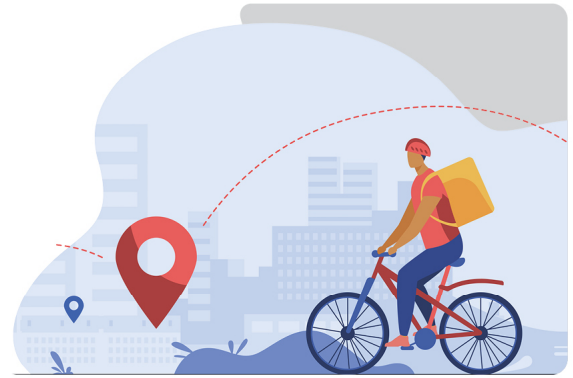


# Managing risks in the food delivery industry



## Delivery riders

This fact sheet provides information for delivery riders about working safely in the food delivery industry.

The food delivery industry involves the ordering and delivery of food and drinks from restaurants, cafes and other food outlets to members of the public by delivery riders. As a delivery rider, you pick up and deliver food and/or drinks from a restaurant or other business to people's homes or workplaces. You may work for the business that produces the food or work for a delivery company, usually known as a platform. The offers of work (requests for delivery services) made to you as a delivery rider may be done through an app.

This fact sheet is intended for delivery riders using bicycles and scooters, including electric bicycles and scooters (where permitted), to make their deliveries. It may also be of assistance if you deliver food on a motorbike or in a car. Note the fact sheet is focused on work health and safety requirements. If you are using any vehicle on a public road, you will also need to make sure you comply with road safety and driver licensing requirements in your state or territory.

As Victoria is not harmonised with the model WHS laws, this guidance does not apply in Victoria. Please contact [WorkSafe Victoria](#) for further information.

## You are owed a duty of care as a worker

The model WHS laws state that a person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking (PCBU). As a delivery rider, you are a worker because you 'carry out work for' the platform whose app you used to provide the delivery services and/or the food delivery outlet whose food/drink you deliver.

As a worker, the platform and/or the food outlet must make sure they do everything they are able to do (in other words, whatever is 'reasonably practicable') to ensure your health and safety when you are delivering food.

These businesses or PCBUs must meet their duty if they engage or cause you to be engaged to do the work, or if they influence or direct how you carry out the work.

The concept of 'worker' is broad and includes employees and contractors. From here on in, the fact sheet will refer to delivery riders as delivery workers.

## Your duties as a worker

As a worker you also have duties when you are at work (s 28), including:

- Taking reasonable care of your own health and safety.
- Ensuring that your actions do not affect the health and safety of others in the work environment, including pedestrians and other road users.
- Complying with any reasonable instruction given to you about work health and safety matters by the PCBU, so far as you are reasonably able to.
- Cooperating with the PCBU's reasonable policies or procedures relating to work health and safety that are notified to you.

**PCBUs must consult with delivery workers and any health and safety representatives (HSRs) about work health and safety matters.**

## Your right to a health and safety representative

You have the right to tell the PCBU that you want to be represented by a health and safety representative (HSR). An HSR is a worker who is elected to represent the health and safety interests of their work group. A work group is a group of workers who share a similar work situation.

HSRs are a single point of contact that makes it easier for you to become involved in identifying health and safety issues and finding solutions that ensure you and other workers can safely make deliveries.

Elected HSRs have broad powers under WHS laws, including rights to inspect places where work is carried out, to receive WHS information, to issue provisional improvement notices where they detect a breach of WHS laws, and to direct that unsafe work cease.

If you are not sure whether you are part of a work group represented by an HSR, ask your PCBU. They must keep a list of elected HSRs. If you are not part of a work group, you have the right to negotiate work groups with the PCBU and to elect HSRs for these work groups. The size and membership of the work group will be determined through negotiation and agreement between you, the PCBU and other workers. You can nominate your union or any other person to represent you in negotiating work groups.

While HSRs need to know which workers are in their work group to represent these workers, an HSR is not entitled to access any personal or medical information concerning a worker without the worker's consent. Similarly, a PCBU must not share any personal or medical information regarding a worker with an HSR without the worker's consent.

It may be useful for your PCBU to establish a process where each worker is asked to provide informed consent to have their contact details shared with their HSR so that the HSR can contact them when needed. You may wish to suggest this process to your HSR if it is not already in place.

Remember that if you do not have an HSR then you can speak directly to your PCBU about safety issues. They also have obligations to consult with you on a number of matters set out below. You could also consider asking that a Health and Safety Committee be established. A PCBU must establish a committee within two months after a request from an HSR or five or more workers.

To find out more information about HSRs, see the [Worker representation and participation guide](#).

## Consultation about work health and safety matters

Your PCBU has duties to consult with delivery workers and any HSRs. The PCBU must do this consultation as explained below, so far as is reasonably practicable.

PCBUs must talk to delivery workers and any HSRs about things that may affect their health and safety when carrying out deliveries, including what the PCBU is proposing to do to identify hazards and manage risks when you undertake delivery work. PCBUs must also consult with delivery workers and any HSRs when making decisions on what control measures to put in place to eliminate or minimise those risks.

PCBUs must give you an opportunity to share your ideas, express any concerns and contribute to the decision making process. As a delivery worker, you are most likely to know about the risks of your work to your health and safety.

PCBUs must also talk to you about:

- any proposed changes that may affect your health and safety, and
- decisions about the ways in which they will consult with you, the processes to resolve health and safety issues, monitoring your health or workplace conditions and the provision of information and training.

PCBUs must allow you to raise any work health and safety issues or concerns and cannot take action against you for doing so. This includes coercing you to not exercise your right to speak up or terminating your services. If you are still concerned about the risk to your health and safety you should speak to your HSR or contact your WHS regulator for assistance.

## You may be both a worker and a PCBU

In some circumstances you may be a PCBU as well as a worker. This will be if you are performing work as a delivery worker as your own business.

It can be difficult to know if you are conducting a business as there are many factors to consider. Self-employment is one factor suggesting you may be a PCBU.

If you are a PCBU this means that you have a duty to ensure so far as reasonably practicable the health and safety of yourself as a worker and the other workers you engage (such as someone else you have delegated work to) while they are at work.

As a PCBU you must also ensure, so far as is reasonably practicable, that other persons (such as customers, other road users and pedestrians) are not put at risk from the work.

Your duties as a PCBU are likely to be limited. This is because what you must do as a PCBU to meet your duty to ensure workers' health and safety and not put others at risk will depend on the extent to which you influence and control the work you perform, and the work of anyone you have delegated work to.

You are unlikely to have a lot of control or influence over the set up at the food outlet where you pick up the food or drink. In this situation the food outlet would be in the best position to manage and control risks to your health and safety that arise from their premises or the way in which they organise the food/drink pick up system. You are also unlikely to have influence and control over the place where you deliver the order.

The extent to which you influence and control your delivery activities will depend on the platform and the way their app has been configured. For example, a platform may influence or control the way delivery workers carry out deliveries such as setting the delivery route or delivery time. Other platforms may require delivery workers to make deliveries using a particular mode of transport or supply delivery workers with certain personal protective equipment.

If you are a PCBU, to help you understand the extent of your duty you should talk to the platform about the level of influence and control each one of you have over the delivery activities. This will help you and the other PCBUs understand and agree on who should be taking actions to control risks to health and safety and ensure each PCBU meets their WHS duties. It will also help you and the other PCBUs understand where you may need to cooperate and coordinate actions to ensure health and safety.

## Consultation, cooperation and coordination with other PCBUs

Talking to the platform and other PCBUs will also help you to understand the type of hazards delivery workers and other people face when delivery work is carried out, how best to control the risk of the hazard occurring and who has what role and responsibilities to ensure health and safety.

Consultation should occur about:

- the design of apps where it directs or influences the way you perform your work
- training required for delivery workers to ensure their safety on the road
- equipment used and its maintenance
- how work is performed including delivery routes, timing requirements and incident reporting
- management of fatigue and risks of violence or aggression
- personal protective equipment and rider visibility
- ongoing communication and review of health and safety matters
- in relation to food outlets, access to and exit from the venue and traffic movements or conditions when picking up a delivery
- facilities for the welfare of delivery workers.

For further information about consulting with other PCBUs, see the [model Code of Practice: Work health and safety consultation, cooperation and coordination](#).

## Managing risks

To manage risks, the PCBU must be aware of what could go wrong (known as hazards) while making deliveries and this will tell you what actions (known as control measures) you need to take to keep safe.

### Common hazards

Some common hazards for delivery workers include:

- design and organisation of work – app design and its influence on your behaviour and fatigue
- unsafe systems of work, for example unrealistic delivery times leading to unsafe riding
- being unfamiliar with road rules or not confident in operating bikes or scooters
- hazards of riding on public roads and interacting with other vehicles such as buses, cars and bikes
- economic pressures that may encourage you to take unnecessary risks
- environmental hazards, such as obstacles like street furniture, pedestrians and animals, and terrain like narrow streets, no cycling infrastructure or steep slopes
- the effects of physical exertion, shift work and fatigue
- weather hazards including heat, hail, wind, rain and natural disasters
- visibility hazards including poor lighting and weather conditions
- hazardous manual tasks such as carrying and transporting awkward or heavy loads
- violence, aggression and harassment from customers and others
- traffic fumes
- poorly maintained or unsuitable equipment (e.g. a bike with a flat tyre or poor brakes)
- unsafe use of your mobile device and/or headphones while riding.

### Control measures

When implementing control measures, the first thing a PCBU must consider is if risks can be eliminated. Where a risk cannot be eliminated, all reasonable steps must be taken to minimise that risk.

PCBUs must consider all identified hazards and do everything they can to eliminate or minimise the associated risks, so far as is reasonably practicable. Before putting control measures in place, your PCBUs must talk to you and any HSRs about the hazards, risks and control measures and take your views into account.

Examples of control measures are given below, noting that not all of these controls may be reasonably practicable for all PCBUs to implement.

- PCBUs must ensure you are provided suitable training and instruction. You should be competent at riding bikes or scooters in a delivery context, including on roads, in traffic, at night, in adverse weather and road conditions, and when carrying loads.
- If you have been provided with personal protective equipment (PPE), the PCBU should make sure you know how to use it. If you use a bike or scooter for your deliveries, the PCBU should check that you know how to inspect it before use.
- PCBUs should ensure you have enough time to complete your deliveries safely. Delivery times should be based on average rider speed but also take into account traffic and weather conditions.
- PCBUs should advise you on safe ways to use, load and transport your delivery bags. Delivery bags and containers should be fit for purpose. High visibility insulated bags that can be secured to your bike or scooter are preferable.
- You should be provided with information on how to understand the signs of fatigue. Processes should be in place to prevent you from working excessive hours or from taking insufficient break times.
- There should be training, processes and policies in place for reporting incidents and for preventing your exposure to violence, aggression and harassment.
- PCBUs could consider providing you with devices that detect crashes and send information to emergency services.
- If you have been provided with a bike or scooter to make your deliveries, your PCBU(s) should provide a system to report safety issues such as poorly maintained or damaged parts.
- You should be provided with information on how to collect food safely, including where to park, wait and pick up food, as well any other safety requirements relevant to the workplace. Parking areas should be obvious, safe and well-lit.
- Your entry and exit points to the food outlets should be clear, well-lit and accessible.
- PCBUs at food outlets should ensure the ground is kept clear of potential slip and trip hazards, particularly in wet weather. Outdoor equipment or furnishings should not pose a hazard to you entering and exiting the workplace. You should have protection from weather if you must wait outdoors to collect your orders.
- There should be processes in place to deal with extremely large orders that you cannot safely transport on your own.
- PCBUs should avoid, or clearly communicate when this is unavoidable, significant delays in food production that will affect your ability to make deliveries on time.

There are also steps you can take to ensure your own safety. These may include:

- You must understand road rules if you ride on the road. Obey all laws that are relevant in your state or territory, including road rules, wearing a helmet, or other bike or scooter safety requirements, such as a bell, reflectors or lights.
- Only ride on the road once you know and understand the road rules.
- You should only ride on the footpath if the road rules in your state or territory permit this.
- Undertake all training provided by the platform.
- Do not take risks in order to meet delivery times. Do not take routes you know to be unsafe due to lack of cycle infrastructure, narrow roads, heavy traffic or known obstacles. If using a map application, use the bicycle mode to ensure you are using the safest route.

- Understand fatigue and how it may affect you. Never ride when you are fatigued.
- You should ensure you allow sufficient rest time between deliveries. If you work for multiple delivery platforms, do not ignore rest requirements by switching between apps to continue working.
- Do not overload your delivery bags or attempt to carry two bags on your bike or scooter.
- Dress appropriately for the conditions.
- Wear appropriate, non-slip footwear, reflective and high visibility clothing, wet weather gear and sun protection as required. Do not wear dark clothing at night.
- Do not continue to ride if conditions become unsafe, for instance in heavy rain or storms.
- If you feel unsafe or threatened, call 000.
- Report abusive customers and other safety issues to the platform.

## Personal Protective Equipment

PPE must be used to control any risks that remain after other control measures to eliminate or minimise the risks have been put into place. PPE is the least effective method for controlling risks on its own and so should always be used with other controls where possible.

PPE includes helmets, visibility clothing, knee and elbow pads, riding gloves and eye protection. If working during the day, you should also use sun protection, such as sunscreen and long-sleeved clothing. PPE may also include clothing for cold or wet weather, and non-slip shoes. PCBUs may provide you with some of these items, but not all.

- PPE must be suited to the work being carried out (including the roads you are travelling on and the speeds you are travelling) and fit properly.
- You must follow any reasonable instruction from your PCBU to use PPE.

Ensure your helmet meets the requirements set by your local road transport authority.

You must do all you can to follow instructions, training, policies and procedures on the use of PPE. You must not deliberately misuse or damage the PPE.

PPE must be maintained in good working order and be repaired or replaced where required. For example, a helmet that receives a severe blow must be replaced, even if there is no visible damage. A helmet must also be replaced if there are any cracks in the foam or the straps are worn or frayed.

If you have been provided with PPE, you should tell the PCBU who provided it to you if it is:

- uncomfortable, does not fit properly or you have an adverse reaction to using it, or
- damaged, is not working, or needs to be cleaned.

## Review control measures

Control measures should be regularly reviewed to ensure they're working as intended. This is particularly important:

- if new hazards and risks are identified
- if existing control measures are not sufficiently controlling the risk
- after an incident occurs
- if any changes to work practices have occurred, or
- if an HSR requests a review.

## Your rights if you feel your work is unsafe

In certain circumstances, you have the right to stop work or refuse to carry out unsafe work that you believe poses a serious risk to your health or safety. If you have an HSR, they have the right to direct you or other delivery workers to stop unsafe work.

Delivery workers and HSRs have these rights if there is a reasonable concern that you or other delivery workers will be exposed to a serious risk to health and safety from an immediate or imminent hazard. However, an HSR must consult with the PCBU before the direction to cease work is given unless the risk is so serious and immediate or imminent that it is not reasonable to do so.

In most circumstances, HSRs will also need to consult with you before they direct you to stop work.

If you stop work because it is unsafe, you or the HSR needs to tell the PCBU as soon as possible. You must be available to carry out suitable alternative work.

You or your HSR must not be discriminated against for seeking to exercise your WHS rights. Any attempt to coerce you not to exercise your rights, or to exercise them in a certain way, is also prohibited.