, people of color, immigrants and as a
18 chair of the immigration committee, this issue is of
19 dire, dire importance to me. Despite being deemed
20 essential during the pandemic, the city's deliveries
21 does remain unprotected in the largely unregulated
22 platform economy. A deliverista's living wage
23 standard will establish national work standards in the
24 app delivery industry, promote inclusive sector growth
25 and build a future focused economy with a local

1 economic impact in every corner of our city. I want
2 to thank the workers Justice Project Los Deliveristas
3 Unidos and Desis Rising Up & Moving, who continually
4 fight to bring awareness and basic protections, as
5 they organize deliveristas, as deliveristas continue
6 to advocate for themselves, and have lobbied City
7 Council in the last administration to win these basic
8 dignities. Through their organizing and allyship,
9 they were able to introduce this historic deliverista
10 package, guaranteeing the first of its kind labor
11 rights for our city's app delivery workers. However,
12 the fight for fair and just work conditions is far,
13 far from over. And we must institute a fair minimum
14 pay for delivery workers. I look forward to
15 continuing to work with our city's deliveristas and
16 community-based organizations to make New York City a
17 much safer and fairer, more just place to work. And a
18 minimum wage is the next step in doing so for our
19 delivery workers. Thank you so much for your time and
20 consideration.

21 MS. RAHMAN: Thank you so much,
22 Councilmember Hanif. Okay. So, next we will have
23 Jessica Choque testify from DRUM. Jessica, I'm going
24 to promote you to panelist, and you have up to three
25 minutes to provide testimony.

1 MS. JESSICA CHOQUE: Okay. My name is
2 Jessica Choque.

3 Ms. CHOQUE: (Speaking in Spanish via the
4 Interpreter)

5 Hello, good afternoon. Hello, good
6 afternoon. My name is Jessica Choque and I am going to
7 speak in Spanish. Okay. As I told you, my name is
8 Jessica Choque, I am a food delivery worker and I use
9 the Relay app and I work in the Manhattan area, and I
10 started working in *deliveries* in September 2018. Well,
11 it's a job that I like because I can manage time in my
12 own way, or well, that's what they tell you at first,
13 but then things change and they're not as exact as
14 they tell you on the app when you go to work. I had to
15 buy an electric bicycle because this job is always
16 about running and as a mother I have to care for my
17 children, it was very heavy for me. Buying an electric
18 bike was more money because on the street there are
19 people who puncture the tires and you have to change
20 the tires, look for the lights and these kinds of
21 things make you spend more money. It's faster for us
22 to go to drop off a *delivery*, but we spend more money,
23 and we also have more risk of being mugged. Well, I
24 was working until 2020 when I got pregnant with my
25 third and last baby, I was working as much as I could,

1 but just when the pandemic started, they didn't let us
2 enter the stores or use the bathroom, in the pandemic
3 it was much worse. It was much worse because I wanted
4 to work while I was pregnant and because of the
5 situation that because you are pregnant you need to go
6 to the bathroom more frequently and they told me, "No,
7 you can't go in. You don't understand that there is a
8 pandemic, and you can't come in because of everything
9 that is happening...". So that was a frustration for
10 me, deciding to quit my job and stay home with my
11 kids. In other, uhm, other problems that applications
12 have, is that sometimes when a restaurant is a problem
13 or a customer is a problem, they blame us and it
14 affects us in the area of our reservation because
15 when- if we have a long schedule to work and there is
16 a problem, they cancel our reservation hours, the next
17 day our reservation time is lower, we cannot reserve
18 or in other situations when they are very serious, or
19 the clients get angry and they make a *complaint* that
20 the food was late, or things like that, they block the
21 application and that is bad for us because although I
22 personally do my best to do my job, although it seems
23 simple, it is not, I try to do my I work the most, the
24 best I can, right? Because I like my job and I like
25 meeting people. I try to do everything well and

1 nicely. So, when you get to that situation where your
2 application is removed because someone complained or
3 because they didn't tell you that you did something
4 wrong, even if it was unintentionally, you lose your
5 job for a month, two weeks, three weeks, and you have
6 to ask that the application be returned to us and that
7 they explain to us why they took it away from us. So
8 yes, these are things that as a delivery woman I have
9 had to face because it is difficult, I who have
10 children, having to beg someone to give me back my
11 application because I have to continue supporting my
12 home, it is a little complicated and frustrating, plus
13 we also have, as a woman I have to deal with
14 harassment in the street and with men who have
15 approached you to tell you something that is not right
16 to say or things like that. So, I like the delivery
17 job, but it does have, it involves many, many problems
18 that I would like to see fixed over time or managed
19 appropriately.

20 MS. WAGONER: Thank you very much for your
21 testimony.

22 SPANISH INTERPRETER: (Speaking in Spanish)
23 Thank you very much for your testimony.

24 MS. RAHMAN: Yeah, Thank you, Jessica.
25 Okay. Next we will have Fayad Ahmad from DRUM

1 testify. Fayad, I'm going to promote you to panelist,
2 and you have up to three minutes. Thank you.

3 MR. FAHD AHMED: Hello.

4 MS. RAHMAN: Hi, Fahd. How are you?

5 MR. AHMED: I'm good.

6 MS. RAHMAN: Thank you so much. You have up
7 to three minutes to provide testimony. Thank you.

8 MR. AHMED: My name is Fahd. I'm the
9 Executive Director of DRUM, Desis Rising Up & Moving.
10 We organize South Asian and Indo Caribbean workers and
11 immigrants across the city. We have been partnering
12 with Los Deliveristas Unidos over the past year to
13 organize the delivery workers with us focusing on
14 South Asian delivery workers. One of the key things
15 about delivery workers is that the, the corporate
16 model really shifts the liabilities to the workers.
17 And so, if there's any loss, if they're sick, if
18 they're injured, if there's debt, it is set up in a
19 way that there's no loss or burden to the corporation
20 and everything is carried by the worker. And so, this
21 is the reason why the workers make far, far like less
22 wages than even like what they get paid. Because
23 they're paying for their own expenses. They're paying
24 for their own devices, repair equipment, upkeep.
25 They're being penalized by apps, they're being

1 ticketed by police. And so all of this burden is
2 carried by the workers themselves. And so as they're
3 working hard, as you've heard from many workers,
4 they're working hard, they're still barely making
5 enough money to survive. And essentially, they're
6 working in a structure that incentivizes them to take
7 further risks, to make the deliveries quicker.
8 Essentially putting their bodies and lives on the
9 line, so that they can make some minimal money, while
10 at the same time the corporations continue to make big
11 money. And that is fundamentally a problem. We saw
12 the same problem play out and we were warned that this
13 problem would play out when Uber and Lyft came to the
14 city. And we've seen the devastation that it's caused
15 for cab drivers. And the same dynamic is now playing
16 out with delivery workers. Obviously, there are some
17 particularities to each industry. But as long as we
18 don't have some minimum wage standards, we are
19 essentially rewarding the system that incentivizes
20 workers to put their bodies and their lives on the
21 line, and so that is why a minimum wage standard is
22 critical. Thank you.

23 MS. WAGONER: Thank you very much for your
24 testimony.

25 MS. RAHMAN: Thank you so much, Fahd. Thank

1 you. Alright. So, next we will hear testimony from
2 (Spanish-02:06:32), so I will be promoting Sergio
3 Solano (phonetic) to panelist, then you have three
4 minutes to provide testimony. Thank you. Alright.
5 Right there. Okay. Hello. Hi there.

6 MR. SERGIO SOLANO (Speaking in Spanish via
7 the Interpreter)

8 My name is Sergio Solano, I am going to
9 speak in Spanish. First of all, well, I don't know if
10 you are able to listen to me there. Very well, thank
11 you, well, as you can see, we are the *New York City*
12 *Food Movement*, in Spanish it is the New York Food
13 Delivery Movement, and we represent more than
14 anything, the people who work, the real delivery men
15 and women and before going any further, we want to
16 thank you for the opportunity, thank the Department of
17 Consumer and Worker Protection. We have been working
18 for years, we have not been working on this for one or
19 two years, we have done it for many years, working
20 within the delivery industry, we are the ones who
21 started these- we have started all these movements and
22 thanks to that, well, today we have the opportunity to
23 be here, and my testimony is basically about the
24 applications. I have worked with Relay, I have worked
25 with Grubhub, and today I am also working with

1 DoorDash, and for us it is so important to have a
2 hearing of this type because, well, our testimony is
3 very important to politicians because they are going
4 to carry our message and that is why we are happy to
5 be able to participate here on this day. Each one of
6 my fellow colleagues who are here are going to be
7 giving their brief testimony basically, we know that
8 time is also limited, that is why we can tell you that
9 we have paid for almost most of our tools, our
10 bicycles, our clothes, our helmets, we have spent more
11 and basically the applications are not helping us.
12 Instead of helping us, they are blocking us because of
13 problems with the deliveries, problems with the - with
14 the technology, there are many things that we would
15 like to tell you at this moment because it is very
16 big, but well, we want to summarize it by telling you
17 that we spend more, but we do not complain, we
18 continue working in spite of the difficulties, in
19 spite of all the accidents that we have gone through
20 as well, we are not going to talk about all the
21 accidents we have had, but we are always at risk, that
22 is why today we present ourselves, now we are
23 officially people who help others, we are not an
24 organization, we are not a specific group, but we help
25 everyone and we open our doors and our arms to

1 everyone, to every brother, every sister who is in
2 need. We basically do activism in the community. We
3 are normal people, we are delivery people, but we try
4 to help those we can help, and we have expanded thanks
5 to the people, the people who collaborate with us,
6 there is no politician, no organization that is with
7 us, we are with the people and *NYC Delivery Movement*,
8 and thanks to the *New York City Consumer Protection*,
9 thanks to Miriam for the invitation and now I don't
10 know who is still there on the list. Thank you very
11 much.

12
13 MS. WAGONER: Thank you. Muchas gracias.
14 The next person could speak.

15 MR. CÉSAR (Speaking Spanish via the
16 Interpreter)

17 Okay. Now we are good, good afternoon to all
18 of you. I'm going to give a brief testimony that
19 happened today working with the Relay application.
20 Well, I didn't have a schedule, I came in the
21 (inaudible-02.10.56) because I was a little busy on
22 the application, right? Uhm, I grab the order and it
23 sends me 18 blocks away which took me a long time
24 because there was traffic and well, on Third Avenue
25 there is no bike lane, neither on Madison, nor on

1 Fifth Avenue there is no lane, so, you have to get
2 into the car lane. Uhm, I arrived at the client's
3 address and the client told me, I mean, he did not
4 answer my call or anything like that, I called the
5 restaurant, they did not answer either, so I had to
6 wait until someone, one of the two answered or picked
7 my call because it was quite a distance to return the
8 order, plus the traffic at noon, well, I could not
9 even move back and did not know what to do because
10 neither of the two answered me, nor the application
11 answered me. I kept the order and waited for about 10
12 minutes, and no one answered me, so I marked it as
13 "Delivered" to continue working. Then he gave me a bad
14 rating. The moment he gave me a bad rating, he tells
15 me that I took too long with the order, why, was I to
16 blame for all that? But (inaudible-02.12.04) my job is
17 to go pick up the delivery and deliver it to the
18 customer, not to be waiting for extra time that is
19 unpaid time. And to make matters worse, the customer
20 gave me a \$1.99 tip, I was practically wasting my time
21 for an hour because they don't value one's work. Also
22 yesterday night I had to work, practically until today
23 I am working from 10:00 at night to 12:00 at night, it
24 is two hours that I work because they are the two
25 hours that the application allows me to reserve. Uhm,

1 I was on 106th Street and it wanted me to go to 168th
2 Street. They were long distances, there were almost
3 two areas that I had to cross for a \$1 tip at night. I
4 couldn't reject an order, why? Because they also rate
5 me poorly if I reject orders. I arrived yesterday with
6 the client, and it was a government project building,
7 I had nowhere to tie my bicycle, so I was calling the
8 client and the client told me, "No, you have a duty to
9 leave the order in front of my house, not for me to go
10 downstairs." Well, they are practically situations
11 that we face every day as delivery people, and we
12 would like you to see that side too because they are
13 the situations that are not talked about much because
14 many colleagues are afraid to talk about how the
15 applications are working inside, right? That is my
16 brief testimony that I am sharing right now. I think
17 there are several colleagues here with us and each one
18 has their testimony to share.

19 MS. WAGONER: Thank you. Muchas gracias.

20 MS. WAGONER: Can you tell us what your name

21 MR. JOSÉ GUEVARES (Speaking Spanish via the
22 Interpreter)

23 Hello, good afternoon. My name is José
24 Guevares, here at your disposal. I am going to talk
25 about my experience doing *deliveries*. I have been

1 working more or less since the pandemic began, I kept
2 doing- I have worked all my life in restaurants, in
3 the *Night Life Industry*, and in the *Restaurant*
4 *Industry*, as they are called. Uhm, when I started
5 working delivering *deliveries*, I realized that it was
6 similar to working as a waiter, as a *busboy* in
7 restaurants, well, yes, without pay, without being
8 paid by the hour. Uhm, I've come to realize that apps
9 are designed for their own, their own benefit. It is a
10 lie that they tell you that you have to work, that you
11 have to work in your free time, that you can whether
12 make your schedules, it is a lie because in order to
13 have a good schedule, you have to have a "high
14 rating". That means that- [crosstalk]. That means that
15 when - in order for you to have a good schedule, in
16 order for you to have a good "rate" as they call it,
17 you have to practically grab all the *deliveries*,
18 whether it's going to 50th Street and First Avenue to
19 80-90th Street and West End for a \$6 dollar rate, for
20 a \$5 dollar fee. There is also Uber, Uber tells you,
21 "You know what", they promise you a tip of \$20
22 dollars, \$30 dollars, you go because you say, "Well,
23 the distance is long, but at the same time the tip is
24 very good". Well, I just used, I just worked with
25 Uber, and to my surprise, when you get to the place

1 where the food needs to be delivered, the customer has
2 the ability to take away the \$30 dollars that he
3 promised you at the beginning and give you \$1, which
4 is what's happening a lot with Uber. With GrubHub,
5 supposedly, we had already passed the law that we have
6 control over the distances of how far we can go
7 depending on payment for delivery, and it's still the
8 same. If you don't pick up the order, they penalize
9 you. If you at Uber, at GrubHub, don't pick up two
10 *deliveries* in a row, they send you a message saying
11 that on the third *delivery* they are going to take you
12 out of the system because they think that you are
13 doing nothing and sometimes the distances, the
14 distances and the payment are not enough, they don't
15 reach the minimum. Lately on GrubHub there is up to an
16 hour, an hour, and a half to receive an order. Now
17 that it is hot, people go out, people are on the
18 streets, they don't order in as much, the demand for
19 deliveries is not so great, but at the same time,
20 there we are, all the guys who depend on this,
21 outside, waiting in the street for eight to nine
22 hours. What DoorDash pays you, in DoorDash what they
23 pay you are "the active hours", you can say that you
24 can be there for 10 hours, and they only pay you "the
25 time" when you are making a delivery. So, at the end

1 of the day they tell you, "You worked eight hours, but
2 you were active only for three hours", that's what you
3 get paid for, the distance of your trip plus tips, but
4 the other five hours you're in stand-by waiting, you
5 are not paid for that. That also includes that, well,
6 we own- we are hired for, as "*independent owners*" or
7 independent employees, that we have the obligation to
8 provide our own vehicles. They are called electric
9 bicycles, now well, since I started, I started working
10 with a normal bicycle, the first week it was
11 impossible to work the following week, why? Because
12 the distances are very long, we are talking about
13 three-four miles, three miles distance from the point
14 where I am to the point where I have to make the
15 delivery, and that is from north to south or from east
16 to west, there is no control that tells you that if
17 you are in a certain area, in a certain zone, there is
18 no guarantee that you can leave that area, that you
19 will be taken to other distances. Uhm-

20 MS. WAGONER: I'm sorry to interrupt but
21 Thank you very much for your testimony. Good
22 afternoon.

23 MR. ROBERTO MARTÍNEZ: Good afternoon. My
24 name is Roberto Martínez. I'm one of the organizers
25 for the New York City Food Delivery Movement. But I

1 will not be speaking English. I will be speaking
2 Spanish.

3 MALE SPEAKER 2: English is fine.

4 MR. MARTÍNEZ: English is fine? Okay. So,
5 anyway, I, I believe that what's at hand is the
6 logistical process in which these big companies,
7 multibillion, multimillion dollar companies are
8 handling conveniently the logistics to handle any kind
9 of financial issue or any kind of process as to
10 compensation with tips. And I'm not saying that
11 they're intentionally manipulating it. But there is a
12 big problem with how to be fair, and, and we're
13 talking about New York City, it's very difficult to
14 make deliveries. And when these workers get to the
15 restaurants, the food delivery is -- the delivery, the
16 food is not ready, and they have to wait. And then
17 they get penalized for something that's out of their
18 control. Every-, everything pretty much ends up in,
19 in that ears. And first of all, I want to thank you
20 guys for taking the time to listen. I think it's
21 important that some kind of legislation needs to go
22 into effect. I don't know if at city level or at
23 state or a United States level. But it needs to be
24 addressed with these big companies. And there has to
25 be some type of a middle of the road meeting where

1 it's reasonable for the workers to receive a certain
2 wage. Because right now, they're all these
3 independent contractors, and under the law, they don't
4 have to provide anything other than to pay them for
5 their tips, and what they work for, which is very
6 unreasonable. These folks come here to work. They're
7 very decent people. I, I've been working with
8 different organizations for 29 years, and I take my
9 time, I don't charge anything, I take my time to go in
10 and work with them and recently to do security,
11 because it's an issue. There's also another issue
12 that falls in on your lap, and it's the sales of these
13 illegal bicycles. Not -- I'm sorry, not bicycle,
14 motorcycles. They are stores that are allowed to sell
15 them and that's okay. What's illegal is to use them
16 on the road and that's a problem. I just met with a
17 worker today. He lost \$5,000. \$5,000. That's a lot
18 of money. That's a lot of work, a lot of deliveries
19 to lose that kind of money, because he didn't know and
20 he didn't have the proper information, didn't
21 understand his rights, whether the bike or the
22 motorcycle was legal or not. Because if you have a
23 store selling a product and must be legal. They don't
24 know, they go, they buy the bike, the motorcycle. Now
25 the title they receive is useless. You can't go to

1 motor vehicles and register that motorcycle, it's
2 useless. It's not allowed. And now there being
3 summons and these other problems because they're not
4 properly informed. And by the way, I just want to say
5 thank you to DOT because they have taken the time to
6 provide information and education on the subject.
7 Another problem is the crimes that have been committed
8 against the workers. Most of these criminals that are
9 out there are preying on them day and night. It
10 doesn't matter what A time of the day, it just doesn't
11 matter. But they know because a lot of them fear
12 deportation because they don't understand their, their
13 rights as a, as, as, as a member of our society, and
14 they think they're going to be -- a lot of them just
15 get on their bicycle with a fractured leg and they
16 leave because they're afraid of being deported. And I
17 think there needs to be a little bit of more
18 information and education on the subjects to let them
19 know what they're, what they're entitled to. Not just
20 have platforms on Google but to be able to have
21 information accessible just like being able to walk
22 somewhere and obtain information on what their rights
23 are. Additionally, the, the only company right now
24 that's paying --

25 MS. WAGONER: I have to pause you now

1 because your time is up.

2 MR. MARTÍNEZ: Okay.

3 MS. WAGONER: Thank you very much for your
4 testimony.

5 MR. MARTÍNEZ: I hope you guys really can do
6 something and this is just not political logistics. I
7 really do. God bless. Thank you.

8 MS. WAGONER: Thank you.

9 MS. RAHMAN: Thank you so much. Are there
10 any other individuals testifying today?

11 MS. WAGONER: Thank you to everybody so
12 much.

13 MS. RAHMAN: Thank you. Okay. Next, we
14 will be hearing from individuals in the attendees
15 list. So -- one second. I'm sorry. Alright. Thank
16 you so much to New York City Food Delivery Movement.
17 So, now we will be moving on to individuals in the, in
18 the attendees list. I just want to inform everyone
19 that we do have simultaneous interpretation in Bangla,
20 Spanish and Mandarin it up until 4:00pm. So, if you
21 would like to, you know, provide testimony in, in, in
22 Mandarin, Bangla, Spanish, feel free to raise your
23 hand in the chat. I see a few folks with their hands
24 raised. So, I'm just going to call on individuals and
25 promote them to panelist. Please state your name and

1 any organization that you are affiliated with and the
2 language that you will be providing testimony in
3 today. And I just want to remind everyone that you
4 have up to three minutes to provide testimony. Thank
5 you so much. So, now I will call on Raul Rivera to
6 provide testimony. So, I'm going to promote you to
7 panelist right now.

8 MR. RAUL RIVERA: Good afternoon. Can you
9 hear me? Can you see me?

10 MS. RAHMAN: Yes, I'm going to put on --

11 MS. WAGONER: Yes. Hello.

12 MR. RIVERA: Good afternoon. My name is
13 Raul Rivera. I'm a New York native. I'm a TLC
14 driver. I'm a TLC driver advocate. I'm also the
15 founder of NYC Drivers Unite. The only group in New
16 York City with a petition to reform the Taxi Limousine
17 commission. I'm what you call a TLC driver. And a
18 lot of people would confuse me, say well, I'm an Uber
19 driver. That's just the platforms that I use. I use
20 Uber, I use Lyft, and people call it the gig economy.
21 And we have a petition to reform the Taxi Limousine
22 Commission. And even Mr. Eric Adams has signed on
23 petition. I think, you know, I didn't write anything
24 down, but I think what everybody needs to understand
25 that what we have here is technology, we have

1 software. And the software can be manipulated in
2 many, many ways. And, of course, we have a language
3 barrier 90 -- 90 plus people using these applications
4 are -- have a language barrier. So, it's very easy to
5 manipulate them and to steal from them. So, there
6 definitely needs to be something done with the pay,
7 there definitely needs to be something done the way
8 these companies are operating. In the taxi industry
9 in the city, we had 12 suicides, we had a driver
10 commit suicide right in front of City Hall. And, you
11 know, there's a phrase that I like to use that I share
12 with the council members when I meet with them. The
13 phrase goes like this, it says humans first,
14 technology second, today, tomorrow forever. We
15 should, we should always remember that. If we can't
16 recognize that technology is being used to basically
17 rape the New Yorker, rape the worker, we're not going
18 to achieve justice for the worker. So, I encourage
19 the council members to pay more attention. We need
20 bills drafted for the benefit of the worker here in
21 New York City. We're doing our part. Also joining
22 with a justice for app workers. My group is NYC
23 Drivers Unite. And we're part of a coalition, a
24 bigger coalition of nine groups. And the coalition is
25 called Justice for App Workers. So, if you use an

1 application in the city to work, whether you are an
2 E-biker or a taxi, we're, we're seeking to change the
3 industry. We're coming strong. And we are fighting
4 to create a union. We're fighting to stop the
5 deactivations. And we're fighting to make a big, big
6 difference. And we, we, we also are going to hold our
7 elected officials accountable if they refuse to look
8 the other way. Because a lot of elected officials
9 unfortunately, do not pay attention. I'll leave it
10 there. Again, NYC Drivers Unite and Justice for App
11 Workers. Thank you.

12 MS. WAGONER: Thank you very much.

13 MS. RAHMAN: Thank you so much. Thank you.
14 Okay. Next, we will be hearing from New Immigrant
15 Community Empowerment, Ignacio. I will be promoting
16 mics to panelists. One moment please. Hello.

17 MR. GERARDO RAMOS: Hello.

18 MS. RAHMAN: Hi. Can you hear us?

19 MR. RAMOS: Yes, I can hear you. Can you
20 hear us?

21 MS. RAHMAN: Okay. Yes, I'm going to put
22 you on spotlight. Hi. Hi. Nice. Please state your
23 name and the language that you will be providing
24 testimony in today and any organization that you're
25 affiliated with. Thank you.

1 MR. IGNACIO (Speaking Spanish via the
2 Interpreter)

3 Hello, my name is Ignacio. I am a member of
4 the NICE organization, I have been a delivery man for
5 six years, all the time I have been in this country I
6 have worked as a delivery man. I have worked for
7 restaurants delivering food where they paid me \$10 an
8 hour and I had to depend on my tips, and they wanted
9 the restaurant and the kitchen clean as well. We
10 washed dishes and prepared food for no extra pay. I
11 want the city to listen to me, to support us. Many
12 times, our bikes are stolen, and the police don't take
13 our report seriously. We need a place where we can go
14 so that they will take us seriously and help us with a
15 phone number or a physical location. We spend a lot of
16 money buying our bikes and sometimes the police take
17 our bikes away from us.

18 MS. RAHMAN: Thank you.

19 MS. WAGONER: Muchas gracias.

20 MS. RAHMAN: Thank you. Okay. Alrighty.
21 Thank you so much. Okay. So, now I'm seeing the
22 attendee list. I'm going to be calling on folks
23 individually to provide testimony. So, first, I see,
24 Ramesh. So, I'm going to promote you to panelist, and
25 you have up to three minutes to, to provide testimony.

1 Thank you. Okay. Hi, Ramesh, can you hear us?

2 MR. RAMESH GRING: Yes. Hi, good afternoon,

3 MS. RAHMAN: Good afternoon. I'm just going
4 to put you on spotlight. Okay. Please state your
5 name and if you're affiliated with any organization.

6 MR. GRING: My name is Ramesh, Ramesh Gring
7 (phonetic), and I'm not affiliated with any
8 organization. I work for Relay. I've been working
9 for Relay for last four or five years. I'm really
10 happy with Relay. I mean, there are always ups and
11 downs and -- but I'm sticking with the one app and I'm
12 really happy, happy with Relay. And I totally agree
13 with my friends, they're against the, the low pay and
14 he stops but the Relay has done really good job with -
15 - because they pay the minimum wage plus the tips, so
16 I think Relay has done really good job with their
17 system and I hope that the other apps --

18 MS. RAHMAN: You, you went on mute, we can't
19 hear you.

20 MR. GRING: Yes, I think that's, that's all
21 for me -- from me.

22 MS. RAHMAN: Thank you very much. Thank you
23 so much. Thank you.

24 MR. GRING: Thank you. Have a good day.
25 Thank you.

1 MS. RAHMAN: You too. Thank you. Okay.
2 Thank you. (Inaudible-01:03:15). Okay. Alrighty.
3 Now, let's see who we have here. Okay. So we have
4 Chansi Powell. So, I'm going to promote you to
5 panelist and you have up to three minutes to provide
6 testimony. Please state your name, the language YOU
7 will be providing testimony in and any organization
8 you're affiliated with. Thank you. Hi, Chansi.

9 MS. CHANSI POWELL: Hi. Can you hear me?

10 MS. RAHMAN: Yes, we can hear you.

11 MS. POWELL: Let me turn my video on.

12 MS. RAHMAN: Okay. Great.

13 MS. POWELL: So, so hi everyone. My name is
14 Chansi Powell. I'll be speaking in English and I, I
15 represent the Robin Hood Foundation. So, you know,
16 good afternoon. I would like to thank the Department
17 of Consumer and Worker Protection for holding today's
18 important hearing and providing the opportunity to
19 testify. As I mentioned, I work for the Robin Hood
20 Foundation, and we're one of New York's largest
21 organizations fighting poverty. Our mission over the
22 last 30 years has been to lift New York City
23 households out of poverty in a way that's measurable
24 and sustainable. And currently, Robin Hood funds the
25 Worker's Justice Project to build out worker hubs

1 across the city that will serve as a one stop shop
2 resource center for app based delivery workers
3 including Los Deliveristas, of course. We're
4 primarily Los Deliveristas . Robin Hood has also
5 provided relief funds to WJP in the past and we
6 consider them to be amongst our trusted partners in
7 the Worker's Justice space. Robin Hood strongly
8 supports a minimum pay rate formula for app based
9 delivery drivers that considers the burdens they bear
10 which include the cost for equipment they need to do
11 their job, the wear and tear on that equipment, time
12 that they spend on a work task, wait time in between
13 receiving the next job assignment, the trip distance
14 and the cost associated with the high injury rates and
15 susceptibility to crime that is way too common in
16 their work, and that you've heard many of the delivery
17 workers themselves testifying earlier today. And
18 despite these high risks that these workers take,
19 along with the threats to both their property and
20 their life, delivery workers earnings are low.
21 There's a 2021 Cornell University study survey that
22 surveyed 500 city app based delivery drivers and found
23 that before tips, the average net pay of delivery
24 workers is \$7.87. And when tips are included, which
25 on average represent almost half of delivery workers

1 overall earnings, workers have an average take home
2 pay of just under \$12 an hour, which is below the
3 city's \$15 minimum wage. And delivery workers also
4 face unpredictability regarding their earnings due to
5 company's reliance on algorithms that they do not
6 share with delivery workers and that some delivery
7 workers aren't bold enough or feel empowered to ask
8 about. And this algorithm decides payments for the
9 workers and decides, you know, what their pay should
10 be based on their performance, and based on reviews
11 that they've received from their customers. So, if a
12 worker rejects too many orders, or if they receive low
13 ratings from a customer, which we know can be easily
14 kind of a subjective determination, then these
15 workers, these delivery workers have access to fewer
16 or less favorable time slots in which to work, and
17 ultimately, they're less likely to obtain pay
18 increases and just see the economic mobility that many
19 of us take for granted. Having minimum pay and work
20 standards in place for workers can be a real economic
21 mobility game changer for delivery workers. In 2019
22 the city's Taxi and Limousine Commission increased
23 driver minimum pay to \$17.22 per hour, which
24 considered equipment, gas and an allowance for paid
25 time off. And research suggests that drivers saw an

1 average increase in net earnings by \$6,345 per year,
2 which is a 22.5 percent increase. A similar system in
3 place for delivery workers at these delivery workers
4 would have a tremendous impact on their lives, their
5 earnings and their well beings. And so in closing, I
6 just want to stress what we all know that our city
7 absolutely would not have functioned during COVID, and
8 it absolutely would not function right now without
9 these essential delivery workers. And so we ask that
10 your agency finally take the steps along with others
11 to ensure that delivery workers' pay fairly reflects
12 the undisputed value that they provide to all New
13 Yorkers. Thank you.

14 MS. RAHMAN: Thank you so much Chansi.
15 Thank you. So, next we will be having AJ Yusuf from
16 the Mayor's Office of Immigrant Affairs provide
17 testimony. AJ, I'm going to promote you to the
18 panelists and you'll be able to speak in a few
19 minutes. Okay. And then following AJ, I see someone
20 in the chat. Do Lee you will be next to provide
21 testimony. Thank you. Hey AJ.

22 MR. AJ YUSUF: My name is AJ Yusuf. Thank
23 you to Commissioner Mayuga and the team at the NYC
24 Department of Consumer and Worker Protection, DCWP,
25 for hosting this very important public hearing on

1 working conditions of app-based food delivery workers.
2 My name is, again, AJ Yusuf and I am a neighborhood
3 organizer, part of the outreach team with the Mayor's
4 Office of Immigrant Affairs. Within our work, we have
5 seen firsthand the hardships and challenges that
6 delivery workers particularly app based food delivery
7 workers face across the city, both prior to the
8 pandemic and more so as they were at the frontlines of
9 COVID-19. Through our touchpoint with delivery
10 workers we know that many -- we, we know that many
11 delivery workers do not have social security cards.
12 And because of this many of them apply for and use
13 ITIN numbers to work and file for taxes. Even their
14 status and the massive shutdowns across the sec-,
15 across all sectors during the pandemic, many delivery
16 workers lost their jobs or saw diminished income and
17 had limited avenues for seeking much needed supports,
18 including federal government financial supports,
19 accessible only to -- only by US citizens. This --
20 MS. RAHMAN: AJ we (inaudible-02:44:12) --
21 MR. YUSUF: -- economic access privately
22 funded.
23 MS. RAHMAN: It's (inaudible-02:44:21).
24 MR. YUSUF: Okay. I'll, I'll, I'll speak
25 (inaudible-02:44:21). This is -- is this better or?

1 MS. RAHMAN: Yeah.

2 MR. YUSUF: Okay.

3 MS. RAHMAN: Okay. Thank you.

4 MR. YUSUF: So, given their status and the
5 massive shutdowns across all sectors during the
6 pandemic, many delivery workers lost their jobs or saw
7 diminished income and had their limited avenues for
8 seeking much needed supports, including federal
9 government financial support accessible only by US
10 citizens. This reality made their incomes a situation
11 -- economic situation that much more precarious.
12 While some were able to access privately funded
13 economic assistance and apply to New York State's
14 Excluded Workers Fund, the need far exceeded the
15 funds, funds allocated, and the funds were exhausted
16 in less than two months. I want to share the story of
17 Berto Cola (phonetic), a member of an organization
18 called Desis Rising Up and Moving also known as DRUM,
19 he was a young delivery worker in Queens. He echoed
20 many of the same concerns noted here in this hearing.
21 Berto Cola was struck and killed by a driver who ran
22 the light while being chased by the NYPD. Berto had,
23 Berto had fought and applied for the Excluded Workers
24 Fund while he did not receive the fund due to his tra-
25 ,tragic death. Following his death, his family became

1 destitute as they relied largely on his income sus- --
2 income for sustenance. The life of delivery worker's
3 fraught with danger, and they deserve dignity and
4 respect. But above all, they need to receive fair pay
5 for their work. Expense -- now we'll talk about the
6 expenses of being a delivery worker.

7 MS. RAHMAN: (Inaudible-02:45:56) second
8 left.

9 MR. YUSUF: Delivery workers -- okay. So,
10 delivery workers have a high upfront costs for doing
11 this job. To become a delivery worker they have
12 personally invest in expensive and sturdy bicycles or
13 E-bikes, bicycle maintenance, appropriate safety gear,
14 which includes elbow pads, helmets, reflective vests,
15 weather protection gear, which includes rain jackets,
16 bicycle maintenance, as well as monthly unlimited MTA
17 cards before they can even begin to serve as delivery
18 workers. According to members of DRUM, these costs
19 can range about 2,700, \$2,800. Any discussion around
20 minimum wage should factor in the cost of equipment
21 and other materials nee-, materials needed to do the
22 job safely, as well as the impacts of stolen
23 equipment.

24 MS. WAGONER: Thank you very much. I'm
25 going to have to pause you there.

1 MS. RAHMAN: Thank you, AJ.

2 MS. WAGONER: Much appreciated.

3 MS. RAHMAN: Thank you. Do, do you want to
4 just wrap up if you have a one or two sentences, just
5 wrap up?

6 MR. YUSUF: Yeah, I'll just talk very
7 briefly about the safety of delivery workers and then
8 I'll, I'll wrap up.

9 MS. RAHMAN: Very brief. Thank you.

10 MR. YUSUF: Okay. So, many delivery workers
11 face unsafe, unsafe working conditions every day.
12 They are targets of bicycles or E-bike thefts, the
13 victims of assaults or attacks resulting in death, or
14 suffer from workplace accidents without any health or
15 sick leave coverage. Delivery workers also endure
16 harsh weather conditions, as deliveries are made in
17 rain or shine, as well as harsh or rude behavior from
18 customers who do not value their work. And again, I
19 want to echo the fair pay for their work that, that,
20 that my, that my agency emphasizes.

21 MS. RAHMAN: Thank you so much, AJ. Thank
22 you. Appreciate it. Okay. Next we will have Do Lee
23 provide a brief testimony. I'm going to promote you
24 to panelist.

25 DR. DO LEE: Hi, can you see me?

1 MS. RAHMAN: Yes.

2 DR. LEE: Okay.

3 MS. RAHMAN: Let me put you on spot. You
4 have up to three minutes. Thank you, Do.

5 DR. LEE: Okay. Thank you. My name is Dr.
6 Do John Lee. I'm a professor at Queens College and a
7 team member with the Biking Public Project. Thank you
8 for taking time to address this really important issue
9 for so many New York City workers. My Testimony draws
10 upon biking pu-, public project work on a survey
11 project last year with WIEGO, Women in Informal
12 Employment Globalizing and Organizing. It's a study
13 done in June and July of last year, as well as my
14 dissertation work with delivery workers from 2015 to
15 2017. In the legal project, last year, we conducted
16 in depth phone surveys with 55 New York City delivery
17 workers about their experiences of delivery from the
18 beginning of the pandemic in March 2020 through July
19 2021. These were mostly (inaudible-02:48:44) and
20 Chinese workers with a few other workers from
21 different backgrounds. Delivery workers reported a
22 big shift in their employment during the pandemic, as
23 62 percent reported working for restaurants in March
24 2022 -- I'm sorry, March 2020. And then, by July
25 2021, 68 percent of them reported that they're now

1 working for app platforms, delivery app platforms.
2 So, it's just been a big shift in the industry. And
3 rel-, relatedly, 61 percent of workers reported that
4 they are better off financially in do-, doing delivery
5 work before -- when the pandemic started, as opposed
6 to now in working for delivery apps. And probably the
7 most important finding from our preliminary kind of
8 analysis, and we're hoping to release a report at some
9 point this summer, is that given the -- given what
10 workers are being paid through the apps with, you
11 know, base pay and other pay and, and tips, minus the
12 cost of doing their jobs, workers are basically
13 (inaudible-02:49:46) about \$8 an hour or roughly about
14 \$3 per delivery. This is well below a minimum wage
15 standard. This means to get to a minimum wage of \$15
16 an hour of doing the baseline cost of doing delivery,
17 delivery app platforms would need to roughly double or
18 more what workers are getting paid per delivery. This
19 is also preliminary, we're also talking about a sample
20 size of 55 workers. So, it's not a large sample, but
21 this is highly suggestive and needs for a study, but
22 this is also kind of -- reflects a lot of what workers
23 have been saying this whole hearing about their wages.
24 And so just to highlight a few things, delivery worker
25 reported that they're paid out of pocket a median of

1 \$1,300 per month of cost to do their jobs. So, this
2 is an enormous amount of, of money to be paid out of
3 pocket. And these, these high cost don't even include
4 the -- all the other kinds of costs imposed on the
5 delivery that get externalized onto workers, including
6 assaults. 37 percent of workers reported being
7 assaulted on the job in the, in the, in the course of
8 one year, over half of the workers reported being
9 robbed at least once over a course of one year, over
10 half reported being injured on the job, over a course
11 of one year, 20 percent of the workers lost a median
12 of five days in one year due to injury suffered on job
13 and they're not getting workers comp or health care
14 from the -- from these apps.

15 MS. RAHMAN: I -- I'm so sorry. We are out
16 of time. Thank you --

17 DR. LEE: Okay, everyone.

18 MS. RAHMAN: -- so much. Thank you.
19 Appreciate it. Thank you. Okay. So, I see we have a
20 few more attendees that have signed up to testify. I
21 just want to remind everyone that we have simultaneous
22 interpretation up until 4:00 p.m., in Bangla, Spanish
23 and Mandarin. We, we will continue to hear testimony
24 from those 12 individuals that have raised their hand,
25 so we may go past 4:00 p.m. And I also want to remind

1 everyone that written testimony may be submitted to
2 communityaffairs@dcwp.nyc.gov. You may submit
3 testimony up to 72 hours after the hearing has been
4 adjourned. And we will include the e-mail address in
5 the chat, but I, I know that there are still a few
6 individuals that would like to testify and we are --
7 around 4:00 p.m., but we will continue hearing
8 testimony from, from those individuals. So, following
9 the queue, so I'm going to call on Transportation
10 Alternatives to provide free testimony and then John
11 Ranjit and then Orlando Bispo, James Parrot (phonetic)
12 and then Charlene Obernauer. Thank you. So, I will
13 call on Transportation Alternatives. I'm going to
14 promote you to panelists. Please state your name and
15 the language you will be providing testimony and thank
16 you. Hello? You're, you're on mute. We can't hear
17 you. Sorry.

18 MR. JUAN RESTREPO: How about now?

19 MS. RAHMAN: Yes. Thank you.

20 MR. RESTREPO: Okay. Thanks so much. Hi,
21 everyone. Good afternoon. My name is Juan Restrepo,
22 and I am the senior community organizer with
23 Transportation Alternatives. For over 50 years TA has
24 led the movement for safe equitable streets in New
25 York City. I would like to thank the New York City

1 Department of Consumer and Worker Protection for
2 convening this hearing today. We're submitting
3 testimony in support of establishing a living wage
4 minimum pay for more -- for the more than 65,000 app
5 based delivery workers in New York City and the
6 creation of a citywide network of connected and
7 protected bike lanes to provide safe passage through
8 their work shift. In terms of a protected bike lane
9 network, delivery workers need a safe network of
10 protected bike lanes not only as a matter of
11 convenience, but as a basic workplace protection.
12 Delivery workers require clear bike lanes with
13 complete separation from car traffic, minimal potholes
14 and adequate intersection safety to safely ride along
15 the streets and make their daily deliveries. When
16 these protective provisions are not met, and they
17 routinely are not, delivery workers face unsafe work
18 conditions that threaten their safety on the job. I
19 know these work pa-, workplace safety issues all too
20 well as a former working cyclist in New York City.
21 The consequences of these conditions are dire. On
22 average one to two working cyclists are killed on the
23 job every month in New York City. Delivery workers
24 are provided very few, if any, workplace benefits from
25 their employers due to their employment status as

1 independent contractors. As a result they have no
2 health care coverage when crashes happen, and often
3 avoid hospitalized care out of fear of being hit with
4 an expensive hospital bill. A citywide network of
5 protected bike lanes is a necessary safety tool for
6 our essential delivery worker population. The New
7 York City Department of Transportation Statistics show
8 a risk reduction of 34 percent across all study
9 projects for the efficacy of protected bike lanes,
10 including a 60 percent drop in cyclists risk on the
11 most dangerous streets. In 2020, Transportation
12 Alternatives collaborated with the Regional Plan
13 Association to propose a fibro bikeway, which is a 425
14 mile network of priority high capacity protected bike
15 lanes that serve as the heart of a comprehensive and
16 cohesive bike network. In the written testimony, I'll
17 send you a link. The New York City Department of
18 Transportation also received a five-year \$900,000,000
19 investment from the city's budget towards the
20 installation of the New York City streets plan, which
21 mandates the creation of 250 miles protected bike
22 lanes. Ideally, the New York City Department of
23 Consumer Worker Protection should issue a memorandum
24 of support and further collaborate with the city's
25 Department of Transportation for the implementation of

1 a network of protected bike lanes as a tool of worker
2 protections. In terms of the establishment of a
3 living wage, minimum pay, this can help prevent
4 unnecessary death in this working community. Delivery
5 workers are paid per delivered order which
6 economically incentivizes each delivery job to be
7 finished as quickly as possible to increase their
8 wages.

9 MS. RAHMAN: I am -- I'm so sorry. We're
10 out of time. I apologize. Thank you so much.

11 MR. RESTREPO: Alright. Thanks.

12 MS. RAHMAN: Thank you. Appreciate it.
13 Okay, okay. Next, we will call on -- I'm sorry if I'm
14 mispronouncing, Da-, Dachuan Nie. I'm going to
15 promote you. I apologize again, if I'm mispronouncing
16 your name. So, I'm going to call on you to provide
17 testimony. One second. Okay. Hello?

18 MR. NIE DACHUAN: Hi, everyone. It's a long
19 time since I waited.

20 MS. RAHMAN: Hi, hi. Sorry about that.

21 MR. DACHUAN: So, my name is Nie Dachuan.
22 I'm the -- I am the president of the International
23 Alliance of Delivery Workers. We present the more
24 than 1,200 Chinese driver -- delivery, delivery driver
25 and bikers in New York City. And I also am the co-

1 chair of the Justice for App Workers. This coalition
2 of 100,000 registered drivers and delivery workers are
3 fighting to transform our industry. Whether we are on
4 our bikers -- bikes or in our cars, delivery workers
5 are no safe. Last month we lost our brother to
6 (inaudible-02:57:55) violence. Once we go to another
7 Chinese delivery workers, I have heard a terrifying
8 stories like last year we have a, a, a biker named
9 Shin Long Lin (phonetic). He got on -- he left us
10 because our car crashed and they deliver that for our.
11 So, so, while talking with the delivery workers as
12 they are harassed, they have close calls with
13 robberies and accidents. They go to bad -- afraid of
14 what we -- what would happen to their families if they
15 die when they work. So, our family really rely on us
16 to survive, but we barely bring home enough money to
17 pay our bills after the app companies like Uber Eats,
18 DoorDash and the Chinese co-, company like the
19 (inaudible-02:58:58) HungryPanda. When they take,
20 take out their fees and their -- after we pay for the
21 expense like the gas or the bike repairing or the --
22 we'll pay for the, the charger for the battery. So,
23 it's worth -- it's, it's, it's -- I mean, sorry. It's
24 below the minimum wage when you work long hours on,
25 you know, all week long or with nothing to show for it

1 is no-, not right. So, we deserve to be safe and to
2 make a decent living. We need justice for app
3 workers. Thank you very much, guys.

4 MS. RAHMAN: Thank you so much. Appreciate
5 it. Thank you, again. Do you have others in your
6 group or no?

7 MR. DACHUAN: Yes. So, I have one but the,
8 well, Hindi, the Chinese Mandarin translate.

9 MS. RAHMAN: You're, you're still welcome to
10 testify. He can testify.

11 MR. DACHUAN: Okay. Do you have a Chinese
12 translator there, so I can call him right now?

13 MS. RAHMAN: He could testify in Mandarin.
14 Thank you.

15 MR. DACHUAN: Sorry, give me a second. He's
16 not ready for that.

17 MR. QI BO (Speaking Mandarin via the
18 Translator)

19 Good afternoon, everyone. My name is Qi Bo.
20 I am a member of IADW and also a member of DMAW. I've
21 been a delivery man for 11 years. I've been a driver
22 for Uber Eats, Fantuan, Chowbus, and a bike delivery
23 man. In the past, I've often encountered dangerous
24 situations when riding a bike in *** (inaudible). For
25 example, scratching up against a car. It's the most

1 terrifying when it rains and snows. When riding a
2 bicycle, rain and snow pours into your sleeves. I have
3 also encountered some dangerous situations while
4 driving. For example, when delivering takeaways in the
5 upper city at night, someone may come over to try to
6 grab the bag. When I worked at Uber Eats before, I had
7 to work ten to twelve hours a day to earn two hundred
8 dollars a day, but my family needs me to support them.
9 The rent is about \$1,300 a month and I have two
10 children who are in school. My wife needs to take care
11 of the children at home and cannot go out to work.
12 Nothing can help my family except my wages. Especially
13 now that oil prices are soaring, my oil consumption
14 used to be ten dollars per day before, but now it
15 costs nearly twenty-five dollars per day. I still earn
16 less than 200 dollars per day and need to work up to
17 ten hours per day. I need GFAW to help us because it's
18 not just me, but most other delivery people are like
19 this too. We need higher wages and a safer work
20 environment so we can come together and don't have to
21 be afraid anymore. Thank you very much!

22 MR. DACHUAN: Thank you so much, guys.

23 MS. RAHMAN: Thank you. Appreciate it.

24 Thank you so much. So, next we will have John Ranjit
25 provide testimony, following Charlene Obernauer,

1 Orlando Bispo and John Marrero. One moment please.
2 Okay. John Ranjit, I am promoting you to panelist.
3 You have up to three minutes. Thank you.

4 MR. JOHN RANJIT: You, you can hear me?

5 MS. RAHMAN: Hi, yeah, we can hear you.

6 MR. RANJIT: Okay. Thank you. My name is
7 John Ranjit and I'm going to speak in English. I'm a
8 --

9 MS. RAHMAN: (Inaudible-03:04:13).

10 MR. RANJIT: Hello. Hello?

11 MS. RAHMAN: Yes.

12 MR. RANJIT: You hear me, right?

13 MS. RAHMAN: Yes, we can hear you. Please
14 state your name and the organization that you are
15 affilia-, if you affiliate with any organization, and
16 you have up to three minutes to testify. Thank you.

17 MR. RANJIT: Thank you. Good afternoon. My
18 name is John Ranjit. I'm speaking English. So, I'm
19 active member of United Delivery Worker Association,
20 RANJIT. I lead a delivery worker groups where I have
21 over 300 delivery workers. We are proud to be a part
22 of Justice for Workers Coalition. I've been their
23 delivery worker for almost six years. I started my
24 delivery with electric bicycle from location to now
25 app, companies like Uber Eats, DoorDash and GrubHub.

1 The whole -- all is changing, the inflation is at
2 highest rate in the country, every daily needs are
3 skyrocket including food, rent, gas and household
4 expenses. Back in the days, I used to work with local
5 restaurants and making \$200, which was okay for me.
6 Now, even I make around like \$300, it does nothing
7 now. I work 12 hours a day and barely take off
8 because I have family and I am the main source of
9 income. Once I joined the app company, they promised
10 that we were going to make more money. Therefore, I
11 sold my bike and bought a car. Now I am used it. I'm
12 not making any money right now. So, my mortgage is
13 killing me, and the loan is took me, took me of so
14 much far away that I can't pay right now, you know.
15 So, I owe them more interest than the (inaudible-
16 03:05:55) because the delivery app companies fail to
17 keep their promises about the wages, and the benefits
18 and the products. I'm always scared about my car
19 getting stolen and towed and getting tickets,
20 everything. There's no space for us. The traffic
21 agents always helps us, now this even NYPD gives us
22 ticket. In the accident case, there is no actual
23 worker compensation. We often visit different places
24 to deliver foods, you know, so if the restaurant make
25 mistakes, we are the ones who get blamed for that.

1 Even the packages sometime leaks. Sometime some
2 damage. I've -- we've been threatened for that, for
3 that, for that stuff. We don't --

4 MS. RAHMAN: Thank you so much.

5 MR. RANJIT: Okay. Thank you very much.

6 MS. RAHMAN: Thank you. We're out of time.

7 Thank you so much, John. Thank you.

8 MR. RANJIT: Thank you.

9 MS. RAHMAN: Alright. Okay. So next we
10 have Orlando Bispo that will provide testimony,
11 following by Charlene Obernauer. Orlando, I'm going
12 to promote you to panelist. You have up to three
13 minutes.

14 MR. ORLANDO BISPO: Hello.

15 MS. RAHMAN: Hi.

16 MR. BISPO: Can you -- hi, good afternoon.
17 My name is Orlando Bispo and I'm a delivery worker. I
18 work for all of the apps. A lot of things that have
19 been spoken about, I'm going to speak about two. I --
20 May 1st, I was hit by a car. It was a hit and run. I
21 was working on Uber Eats delivery. Unfortunately,
22 there was no footage, it was on Light Street. I
23 thought it was on Pier 40, but the, the records state
24 otherwise. There's no insurance, there's no workers
25 compensation for us. I'm literally missing a tooth

1 from this incident. It's crazy. I'm still trying to
2 figure things out. It's hard to get help with no
3 fault insurance. There's a lot of places that will
4 not take it. Something that I'd like to speak about
5 also is with retaliation, specifically with GrubHub.
6 I've been working with GrubHub since April of 2020,
7 and that's actually when I got my first accident, and
8 there was nothing that they could do. And they
9 deactivated me on January 1st. I actually reached out
10 to your organization a couple of days ago. I spoke to
11 somebody and they, they, they said that they weren't
12 able to help me because it was -- it happened not
13 before April. So, I'm just here to again, state that
14 that this has been an ongoing problem. And I actually
15 have been working with Ian Gonzalez since January.
16 And it was cool to see him today but there hasn't been
17 anything from anyone ever since. And then -- so, fair
18 wages, workers comp, that'd be really great. But
19 another thing that I'd like to speak about is what
20 that person before, just to piggyback. Can we enforce
21 that they stop making us deliver drinks in the cups
22 because they get damaged and then we're, we're at
23 fault and then we're retaliated against not just by
24 the customers, but also by the apps. I have lost the
25 privilege to work for months at a time sometimes and I

1 -- it's just a little bit ridiculous. I mean, bottles
2 do exist. I don't see why they can't -- why -- like
3 why they can't offer the drinks in a bottle. But
4 yeah, if we can have workers comp, that'd be really
5 great and if we could have a livable wage that would
6 be really great and also protection from being
7 deactivated. Something similar to along the lines of
8 what they offer in California, happy, happy middle
9 would be greatly appreciated, especially in New York
10 City. That's all I really have today. And thank you
11 for your time.

12 MR. STEVEN ETTANNANI: Thank you so much for
13 your testimony. I just want to take a minute to
14 introduce myself. My name is Steven Ettannani. I'm
15 Executive Director for External Affairs here at the
16 Department of Consumer and Worker Protection. First
17 and foremost, I'm really sorry to hear about the
18 incident and injury that, that you suffered during the
19 course of your work. I just want to, you know, I'm --
20 I can presume a little bit of this answer but I want
21 to hear from you on the record what, what being paid
22 more would mean in real terms for you.

23 MR. BISPO: Well, I am the sole provider for
24 my family. My mom -- I'm the oldest of five. It's
25 just me and my mom, and she's not able to work because

1 of a health condition that she has. And having a
2 livable wage would mean that I don't have to work a
3 116 hours a week. I currently clocked in a 116 hours.
4 I know it's astronomical, but I am 25. And so because
5 I'm young, I can do it and I have like -- the bills
6 have to get paid. Like there's no negotiating that.
7 And it would be really great if I could work 40.
8 That's like -- sometimes it feels like a pipe dream,
9 but if we could have a livable wage, I can do 40 on
10 one app, and 40 on the other and then I'd have enough
11 money to cover myself, you know, in the event that we
12 aren't able to get workers comp, because the way that
13 these apps are structured, they do everything and
14 anything to prevent us from having wages. And before
15 I forget, I actually forgot to disclose this, I
16 actually did speak to somebody at Uber Greenlight and
17 I had them record it. I have a recorded conversation
18 with a representative there stating straight up that
19 they were not going to help me and then they kicked me
20 out because they found out that I was recording them,
21 which I thought was really insane. And Uber does take
22 three cents a mile from our paycheck before we even
23 see it. And I, I have documentation of that when we
24 sign up, but they stated that it's only for drivers,
25 but the app is called Uber driver, so we're all

1 drivers. But because I got hit on a bike, I'm not
2 entitled to the compensation that I'm supposed to be
3 entitled, which I just think is absolutely crazy. So,
4 if the city could please investigate that I would
5 greatly appreciate it.

6 MR. ETTANNANI: Thank you so much for, for
7 your testimony and, and we'll definitely follow up
8 with you and your case online. It sounds like you've
9 been in touch with our agency, and we'll make sure
10 that we follow up, so I appreciate that.

11 MS. RAHMAN: Yeah.

12 MR. BISPO: Okay. Thank you so much.

13 MS. RAHMAN: Thank you. And feel free to
14 include your e-mail address in the chat as well.
15 Thank you.

16 MR. BISPO: Okay.

17 MS. CHARLENE OBERNAUER: Alright. Thank you
18 so much to all of the workers who testified and thank
19 you for giving me the opportunity to speak today. My
20 name is Charlene Obernauer. I'm the Executive
21 Director of the New York Committee for Occupational
22 Safety and Health. And I want to speak today about
23 the hazards that workers face on the job every day as
24 they struggle to complete their work. Deliveristas
25 are forced to deliver as quickly as possible racing to

1 speed up their work to meet delivery times. This can
2 have tragic impacts on delivery workers and is the
3 result of companies putting pressure on workers
4 instead of supporting them. Further, their bike
5 equipment can be in varied states of disrepair and
6 should be provided by the employer which makes cycling
7 more dangerous. Deliveristas have high incidence of
8 being struck by cars and other vehicles as we just
9 heard, and my sympathies go out to you. And this only
10 increases due to their employers placing unreasonable
11 expectations on delivery times. The stress factor of
12 riding in New York City streets is dire. Heat and
13 cold hazards as workers deliver food in high heat and
14 cold throughout New York City is tremendous.
15 Deliveristas have been exposed to workplace violence
16 with some high profile cases of workers being killed
17 on the job and the stress of earning subpar wages on
18 workers is severe leading to many stress induced
19 illnesses. Deliveristas deserve living wages so that
20 they can sustain themselves and their families.
21 Living wages should not be reliant upon the tips of
22 generous customers but should fall on the company to
23 profit off the hard work of these essential workers.
24 Thank you.

25 MR. ETTANNANI: Thank you very much. I

1 really appreciate your testimony.

2 MS. RAHMAN: Thank you Charlene.

3 MS. OBERNAUER: Thank you.

4 MS. RAHMAN: Thank you. Okay. Alright.

5 Again, I want to remind everyone if you would still
6 like to testify, I know we're over time, but please
7 raise your hand in the chat feature and I will call on
8 you, you know, to testify. One second. Okay. I
9 think the -- I think this froze. (Inaudible-
10 03:14:30). Yeah, I'm not sure what happened. I don't
11 want to end it, yeah.

12 MR. ETTANNANI: (Inaudible-03:15:23).

13 MS. RAHMAN: Yeah, everything works.

14 MR. ETTANNANI: (Inaudible-03:15:26).

15 MS. RAHMAN: (Inaudible-03:15:28) not
16 respond. That's never happened before. (Inaudible-
17 03:15:38) press that red button.

18 MR. ETTANNANI: (Inaudible-03:15:48).

19 MS. RAHMAN: I don't know. Would you be
20 able to join through the (inaudible-03:15:51) account?
21 We just, we just have like three more (inaudible-
22 03:15:54). Like, if you go on your computer, yeah,
23 and then that way it won't end the meeting. Like I
24 can rejoin but like, do you know what I'm saying?
25 Like it's always someone is on or if I, I do -- I just

1 don't want to end the hearing.

2 MR. ETTANNANI: (Inaudible-03:16:14).

3 MS. RAHMAN: That's so weird.

4 MR. ETTANNANI: (Inaudible-03:15:20).

5 MS. RAHMAN: Yeah, but I'm saying like, like
6 how does it show for people? Is it just -- is -- is
7 it just frozen or? Yeah, I guess (inaudible-
8 03:16:40). Yeah, yeah. You could do that, people can
9 rejoin (inaudible-03:16:49) people on. What does it
10 show as?

11 MS. WAGONER: It's a black box.

12 MS. RAHMAN: It's a blank screen.

13 MS. WAGONER: (Inaudible-03:17:06).

14 MS. RAHMAN: Oh, okay. Hi, can everyone
15 hear me? I'm so sorry. We had a few technical
16 difficulties, but we're back. Okay. So I just want
17 to remind everyone that if you would still like to
18 testify, please raise your hand in the attendee list
19 and I will call on you and promote you to panelist,
20 and you have up to three minutes to provide testimony.
21 So, next we have Eman Faris, then we have Jing Wang,
22 and then following is Mozilla Perkins and Anthony
23 Capote. So, Eman Faris, I'm going to promote you to
24 panelist. Please state your name, and the language
25 you're providing testimony in and any organizations

1 you are affiliated with. Thank you. Okay. Hi, Eman.
2 Okay. I'm going to make you on spotlight. Thank you.

3 MS. EMAN FARIS: Thank you. Sorry for that.
4 So, good afternoon. My name is Eman, and I'm the
5 Director of Advocacy at the CUNY Urban Food Policy
6 Institute. I'm pleased to present testimony today on
7 the health and safety of app based food delivery
8 workers. I first want to start by commending the DCWP
9 for its efforts towards establishing fair compensation
10 standards and offering protections that will hopefully
11 improve the lives of delivery workers. Today our
12 office just wanted to highlight on some additional
13 areas of concern that we should be considering as we
14 move forward. Currently, there's very limited
15 research on the health effects of app based delivery
16 work, but the little research that we do have suggests
17 that algorithmic management may contribute to negative
18 health effects with a disproportionate concern on
19 workers who use the platform as their primary source
20 of income as we've heard today. They are the ones who
21 are at highest risk. In general, food delivery
22 workers face high levels of work demands with very
23 little control over their work pace and that
24 combination together has, has been shown to lead to
25 both mental and physical health problems. Algorithmic

1 management further complicates things by adding a
2 layer of uncertainty, assigning jobs using formulas to
3 maximize speed and profits. This lack of guarantee of
4 continuous work for the worker or a minimum pay at the
5 end of the day can pressure platform delivery workers
6 to accept jobs even if it requires them to go out of
7 their way or assumes excessive effort or unnecessary
8 risk just to avoid unpaid downtime. A second
9 important issue that we wanted to present is also
10 distress caused by algorithms controlling the
11 workplace of workers. So, speed of work is a major
12 health and safety risk factor. So, to meet delivery
13 demands, workers have to adopt unsafe practices like
14 speeding using their phones while driving or running
15 red lights, skipping their own lunch breaks and
16 bathroom breaks, which could lead to worker fatigue,
17 illness and fatal accidents. These risks are taken to
18 complete more orders with hopes to earn more money,
19 but also to avoid the negative consequences caused by
20 delays such as bad reviews or low tips from customers
21 and any fines or penalties imposed by the apps.
22 Workers may take this risk especially also during
23 inclement weather when orders are higher and delivery
24 workers are encouraged and sometimes even incentivized
25 to keep up the pace even in these less safe

1 conditions. The research suggests that platform
2 delivery workers who do not have another job,
3 experience the most adverse effects of delivery work
4 and this suggests that disparities are likely to exist
5 and that a subset of workers at a -- are at a higher
6 risk of experiencing occupational safety and health
7 challenges. We need to investigate the degree to
8 which algorithmic management contributes to stress,
9 other negative health outcomes and work related safety
10 risks. It's important to understand how this might
11 vary in terms of worker demographics across age,
12 gender, education, work status, but also to develop
13 evidence based policies to improve worker safety and
14 health. We welcome the opportunity to support and
15 collaborate with DCWP on -- as they break these new
16 grounds. And I just want to say thank you for the
17 opportunity to testify here today.

18 MR. ETTANNANI: Thank you very much.

19 MS. RAHMAN: Thank you. Okay. Next we have
20 Jing Wang. So, I'm going to promote you to panelist,
21 and you have up to three minutes. Thank you.

22 MS. JING WANG: Hello? Can you hear me?

23 MS. RAHMAN: Yes.

24 MS. WANG: Hi. I'm Jean Wang. I used to be
25 a community organizer for the Biking Public Project,

1 and also a documentary filmmaker making a documentary
2 about food delivery worker in New York City. I, I --
3 as a community organizer for Chinese food delivery
4 worker for the past five years, I will like to share
5 some of the stories and particularly after the pandem-
6 , during the pandemic. So, during the pandemic, a lot
7 of worker I have been in contact with, they are facing
8 a, a lack of support for their basic need, such as
9 access to a restroom, have a place to take a rest, and
10 have place to charge their battery and having a lunch
11 or place to, to eat and to take a rest. So, that's
12 having a devastating for a lot of worker to keep their
13 feet capable of working on the New York street for
14 more than 10 hours a day. And many workers especially
15 during pandemic a lot of traditional food deliver
16 worker used to work for one restaurant and they've
17 switched to, to be work for many apps and the
18 restaurants. That's create a lot of problem for
19 workers. One is they're working extremely isolated
20 situation. Many workers are not able to meet their
21 coworkers or talk to people they're working with, so
22 it's very hard for worker to organize. And if we can
23 have the city can provide some shelter space or
24 community space for workers to go to, so they can take
25 a rest and to charge their battery, use the restroom

1 and, and get organized to talk to each other, that
2 will be really awesome. And another downside of the
3 (inaudible-03:23:42) of delivery apps during pandemic,
4 the consequence is the workers not employer to --
5 employees to one restaurant. They become gig workers
6 and independent contractor for many delivery apps and
7 restaurants. So, for instance, last month one of the
8 Chinese food delivery worker was being shot to death
9 during the time he's making delivery. His name is Yan
10 Zhu Wan (phonetic), he was killed in Foresthill,
11 Queens, when he making a delivery at night by one of
12 the customer. Customer constantly asking for duck
13 sauce from the restaurants and previous to the attack
14 and the customer would show up in the Chinese
15 restaurant with gunpoint to them asking for more duck
16 sauce. There were many place reported the -- they --
17 but they haven't been caught -- they, they haven't
18 been caught -- they, they didn't caught the
19 (inaudible-03:24:37) to, to deal with the situation
20 and lead to dangerous death. It was very devastated -
21 - devastating for the delivery workers to community
22 and one consequence come out of that accident is
23 because the (inaudible-03:24:44) is not employee for
24 Uber Eat for other delivery apps even though he do the
25 job, who he work like six days a week and 10 hours a

1 day for the delivery apps and for the restaurants.
2 And -- but he's still not able to receive any workers
3 compensation, compensation, not able to receive any,
4 like, financial support and his family was left
5 without any financial support. The community really
6 come together to raising money to support their
7 family. He left with wife and three children to feed.
8 So, it's very devastating the, the working condition
9 and the workers lack of insurance, lack of any
10 protection, especially during time have Asian hate
11 crimes and like 40 percent of the people I filmed
12 during last year, they experience some kind of
13 robbery, assault and during when they work, and many
14 time, like almost all of them, they lost their bike,
15 their bike was being took away, robbed away, and they
16 reported to the police, police never get their bike
17 back. Because a lot of E-bike was less than \$1,000.
18 So, that's even not a case. So, NYPD not able to help
19 them at all. And many workers have to bear it on
20 their own. Even they, they have injury, they were
21 injured, no one would help them, there's no place for
22 them to go. And delivery apps never even say
23 anything, I'll provide any funds or any support to
24 those workers injured on the job. And --

25 MR. ETTANNANI: I'm sorry, I just want to be

1 mindful of time, so that we're, we're being equitable
2 with other folks that, like you've testified before,
3 and the folks that are waiting after, so I do have to,
4 to, to pause you there, but I wanted to encourage you
5 to, to -- if you have additional remarks to submit
6 them in written form, so that we have everything
7 documented --

8 MS. WANG: Yeah.

9 MR. ETTANNANI: -- you can do that by
10 contacting us at communityaffairs@dcwp.nyc.gov. I
11 really appreciate your testimony and I want to give
12 some other folks an opportunity to testify. But thank
13 you so much.

14 MS. WANG: Of course. Thank you.

15 MS. RAHMAN: Thank you so much. Okay. So,
16 next we have on the queue for providing testimony, we
17 have Mozilla Perkins, Anthony Capote and John Marrero.
18 So, I'm going to promote Mozilla to panelist, and you
19 have up to three minutes to provide testimony. Please
20 state your name and if you're affiliated with any
21 organizations, and the language you'll be giving
22 testimony. Hello.

23 MS. MOZILLA PERKINS: Hi, my name is Mozi
24 Perkins. I work -- I'm testifying in English. I've
25 been working with DoorDash for the past three years.

1 Can you hear me okay?

2 MR. ETTANNANI: Yes.

3 MS. PERKINS: Okay. I started working with
4 DoorDash during the pandemic, the pandemic first
5 started. As -- had some minor issues, but not as many
6 as I'm hearing today. My experience with DoorDash has
7 been actually really good. My -- most, most of my
8 main concerns is not so much with the companies and
9 the apps itself. I do deliver by, by E-bike. And the
10 main thing for safety is even though I use the bike
11 lanes, I use a helmet, I use the signals, my bike has
12 left and right signals that the drivers are supposed
13 to follow the rules of the road, I get situations
14 where cars come pull up beside me when I'm doing
15 deliveries and they'll roll down their windows, honk
16 at me, tell me to get on the sidewalk, shout
17 obscenities at me and even though they're supposed to
18 be a speed limit for everybody in New York City, none
19 of the car drivers follow the speed limit at all,
20 forcing some of us to have to speed up, so they don't
21 want run, run us into other cars on the side-, on the
22 sidewalk or run us off the road. I really can't say
23 anything that, I mean, the pay is okay for me. I do
24 support my four children. I mean, I've, I've heard a
25 lot of things today, but I can only testify to my

1 experience, you know what I mean? Like I said, I've,
2 I've had -- not had any negative experiences with
3 DoorDash. If I had a situation where I felt unsafe,
4 I've always reached out to them. They've let me know
5 where I can leave a customer's order, where if it was
6 unsafe, I can take -- snap a picture and leave it to
7 them, I can't (inaudible-03:30:25) at them. They've
8 always gave me situations where I can leave it safe
9 location and leave and not stay in that location or
10 whatever. I've always made sure that as far as my
11 safety is concerned, check the times, the areas,
12 looking at the situation and if the area was where
13 there's too much police activity, I would let them
14 know that it's unsafe, and I will not deliver to that
15 area. I, I can only testify to my experience, but
16 I've never had anything negative with the app. I
17 mean, that's just me. I don't know about anyone else.

18 MR. ETTANNANI: I think -- so you're, you're
19 out of time right now, but I'm curious about how many
20 hours a week you usually spend doing the work.

21 MS. PERKINS: Well, I'm disabled, and I have
22 problems with my legs. So, when I go out, sometimes
23 I'll be outside, I'll go like on the weekends, Friday
24 to Sunday and I'll go out like maybe 3 o'clock and
25 I'll go out from like 3:00 to 10:00. And then I'll

1 take a break at my house and then I'll come back out
2 on my 12:00 to 4:00 a.m.

3 MR. ETTANNANI: (Inaudible-03:31:37).

4 MS. PERKINS: I mean, I am aware of my
5 surroundings at all times. I use my phone only for my
6 deliveries like I'm supposed to. I try to follow the
7 rules of the road and everything like I'm supposed to,
8 but again, you have cars, some drivers that think the
9 road is only for them and sometimes it can be a
10 problem. Yes.

11 MR. ETTANNANI: I appreciate you trying.
12 Thank you.

13 MS. PERKINS: Thank you.

14 MS. RAHMAN: Thank you.

15 MS. PERKINS: You're welcome.

16 MS. RAHMAN: Okay. Thank you. Next we will
17 be hearing from Anthony Capote followed by Johnny
18 Marrero. So, Anthony, I will promote you to panelist.
19 You have up to three minutes to provide testimony.
20 Please state your name and any organization you're
21 affiliated with and the language you will be providing
22 testimony in today. Thank you. Anthony?

23 MR. ANTHONY CAPOTE: Yes.

24 MS. RAHMAN: Yes, we can hear you.

25 MR. CAPOTE: Wonderful. Thank you. Good

1 afternoon and thank you for allowing me to speak
2 today. My name is Anthony Capote. I'm a Senior
3 Policy Analyst for the Immigration Research
4 Initiative. My organization studies immigrant
5 communities across the United States, and advocates
6 for policy reforms to help elevate the standard of
7 living for those communities. I'm here today to
8 express my support for delivery service workers in New
9 York City. Millions of New Yorkers rely on delivery
10 service workers to bring them food, groceries and
11 other essential items right to their doorstep. In
12 doing so, these workers create billions of dollars in
13 wealth for corporations like GrubHub, DoorDash, and
14 Uber Eats, who continue to keep wages low for the
15 (inaudible-03:33:44). I strongly urge New York City
16 government to send a strong wave standard for delivery
17 service workers. While existing data on this -- in
18 this industry is limited, surveys of delivery workers
19 suggest and we've heard throughout this hearing that
20 wages are currently lower than New York's minimum wage
21 for hourly workers. These data is coupled with the
22 fact that delivery workers are excluded from minimum
23 wage protections in the first place. Highlight the
24 reason that the Department of Consumer and Worker
25 Protection was originally tasked with setting the wage

1 floor for delivery workers. The wage standard should
2 be a fair living wage. It should consider the actual
3 time workers spend on the job not only the number of
4 minutes from pickup to drop off. It should include
5 expenses delivery workers in providing their own --
6 incur, in providing their own means of transportation
7 and other items necessary to do their jobs. This
8 includes purchasing bicycles or other vehicles, paying
9 for upkeep, wear and tear and accounting for the risk
10 they incur of having their primary means of transport
11 stolen, while bringing orders directly to customers
12 homes. We simply cannot justify paying essential
13 workers less than virtually any other worker in the
14 State. By setting a healthy price floor for delivery
15 workers, the city can help ensure 1,000s of people can
16 afford to work essential jobs and provide for their
17 families. Thank you so much. And that's it for me.

18 MS. RAHMAN: Thank you. And next we have
19 Johnny Marrero. Okay. Johnny, I'm going to promote
20 you to panelists. You have up to three minutes to
21 provide testimony. Please state your name and the
22 language you will be providing testimony and any
23 organization you're affiliated with. Thank you.

24 MR. JOHNNY MARRERO: Hi, can you hear me?

25 MS. RAHMAN: Yes.

1 MR. MARRERO: There we go. Alright. My
2 name is Johnny Marrero. I'm from Brooklyn, New York
3 and I'm a Dasher for DoorDash. First, I would like to
4 thank the Department of Consumer and Worker Protection
5 for taking the time to listen to us. When the
6 pandemic first began, my family was in a very
7 (inaudible-03:36:09) --

8 MS. RAHMAN: I'm sorry.

9 MR. MARRERO: -- and business --

10 MS. RAHMAN: (Inaudible-03:36:14), you're
11 not clear. It was a bit of a (inaudible-03:36:15).

12 MR. MARRERO: Sorry.

13 MS. RAHMAN: It's okay.

14 MR. MARRERO: It's a little choppy.

15 MS. RAHMAN: It's okay.

16 MR. MARRERO: Alright. When the pandemic --

17 MS. RAHMAN: Yeah, I'm sorry. We're not
18 able to hear you. Okay. One second. Let me --

19 MR. MARRERO: Okay. How about now?

20 MS. RAHMAN: Yeah.

21 MR. ETTANNANI: Yes.

22 MS. RAHMAN: We can hear you.

23 MR. ETTANNANI: Maybe take your video off
24 if, if that's better. If you maybe take your video
25 off. Can you hear us? Can you hear us?

1 MR. MARRERO: Now I can. Yes.

2 MR. ETTANNANI: Okay. Perfect.

3 MR. MARRERO: For -- yeah, for some reason
4 it keeps muting itself. Alright back. When the
5 pandemic first began, my family was in a very tough
6 spot as our jobs were put on pause and businesses
7 across the city were shutting down. My father started
8 dashing to help support our family after he lost his
9 job. When I saw how easy it was for him to get
10 started and make deliveries I decided to give it a
11 try. All I had to do was get in my car and turn on
12 the app. Not only did delivering DoorDash allow my
13 family to make ends meet, when times were tough, it
14 became a way to help other New Yorkers during the
15 darkest times of the pandemic. So, they had make
16 deliveries in my free time while I maintain a full job
17 working on larger scale truck deliveries. I continued
18 to dash because it's an easy way to make extra money.
19 And I love working with restaurants. I've met a lot
20 of great people through delivering on a DoorDash
21 platform and my experience has been positive. I like
22 to ask the DCWP to consider all delivery workers and
23 set an earning standard that lets us continue to earn
24 in a flexible and easy way. Thank you for consider.

25 MR. ETTANNANI: Thank you. I appreciate

1 that.

2 MS. RAHMAN: Yeah. Okay. I don't see
3 anyone else in the queue to provide testimony. So,
4 this concludes our --

5 MR. ETTANNANI: Yeah, so I just want to say
6 a few, a few words. You know, I think that this --
7 you know, this hearing is an important step in a
8 process that this agency will be conducting to, to set
9 a minimum pay standard for, for delivery workers. And
10 I want to just thank all the workers that, that
11 testified today, the advocates and stakeholders across
12 the spectrum, for providing firsthand testimony about
13 your conditions and things that you're, you're seeing
14 out there in conducting your work on the day to day.
15 We truly appreciate it and on behalf of, of our
16 Commissioner, are extremely thankful for that. A
17 bunch of folks throughout the day have spoken about
18 particular circumstances or alluded to contacting or
19 connecting with our agency or, or, or have provided
20 questions to panelists in the chat bot for, for Zoom,
21 and I want to just reiterate that a member of our
22 staff will be in touch to make sure that we're
23 following up with you and that your, your questions
24 are answered if they weren't already during the course
25 of the hearing, and I appreciate everyone's, again

1 participation today and I want to formally conclude
2 today's public hearing. And we will be hearing, I'm
3 sure from many of you in the near future. So, thank
4 you very much.

5 MS. RAHMAN: Thank you.

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CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of Delivery Worker Public Hearing on June 15, 2022 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: October 7, 2022

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