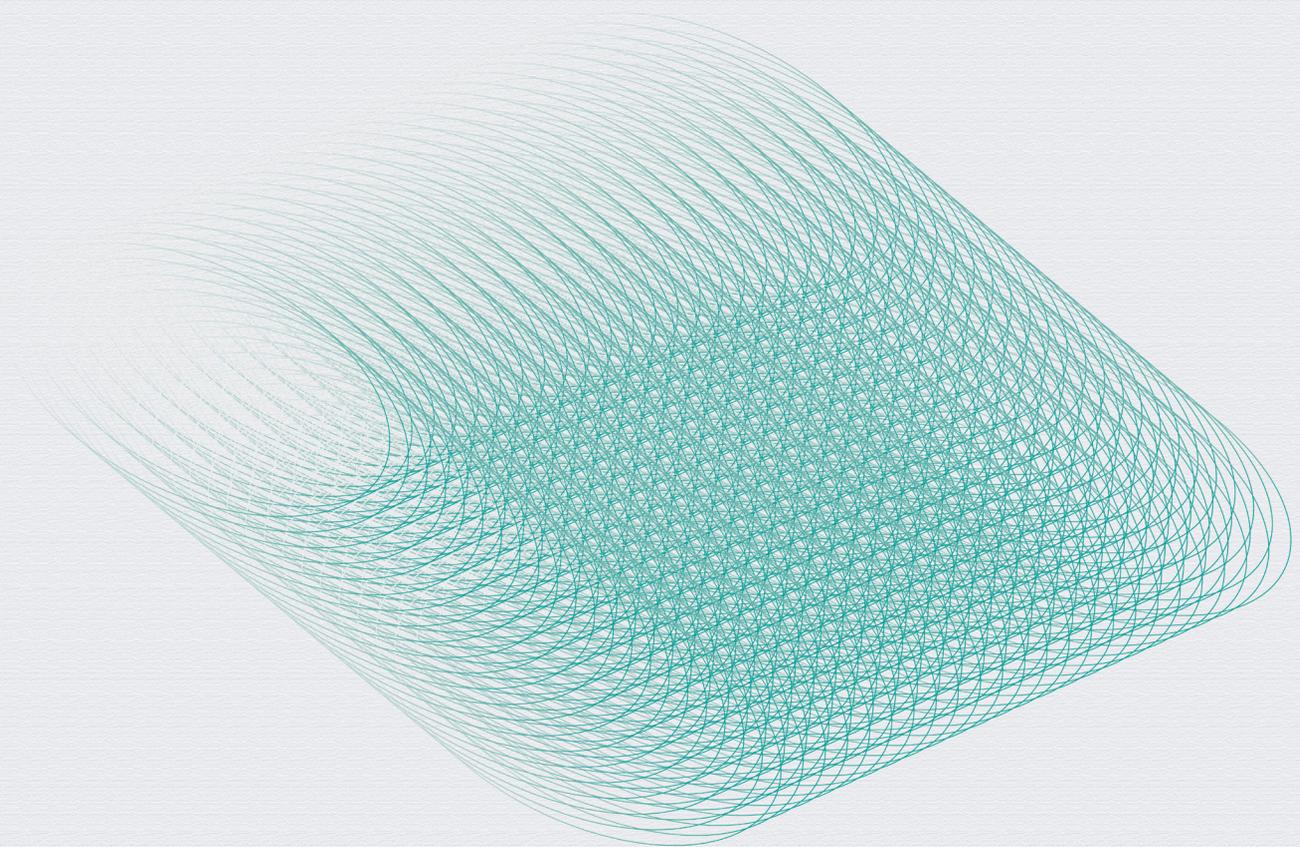


# Towards Fair Work: Working Conditions of Grassroot Platform Labour in Hong Kong

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## 基層平台工作情況研究報告 報告摘要 2022年6月

### 1. 背景

平台工——一種新穎的工作模式最近數年於世界各地漸趨流行，包括食物送遞及運輸服務等平台相應推出，較為自由靈活的工作模式吸引不少人士入行。目前香港政府並沒有統計從事平台工作者的實際人數及相關數字。然而，根據 Uber 資料，於其平台擔任車手（riders）的登記人數自 2020 年 3 月起按月上升 40%，可見社會對自由靈活的工作模式有很大程度的需求。

現時，平台工作者往往被稱為自僱人士。由於平台工作者與平台公司的僱傭關係含糊不清，或沒有直接的僱傭關係，以致外界一直關注他們的僱員權益及福利（例如有薪假期、最低工資及工傷意外補償等）有否被剝削。同時，平台公司利用各式手法不斷壓榨平台工作者，透過工作者工作表現及實際工作時間等，操控其薪金及每單交易的金額，導致他們的實際權益受損，亦成為勞資關係下弱勢的一群。

由於平台工作者對工作程序、時間及工作方式等安排並沒有控制權，社會有指勞資雙方屬於「假自僱」的關係。國際勞工組織稱此類「假自僱」為「從屬自僱」（“dependent self-employment”）。據國際勞工組織估計，於 2015 年，歐盟接近一半的自僱人士屬於「從屬自僱」。鑒於不對等的勞資關係，坊間不少聲音要求政府當局推出措施以保障平台工作者的權益。但負責有關政策及措施的勞工處強調，針對「假自僱」，他們主要透過加強公眾教育、為工人提供諮詢或調解服務處理問題，力度顯然不足。對於以立法形式處理問題，當局表示透過立法去界定何謂「自僱」，不容易亦不可行，結果更可能適得其反。因此，於 2018 年 6 月，當局回答立法會的書面質詢時，表示沒有計劃擴大《僱傭條例》的涵蓋範圍。

是次，樂施會委托香港中文大學亞太研究所社會創新研究中心進行研究，目的為了解平台工作者的背景以及目前的工作情況，並提出可行措施以保障他們的權益。

### 2. 研究對象

- 較為低技術的平台工作者，包括平台送餐員、平台送貨員以及平台 / 中介照顧員

### 3. 研究目的

- 讓公眾了解及關注平台工作者日常面臨的處境和挑戰
- 就平台工的工作情況作政策建議；並分析不同國家處理有關事宜的例子

### 4. 研究方法

#### 4.1 深入訪談

- 日期：8/2021-1/2022
- 人數：52 人
- 29 名為平台送餐員（13 名平台送餐員為少數族裔）、9 名為平台送貨員（當中有 5 名與平台送餐員重疊）、15 名為平台照顧員、4 名為平台送餐員的組織者
- 主要內容：受訪者的背景資料（表一）、工作情況及其對政府政策的意見

表一：受訪者背景

		平台送餐員	平台送貨員	平台 / 中介照顧員
受訪人數		29	9	15
性別	男	83%	90%	20%
	女	17%	10%	80%
國籍	中國籍	52%	100%	100%
	巴基斯坦籍	45%	-	-
	印度籍	3%	-	-
年齡	20 歲以下	6%	11%	-
	20-29	30%	22%	-
	30-39	61%	44%	6.7%
	40-49	3%	11%	6.7%
	50-59	-	11%	40%
	60 歲或以上	-	-	46.7%

#### 4.2 問卷

- 日期：1/2022-3/2022
- 人數：281 人（從事有關平台工作超過半年）
- 主要內容：受訪者的背景資料（表二）、工作情況及其對平台公司和政府政策的意見

表二：受訪者背景

		平台送餐員	平台送貨員	平台 / 中介照顧員
受訪人數		215	86	13
性別	男	81.4%	84.9%	23.1%
	女	18.1%	11.6%	76.9%
國籍	中國籍	90.2%	97.7%	92.3%
	巴基斯坦籍	6%	-	-
	印度籍	2.8%	1.2%	-
	尼泊爾籍	-	-	7.7%
	其他國籍	0.9%	1.2%	-
年齡	20 歲以下	7.4%	2.3%	-
	20-29	40.9%	29.1%	-
	30-39	34%	31.4%	30.8%
	40-49	14.9%	29.1%	30.8%
	50-59	1.9%	7%	15.4%
	60 歲或以上	0.9%	1.2%	23.1%
教育程度	小學或以下	1.4%	3.5%	7.7%
	中學為畢業	9.3%	7%	30.8%
	中學畢業	37.7%	51.2%	46.2%
	高等教育（非學士）	25.1%	15.1%	15.4%
	學士	23.3%	19.8%	-
	碩士或以上	3.3%	3.5%	-

#### 4.3 實地視察

- 研究團隊透過實地視察，以了解平台工作者的行為工作模式

#### 4.4 焦點小組

- 日期：3/2022
- 人數：10 人（焦點小組 1 為少數族裔平台從業員、焦點小組 2 為本地平台從業員）
- 主要內容：受訪者的背景資料（表三）、平台工作者的工作訴求、以及他們在政策層面上的建議

表三：受訪者背景

		焦點小組 1	焦點小組 2
受訪人數		3	7
性別	男	100%	85.7%
	女	-	14.2%
國籍	中國籍	-	100%
	巴基斯坦籍	100%	-
年齡	20 歲以下	66.6%	28.5%
	20-29	33.3%	57.1%
	30-39	-	14.2%
	40-49	-	-
	50-59	-	-
	60 歲或以上	-	-
種類	車手	100%	57.1%
	步兵	-	42.9%

#### 4.5 圓桌討論

- 日期：26/3/2022
- 參與者：學者、勞工團體、工會工作者及政策制定者等
- 主要內容：就香港平台工議題互相交流意見，探討不同國家針對平台工的政策例子，以及如何在本地透過政策倡議及教育以保障平台工作者的權益

#### 5. 研究日期

7/2021-3/2022

#### 6. 研究結果

##### 6.1 工作情況

##### 6.1.1 超過一半平台送餐員及送貨員月入低於 \$10,000

從三類工作類型比較下，均以月入介乎 \$20,000 或以下為主<sup>[1]</sup>。平台送餐員方面，85.5% 的從業員月入低於 \$20,000，當中低於 \$10,000 更有 57.2%。至於在平台送貨員方面，月入低於 \$20,000 的比例與平台送餐員相若，達 86%；月入低於 \$10,000 的亦超過一半，有 54.6%。84.7% 的平台 / 中介照顧員月入低於 \$20,000，但 53.9% 的從業員月入為介乎 \$10,001-20,000，平均收入情況相對較平台送餐員及送貨員為好。（表四）

表四：每月與平台 / 中介相關的平均收入

	平台送餐員	平台送貨員	平台 / 中介照顧員
\$0-\$5,000	74 (34.4%)	29 (33.7%)	3 (23.1%)
\$5,001-\$10,000	49 (22.8%)	18 (20.9%)	1 (7.7%)
\$10,001-\$15,000	33 (15.3%)	12 (14%)	4 (30.8%)
\$15,001-\$20,000	28 (13%)	15 (17.4%)	3 (23.1%)
\$20,001-\$25,000	16 (7.4%)	6 (7%)	1 (7.7%)
\$25,001-\$30,000	12 (5.6%)	4 (4.7%)	1 (7.7%)
\$30,001-\$40,000	2 (0.9%)	1 (1.2%)	-
\$40,001-\$50,000	1 (0.5%)	1 (1.2%)	-
合計	215 (100%)	86 (100%)	13 (100%)

[1] 現時月入中位數為 \$18,700，因此，從事平台工的僱員的收入較大比例上低於月入中位數

### 6.1.2 平台工作者工時較為不一

平台送餐員及送貨員每天工作時間較為不一。以平台送餐員為例，較多從業員每天工作 3 小時 (14.9%)、4 小時 (12.6%)、6 小時 (15.8%)、8 小時 (14.4%) 以及 10 小時 (9.3%)；而平台送貨員方面，則以 5 小時 (10.5%)、8 小時 (12.8%) 以及 12 小時 (10.5%) 為主。而在平台 / 中介照顧員方面，38.5% 的受訪者每天工作 8 小時，亦有 23.1% 表示每天工時長達 12 小時。（表五）

表五：每天在平台 / 中介工作的工時

每日平均工時	平台送餐員	平台送貨員	平台 / 中介照顧員
1	12 (5.6%)	5 (5.8%)	1 (7.7%)
2	14 (6.5%)	6 (7%)	1 (7.7%)
3	32 (14.9%)	7 (8.1%)	-
4	27 (12.6%)	6 (7%)	-
5	15 (7%)	9 (10.5%)	1 (7.7%)
6	34 (15.8%)	8 (9.3%)	1 (7.7%)
7	9 (4.2%)	3 (3.5%)	-
8	31 (14.4%)	11 (12.8%)	5 (38.5%)
9	5 (2.3%)	6 (7%)	1 (7.7%)
10	20 (9.3%)	7 (8.1%)	-
11	4 (1.9%)	5 (5.8%)	-
12	7 (3.3%)	9 (10.5%)	3 (23.1%)
13	2 (0.9%)	2 (2.3%)	-
14	1 (0.5%)	1 (1.2%)	-
15	-	1 (1.2%)	-
16	1 (0.5%)	-	-
23	1 (0.5%)	-	-

### 6.1.3 超過兩成送餐員沒有休息日

平台工作者缺乏休息日的情況頗為普遍，當中以平台送餐員的情況較為惡劣。調查發現，有 23.7% 的平台送餐員平均每周的休息日為 0 天；而 17.4% 的平台送貨員每周亦沒有休息日。平台 / 中介照顧員有關百分比則為 15.4%。雖然《僱傭條例》表明凡按連續性合約受僱的僱員，每 7 天可享有不少於 1 天休息日；但由於平台工作者往往被界定為自僱，並不受僱傭條例保障，法例的灰色地帶未能解決工時過長的情況。（表六）

表六：平均每周休息日

	平台送餐員	平台送貨員	平台 / 中介照顧員
0	51 (23.7%)	15 (17.4%)	2 (15.4%)
1	66 (30.7%)	32 (37.2%)	2 (15.4%)
2	39 (18.1%)	18 (20.9%)	4 (30.8%)
3	16 (7.4%)	6 (7%)	2 (15.4%)
4	19 (8.8%)	8 (9.3%)	2 (15.4%)
5	17 (7.9%)	5 (5.8%)	-
6	6 (2.8%)	1 (1.2%)	1 (7.7%)
7	1 (0.5%)	1 (1.2%)	-
合計	215 (100%)	86 (100%)	13 (100%)

### 6.1.4 超過八成送貨員認為可以自由選擇工作時間

平台工作者自由度相對較大。調查發現，有 67% 的送餐員同意 / 非常同意他們可以選擇自己的工作時間；而在送貨員方面，高達 83.8% 的受訪者更對此表示同意 / 非常同意。至於在平台 / 中介照顧員方面，亦有 76.9% 的從業員對此表示同意 / 非常同意。（表七）

表七：你可以自由選擇自己的工作時間

	非常不同意	不同意	普通	同意	非常同意
平台送餐員	6 (2.8%)	15 (7%)	50 (23.3%)	74 (34.4%)	70 (32.6%)
平台送貨員	2 (2.3%)	2 (2.3%)	10 (11.6%)	28 (32.6%)	44 (51.2%)
平台 / 中介照顧員	1 (7.7%)	2 (15.4%)	0 (0%)	9 (69.2%)	1 (7.7%)

### 6.1.5 平台送貨員每月預計開支近 \$17,000

部份平台送貨員需要擁有個人的客貨車才能開工。撇除購入客貨車的成本及折舊，透過深入訪談，研究團隊預計每年開支達 \$197,500，即每月開支為 \$16,458。這些開支每月浮動較大，因此對於車主來說可謂難以預測。（表八）

表八：從事平台送貨員的預計成本

項目	預計成本
客貨車價錢	\$280,000 - 450,000
折舊	\$20,000 (每年)
日常費用 (包括牌費、保險、驗車)	\$40,000 (每年)
停車場	\$60,000 (每年)
燃油	\$90,000 (每年)
告票	\$7,500 (每年)

## 6.2 保障

### 6.2.1 近 3 成平台工作者曾經發生意外

在平台送餐員方面，有 28.8% 曾經在工作或通勤期間遇上意外；而送貨員方面，曾發生意外的百分比更有 31.4%；照顧員則有 30.4% 於工作或通勤期間遇上意外。（表九）

表九：你曾經在工作或通勤期間遇上意外？

	是	否
平台送餐員	62 (28.8%)	153 (71.2%)
平台送貨員	27 (31.4%)	59 (68.6%)
平台 / 中介照顧員	4 (30.8%)	9 (69.2%)

### 6.2.2 近半工作平台沒有為旗下僱員購買保險

購買保險能令平台工作者於有意外期間得到更多保障，然而大部分工作平台沒有為僱員購買保險。在平台送餐員方面，42.8% 的受訪者表示公司有為他們購買保險，表示沒有及不知道的分別為 27% 及 30.2%；至於在平台送貨員及平台照顧員方面，情況則較為惡劣；平台送貨員方面，只有 24.4% 的受訪者表示公司有為他們購買保險，48.8% 表示沒有，認為不知道的亦有 26.7%；而在平台照顧員方面，高達 61.5% 的從業員表示公司沒有為他們購買保險，情況令人憂慮。（表十）

表十：你所工作的平台 / 中介有為你提供保險

	有	沒有	不知道
平台送餐員	92 (42.8%)	58 (27%)	65 (30.2%)
平台送貨員	21 (24.4%)	42 (48.8%)	23 (26.7%)
平台 / 中介照顧員	3 (23.1%)	8 (61.5%)	2 (15.4%)

### 6.2.3 超過一半平台送餐員及平台送貨員認為公司沒有為他們提供免費設備

調查發現，54% 的平台送餐員非常不同意 / 不同意平台 / 中介有為其免費提供工作所需的設備（例如：制服，保溫袋等）；而 53.5% 的平台送貨員對此亦表示非常不同意 / 不同意。平台照顧員的情況相對較好，只有 30.8% 的受訪者對此表示非常不同意 / 不同意。這反映平台送餐員及平台送貨員或需自費購買物資，以作開工之用。（表十一）

表十一：你所工作的平台 / 中介有為你免費提供工作所需的設備（例如：制服，保溫袋等）

	非常不同意	不同意	普通	同意	非常同意
平台送餐員	61 (28.4%)	55 (25.6%)	43 (20%)	39 (18.1%)	17 (7.9%)
平台送貨員	27 (31.4%)	19 (22.1%)	26 (30.2%)	11 (12.8%)	3 (3.5%)
平台 / 中介照顧員	2 (15.4%)	2 (15.4%)	3 (23.1%)	4 (30.8%)	2 (15.4%)

### 6.3 合約

#### 6.3.1 超過 8 成平台送餐員是自僱合約 4 成平台送貨員不清楚其合約形式

在平台送餐員方面，82% 受訪者表示為自僱合約，但亦有 16.5% 的受訪者表示不清楚或不知道合約的形式；而在平台送貨員方面，54.3% 受訪者表示為自僱合約，高達 44.9% 的受訪者表示不清楚或不知道合約的形式。這可能引致他們未清楚自身的個人權益。（表十二）

表十二：合約形式

	平台送餐員	平台送貨員
自僱合約	323 (82%)	69 (54.3%)
兼職僱傭合約	5 (1.3%)	1 (0.8%)
全職僱傭合約	1 (0.3%)	-
不清楚 / 不知道	65 (16.5%)	57 (44.9%)

註：若受訪者於多於一間平台工作，則會就每間平台所簽的合約分別回答一次此題。受訪之平台送餐員平均於 1.83 間平台工作，而受訪平台送貨員則平均於 1.47 間平台工作。

#### 6.3.2 近 5 成平台送餐員同意自己與平台 / 中介實際上存在僱傭關係

雖然表十二表示受訪者都是以自僱合約形式工作，或不清楚有關合約形式，但表十三亦反映僱員認同雙方存在僱傭關係。平台送餐員方面，有 47.4% 的受訪者表示同意 / 非常同意他們實際上存在僱傭關係；而平台在送貨員方面，則有 34.9% 認同僱傭關係存在。（表十三）

表十三：不論事實上簽了那種合約，你覺得自己與你所工作的平台 / 中介實際上存在僱傭關係：

	非常不同意	不同意	普通	同意	非常同意
平台送餐員	22 (10.2%)	33 (15.3%)	58 (27%)	62 (28.8%)	40 (18.6%)
平台送貨員	17 (19.8%)	21 (24.4%)	18 (20.9%)	19 (22.1%)	11 (12.8%)

### 6.4 公司管理

#### 6.4.1 3 成平台送餐員曾受平台警告

受平台警告在平台送餐員中較為常見。29.8% 受訪平台送餐員表示受警告的情況為十分常見 / 常見；相反，只有 13.9% 的平台送貨員對此表示十分常見 / 常見，高達 34.9% 的平台送貨員更表示從未出現。（表十四）

表十四：你曾受到平台的警告？

	十分常見	常見	一般	很少見	從未出現	不適用
平台送餐員	21 (9.8%)	43 (20%)	62 (28.8%)	48 (22.3%)	39 (18.1%)	2 (0.9%)
平台送貨員	5 (5.8%)	7 (8.1%)	19 (22.1%)	23 (26.7%)	30 (34.9%)	2 (2.3%)

#### 6.4.2 近 3 成平台送餐員曾受平台的懲罰，如暫停或終止賬號、調低評級及罰款

受平台懲罰，如暫停或終止賬號、調低評級及罰款在平台送餐員中較為常見。27.4% 的受訪平台送餐員表示以上對待為十分常見 / 常見；而平台送貨員的百分比則相對較低（24.4%），更有 41.9% 的平台送貨員表示有關情況從未出現。（表十五）

表十五：你曾受到平台的懲罰，如暫停或終止賬號，調低評級及罰款等？

	十分常見	常見	一般	很少見	從未出現	不適用
平台送餐員	25 (11.6%)	34 (15.8%)	50 (23.3%)	36 (16.7%)	62 (28.8%)	8 (3.7%)
平台送貨員	8 (9.3%)	13 (15.1%)	13 (15.1%)	14 (16.3%)	36 (41.9%)	2 (2.3%)

#### 6.4.3 過半平台送餐員認為被警告或懲罰時不能作出合理上訴

從調查可見，被客戶投訴，或被平台 / 中介警告或懲罰時，53.9% 的平台送餐員非常不同意 / 不同意能作出合理上訴；同時平台送貨員方面，亦有 46.5% 對此表示非常不同意 / 不同意。（表十六）

表十六：被客戶投訴，或被平台 / 中介警告或懲罰時，你能作出合理上訴？

	非常不同意	不同意	普通	同意	非常同意
平台送餐員	56 (26%)	60 (27.9%)	52 (24.2%)	36 (16.7%)	11 (5.1%)
平台送貨員	21 (24.4%)	19 (22.1%)	24 (27.9%)	15 (17.4%)	7 (8.1%)

### 6.5 工人集體代表性

#### 6.5.1 超過 9 成從業員並非平台行業的工會會員

調查發現，超過 9 成平台工作者並非平台行業的工會會員。比例分別為平台送餐員（93.5%），平台送貨員（96.3%）以及平台 / 中介照顧員（92.3%）。（表十七）

表十七：你是否相關平台行業的工會會員：

	是	否
平台送餐員	14 (6.5%)	201 (93.5%)
平台送貨員	2 (3.7%)	52 (96.3%)
平台 / 中介照顧員	1 (7.7%)	12 (92.3%)

#### 6.5.2 普遍平台工作者沒有參與罷工或其他集體行動

平台送貨員及平台照顧員方面，接近所有工作者都沒有參與罷工或其他集體行動；至於在平台送餐員方面，有 28.8% 的受訪者曾經參與罷工或其他集體行動，這或許與早前有送餐平台工有工業行動，以爭取更好福利及權益有關。（表十八）

表十八：你有否參與過罷工或其他集體行動

	是	否
平台送餐員	62 (28.8%)	153 (71.2%)
平台送貨員	4 (7.4%)	50 (92.6%)
照顧員	0 (0%)	13 (100%)

### 6.6 對現時當局政策的意見

#### 6.6.1 超過 6 成從業員非常不同意 / 不同意政府為他們提供足夠保障

問卷中提到從業員是否覺得政府已為平台 / 中介工人提供足夠保障，有 64.4% 對此表示非常不同意 / 不同意；認為同意及非常同意的只有 15.3%。（表十九）

表十九：你覺得政府已為平台 / 中介工人提供足夠保障

非常不同意	不同意	普通	同意	非常同意
114 (40.6%)	67 (23.8%)	57 (20.3%)	22 (7.8%)	21 (7.5%)

#### 6.6.2 四成半受訪者非常不同意 / 不同意平台 / 中介已為他們提供足夠的勞工保障

問卷中提到從業員是否同意工作的平台 / 中介已為其提供足夠的勞工保障，有 45.2% 對此表示非常不同意 / 不同意；認為同意及非常同意的有 17.1%。（表二十）

表二十：你所工作的平台 / 中介已為你提供足夠的勞工保障

非常不同意	不同意	普通	同意	非常同意
64 (22.8%)	63 (22.4%)	85 (30.2%)	35 (12.5%)	34 (12.1%)

### 6.6.3 超過六成從業員非常不同意 / 不同意政府對平台 / 中介有足夠的監管

問卷中提到從業員覺得政府對平台 / 中介有否足夠的監管，有 65.1% 對此表示非常不同意 / 不同意；認為同意及非常同意的有 12.8%。（表二十一）

表二十一：你覺得政府對平台 / 中介有足夠的監管

非常不同意	不同意	普通	同意	非常同意
107 (38.1%)	76 (27%)	62 (22.1%)	20 (7.1%)	16 (5.7%)

## 7. 國家或地區的例子比較

### 7.1 全面立法

#### 7.1.1 加州

加州於 2019 年實施有關條例，通過 ABC test 可定名平台工是屬於僱傭關係；當中符合以下條件，平台工可定義為獨立承辦人：

- 按照工作合約，並在實際履行工作時，工作者不受聘用機構控制及指示；
- 工作範疇不屬聘用機構的一般業務範圍；
- 慣常從事獨立於受聘機構，而性質與所做工作範疇相同的行業，職業或業務。

法案擴大平台工保障範圍，由只適用於規管最低工資、超時工作及用膳和休息時間的規則，伸延至涵蓋其他福利範疇，例如失業保險及工作者賠償福利。

然而，此法案於 2020 年 11 月被全民公投中獲通過的 22 號提案——「豁免基於應用程序的運輸公司和快遞公司向特定駕駛員提供員工福利」——所推翻。

### 7.2 半立法

#### 7.2.1 法國

法國早在 2016 年就通過了一項法律，賦予自僱平台工人罷工、組織、培訓和防止工傷事故的權利；這些權利在 2019 年得到擴展，包括“離線權”——容許平台工關閉應用程序而不需負上責任，以及車手拒絕接單而不受處罰的權利。條例更要求平台公司在接受訂單之前通知司機擬議乘車的距離和向司機支付的最低金額。

#### 7.2.2 中國

於 2021 年 7 月發出具指引性質之通知，列明就算平台工未符合一個直接的僱傭關係，仍然需要保障勞動權益，包括最低工資標準、合理休息時間和工作量、社會保險待遇、職業風險保障等方面得到保障。

#### 7.2.3 其他半立法的例子

美國的華盛頓特區和紐約州等

### 7.3 自願性

#### 7.3.1 新加坡

新加坡於 2018 年實施自願性的措施，建議平台機構向平台工提供包括醫療以及意外保險的相關保障。

### 7.4 以工會爭取權益

例子：英國，意大利，德國

### 7.5 保持市場的自由性

例子：香港，日本，瑞典，澳洲，德國，意大利

	香港	美國	歐盟
平台工作者的受僱身份	零工工作者一般受聘為自僱人士，無權享有勞工法例下的法律保障。	不同州份之間的分類有所不同，視乎州立勞工法例的條文及 / 或分類準則，以及過往案例	不同成員國之間的分類有所不同，視乎個別國家的勞工法例及過往案例。然而，零工工作者一般被分類為獨立承辦人
如何保障權益	政府沒有計劃擴大《僱傭條例》的涵蓋範圍至包括自僱人士	美國部分州份或城市的取態進取，採取立法措施，透過處理受僱身份分類問題，或為被分類為獨立承辦人的零工工作者提供若干權益，以加強對零工工作者的保障	歐盟整體及個別成員國，均着力確保零工工作者可享有基本勞工權益或若干權益，而非處理零工工作者的受僱身份分類問題
處理零工工作者錯誤分類的問題	不適用	加利福尼亞州 採用較嚴謹和更易應用的「ABC 審查」，用以釐定工作者的受僱身份，令聘用機構較難將工作者錯誤分類為獨立承辦人（法案於 2020 年 11 年被推翻）	不適用
為零工工作者制訂一系列最低限度 / 基本的勞工權益	不適用	不適用	歐盟 根據 2019 年採納的新指令新訂一系列最低限度權益，範圍涵蓋歐盟所有工作者，包括零工工作者  法國 為被分類為獨立承辦人的不同行業平台工作者提供基本權益，例如享有工作保險保障和成立勞工組織的權利
在特定行業為零工工作者提供傳統僱員的若干權益	不適用	紐約市 透過黑車基金向網約車司機提供工作者賠償、醫療及其他福利，基金經費來自司機從車資收取的 2.5% 附加費  制訂每程最低車資計算公式，確保網約車司機維持合理生計	法國 向運輸業的平台工作者提供以下權益： (a) 從服務應用程式離線而不受處分或拒絕載客而無須受罰；及 (b) 每次載客前獲提供車程距離及最低淨車資資料
為不同行業的零工工作者提供傳統僱員的若干權益	不適用	華盛頓州 建議為不同行業的零工工作者設立可攜福利制度，供款可來自多個不同聘用機構，而工作者即使轉換工作，也可享有勞工福利	荷蘭 計劃在 2021 年為自僱人士引入法定最低工資水平，以加強經濟保障及避免僱主以假自僱合約聘用工作者

## 8. 總結

現時，世界各地在處理平台從業員都有不同的措施及政策，正如上文（第 7 點）所說，有些國家是採用前面立法的方式，有些國家是採用半立法的方式，而有些國家則採用自願的方式，來保障平台工人的權益。鑒於香港在有關議題上未有明顯共識，有平台工認為平台中介公司打工，理應得到相關的利益及保障；但同時亦有平台工認為政府及法例的介入，將令他們工作的自由度減少。

長遠而言，樂施會認為在得到各方面共識的情況下，以立法形式保障平台工友的權益是有可取之處；而在仍未立法之前，以企業社會責任 (CSR) 形式以推動相關權益則較能保障各方面的權益。

# 1 Introduction

The digitalisation of the economy in recent decades has created a new form of “platform work” – ‘platform-based employment which uses digital technology to mediate the process of commissioning, supervising, delivering, and compensating work performed by workers on a contingent, piece-work basis’.<sup>[1]</sup> The prevalence of platform work is now a global phenomenon. Between 2014 and 2016, an estimated 1.5% of the global workforce had been involved in the platform economy.<sup>[2]</sup> Platform workers are classified as “self-employed” in most countries and do not have any formal employment relationship with the platform companies. Because of their legal status as self-employed persons, platform workers are excluded from legal protections offered to employees like minimum wage, paid leave, and work injury insurance. There are mounting concerns over how platform companies exploit this legal grey area to profit from workers’ labour while avoiding the cost of providing them with statutory labour protections. This form of ‘false self-employment’ is regarded by the International Labour Organization (“ILO”) as “dependent self-employment”.<sup>[3]</sup>

Although statistics are unavailable, platform work has proliferated in Hong Kong in recent years, following a global trend. For instance, according to Uber, the number of Uber riders in the city grew by nearly 40 times between 2014 and 2019.<sup>[4]</sup> Given this, the Hong Kong government was asked multiple times to review the existing labour legislation to identify areas for improving protection for platform workers. The Labour Department explained that three significant approaches – enhancing public education, offering consultation or conciliation services for workers, and strengthening inspections and enforcement – had been adopted to combat the problem of false self-employment.<sup>[5]</sup> However, it has rejected the suggestion of taking a legislative approach, claiming that “to define self-employment by legislation is neither easy nor practical” or “may be counterproductive”.<sup>[6]</sup> In June 2018, the government reiterated that it “has no plan to expand the scope of the Employment Ordinance” to include self-employed persons.<sup>[7]</sup>

This research explores the working conditions of platform work in Hong Kong. In this research, we focus on grassroots platform workers involving low levels of skills and complexity in a localised context.<sup>[8]</sup>

We chose three sectors, namely food delivery, goods delivery, and social care in our investigation, with two primary objectives:

1. Understand and arouse public attention to platform workers’ working conditions and challenges.
2. Explore potential policy solutions to alleviate challenges facing platform workers. Policy directions in the global context will be considered.

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[1] Flanagan, F. (2017). Symposium on work in the ‘gig economy: Introduction. *The Economic and Labour Relations Review*, 28(3), 378-381.

[2] Hunt, A., & Samman, E. (2019). *Gender and the gig economy: Critical steps for evidence-based policy*. Overseas Development Institute.

[3] Williams, C., & Lapeyre, F. (2017). Dependent self-employment: Trends, challenges and policy responses in the EU. *ILO Employment Working Paper*, (228).

[4] Uber Hong Kong (2019), ‘Uber Marks 5 Years in Hong Kong with over 300 Million Kilometers Travelled’ . Available at: <https://www.uber.com/en-HK/newsroom/uber-marks-5-years-in-hk/> (Accessed: March 2022)

[5] Legislative Council Secretariat (2019) *Protection of labour rights of ‘gig workers’ in selected places*. Available at: <https://www.legco.gov.hk/research-publications/english/1819in06-policy-review-on-enhanced-protection-of-independent-workers-in-selected-places-20190211-e.pdf> (Accessed: March 2022).

[6] GovHK (2011) *LCQ19: Tackling false self-employment*. Available at: <https://www.info.gov.hk/gia/general/201106/15/P201106150121.htm> (Accessed: March 2022).

[7] GovHK (2018) *LCQ17: Protection for flexible workforce*. Available at: <https://www.info.gov.hk/gia/general/201806/13/P2018061300296.htm> (Accessed: March 2022).

[8] Vallas, S., & Schor, J. B. (2020). What do platforms do? Understanding the gig economy. *Annual Review of Sociology*, 46(1), 273-294; adapted from Forde et al., 2017 pp. 276

## 2 Methodology

A mixed-methods approach was taken to evaluate the state of platform work in Hong Kong in the food and goods delivery and care and household service sectors.

Food and goods delivery is one of the most visibly competitive sectors of platform work plagued with labour issues. The penetration rate of platform-to-consumer food delivery services in Hong Kong reached 28.6% in 2022.<sup>[9]</sup> During the pandemic, the demand for food delivery grew, expanding these companies' workforces. There is also significant ethnic minority participation in the food delivery workforce. One key informant estimated that around 70% of riders and 50% of 'walkers' are ethnic minorities.

Care and household service work also deserves close attention. Platform companies providing household services boomed as convenient hourly-based services became a popular alternative to hiring a live-in domestic helper. The healthcare and care and attention home industries also became increasingly reliant on on-demand short-term workers. For instance, the Hospital Authority signed over HKD 2 billion worth of contracts with agencies in 2018-19.<sup>[10]</sup>

Our research conducted from July 2021 - March 2022 made use of multiple research methods:

### A. Documentary research

We analysed a wide range of documents, such as media reports, platform companies' websites, policy papers, government documents, and publications of trade unions and NGOs in Hong Kong, mainland China, and other countries.

### B. In-depth Interviews

We conducted 52 in-depth interviews with workers (see Table 2.1) and key informants. This included 29 food delivery and 9 goods delivery workers (noting 5 overlaps as these interviewees worked in both sectors), 15 care workers, and 4 organisers. Among interviewees, 13 food delivery workers from ethnic minority backgrounds were deliberately sampled to provide sufficient representation of ethnic groups .

		Food Delivery	Goods Delivery	Care Work
No. of interviewees		29	9	15
Gender	Male	83%	90%	20%
	Female	17%	10%	80%
Ethnicity	Chinese	52%	100%	100%
	Pakistani	45%	-	
	Indian	3%	-	
Age	Below 20	6%	11%	-
	20s	30%	22%	-
	30s	61%	44%	6.7%
	40s	3%	11%	6.7%
	50s	-	11%	40%
	60s	-	-	46.7%
Work type (FT: >=8 hr/day, 5 days/week)	PT	24%	78%	13.3%
	FT	73%	11%	33.3%
	Mixed	3%	11%	46.7%

Table 2.1 Workers in in-depth interviews

[9] Statista (2022) Platform-to-Consumer Delivery. Available at <https://www.statista.com/outlook/dmo/eservices/online-food-delivery/platform-to-consumer-delivery/hong-kong> (Accessed: March 2022).

[10] 眾新聞 (2019年2月14日, 「醫管局 \$2 億聘「炒散」護士 高永文任董事公司中標 \$1 億」。來源: <https://www.hkcnews.com/article/18491/> 中介護士 - 醫管局 - 高永文 -18491/ 醫管局 2 億聘「炒散」護士 - 高永文任董事公司中標 1 億 [最後更新: 2022年3月]

### C. Survey

We adopted a convenient sampling method to conduct the survey because of the unknown population of platform workers and resource constraints. We successfully collected 281 online survey entries from January to March 2022 from platform food delivery, goods delivery, and care workers aged 18 or above who have worked in the industry for at least half a year (see Table 2.2). Survey questions were structured to obtain an understanding of the general composition of platform workers in terms of ethnicity, gender, class, and education level, as well as understanding patterns of work, level of satisfaction towards different platform companies, instances of accidents, union and social media group participation, as well as their views on company practices and relevant government policies.

		Food delivery	Goods Delivery	Care Work
No. of respondents		215	86	13
Gender	M	81.4%	84.9%	23.1%
	F	18.1%	11.6%	76.9%
	Others	0.5%	3.5%	-
Ethnicity	Chinese	90.2%	97.7%	92.3%
	Pakistani	6%	-	-
	Indian	2.8%	1.2%	-
	Nepali	-	-	7.7%
	Others	0.9%	1.2%	-
Born in Hong Kong	Yes	86%	83.7%	84.6%
	No	14%	16.3%	15.4%
Age	Below 20	7.4%	2.3%	-
	20s	40.9%	29.1%	-
	30s	34.0%	31.4%	30.8%
	40s	14.9%	29.1%	30.8%
	50s	1.9%	7%	15.4%
	60+	0.9%	1.2%	23.1%
Income source	Primary	56.7%	54.7%	61.5%
	Multiple	43.3%	45.3%	38.5%
Average income from working for the platform (HKD)	<5,000	34.4%	33.7%	23.1%
	5,001 - 10,000	22.8%	20.9%	7.7%
	10,001 - 15,000	15.3%	14%	30.8
	15,001 - 20,000	13%	17.4%	23.1%
	20,001 - 25,000	7.4%	7%	7.7%
	25,001 - 30,000	5.6%	4.7%	7.7%
	30,001 - 40,000	0.9%	-	-
	40,001 - 50,000	0.5%	1.2%	-
>50,000	-	1.2%	-	
Education level	Primary school graduate or below	1.4%	3.5%	7.7%
	Secondary school education without graduating			
	Secondary school graduate	9.3%	7%	30.8%
	Higher education (non-bachelor' s degree)	37.7%	51.2%	46.2%
	Bachelor' s degree	25.1%	15.1%	15.4%
Above bachelor' s degree	23.3%	19.8%	-	
		3.3%	3.5%	-

Table 2.2 Survey respondents

\*11.8% of our respondents have cross-sector working experience, and most cross-sector workers simultaneously work in food and goods delivery.

**D. Participant observation**

Researchers went to the sites where Foodpanda workers aggregated during collective actions. We observed workers’ behaviours, actions, and speech. We also conversed with them on and offsite to understand their motivations for participating or taking leadership in these actions, their working conditions, and their perceptions of platform work.

**E. Focus groups**

We conducted 2 focus groups with food delivery workers – 1 with ethnic minorities and 1 with ethnic Chinese in March 2022 (see Table 2.3). The purpose of the focus groups was to obtain empirical verification of our preliminary research hypothesis on platform workers’ working conditions and inform our policy recommendations to address their most urgent concerns. The separation of groups by ethnicity was done to ensure sufficient representation of underrepresented groups. It also assisted in creating an interactive and language barrier-free environment for group data collection.

		Focus Group 1	Focus Group 2
Number of participants		3	7
Gender	M F	100% -	85.7% 14.2%
Ethnicity	Chinese Pakistani	- 100%	100% -
Age	18-29 30-39 40-49 50-59 60-69 70 or above	66.6% 33.3% - - - -	28.5% 57.1% 14.2% - - -
	Rider Walker	100% -	57.1% 42.9%

Table 2.3 Participants in Focus Groups

**F. Roundtable discussion**

The research team conducted a roundtable discussion on 26 March 2022 to present our preliminary findings. Participants included academics working on similarly themed research, labour organisations serving platform workers, and policy-makers. Participants exchanged views on relevant local, mainland Chinese, and overseas experiences, policy suggestions, and directions for public education. Valuable comments were addressed to the research team as well.

Codes are used in place of companies’ and interviewees’ names in the evaluation section except when relevant information is found in publicly available sources. Although mixed methods have been used to triangulate our findings and findings from various methods are consistent, there are still limitations to this research. While we strove to increase the representativeness of our dataset, the overall sample size of our survey (314) may not be sufficient to draw conclusive findings. In particular, the quantity of responses from platform care workers (13) is less than satisfactory due to the difficulty of establishing contact with workers during our survey period, which coincided with the fifth wave of the COVID-19 pandemic in Hong Kong. We also expected a greater number of responses from ethnic minority workers (19), as we estimate that they occupy 40-60% of all food delivery workers in the city. In terms of outreach, as social distancing restrictions limited the feasibility of onsite distribution of surveys, we relied on social media networks to disseminate the survey. This could mean that more tech-savvy workers (often younger) are overrepresented.

# Evaluating platform work

This research seeks to establish a basic understanding of the reason for platform work's prevalence in Hong Kong in recent years, its differences from conventional non-full-time work, its modes of operation and patterns of work in food and goods delivery, and care and household service sectors.

To evaluate the working conditions of platform workers, we applied the 5 Principles of Fairwork Foundation, an action-research initiative based at the Oxford Internet Institute aimed at monitoring the working conditions of platform workers around the world, as the analytical framework. The 5 Principles include Fair Pay, Fair Conditions, Fair Contract, Fair Management, and Fair Representation.<sup>[11]</sup> These principles are defined in the following manner:<sup>[12]</sup>

## **Principle 1. Fair Pay**

Workers, irrespective of their employment classification, should earn a decent income in their home jurisdiction after taking account of work-related costs and active hours worked. They should be paid on time, and for all work completed.

## **Principle 2. Fair Conditions**

Platforms should have policies in place to protect workers from foundational risks arising from the processes of work, and should take proactive measures to protect and promote the health and safety of workers.

## **Principle 3. Fair Contracts**

Terms and conditions should be transparent, concise, and always accessible to workers. The party contracting with the worker must be subject to local law and must be identified in the contract. Workers are notified of proposed changes in a reasonable timeframe before changes come into effect. The contract is free of clauses which unreasonably exclude liability on the part of the platform, and which prevent workers from seeking redress for grievances. Contracts should be consistent with the terms of workers' engagement on the platform.

## **Principle 4. Fair Management**

There should be a documented due process for decisions affecting workers. Workers must have the ability to appeal decisions affecting them, such as disciplinary actions and deactivation, and be informed of the reasons behind those decisions. The use of algorithms is transparent and results in equitable outcomes for workers. There should be an identifiable and documented policy that ensures equity in the way workers are managed on a platform (for example, in the hiring, disciplining, or firing of workers).

## **Principle 5. Fair Representation**

Platforms should provide a documented process through which worker voice can be expressed. Irrespective of their employment classification, workers have the right to organise in collective bodies, and platforms should be prepared to cooperate and negotiate with them.

The following sections are organised according to these categories. We also include a section exploring the intersectionality of class, ethnicity, and gender, focusing on the additional challenges confronting food delivery workers who are ethnic minorities and women.

[11] Fairwork (n.d.) *About Fairwork*. Available at: <https://fair.work/en/fw/homepage/> (Accessed: 12 May 2022).

[12] Fairwork (n.d.) *Principles*. Available at: <https://fair.work/en/fw/principles/> (Accessed: 12 May 2022).

# 3.1 Pay

## Food delivery

### 3.1.1 Payment calculation

The payment calculation method in food delivery involves multiple features dictated by algorithms that are not transparent to workers. In this sector, Foodpanda from Germany and Deliveroo from the United Kingdom are two major market rivals in Hong Kong. The third player, Uber Eats, announced its plan to exit the Hong Kong market in November 2021, and therefore will not be covered as extensively as the other two platforms in this study. Take Deliveroo's publicly available payment formula in January 2022, for example:

$$\text{Weekly pay} = (\text{Basic fee} + \text{weekly bonus}) \times 1.3 \text{ boost} + \text{other bonuses}^{[13]}$$

The basic fee is the sum of a worker's order fees when they complete an order. The order fee for every trip varies, as it increases according to demand and distance travelled. However, the exact algorithm used to derive the price of each order is not known to workers.

Foodpanda operates under a similar pay formula based on open data:

$$\text{Weekly pay} = \text{Dynamic service fee} + \text{Zone incentives} + \text{Quest incentives}^{[14]}$$

Dynamic service fee is calculated based on distance, vehicle type, zone, time used in delivery, acceptance rate, and batch. The algorithm combining these elements is elusive to workers. The company also admitted to striking workers in late 2021 that the algorithm is regularly adjusted to best match supply and demand.<sup>[15]</sup> The most complicated of all, batch, is a system that ranks workers in 4 tiers based on their performance on three fronts (See table 3.1.1 below). The higher the workers' batch is, the earlier they get to choose shifts, and the higher their order fee is. An interviewee informed us that order fees decrease by HKD 0.5 increments as an individual's batch drops.

Rider score component	Weight	Explanation
1. Special hours attendance rate	50%	Workers receive a higher score when they clock in during peak hours.
2. Presence rate	30%	The number of orders the worker fulfilled within their shift hours divided by the number of hours they booked.  This criterion considers workers' late log-in, no-shows, and breaks during the shift.
3. Acceptance rate	20%	The number of orders workers accept in relation to the number of orders assigned to them.

Table 3.1.1 Foodpanda's rider score component<sup>[16]</sup>

This brief review of the pay system shows that companies manipulate workers through price incentives to suit the varying supply and demand conditions across zones. Companies do not disclose the algorithm through which they control the prices. Foodpanda only discloses a weekly acceptance rate, which is the source of many labour disputes. They also maintain unilateral decisions over the application of bonuses and boost fees.

### 3.1.2 Workers' Income levels

Among 215 platform food delivery workers we surveyed, most workers' earnings ranged from below HKD 5,000-20,000. 58.2% earned HKD 10,000 or below every month, and a significant 34.4% within that figure earned HKD 5,000 or below. 28.3% of workers earned HKD 10,000-20,000, while only 13% earned HKD 20,000-30,000. Very few respondents attained anything above HKD 30,000 (1.4%), in contrast to the very high earning figures of around HKD 50,000-60,000 that some platforms advertised to workers.

[13] Deliveroo (n.d.) *Fees and Payments*. Available at: <https://riders.deliveroo.hk/en/fees> (Accessed: 10 May 2022).

[14] Workers' interviews and terminologies referencing Foodpanda Singapore website.

Foodpanda (n.d.) *Fee Structure*. Available at: <https://pandariders.sg/updates/fee-structure/> (Accessed: 10 May 2022).

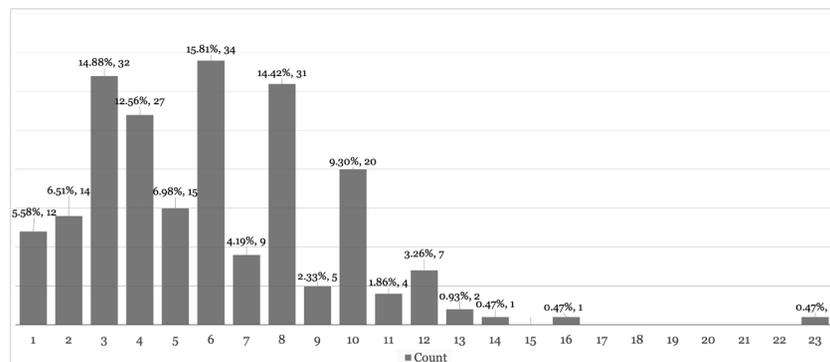
[15] 外賣員權益關注組 (2022 年 1 月 5 日), <不斷有師兄師姐表示 deliveroo 靜靜鵝減低薪酬.....>, 取自 <https://www.facebook.com/RiderRightsConcernGroup/posts/360533689090786>

[16] Source: Workers' interviews and terminologies referencing Foodpanda Singapore website. Foodpanda (n.d.), *Fee Structure*. Retrieved May 10, 2022, from <https://pandariders.sg/updates/fee-structure/>

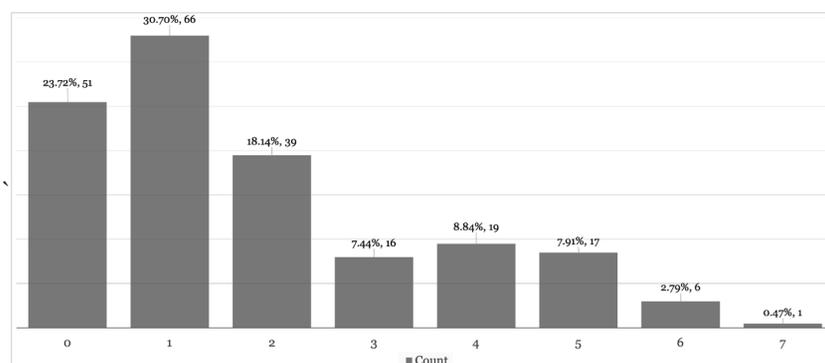
Food Delivery		
Average monthly income from working for platforms (HKD)	<=5,000	34.4% (74)
	5,001 - 10,000	22.8% (49)
	10,001 - 15,000	15.3% (33)
	15,001 - 20,000	13.0% (28)
	20,001 - 25,000	7.4% (16)
	25,001 - 30,000	5.6% (12)
	30,001 - 40,000	0.9% (2)
	40,001 - 50,000	0.5% (1)
	>50,000	-

Table 3.1.3 Surveyed food delivery workers' income levels (in HKD)

Workers also exhibited a wide range of average working hours. 68.9% of workers worked 3-8 hours daily, with the median being 6 hours. Notably, 13.5% of them worked 9-11 hours, and 5.2% reported working 12-16 hours, meaning that long hours are relatively common in this industry. This was also reflected in their working days. A significant 23.7% of workers reported working 7 days per week, 30.7% worked 6 days per week, and 18.1% worked 5 days per week, comprising over 70% of all workers.



Graph 3.1.1 Surveyed food delivery workers' average working hours



Graph 3.1.2 Surveyed food delivery workers' average day(s) of rest

We also found that 57% of food delivery workers agreed that their earnings from platform work served as their main source of income (henceforth 'primary income earners'). This group tended to work significantly more hours and days and therefore earned significantly more than the remaining 43.4% of workers who did not rely on the job as their main source of income (henceforth 'multiple income earners').

66.4% of primary income earners made over HKD 10,000 per month, compared to only 12.3% of multiple income earners. The median and mode working hours for primary and multiple income earners were 8 and 3, respectively. 66.4% of primary income earners worked 6 or 7 days per week, while only 38.8% of multiple income earners worked as often. This is strong evidence supporting our observation that these two groups represent workers with distinct work patterns and perceptions of work.

Money earned from platform work is the main source of income				
		Yes	No	Total
Average monthly income from working for food delivery platforms (HKD)	<5,000	12.3% (15)	63.4% (59)	34.4% (74)
	5,001 - 10,000	22.1% (27)	23.7% (22)	22.8% (49)
	10,001 - 15,000	20.5% (25)	8.6% (8)	15.3% (33)
	15,001 - 20,000	19.7% (24)	4.3% (4)	13.0% (28)
	20,001 - 25,000	13.1% (16)	-	7.4% (16)
	25,001 - 30,000	9.8% (12)	-	5.6% (12)
	30,001 - 40,000	1.6% (2)	-	0.9% (2)
	40,001 - 50,000	0.5% (1)	-	0.5% (1)
	>50,000	-	-	-

Table 3.1.4 Income levels of primary and multiple income earners among surveyed food delivery workers (in HKD)

Money earned from platform work is the main source of income				
		Yes	No	Total
Average working hour(s) (food delivery)	1	1.6% (2)	10.8% (10)	5.6% (12)
	2	0.8% (1)	14% (13)	6.5% (14)
	3	5.7% (7)	26.9% (25)	14.9% (32)
	4	7.4% (9)	19.4% (18)	7.4% (9)
	5	4.9% (6)	9.7% (9)	7.0% (15)
	6	19.7% (24)	10.8% (10)	15.8% (34)
	7	5.7% (7)	2.2% (2)	4.2% (9)
	8	23.0% (28)	3.2% (3)	14.4% (31)
	9	4.1% (5)	-	2.3% (5)
	10	15.6% (19)	1.1% (1)	9.3% (20)
	11	3.3% (4)	-	1.9% (4)
	12	4.9% (6)	1.1% (1)	3.3% (7)
	13	1.6% (2)	-	0.9% (2)
	14	0.8% (1)	-	0.5% (1)
	15	-	-	-
	16	0.8% (1)	-	0.5% (1)
	17	-	-	-
	18	-	-	-
	19	-	-	-
	20	-	-	-
	21	-	-	-
	22	-	-	-
	23	-	1.1% (1)	0.5% (1)

Table 3.1.5 Average working hours of primary and multiple income earners among surveyed food delivery workers

Money earned from platform work is the main source of income				
		Yes	No	Total
Average number of day(s) rest (food delivery)	0	12.3% (37)	63.4% (14)	23.7% (51)
	1	36.1% (44)	23.7% (22)	30.7% (66)
	2	17.2% (21)	19.4% (18)	18.1% (39)
	3	4.1% (5)	11.8% (11)	7.4% (16)
	4	6.6% (8)	11.8% (11)	8.8% (19)
	5	3.3% (4)	3.3% (13)	7.9% (17)
	6	1.6% (2)	4.3% (4)	2.8% (6)
	7	0.8% (1)	-	0.5% (1)

Table 3.1.6 Average day(s) of rest of primary and multiple income earners among surveyed food delivery workers

This finding is corroborated by the higher earnings and working hours of motorcyclists, who often overlap with primary income earners. Just over 60% of motorcyclists earn between HKD 10,000-30,000, while the same percentage of non-motorcyclists earn below HKD 10,000. Motorcyclists' median daily working hours are 8 hours, double the number of non-motorcyclists.

Are you a motorcyclist				
		Yes	No	Total
Average monthly income from working for food delivery platforms (HKD)	<5,000	17.2% (5)	37.1% (69)	34.4% (74)
	5,001 - 10,000	13.8% (4)	24.2% (45)	22.8% (49)
	10,001 - 15,000	6.9% (2)	16.7% (31)	15.3% (33)
	15,001 - 20,000	17.2% (5)	12.4% (23)	13.0% (28)
	20,001 - 25,000	20.7% (6)	5.4% (10)	7.4% (16)
	25,001 - 30,000	17.2% (5)	3.8% (7)	5.6% (12)
	30,001 - 40,000	3.4% (1)	0.5% (1)	0.9% (2)
	40,001 - 50,000	3.4% (1)	-	0.5% (1)
	>50,000	-	-	-

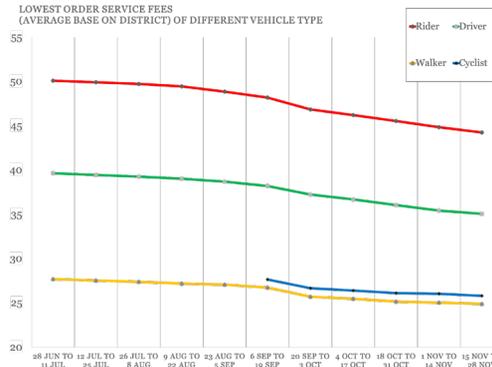
Table 3.1.7 Income levels of motorcyclists and non-motorcyclists among surveyed food delivery workers (in HKD)

Are you a motorcyclist				
		Yes	No	Total
Average number of day(s) rest (food delivery)	0	17.2% (5)	24.7% (46)	23.7% (51)
	1	20.7% (6)	32.3% (60)	30.7% (66)
	2	24.1% (7)	17.2% (32)	18.1% (39)
	3	6.9% (2)	7.5% (14)	7.4% (16)
	4	17.2% (5)	7.5% (14)	8.8% (19)
	5	10.3% (3)	7.5% (14)	7.9% (17)
	6	-	3.2% (6)	2.8% (6)
	7	3.4% (1)	-	0.5% (1)

Table 3.1.8 Average day(s) of rest of motorcyclists and non-motorcyclists among surveyed food delivery workers

### 3.1.3 Declining pay over time

Given a large reserve army of labour at the disposal of food delivery platforms, pay has rapidly dropped over time. In 2021, Foodpanda announced a new round of order fees for different districts every week, and workers found that fees only adjusted downwards, not upwards.<sup>[17]</sup> According to the Riders' Rights Concern Group, a group initiated by local labour NGOs, the maximum drop in average basic service fees reached HKD 8 for motorcyclists, and HKD 2-5 for walkers between July and November 2021.<sup>[18]</sup> As a result of the strike Foodpanda agreed to freeze pay levels from November 2021 to June 2022.<sup>[19]</sup>



Graph 3.1.3 Trend of average lowest service fees of Foodpanda riders and drivers<sup>[20]</sup>

Quite a few interviewed workers directly connected the fall in pay with the influx of new workers. In particular, Company B did not restrict the number of recruits and shifts, resulting in an excess supply of workers that drove average order volume and pay down for each worker. According to Mr. N:

They cut one dollar at a time; they cut one dollar out of each order for 2 consecutive rounds... the order fee is HKD 25 for the next period. I think its strategy is to open shifts everywhere and attract many people to book them. As the order volume is constant, if there's no order to take, of course, they have a reason to reduce the price."

Workers' earnings also vary widely according to the district they work in. Companies exploit changes in the supply of workers through adjusting district order fees, sometimes using it to incentivise workers to switch zones, resulting in distinct pay regimes across zones.

### 3.1.4 Longer working hours to maintain pay levels

Food delivery workers' income is highly dependent on unpredictable market conditions and changes in the intensity of work. Mr. A expressed concern for family breadwinners who need to increase working hours to reach their fixed earning goals every day:

'Some people are doing this to feed their family, so they have an earning goal every day. But when income is this unstable, sometimes they can't reach the goal and therefore need to work 2 extra hours. The instability of working hours come from our self-imposed earning goals.'

These earning goals are prevalent among workers who take platform jobs as their primary income source and become increasingly hard to reach as platforms continue to reduce pay. Mr. K, a Pakistani motorcyclist, lamented:

'[Before] we could easily make HKD 1000+ per day just working for 8-9 hours. We can make HKD 1000-1100. We go home, and we are happy. After that, more people come into this zone... As the number of people increases, the order volume decreases, and we need to work 12-13 hours to make HKD 1100-1200. We need to work 3-4 hours more for the same salary. And then [Company B] started to reduce the rate. It became even harder.'

[17] *The Standard* (November 2021) 'Foodpanda deliverymen go on strike over cut in delivery fee'. Available at: <https://www.the-standard.com.hk/breaking-news/section/4/182904/Foodpanda-deliverymen-go-on-strike-over-cut-in-delivery-fee> (Accessed: March 2022).

[18] Riders' Rights Concern Group (n.d.) *Foodpanda Service Fees Tracker*. Available at: <https://wandering-cymbal-c2e.notion.site/foodpanda-Service-Fees-Tracker-fe887c13b13b4c079e577a745cd46f61> (Accessed: 11 May 2022).

[19] China Labour Bulletin (December 2021) 'Hong Kong food delivery drivers successfully negotiate with Foodpanda'. Available at <https://clb.org.hk/content/hong-kong-food-delivery-drivers-successfully-negotiate-foodpanda> (Accessed: March 2022).

[20] Riders' Right Concern Group (n.d.) *Foodpanda Service Fees Tracker*. Available at: <https://wandering-cymbal-c2e.notion.site/foodpanda-Service-Fees-Tracker-fe887c13b13b4c079e577a745cd46f61> (Accessed: 11 May 2022).

### 3.1.5 Below minimum wage pay & Uncompensated costs

Workers who take this job as supplementary income could be chronically underemployed and earn below minimum wage, as they pay the hidden cost of uncompensated waiting time. Ms. A, an Indian walker, took five-hour night shifts 7 days a week; she earned only HKD 29-35 per order, and 3-4 times a week, she would wait for an hour with no orders. Sometimes she only got a single order in an entire night. The same happened to Ms. S, a Pakistani cyclist for Company B. When the order volume is low, she gets only HKD 30 per hour, which is below minimum wage.

Other hidden costs include vehicles, fuel, and illegal parking tickets, which are all borne by the workers. Many workers resonated with Mr. O's experience with illegal parking fines:

'...You can easily get illegal parking tickets in Tsuen Wan and Kwai Chung...it is really hard to find places to park, and it doesn't make sense to park far away. In just 5 minutes of going up and down in the building, you can get a fine of HKD 320, which means you need an extra 6-7 orders to repay it; that's why we always say we are doing this job for nothing...'

Many interviewees reflected on the lack of proper parking spaces in delivery locations. Under pressure to deliver on time, they are forced to park illegally and risk being fined.

#### Goods delivery

### 3.1.6 Pay Mechanism

For goods delivery platforms, order fees are typically determined by algorithms, combining distance-based tolls with incidental expenses like tunnel fees, moving fees, urgent delivery fees, and holiday surcharges. GogoX and Lalamove operate under a commission system, taking a certain percentage out of each on-demand order the driver accepts and completes. Pickup and Zeek display the order fee in apps as the total amount to be received by the delivery worker, already deducting the platform's share. The different payment mechanisms by five major goods delivery platforms are listed and compared in table 3.1.9 below, based on publicly available information.

All platforms work with a free online system, with the exception of Zeek, which gives workers the option to take shifts and receive a minimum hourly pay guarantee of HKD 55. Call4Van is unique in providing only van and truck services and charging a relatively low monthly fee of HKD 300 for access to the platform's services (compared to HKD 1999 by Lalamove). Most platforms also offer hourly, weekly, or monthly rental services, charged at varying rates excluding on-demand services.<sup>[21]</sup> The features of most platforms' payment mechanisms shown in the table will be elaborated below.

	GogoX (renamed from GogoVan)	Lalamove	Pickupp	Zeek	Call4Van
Payment formula	Sum of order fee x (1-10% commission)	Sum of order fee x (1-12% commission)  OR monthly fee of HKD 1999	Sum of order fee shown in the app	Sum of order fee shown in the app  OR Shift working: HKD 55/hour minimum guarantee with a sufficient acceptance rate	Monthly fee of HKD 300
Type of service	Walker, motorcycle, van, truck				Van & truck
Registration fee	Nil	HKD 400 (HKD 300 deposit, HKD 100 added to e-wallet)	Nil		
Special feature	Collect an 'enhanced service fee' of HKD 5 from customers through drivers	Get a commission or monthly fee discount when workers show proof of applying a valid logo sticker	Fixed amount of goods to pick up at stations each day  Orders start with a low price and increase over time	Also accept food delivery orders; signed deals with major chain restaurants	Allow drivers to delay payment in case of financial difficulties  Need referral from existing drivers or undergo a 1-month trial since 2020

Table 3.1.9 Payment mechanism of five major goods delivery platforms<sup>[22]</sup>

[21] Lalamove (2019年1月10日)〈如何善用Lalamove的「包鐘」服務〉。取自 [https://www.lalamove.com/zh-hk/blog/edu\\_hourlyrental](https://www.lalamove.com/zh-hk/blog/edu_hourlyrental)

[22] Source: Workers' interviews;

Lalamove (無日期), 〈上台成為Lalamove司機〉。取自 <https://www.lalamove.com/hongkong/zh/delivery-driver-3>;

Lalamove (無日期), 〈【重要通知】佣金收費調整〉。取自 [https://www.lalamove.com/zh-hk/drivernews\\_commissionupdate](https://www.lalamove.com/zh-hk/drivernews_commissionupdate);

As opposed to Lalamove and GogoX, which work with almost any kind of delivery requests by simply matching workers with customers, Pickup mainly works with small-to-medium-sized enterprise clients, delivering online shopping products by first centralising a fixed amount of freight at their cargo stations while also accepting direct delivery from shops to customers.

According to our interviewees, Zeek has the most diversified pay mechanisms and range of services, including food delivery, which requires workers to pay from their own pockets first. As a major logistics firm subsidiary, it has also signed delivery deals with fast food chain restaurants that had originally directly employed their delivery workers.

### 3.1.7 Pay level

Our findings showed generally low earnings for workers in the sector. Among 86 goods delivery workers who participated in our survey, over half earned HKD 10,000 or below per month: 33.7% earned below HKD 5,000, and 20.9% earned HKD 5,000-10,000. Meanwhile, one-third earned HKD 10,000-20,000, and less than 15% earned above HKD 20,000. We also found that 71.8% of primary income earners in the sector earned above HKD 10,000, in contrast to 15.4% of multiple income earners. This supports the view that workers with varying levels of commitment and financial reliance on the job coexist in the sector.

It is important to note that many goods delivery workers – especially van drivers – have multiple sources of income. Therefore, they likely earn above the income reported from platform work alone. From our interviews, van drivers found it very hard to make a living purely out of platform-assigned work and said that most drivers reduce their reliance on platforms after building their loyal customer base:

‘...In an environment like Hong Kong, if you only work for the platforms, you cannot support your family. You definitely need loyal customers, other income sources... new van buyers often do that (rely less on platforms after gaining customers), unless you know an important customer like McDonald’s and sign a contract with them, which is really rare.’ (Mr. S)

‘You would be begging for money if you tried to make a living from platforms. I have some regular orders (from loyal customers), so when I’m free and “off-work”, I would still drive and make some money from apps...for around 20-30 hours per week.... From that, I earn around HKD 8,000-10,000 per month...which is my pocket money without my wife knowing.’ (Mr. G)

Goods Delivery		
Average monthly income from working for platforms (HKD)	<=5,000	33.7% (29)
	5,001 - 10,000	20.9% (18)
	10,001 - 15,000	14.0% (12)
	15,001 - 20,000	17.4% (15)
	20,001 - 25,000	7.0% (6)
	25,001 - 30,000	4.7% (4)
	30,001 - 40,000	-
	40,001 - 50,000	1.2% (1)
	>50,000	1.2% (1)

Table 3.1.10 Average monthly income of surveyed goods delivery platform workers (in HKD)

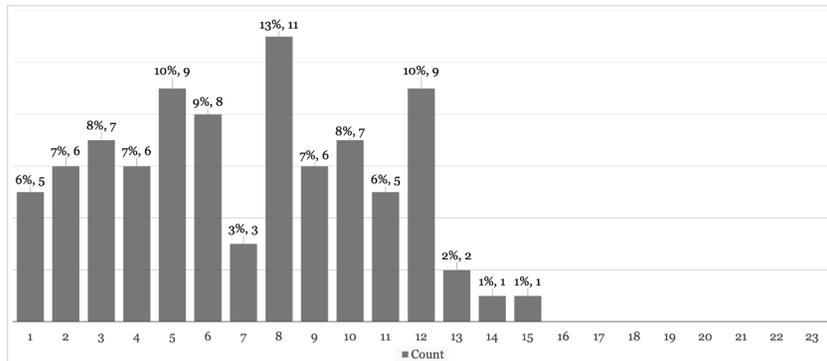
Lalamove (無日期), <【重要通知】月費價格調整>。取自 [https://www.lalamove.com/zh-hk/zh-hk/drivernews\\_membershipfee](https://www.lalamove.com/zh-hk/zh-hk/drivernews_membershipfee)

Zeek (2020年3月16日), <【貨Van司機招募】>。取自 <https://www.facebook.com/ZeekPartnerHK/posts/218865926165281/>;

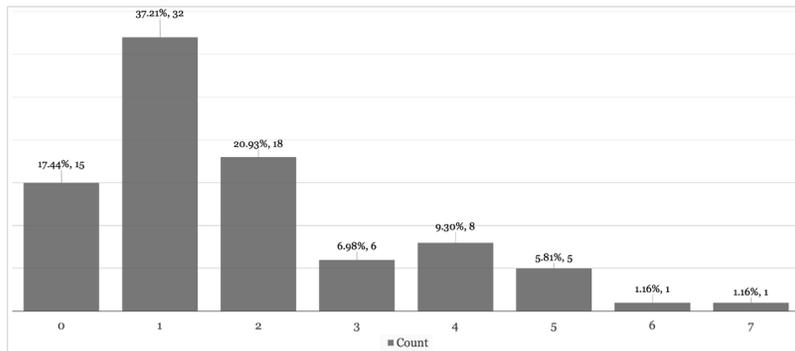
香港經濟日報 (2020年5月23日), <【疫市掙扎】女步兵教路 登記「雙工種」報酬更多。取自 <https://inews.hket.com/article/2647226/%E3%80%90%E7%96%AB%E5%B8%82%E6%8E%99%E6%89%8E%E3%80%91%E5%A5%B3%E6%AD%A5%E5%85%B5%E6%95%99%E8%B7%AF%E3%80%80%E7%99%BB%E8%A8%98%E3%80%8C%E9%9B%99%E5%B7%A5%E7%A8%AE%E3%80%8D%E5%A0%B1%E9%85%AC%E6%9B%B4%E5%A4%9A>

Call4Van (2020年11月30日), <為甚麼我們收費比較高?>。取自 <https://help.call4van.hk/support/solutions/articles/66000375281-%E7%82%BA%E7%94%9A%E9%BA%BC%E6%88%91%E5%80%91%E6%94%B6%E8%B2%BB%E6%AF%94%E8%B-C%83%E9%AB%98->

Over 50% of workers worked for only 1-7 hours per day on platforms, around 20% worked between 9-11 hours, and another 15% worked up to 12-15 hours, showing a wide range of time spent engaging in platform work. The median and mode working hours were 7 and 8 hours, respectively. In contrast, regarding the average number of days of rest in a week, the median and mode were 1 and 2 days, respectively, and 0-2 days comprised a significant 75.5% of all respondents. This reflects that the length of work of these workers, on average, was similar to full-time employment.



Graph 3.1.4 Average working hours of surveyed goods delivery platform workers



Graph 3.1.5 Average day(s) of rest of surveyed goods delivery platform workers

### 3.1.8. High hidden costs

Platforms have offloaded the high cost of vehicle purchase and maintenance to drivers. Based on the estimation of an experienced van driver interviewee and our research, the cost of maintaining a van for work can be summarised below. Excluding the one-off purchase of the van, operating a vehicle entails a cost of over HKD 200,000 per year. This puts van drivers under pressure to accept as many orders as possible, further contributing to the unhealthy cycle of the race-to-the-bottom in order fees, as companies try to undercut one another’s prices by reducing labour costs. A similar logic applies to owners of motorcycles and trucks.

Item	Price (HKD)
Van	280,000-450,000*
Van depreciation	20,000/year
License Fee	40,000/year
Vehicle Insurance	
Vehicle Examination	
Parking	60,000/year
Fuel	90,000/year
Penalty ticket	7,500/year

Table 3.1.11 Estimated costs of maintaining a van for goods delivery work<sup>[23]</sup>

\*Service life of commercial diesel vehicles first registered on or after 1 February 2014 is limited to 15 years

[23] Source: Workers’ interviews and corroborations from various sources

### 3.1.9 Below minimum wage pay

Walkers reported earning below minimum wage pay after deducting the cost of public transport when delivering long-distance orders. They lamented that the pay level is often very low and not enough to make a living:

‘Pay is bad, compared to minimum wage. If you don’t do double orders on the same trip, it’s just like how it was marketed – a job for students or office workers to make petty cash. The minimum price starts at HKD 40, which is ridiculous... Once there’s an order for HKD 70, Lai Chi Kok to Aberdeen! (Interviewer: if you divide wage minus travel fees by the hour, the hourly rate is below minimum wage?) Yes.’ (Mr. B)

‘So far in the last month or so, when pay is good, I get HKD 200-300 per day; when it’s bad, I get a hundred or so a day...usually, I start at 9 AM, mostly taking COVID Specimen Collection Packs in the morning, working till 6 PM... I don’t work incessantly through all 9 hours, though... but no, a goods delivery walker cannot (make a living).’ (Ms. C)

### 3.1.10 Monopolisation in the sector

Company C and D are the duopolists in the sector, dwarfing new entrants in size and profit. Mr. S lamented that the duopolists pushed the prices in the industry to unacceptably low levels, creating a vicious cycle of competition for market share and driving out more humane platforms:

‘Such a platform (Company G) really helps drivers. They are not doing this for the money – they can really help us. The difference is huge, I get only HKD 80 for a Company C order of HKD 100 [after deducting costs], but on the other platform, all is mine after completing the first three orders.’

#### Care work

### 3.1.11 Pay mechanism

Differing from platform food and goods delivery, the landscape of the care platform economy is not dominated by one or two platforms. Instead, it comprises a range of ‘intermediary agents’ commonly known to care workers. Generally, workers must register on the platforms, pay for the registration fees, and wait for the distribution of work tasks via WhatsApp.

The standard rate is typically based on the stratified job nature based on workers’ qualifications and paid at piece rates, regardless of workers’ level of experience, unless a worker has reached a fixed-term agreement with the clients endorsed by the platforms. Therefore, there is a relatively straightforward pay ranking determined by the types and length of services. On average, hourly pay is lower for orders with longer hours.

Health Care Assistant / Health Worker (HCA / HW)  
(Hospitals, homes for the aged, and clinics’ substitute workers)

Working hours	12	11	10	9	8	7	6	5	4	3	2	B.V.*
Service fee	1110	1020	930	860	810	710	630	550	480	370	340	100

Health Care Assistant / Health Worker (HCA / HW)  
(Private nursing service)

Working hours	12	11	10	9	8	7	6	5	4	3	2	B.V.*
Service fee	970	890	850	780	710	660	610	530	440	350	320	100

Personal Care Worker (PCW)  
(Hospitals, homes for the aged, and clinics’ substitute workers)

Working hours	12	11	10	9	8	7	6	5	4	3	2	B.V.*
Service fee	1000	940	890	940	780	680	560	490	420	340	290	100

Personal Care Worker (PCW)  
(Private nursing service)

Working hours	12	11	10	9	8	7	6	5	4	3	2	B.V.*
Service fee	820	760	710	670	630	570	520	440	380	320	280	100

Note: B.V.\* refers to a short visit

Table 3.1.12 Independent contractor service fee reference list from a care work platform (extracts)<sup>[24]</sup>

[24] Source: Interviewed worker

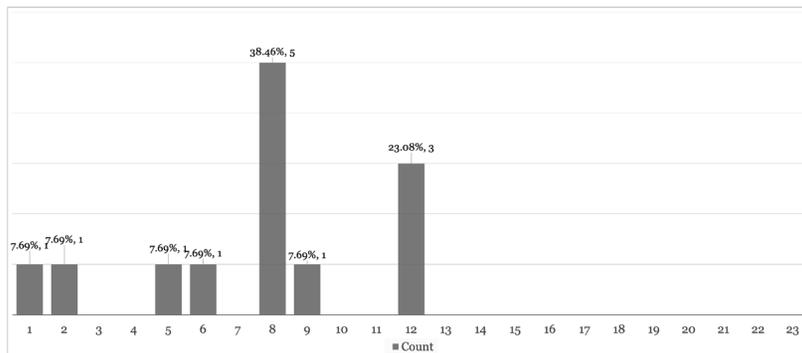
It is suggested that the average pay of care platforms could be higher than other manual sectors, e.g., cleaning and catering services. The average pay of a platform Personal Care Worker (PCW) is between HKD 700-800 per day for 8 hours (about HKD 20,000 for 26 working days), which is lower than an experienced PCW employed by the NGO care homes that follow the government-referenced point system in their pay scale.

Apart from the basic remuneration, some platforms offer transport subsidies and supermarket coupons (e.g., Active Global) to supplement the wage. Additionally, several platforms pay 150% or double pay during typhoon signal no.8 and festival public holidays, e.g., Mid-autumn festival. Sometimes extra allowance is given for unpopular working hours, for instance, after 10 PM.

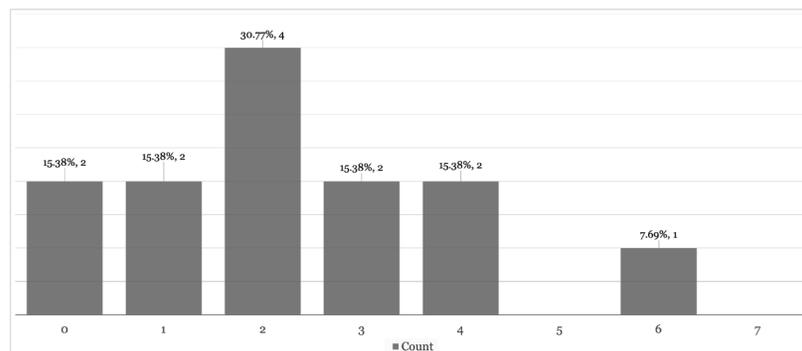
'I could see on the income statement that the agent offered me some transport allowance and the HKD 100 supermarket coupon from time to time... Basically, they have clearly listed out the different rates of hourly pay with a standard.' (C1)

Care Work		
Average monthly income from working for platforms (HKD)	<=5,000	23.1% (3)
	5,001 - 10,000	7.7% (1)
	10,001 - 15,000	30.8% (4)
	15,001 - 20,000	23.1% (3)
	20,001 - 25,000	7.7% (1)
	25,001 - 30,000	7.7% (1)
	30,001 - 40,000	-
	40,001 - 50,000	-
	>50,000	-

Table 3.1.13 Average monthly income of surveyed care platform workers



Graph 3.1.6 Average working hours of surveyed care platform workers



Graph 3.1.7 Average day(s) of rest of surveyed care platform workers

### 3.1.12 Pay rise and competition

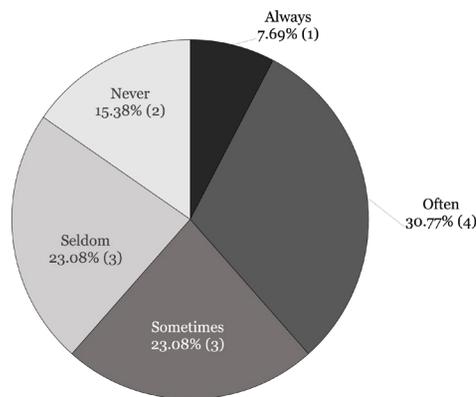
Some workers complained that the frequency and timing of pay rises are uncertain, as there is no standardised or regular reference point on pay scales for the raise. The main point is that workers have no choice but to adopt a more individualised approach to bargaining with platforms. The overall labour market condition would also impact the pay as tight labour supply, or over-demand boosts the pressure for a pay rise. Moreover, the annual minimum wage increment arguably generates upward pressure on wages. Against the growing demand for community-based care and the shortage of care workers, there is no sign of a pay cut in the coming years, but the increment scale would still be limited. It is because both the bidding mechanism for care homes' outsourced fill-in work and the competition between platforms are driven by the logic of cost-containment, leading to the tendency of 'race-to-the-bottom'.

'My wages at this agency may be the lowest due to the large share of bonus [by the company]. Yet I don't have a choice as I am afraid of demanding a raise, resulting in them not assigning jobs to me anymore...Given that the government increases the subsidies in this sector, they [the subsidies] would be 'eaten' by the homes or agents.' (C11)

'I sometimes receive other platforms' pay information about the rates and adjustments. I usually forward such information to my agency and help them "understand" the market conditions.' (C12)

'Like the rise of minimum wage, the platform's payment is somewhat pressurised by inflation. As the minimum wage has been frozen for two years, the platforms are not pushed to raise the pay. It depends!' (C3)

'It is difficult for both the homes and agencies to recruit enough workers. Sometimes they have to compete for workers based on the pay and jobs. Workers, in this sense, are quite mobile and sensitive to the platforms' pay. Many of my colleagues have registered for many platforms to achieve better incomes.' (C9)



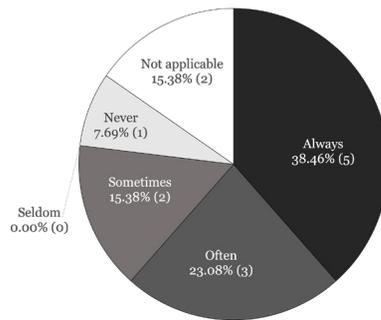
Graph 3.1.8 Incidents of service fee adjustment experienced by surveyed care platform workers

### 3.1.13 Pay information across platforms

As some workers suggested, acquiring pay information across platforms is critical to understanding platforms and care work. Respondents informed that Company H is the platform with the highest pay compared to others. The implication is that the more pay information across platforms they could access, the greater confidence they could gain in the bargaining process.

‘Although I have no idea about digital stuff, I have met many workers from various platforms. I always ask them about their platforms and pay, or even get their phone number and keep in touch with them. Eventually, I was able expand my knowledge about different platforms.’ (C4)

Although some workers may be familiar with platforms’ pay, it is common for them not to know the commission sharing on each service job. Hence, workers are not well-informed about platforms’ revenue, undermining workers’ ability to challenge platforms’ decisions on payment by comparing the costs of platforms’ matching.



Graph 3.1.9 Incidents of unclear commission percentages experienced by surveyed care platform workers

### 3.1.14 Section Summary

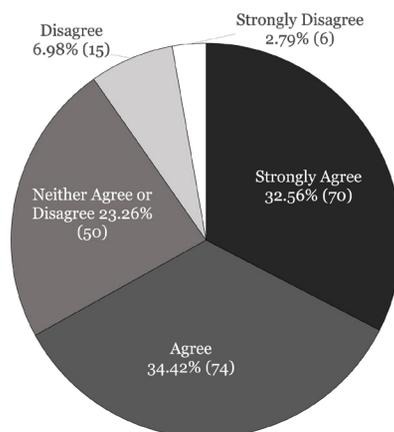
Most of the surveyed and interviewed workers’ monthly earnings from their platform work clustered around below HKD 5,000-20,000. The three sectors demonstrate widely different payment calculation mechanisms and patterns. Food delivery workers experienced rapidly declining pay and longer working hours due to their low bargaining power relative to the duopolists. Goods delivery workers often rely on more than one source of income but still suffer from high commission fees charged by leading platforms that exhibit monopolising tendencies. In these two sectors, some workers are constantly underemployed and earn below minimum wage, especially those receiving few orders per hour. Care workers have a more standardised payment structure stratified along the skill requirements of roles and have relatively high bargaining power due to the high demand for their service.

## 3.2 Conditions

### Food delivery

#### 3.2.1 Conditional flexibility

When asked if they could choose their working hours freely, 67% of surveyed food delivery workers agreed or strongly agreed with the statement. Our interview data supported this – workers often said they could take a few hours in the middle of the day to be interviewed, which showed their relative freedom to determine their own schedule.



Graph 3.2.1 Extent to which surveyed food delivery workers agree they can choose their working hours freely

Primary income earners from ethnic minority backgrounds we interviewed appreciated the additional time they have to share in family duties like picking up their children from school and bringing them to the doctor. The job is also less demanding than hard manual labour like construction work. Multiple income earners we interviewed liked the freedom from undesirable features they found in their previous service sector jobs – direct supervision, rigid schedules, overtime work, and fixed working location. A few workers enjoyed walking or cycling around the city.

However, 23.3% of food delivery workers surveyed neither agreed nor disagreed with the statement that they can choose their hours freely, and 9.8% disagreed or strongly disagreed. This reflects the conditional nature of flexibility.

As Mr. A recounted, workers enjoy full freedoms only on formal terms, and the incentive system drove a wedge between primary and multiple income earners' attitudes toward the supposed flexibility they enjoy:

'I think the so-called flexibility, for instance, in the case of Company B, is interesting. Their control over us is like the saying, "you can't press the head of a bull down and force it to drink." You can quit, reject orders, go offline all you like... But after this, your batch will drop to a very low level, and you can only pick leftover shifts. This is a choice. If you want to work for a long time, you have to surrender. You can't pick orders; you need to accept all the orders.'

#### 3.2.2 High risk of accidents

From January to June 2021, 196 traffic accidents involving food delivery motorcyclists and cyclists occurred, with 96% of cases involving motorcyclists and 32 people seriously injured.<sup>[25]</sup> The Transport Department showed that traffic accidents involving motorcycles and bicycles increased by 30% in 2020,<sup>[26]</sup> a year in which 10 widely reported accidents involving food delivery workers, of which 4 were critical, occurred.<sup>[27]</sup>

At the same time, our survey reflected that 28.8% of food delivery workers – more than 1 in 4 – claimed that they had been in an accident during work or when they were commuting to work. These alarming figures illustrate the dangers of a business model that systematically encourages workers to become reckless road users, who are incentivised by the piece-rate nature of the job and aversion to pay cuts or account suspensions to take any shortcuts that reduce delivery time. The

[25] 政府資訊中心 (2021年9月8日), 〈立法會十八題: 食物外送網上平台的速遞員〉。取自 <https://www.info.gov.hk/gia/general/202109/08/P2021090800331p.htm>

[26] 昆士蘭保險 (無日期), 〈外賣速遞行業的汽車保險保障範圍〉。取自 <https://www.qbe.com/hk/zh-hk/newsroom/useful-articles/motor-insurance-coverage-for-food>

[27] 香港01 (2020年12月29日), 〈2020回顧|逾10宗外賣員意外受傷 水泉澳郵被撞鐵騎士未恢復記憶〉。取自 <http://hko1.com/%E7%AA%81%E7%99%BC/564764/2020>

social cost of commercialised speedy delivery is externalised to all road users and the government who picks up the bill for injured persons.

	Numbers of Traffic Accidents involving motorcycle and bicycle related to food delivery between January and June 2021			
	Motorcycle (percentage over the total number of traffic accidents in Hong Kong during the same period)		Bicycle (percentage over the total number of traffic accidents in Hong Kong during the same period)	
	Number of cases	Number of casualties (Note 1)	Number of cases	Number of casualties (Note 1)
Fatal	0 (-)	0 (-)	0 (-)	0 (-)
Serious	24 (0.3%)	24 (0.2%)	8 (0.1%)	8 (0.08%)
Slight	164 (2%)	164 (1.6%)	Not available	

Table 3.2.1 Number of traffic accidents involving motorcycles and bicycles related to food delivery from January to June 2021<sup>[28]</sup>

		Yes	No
Worker had been in an accident during work or when they were commuting to work	Food Delivery	22.8% (62)	71.2% (153)
	Goods Delivery	31.4% (27)	68.6% (59)
	Care Work	30.8% (4)	69.2% (9)

Table 3.2.2 All surveyed workers' responses to whether they had been in an accident during work or when they were commuting to work

Some walkers and cyclists face not only the risk of accidents but also legal risks. More than one interviewee informed us that many delivery workers drive electric scooters and electric bicycles without regard for their safety to speed up, often violating traffic rules.<sup>[29]</sup> Multiple arrests involving delivery workers were made public in 2021,<sup>[30]</sup> but this did not deter many workers from taking the risk to earn a few more cents per trip.

Among all types of food delivery workers, motorcyclists are most often found in fatal accidents – at least 2 accidents occurred in 2021.<sup>[31]</sup> Mr. Z, an ethnic minority motorcyclist, knew quite a few fellow workers who were injured or died in accidents and constantly feared for his life:

‘Whenever I go out from my home, I can just feel that I don’t know if I will come back or not. And I can see lots of accidents. I can see a lot of accidents... my friends, many die. Many have crashed. But I pray and go. We cannot say what will happen next...’

Mr. Z also mentioned that Company B bombarded them with reminders concerning delivery delays, causing delivery drivers to rush their orders.

[28] Source: 政府資訊中心 (2021年9月8日), 〈立法會十八題: 食物外送網上平台的速遞員〉。取自 <https://www.info.gov.hk/gia/general/202109/08/P2021090800331p.htm>

[29] Community Legal Information Centre (n.d.) *Road Safety: Common Traffic Offences*. Available at: [https://clic.org.hk/en/topics/common\\_Traffic\\_Offences/all](https://clic.org.hk/en/topics/common_Traffic_Offences/all) (Accessed: 12 May 2022).

[30] 香港01 (2021年6月22日), 〈外賣員駕駛非法電動車送餐 與另4男涉4罪被捕〉。取自 <https://www.hk01.com/sns/article/641343>

am730 (2021年9月18日), 〈四旬婦駕駛電動車被捕 疑為外賣平台送遞員〉。取自 <https://www.am730.com.hk/%E6%9C%AC%E5%9C%Bo/%E5%9B%9B%E6%97%AC%E5%A9%A6%E0%A7%95%E0%A7%9B%E0%9B%BB%E5%8B%95%E8%BB%8A%E8%A2%AB%E6%8D%95-%E7%96%91%E7%82%BA%E5%A4%96%E8%B3%A3%E5%B9%B3%E5%8F%Bo%E9%80%81%E9%81%9E%E5%93%A1/287909>

東方日報網 (2021年12月11日), 〈送外賣男子駕電動車遇查 涉4宗罪被捕〉。取自 [https://hk.on.cc/hk/bkn/cnt/news/20211211/bkn-20211211012952160-1211\\_00822\\_001.html](https://hk.on.cc/hk/bkn/cnt/news/20211211/bkn-20211211012952160-1211_00822_001.html)

[31] *South China Morning Post* (21 February 2021) ‘Delivery worker killed in early morning truck crash on Hong Kong thoroughfare’. Available at: <https://www.scmp.com/news/hong-kong/society/article/3122556/delivery-worker-killed-early-morning-truck-crash-hong-kong> (Accessed: 12 May 2022).

香港01 (2021年10月1日), 〈中環灣仔繞道外賣電單車「自炒」 鐵騎士重創送院後不治〉。取自 <https://www.hk01.com/sns/article/683475>

### 3.2.3 Lack of information on insurance

Before examining the insurance coverage provided by platforms and workers' frustrations with it, it is essential to learn how much workers know about the protections they are entitled to. Our survey reflects that a significant part of the workforce is uninformed or unsure. Only 42.8% of food delivery workers surveyed correctly identified that the platforms they work for provide insurance. 27% erroneously assumed there was no insurance provision, and 30.2% said they had no idea.

Some interviewees expressed that since they had never gotten into an accident, they had no active interest in learning about insurance coverage. This reflects a severe information gap between the company and workers and negligence on the part of the company to ensure workers' awareness of their rights.

		Yes	No	Unknown
Workers are aware that the platforms they work for provide insurance for them	Food Delivery	42.8% (92)	27.0% (58)	30.2% (65)
	Goods Delivery	24.4% (21)	48.8% (42)	26.7% (23)
	Care Work	23.1% (3)	61.5% (8)	15.4% (2)

Table 3.2.3 All surveyed workers' responses to whether they are aware that the platforms they work for provide insurance for them

### 3.2.4 Inadequate and inaccessible insurance

The food delivery platforms we investigated all provided general insurance coverage for their workers, as specified in the table below. At the same time, all persons who suffer from traffic accidents are eligible to apply for the non-means-tested Traffic Accident Victims Assistance (TAVA) provided by the Social Welfare Department. An injured platform worker will have to pay back to TAVA any amount they claimed from the company's insurance.

Comparing the insurance provisions by the two companies to TAVA's, we found that the hospitalisation benefits, funeral fees, and death gratuity to family members provided by platforms are similar to that of TAVA's. Yet the effective time of coverage of the insurance is different. In general, workers could not get complete protection from platforms' insurance when injuries they experience sustained to them injury or when the worker is travelling between his place of residence and his place of work. In this case, companies again externalise the cost of caring for injured workers to the government.

Item	Deliveroo* (HKD)	Foodpanda (HKD)	TAVA (HKD)
Burial Grant	15,535	Max 18,000	16,430
Death Grant	349,551	Max 360,000	Max 239,070
Disability Grant	349,551	Max 360,000	Max 202,520
Injury Grant	77,675	Max 78,000	Max 65,460 up to 180 days
Interim Maintenance Grant	Max 3,883/week, up to 182 days (Max 100,958)	Max 3,900/week, up to 180 days (Max 19,500)	Max 84,360, up to 180 days
Effective time of coverage	The online time of the worker and up to 1 hour after offline	The online time of the worker only	Traffic accident victim

Table 3.2.4 Comparing insurance provisions by Foodpanda, Deliveroo, and TAVA<sup>[32]</sup>

\*The amount of the compensation was provided in US dollars. To make a comparison between Deliveroo with foodpanda and TAVA, we exchanged the USD to HKD. The exchange rate: 1 USD : 7.76 HKD. Source: Riders' Rights Concern Group.

One worker confirmed that food delivery drivers would usually claim TAVA instead of company insurance:

'Usually, when food delivery motorcyclists get into traffic accidents, they would go to claim money from the Social Welfare Department. That's because even though the two largest food delivery platforms claim that they provide insurance, the process of claiming it is extremely difficult to navigate.' (Ms. K)

[32] Foodpanda (n.d.) *Group Accidental Personal Insurance Effective from February 1, 2021* Available at: <https://www.pandarider.hk/insurance> (Accessed: 25 Aug 2021).

戶戶送 (無日期), 〈戶戶送送餐專員專享保障: 1. 個人意外及薪金保障 2. 公眾責任保障 保單詳情〉 [PDF 小冊子]. UberEats, *Delivery people insurance*, <https://www.uber.com/hk/en/deliver/insurance/>. 社會福利署, 〈交通意外傷亡援助計劃發放細則〉, 取自 [https://www.swd.gov.hk/tc/index/site\\_pubsvc/page\\_socsecu/sub\\_trafficacc/](https://www.swd.gov.hk/tc/index/site_pubsvc/page_socsecu/sub_trafficacc/)

Many interviewed ethnic minority motorcyclists had had one or more accidents at work. Mr. I, a Pakistani motorcyclist and the sole breadwinner for a family of four, revealed that he was hospitalised for an accident while commuting to work in 2020. It left him unable to walk for two months. An NGO helped him to apply for HKD 2,000 accident insurance from a government office – very likely the TAVA Section. During those two months, he was unable to support his family without borrowing, leading to significant stress:

‘I was not happy with it [the accident]. Because I need to pay for our housing and the kids need to go to school... The men in my family are the breadwinners... I borrowed money from my friends during this difficult time. And the landlord said if I could pay the rent, I could stay; if not, I would have to leave... I need to support my family. Renting a private house is so expensive. If I get into an accident, how can I support my family?’

The few local interviewees aware of company-provided insurance were sceptical of the company’s sincerity in caring for injured workers. Mr. H, a local walker, heard that workers were required to report an accident within a certain number of hours, which would have been impossible for those suffering from injuries that rendered them unconscious for hours. This harsh and unreasonable condition led him to believe that companies consistently seek to evade responsibilities to workers.

### 3.2.4 Lack of paid sick leave

As shown in Mr. I’s story, injured workers deprived of the ability to work do not enjoy paid sick leave and have to spend their savings to stay afloat. This is because self-employed workers do not enjoy this statutory benefit reserved for employees on continuous employment contracts for at least 18 hours a week in 4 consecutive weeks under the Employment Ordinance.

Workers suffering from sickness from other causes also found themselves in the same position of stress and deprivation due to the lack of paid sick leave. Mr. Z was diagnosed with depression since his small trade business was shut down under the COVID-induced recession. He still experienced a host of medical issues. Recently, he had to undergo surgery and suffered through a one-month recovery period during which he received no pay. He could not wait to start working again to support his family.

## Goods Delivery

### 3.2.5 Greater flexibility and casualisation than food delivery

Nearly 83.8% of survey respondents who worked in the goods delivery sector agreed (32.6%) or strongly agreed (51.2%) that they can choose their working hours freely. This shows that goods delivery workers generally experience more flexibility than food delivery workers. This is in line with our expectations, as goods delivery workers – especially those owning a van or truck – depend less on platforms as the sole means to gain clients.

From our interviews, walkers for goods delivery platforms seem to be significantly more casualised than those in food delivery, working very short shifts for a few days per week, as the low pay makes it impossible for them to earn a decent living. Mr. B, a local walker, explained:

‘If you are a single man with low material desires, just working 10+ days a month, having time to spend on what you like to do, that’s nice...well no, you still can’t pay your rent, I don’t think it’s a decent job... Even Company D’s marketing strategy doesn’t say this job can guarantee you a living... they’d say it’s part-time work for students, or for people off work to make some money on their way home.’

		Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree
Workers can choose their working hours freely	Food Delivery	2.8% (6)	7.0% (15)	23.3% (50)	34.4% (74)	32.6% (70)
	Goods Delivery	2.3% (2)	2.3% (2)	11.6% (10)	32.6% (28)	51.2% (44)
	Care Work	7.7% (1)	15.4% (2)	-	69.2% (9)	7.7% (1)

Table 3.2.5 All surveyed workers’ responses to whether they can choose their working hours freely

### 3.2.6. Lack of adequate insurance

Close to 30% of goods delivery workers responded that they had been in an accident during work or when commuting to

work, similar to the figure in the food delivery sector (see Table 3.2.2). Meanwhile, only 7.4% of goods delivery workers knew that the platform they worked for provided insurance, unlike over 40% in the food delivery sector (see Table 3.2.3). Approximately 60% of goods delivery workers responded that they were unaware of it, and a significant one-third were unsure. This shows that even though the level of accident risk is similar across sectors, the lack of platform-provided insurance is highly prevalent in the goods delivery sector.

Goods delivery workers that own a van, car, or truck are generally accustomed to paying for their own motor vehicle license fee and insurance. However, vehicle insurance only protects workers against liability for third parties and loss or damage to the insured car without safeguarding the workers from costs incurred from accidents. In our interviews, workers seldom considered buying accident insurance and often circled back to issues relating to vehicle insurance, just like local car driver Ms. K:

‘No (protection against occupational injuries), as we are self-employed persons, so we have to buy our own insurance... We can only get vehicle insurance because we are self-employed; we cannot buy commercial insurance.’

As shown in the table below, based on publicly available information, we found that information on workers’ accident insurance and medical benefits coverage is lacking or vague on most platforms except Lalamove. For Lalamove, the amount of hospitalisation benefits is still limited and strictly capped for just over 2 weeks. This shows much room for improvement in accident insurance provisions for workers in this industry.

	GogoX	Lalamove	Pickupp	Zeek	Call4Van
Accidental Death & Permanent Total or Partial Disablement	Nil	\$200,000	Nil	Nil	Nil
Accidental Medical Expenses		\$35,000			
Chinese Physician Medical Expenses		\$1,000 (\$100 per visit per day)			Included
Physical Therapist Medical Expenses		Nil			Included
Hospitalisation benefits		\$100 per day (capped at 15 days)			Nil
Funeral Expenses		\$20,000			
Dependent Child Education Supplement		\$10,000			
Other medical benefits		Nil	Free medical benefits (In collaboration with Bowtie Go)		

Table 3.2.6 Comparing workers’ accident insurance and medical benefits coverage among five goods delivery platforms<sup>[33]</sup>

### 3.2.7 Lack of paid sick leave or paid holidays

Self-employed goods delivery workers also suffer from a lack of paid sick leave or paid holidays. Mr. S, a local van driver, laments:

‘This is the disadvantage of this job. There’s no money during holidays. Plus, I have kids, which means I get not just zero income but a negative balance during holidays... Same for sick leave. These are disadvantages, just take me as a self-employed person who can’t enjoy these benefits.’

### 3.2.8 Rude and unfair behaviour from customers

A significant 67.5% of goods delivery workers said that they had always, often, or sometimes been treated rudely by customers. Among them, 18.6% of workers said they had always experienced such situations. This shows that the problem of impolite customer behaviour plagues the industry.

According to our interviewees, there are three common types of unfair customer behaviour. Firstly, the weight and size

[33] Lalamove (無日期), 〈我們為你提供意外保障〉。取自 <https://www.lalamove.com/chubb-driver-insurance-zh>

Chubb Insurance Hong Kong Limited (2016) *Group personal accident insurance*. Available at:

[https://www.lalamove.com/hubfs/Insurance/Lalamove%20-%20leaflet\\_Revised\(20190803\).docx.pdf](https://www.lalamove.com/hubfs/Insurance/Lalamove%20-%20leaflet_Revised(20190803).docx.pdf) (Accessed 12 May 2022).

Pickupp (無日期), 〈Pickupp Hero, 好耐無見! 立即登記 領取你的3重獎賞〉。取自 <https://hk.pickupp.io/zh/pickupp-hero-reactivation-2020>

Call4Van 客貨車 (2022年2月5日), 〈關於《IT狗》與CALL4VAN嘅二三事〉。取自 <https://www.taxicabmeta.com/XX/Unknown/244476908973882/CALL4VAN-%E5%AE%A2%E8%B2%A8%E8%BB%8A>

of goods delivered are often underreported, leading to a lower order fee. Ms. C, a Company E walker, said that this often happened to her, and she could not reject the order at that stage, effectively being forced to take on an unfair order. Secondly, some customers try to evade additional moving fees and persuade van drivers to help them move their goods for free.

		Never	Seldom	Sometimes	Often	Always	Not applicable
Customers had treated them rudely before	Food Delivery	7.9% (17)	27.4% (59)	32.1% (69)	20.9% (45)	10.7% (23)	32.6% (2)
	Goods Delivery	2.3% (2)	30.9% (26)	25.6% (22)	23.3% (20)	18.6% (16)	-
	Care Work	2.31% (3)	23.1% (3)	46.2% (6)	7.7% (1)	-	-

Table 3.2.7 All surveyed workers' responses to whether customers had treated them rudely before

Thirdly, there are scams involving customer “ghosting”, causing workers to lose their delivery fee or the price of goods they first paid on behalf of customers. Ms. C was a victim of such a scam – she had to bring the case against the shop to the Small Claims Tribunal herself. Workers relied on mutual help from social media groups to identify suspicious customers, as platforms positioned themselves as neutral intermediary and did not offer concrete support.

### 3.2.9 No free provision of equipment

Over half (53.5%) of all goods delivery workers surveyed disagreed or strongly disagreed that the platform they worked for provided free equipment for work, meaning that they had to take up the additional costs of procuring such items. Sometimes platforms also sell these goods to workers for profit. Mr. B recounted:

‘We need to prepare them (trolleys and thermal bags) ourselves or buy them through Company D... I bought only the thermal bag from them and prepared the trolley on my own.’

Once again, Company D workers were given monetary incentives to buy logoed items with advertising value for the platform. It required workers to take a standardised photo of them using their logoed thermal bags each month to be eligible for priority orders.

		Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree
Platform provide free equipment for work	Food Delivery	28.4% (61)	25.6% (55)	20.0% (43)	18.1% (39)	7.9% (17)
	Goods Delivery	31.4% (27)	22.1% (19)	30.2% (26)	12.8% (11)	3.5% (3)
	Care Work	15.4% (2)	15.4% (2)	23.1% (3)	30.8% (4)	15.4% (2)

Table 3.2.8 All surveyed workers' responses to whether the platform they work for provides free equipment for work

### Care work

#### 3.2.10 Occupational risks and protection

Due to self-employment status (see below), care platform workers are not entitled to benefits and protection according to the Employment Ordinance. More importantly, care work is highly labour intensive and depends on bodily strength with repeated positions. As a result, accidents and occupational injuries frequently happen at the workplace.

‘Care work is fraught with unexpected risks, e.g. sprains and fractures. Actually, labour protection is important for us as I have been stumbled by the wheelchair. Also, it is easy to be hurt during the lifting and transfer. Once I was lifting an elderly man, and his legs suddenly lost strength. I had no choice for him to fall but needed to hold him forcibly, leading to a serious sprain...New workers tend to face higher risks because of the lack of experience.’ (C12)

‘As self-employed workers, it is our own business if we sprain our ankle. The platforms make it clear that we need to purchase private insurance to prepare for accidents, e.g. slipping on the wet road when travelling to the customer’s home.’ (C1)

‘One platform informed me that they had purchased insurance for us. However, once my back was injured when I was changing the nappies of an old lady as she struggled a lot. Consequently, I had to report to the platform about the injury and apply for leave. They told me they could do nothing to help me, and the only thing I could do was stop working without any compensation or income.’ (C6)

Some workers were dissatisfied with their exclusion from the labour protection and insurance scheme. Many suggested that self-employed workers should at least have some protection based on their working hours, not to mention whether their work entails dependent self-employment or not.

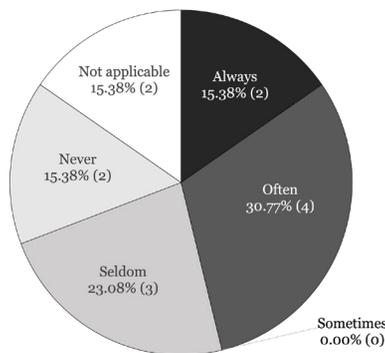
‘I think it is essential for us and all workers. We have made an effort to work. The protection should not be only based on 18 hours (continuous contract of employment) and the so-called employment status, representing a gap exploited by employers. The government should also let ‘agency’ workers be entitled to labour protections as we are also working, regardless of our position.’ (C2)

### 3.2.11 Working hours arrangement

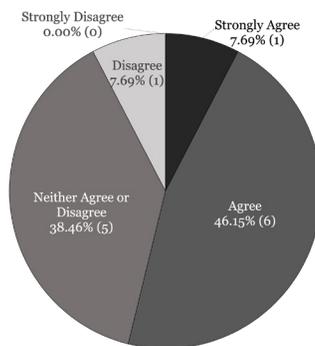
It depends on the client’s required service and the workers’ willingness. The minimum working hours per order would be an hour, and usually, the longest period of time taken by an order would be about 12 hours.

### 3.2.12 Equipment support

Platforms would not provide any equipment for the workers. Some clients, especially in elderly homes, would offer some equipment for workers to perform the care work, while some platforms would require the workers to buy and wear uniforms showing the brand names of the platforms.



Graph 3.2.2 Surveyed care workers’ responses to whether care homes had treated them rudely before



Graph 3.2.3 Surveyed care workers’ responses to whether the platform has made the use of their equipment mandatory

### 3.2.13 Section Summary

Platform workers from the three sectors, in general, enjoyed the flexibility of their job. Still, this is conditional on the performance monitoring systems that some platforms have in place to maintain de facto control over workers’ schedules. Workers from all three industries suffer from accidents and injuries due to dangerous working conditions. The difficulty of physical, mental, and financial recovery is exacerbated by the lack of adequate insurance and the absence of sick leave. Care workers, in particular, experience unequal treatment compared to employed workers. Also, workers can sometimes get into legal disputes with their employers, owing to their unclear employment status, which enables platforms to externalise certain costs directly onto workers.

# 3.3 Contract

## Food delivery

### 3.3.1 Casualisation: from full employment to self-employment

From openly available information corroborated by interviews, we found that food delivery platforms gradually enforced a transition from traditional employment contracts to contracts with hourly rates between 2014-2016. Between 2018-2020, there was a transition toward purely piece-rate-based self-employment contracts. Subsequently, the platforms began a race-to-the-bottom in workers' order fees.

Foodpanda attracted its fleet when it first entered the Hong Kong market in 2014 with full-time employment contracts. The contracts provided basic labour protections, including a monthly salary, paid sick leave and public holidays, Mandatory Provident Fund (MPF), and employment insurance. On top of that, the company also gave workers the motorcycles they rode during work, fuel subsidies, and meal coupons. Interviewed workers who joined the industry at this stage found the wage and benefits package attractive.

Then came the transition towards hourly-based contracts. Since Deliveroo joined the Hong Kong market in 2015, it only hired a small minority of workers on full-time employment contracts to serve busy areas and introduced the independent contractor system for the rest of the fleet. Their pay was calculated based on a basic hourly rate plus order fees.

Foodpanda followed suit in 2016, incentivising workers to voluntarily transition towards hourly-paid contracts through higher order fees. It is important to note that Foodpanda experimented with many different types of contracts that coexisted over time (Table 3.3.1). Foodpanda also began to sell motorcycles to workers. At the time, the volume of orders was plentiful relative to the unsaturated workforce. Therefore, workers gradually warmed to the new system by adopting the mentality of 'the more you work, the more you earn'.

	Apr & Nov 2016	May & Jul 2017	Oct 2017	Sep 2018	Nov 2018	Oct 2020
Fixed pay per month (HKD)	Yes, 20,000 (company bike) 25,000 (own bike)	Yes, 28,000				
Fixed pay per hour (HKD)	Yes	Yes, 110				
Pay per hour + order bonus (HKD)	Yes		Rider: 75/hr + 15/order Walker: 40/hr + 15/order	Rider: 75/hr + 15/order Walker: 40/hr + 15/order	Rider: 75/hr + 15/order Walker: 40/hr + 15/order	
Order fee only (HKD)						Rider: up to 105 Walker & cyclist: up to 75
Time	Full-time (10 hrs) , or part-time (4-5 hrs, lunch or dinner time)					
Can the company provide bikes?	Yes	Yes			No	No
Benefits	Daily lunch voucher				Company benefits; Life insurance	Personal accident insurance

Table 3.3.1 Types of Foodpanda contracts promoted in its online recruitment advertisements from April 2016 to October 2020<sup>[34]</sup>  
Note: Blank means the information was not specified in the recruitment ad.

[34] Foodpanda (April 2016) *Join the best international food delivery company - foodpanda*. Available at: <https://www.foodpanda.hk/contents/riders>. Archived at <https://archive.org/web/> (Accessed: 25 Aug 2021).  
Foodpanda (November 2016) *Join foodpanda happy Riders!*. Available at: <https://www.foodpanda.hk/contents/riders>. Archived at <https://archive.org/web/> (Accessed: 25 Aug 2021).  
Foodpanda (May 2017), *Ride with foodpanda*. Available at: <https://www.foodpanda.hk/contents/riders>. Archived at <https://archive.org/web/> (Accessed: 25 Aug 2021).  
Foodpanda (2017年7月), 〈成為熊貓車手! 即刻申請〉。取自 <https://www.foodpanda.hk/contents/riders>. 存檔於 <https://archive.org/web/>  
Foodpanda (2017年11月), 〈歡迎加入我地嘅大家庭〉。取自 <https://www.foodpanda.hk/contents/riders>. 存檔於 <https://archive.org/web/>  
Foodpanda (September 2018), *You are one of us*. Retrieved from <https://www.foodpanda.hk/contents/riders>. Archived at <https://archive.org/web/>  
Foodpanda (2018年11月), 〈成為車手〉。取自 <https://www.foodpanda.hk/contents/riders>. 存檔於 <https://archive.org/web/>  
Foodpanda (2020年10月), 〈成為 foodpanda 外送車手〉。取自 <https://www.foodpanda.hk/contents/riders>. 存檔於 <https://archive.org/web/>

The third stage could be known as the state of duopoly and racing to the bottom. From 2020 onwards, both companies had built up a core fleet that relied on the job for their livelihoods, thereby giving platforms the power to phase out the basic hourly rate system. Both firms added new subsidies to ensure that workers' income remained the same in the short term. Workers were not properly consulted before the new policies were launched.

To illustrate the perceived freedom self-employed workers enjoy, Deliveroo allows workers to share their accounts with multiple personnel. Deliveroo also cancelled the shift arrangement so that workers could get online anytime.

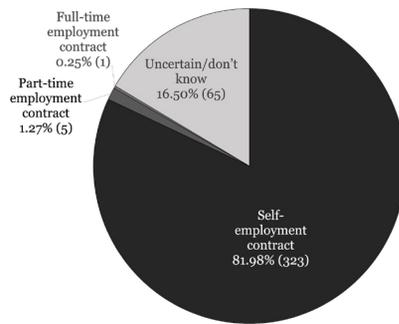
Foodpanda workers were strongly encouraged to transition to the 'Self-employed Fleet Scheme' in 2020, a purely piece rate-based scheme branded to be 'fairer', more 'flexible', 'transparent', and 'performance-driven'. Most importantly, the new system boasted a higher fee per order. Foodpanda intensively lobbied workers to transit by incessant messages and emails.

Only a very small minority of essential workers were retained on hourly contracts. One such worker, Mr. Y, a Pakistani motorcyclist we interviewed in late 2021, worked midnight shifts on multiple platforms for 9-15 hours for an hourly rate. The company also hired a minimal number of 'corporate delivery workers' on employment contracts to serve particularly busy regions during peak hours.<sup>[35]</sup>

### 3.3.2 Prevalence of self-employment & lack of clarity over contract

Among the 215 food delivery workers we surveyed, the average number of companies each respondent worked for was 1.83. This is representative of reality as workers commonly register at more than one company. In our survey results below (Graph 3.3.1), we count each contract signed with a company separately.

In terms of the type of contract signed, the majority – 82.0% – of contracts signed in the food delivery sector were self-employment contracts and only 1.6% were either full-time or part-time employment contracts, confirming the prevalence of self-employment in the platform economy.



Graph 3.3.1 Surveyed food delivery workers' responses to the type of their contract

		Self-employment contract	Part-time employment contract	Full-time employment contract	Uncertain/don't know
What kind of contract did you sign with the platform?	Foodpanda	82.9% (141)	1.2% (2)	0.6% (1)	15.8% (26)
	Deliveroo	84.9% (107)	0.8% (1)	0% (0)	14.3% (18)
	UberEats	85.7% (48)	0% (0)	0% (0)	14.3% (8)

Table 3.3.2 Surveyed food delivery workers' responses to the type of their contract by the company

Among all surveyed platform food delivery workers, 16.5% were uncertain or did not know the nature of their contract. This reflects serious ambiguities and non-transparency in workers' employment status in the industry. Further, over one-fourth (27.4%) disagreed or strongly disagreed that they can read and refer to the contract terms and conditions they signed with the platform anytime, and close to 40% disagreed or strongly disagreed that platform(s) had clearly explained the contract terms and conditions and was willing to respond to their questions.

[35] UnwireHK (2021 年 11 月 3 日) 〈Foodpanda 車手步兵罷工 不滿資方大幅減服務費底價〉。取自 <https://unwire.hk/2021/11/13/foodpanda%e8%bb%8a%e6%89%8b%e6%ad%a5%e5%85%b5%e7%bd%b7%e5%b7%a5-%e4%b8%8d%e6%bb%bf%e8%b3%87%e6%96%b9%e5%a4%a7%e5%b9%85%e6%b8%9b%e6%9c%8d%e5%8b%99%e8%b2%bb%e5%ba%95%e5%83%b9/fun-tech/>

	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree
Workers can read and reference contract terms and conditions signed with platforms anytime (food delivery)	10.7% (23)	16.7% (36)	34.9% (75)	27.9% (60)	9.8% (21)

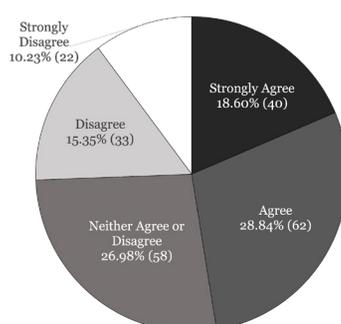
Table 3.3.3 Surveyed food delivery workers' responses to whether they can read and reference contract terms and conditions signed with platforms anytime

	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree
Platform has clearly explained contract terms and conditions, and is willing to respond to relevant questions (food delivery)	17.7% (38)	21.9% (47)	40.0% (86)	16.3% (35)	4.2% (9)

Table 3.3.4 Surveyed food delivery workers' responses to whether the platform has clearly explained contract terms and conditions, and is willing to respond to relevant questions

### 3.3.3 Half of the surveyed workers perceive the job as false self-employment

Nearly half of all food delivery workers surveyed (47.4%) agreed or strongly agreed that there was an actual employment relationship between them and the platform, regardless of the contract they signed. This means that about half of all surveyed food delivery workers – across the industry and within each of the three major platforms – perceived their work as false self-employment.



Graph 3.3.2 Surveyed food delivery workers' responses to whether they think there is actual employment relationship between the platform and them

Mr. A, a walker for Company B who was aware of a recent court case in which the same company in Taiwan was found guilty of false self-employment, strongly believed that in Hong Kong the problem prevailed among primary income earners because they were subject to a high level of control dictated by algorithms, comparable to the nature of formal employment:

'I absolutely agree that [platform] work is false self-employment for so-called full-time workers, as the company forces you in other ways to be obedient; you must go online if you've taken a shift...[to take enough shifts to maintain a living] these workers will force themselves to stay in batch 1 or 2... They have very long working hours, are required to take shifts and follow the instructions of the system, which simply is false self-employment.'

In contrast, Mr. N, another local walker who reported working for all 3 main food delivery platforms, firmly believed that workers like him had the formal and actual right to refuse any single order, and to reasonably accept and manage the consequences through means like opening multiple accounts:

'I won't refuse to admit that [I am a self-employed person]... I can refuse to take any single order... There are consequences; your batch will fall, not immediately but over time if you decline more orders. But these consequences can be controlled by oneself... So, I'm very free.'

From the data shown above, there is a split in workers' perception of whether they are falsely self-employed, depending on how well workers can exercise their right to refuse the controls imposed by platforms' algorithms. Once again, workers

tend to agree that primary income earners are more affected by false self-employment than multiple income earners who can more easily exercise the right to reject orders and quit.

### 3.3.4 Enforcing contract transition by terminating workers' accounts

Initially, platforms encouraged workers to transition to self-employment schemes. When workers refused to do so voluntarily, platforms made use of their unilateral contract-termination power to expel them. First and foremost, this was done by arbitrarily adding minimum working hour requirements and firing workers who did not meet them. Workers interviewed by local media reported having their account terminated after the company raised the minimum weekly working hours to 15 during peak hours.<sup>[36]</sup>

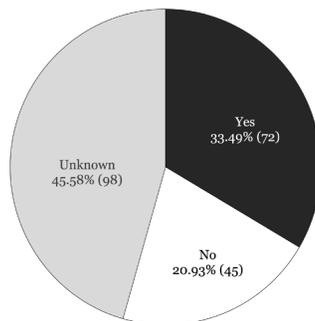
Workers' accounts can also be terminated over small mistakes or certain periods of account inactivity. Mr. V, a Pakistani motorcyclist, stopped working for the firm because his account was suspended after he delayed his payment of cash orders back to the company, which is a common occurrence:

“They said, “we have terminated your contract. If you need [to join], you apply again.” They wanted to terminate the old contracts because they have to pay the fees, like MPF and sick leave...many people [have got their old contracts terminated], and they are forced out. If you make any mistakes, they stop your contract. Then you don't have any choice.’

Mr. Z and Mr. I, two Pakistani motorcyclists interviewed, confirmed this. Both recalled being on employment contracts with hourly pay, sick leave, and medical coverage at Company B. However, after visiting Pakistan for a few months in late 2019 to early 2020 and returning to Hong Kong, both were notified that their accounts were terminated due to a long period of inactivity. They were forced to sign up again as freelancers, losing all protections they were entitled to in their previous contracts.

### 3.3.6 Variation in tax returns filing among platforms

Surveyed workers' responses to whether they were aware that platforms had filed tax returns for them were not uniform. 33.5% replied in the affirmative, 20.9% in the negative and a majority (45.6%) replied that they were unsure. This reflects the lack of clarity over whether tax return filing is regularly conducted by platforms.



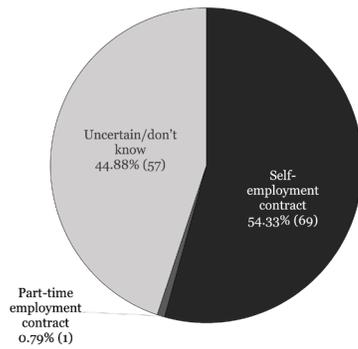
Graph 3.3.3 Surveyed food delivery workers' responses to whether they are aware that platform filed tax return for them  
Goods delivery

### 3.3.7 Prevalence of self-employment & low clarity on contracts

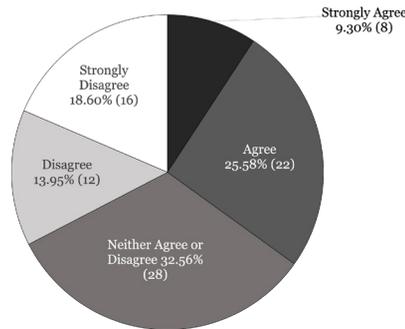
On average, surveyed goods delivery workers worked for 1.47 platforms, showing that multi-platforming is common in the sector. A majority of 54.3% contracts signed in the industry were reported to be self-employment, and only 0.8% were reported as part-time employment contracts. Meanwhile, 45% of workers did not know or were uncertain of the type of contract signed. This shows that there is a significant lack of clarity regarding employment status among workers.

Meanwhile, around one-third (32.6%) of workers disagreed or strongly disagreed that they could read and refer to the contract terms and conditions they signed with the platform anytime, and a large majority of 40.7% disagreed or strongly disagreed that the platform had clearly explained the contract terms and conditions and showed a willingness to respond to their questions. This points to an important concern that companies have demonstrated an inadequate level of transparency on crucial information involving workers' contractual rights and responsibilities.

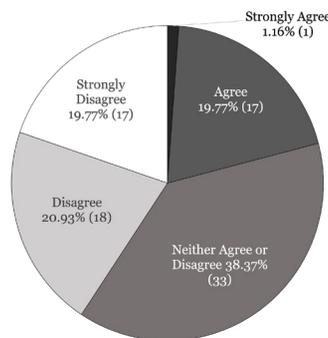
[36] 大學線 (2022年1月9日), 〈外賣員罷工落幕 待遇仍需改善〉。取自 [https://ubeat.com.cuhk.edu.hk/157\\_foodpanda/](https://ubeat.com.cuhk.edu.hk/157_foodpanda/)



Graph 3.3.4 Surveyed goods delivery workers' responses to their type of contract



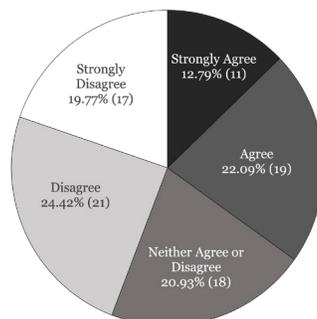
Graph 3.3.5 Surveyed goods delivery workers' responses to whether they can read and reference contract terms and conditions anytime



Graph 3.3.6 Surveyed goods delivery workers' responses to whether platform has clearly explained contract terms and conditions, and is willing to respond to relevant questions

### 3.3.8 Relatively lower level of perceived false self-employment

Above one-third of workers in the sector (34.9%) agreed or strongly agreed that there was an actual employment relationship between the platform they worked for, regardless of the actual contract they signed. This figure is decisively lower than in the food delivery industry (nearly 50%), but still shows that there is a general concern for possible false self-employment in the sector.



Graph 3.3.7 Surveyed goods delivery workers' responses to whether they think there is actual employment relationship between platform and them

From our qualitative data and observation, we can see that the sector is more akin to the pre-existing model of self-employment among taxi drivers, coordinated loosely and manually by traditional taxi call stations. All platforms adopt some variation of a first-come-first-served order system, allowing workers to select their orders. Compared to the common

practice of directly assigning orders to individual workers by food delivery platforms, this system confers more control over working time and location to workers.

This is supported by our survey evidence. 22.1% of goods delivery workers agreed or strongly agreed that platforms had the right to assign them orders that they cannot refuse. While the figure is non-negligible, it is not nearly as prevalent as the 40.0% figure for food delivery workers.

		Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree
Platform has the right to assign them orders they cannot refuse	Food Delivery	14.0% (30)	23.3% (48)	23.7% (51)	25.1% (54)	14.9% (32)
	Goods Delivery	26.7% (23)	31.4% (27)	19.8% (17)	17.4% (15)	4.7% (4)

Table 3.3.5 Surveyed food and goods delivery workers’ responses to whether the platform has the right to assign them orders they cannot refuse

Interviewees also thought that they were more like self-employed persons than food delivery workers, because there is typically no shift-taking, and they can often secure payment directly from customers:

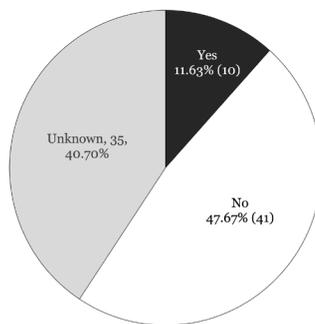
‘Company B (in food delivery) definitely has an employment relationship with its workers...Company D (in goods delivery) feels more like self-employment, it doesn’t require you to take shifts.’ (Mr. W)

‘There’s another difference: the customer directly pays you, but in food delivery, they pay you after you complete the order...90% of the orders are cash; even when it’s through PayMe, it’s directly to me...I stopped working as a food delivery worker because wage arrears made me frustrated...the occasional bonus system is very complicated to me, and I even had to wait for a month before I received my pay.’ (Mr. S)

Mr. S also considered his work a ‘business’ to be managed carefully and contrasted it with a stable employment in terms of risks involved. This attitude is especially common among van and truck drivers who often took debts to purchase their vehicles as a form of asset and essential tool for work.

### 3.3.9 Variation in tax returns filing among platforms

Overall, only 11.6% of workers surveyed were aware that the platform(s) they worked for had filed tax returns for them, while close to 50% responded in the negative, and another 40.7% were unsure. This showed that there is a lack of transparency in platforms’ practice of filing tax returns for workers, and there may be some variation in the practice.



Graph 3.3.8 Surveyed goods delivery workers’ responses to whether they are aware that the platform filed a tax return for them

## Care work

### 3.3.10 Contract arrangement and employment status

Overall, care workers are told by the platforms that there are no employment relations involved and they are self-employed workers, regardless of the apparent characteristics of formal employment relations. Some interviewees had signed agreements with platforms about the ‘collaboration’, including the platforms’ role, restrictions on work, and service fees. According to them, this could lead to some uncertainties during labour disputes subject to the court’s decision on platform-worker relations. Not only the platforms; elderly homes could also enjoy the power to assign work and manage workers’ performance.

‘My agency did not pay me a salary but only service fees to signal the absence of employment relations. However, I filed the case to the Labour Tribunal and they eventually compensated me with

HKD 30,000 as a collective settlement, because I have shown that the agency held the power to allocate jobs for me. The government should keep its eyes on these cases to monitor them as the agencies are exploiting loopholes.’ (C3)

‘I have a strong feeling that my status is false self-employment. I have worked for the same elderly home for 9 years, with 2 agencies. The social worker from the elderly home wanted to keep me and asked me to change the agency so that I could continue working at that home.’ (C12)

‘No protection at all! On the surface, we are self-employed workers. Yet, we are hired by them and work for the agencies and homes. The current arrangements relax their responsibilities from offering our protection. On the one hand, working for the care platforms is seemingly a choice and we could quit the job if we are not satisfied. On the other hand, we don’t have the power to bargain with the platforms.’ (C7)

‘The contract stated that we are only self-employed workers, but they act like our boss and earn big profits without providing paid leave and insurance, not to mention their commission from our pay. Their only task is to find elderly homes and job opportunities for us.’ (C10)

‘It is not ideal. The platform mentioned that it is workers’ choice to use their service to seek work opportunities. Accordingly, the platform is not my employer. I am unhappy with that because they don’t bear the responsibilities, but we are contributing to their company to make money.’ (C9)

### **3.3.11 Tax arrangements**

While the platforms claim that they do not play the role of employer, some of them file tax returns with the government. Despite the status of self-employment, some platform workers are still required to pay tax. This depends on the platforms’ tax reporting arrangements.

‘They are not my employers, which is continually reiterated by the platforms. Yet other issues are not that ‘black and white’. Some platforms reported my income to the Inland Revenue Department, and I have to pay tax.’ (C1)

### **3.3.12 Section Summary**

Overall, the contract arrangements of food delivery and care platforms demonstrate a strong sign of dependent self-employment, which may imply the possibility of false self-employment. Platforms tend to unilaterally claim the employment status as self-employment in the absence of workers’ endorsement, regardless of the actual nature of their employment relations. Care workers reported having their freedom to collaborate with other platforms and care homes substantially limited under a relatively unequal contract. Goods delivery workers tended to experience lower levels of perceived dependent self-employment, but still reported problems that plagued all sectors, such as lack of clarity over contract terms and tax return filing arrangements.

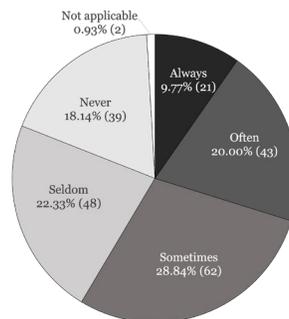
# 3.4 Management

## Food Delivery

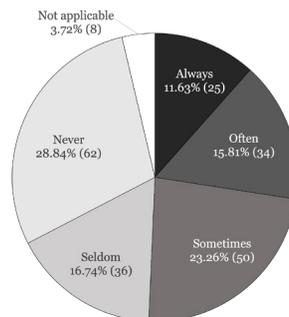
### 3.4.1 High incidence of warnings & punishment to workers

It is important to first review how common it is for food delivery platforms to take disciplinary actions against workers. Around 30% of workers in the industry reported being often or always warned by the platform, while 28.8% reported sometimes being warned. This means that warning workers is a tactic commonly deployed by platforms to control workers' behaviours.

When asked if they had been punished by the platform, for example by getting their account suspended or terminated, ratings reduced, or fines, 27.4% of all food delivery workers reported having often or always been punished, and 23.3% reported sometimes being punished. Together this means that over 50% of workers had experienced being punished.



Graph 3.4.1 Surveyed food delivery workers' responses to whether they have been warned by the platform



Graph 3.4.2 Surveyed food delivery workers' responses to whether they have been punished by the platform

### 3.4.2 Written guidelines found in one company

To ensure that disciplinary actions taken against workers are not arbitrary and unfair, it is important to establish whether due process for relevant decisions are properly documented and transparent to workers. On this front, Foodpanda did a much better job by publicising their service guidelines online;<sup>[37]</sup> however, the guidelines were unilaterally defined and reported unjustly applied at times. According to Foodpanda, when there is a breach in service guidelines, one of the following four types of actions will be taken:

[37] Foodpanda (n.d.) *Service Guidelines*. Available at: <https://www.pandarider.hk/service-guidelines> (Accessed: 12 May 2022).

Reminder	<p>When a worker's performance is being clearly impacted by high counts of non-compliant behaviours. Reasons include but not limited to:</p> <ul style="list-style-type: none"> <li>● Repeated wrong orders</li> <li>● Missing order items</li> <li>● Cumulative order spillage</li> <li>● Low order completion rate</li> <li>● Long delivery time</li> <li>● Not using proper thermal bag</li> </ul>
Suspension	<p>If the reminded issue persists and the courier presents the same non-compliant behaviours. Reasons include but not limited to:</p> <ul style="list-style-type: none"> <li>● Repeatedly no show on booked shift</li> <li>● Keeping wallet balance negative for over 4 days, unblocked when COD (cash on delivery) has been processed</li> <li>● In a situation that requires Foodpanda to immediately contact the courier, not answering the call after multiple attempts</li> </ul>
Account termination	<p>For some extremely serious cases or repetitive behaviour on the same offence(s), after reminding and suspending the courier</p> <p>Reasons include but are not limited to:</p> <ul style="list-style-type: none"> <li>● Breaking any law or committing any criminal offence</li> <li>● Forging or falsifying any document</li> <li>● Sharing account with other people</li> <li>● Customer or vendor complaints</li> <li>● Using a fake GPS</li> <li>● Placing order while on shift</li> <li>● Cancelling a large number of orders without proper explanation</li> </ul>
Automated breaks	<p>If the system recognises some unusual and repetitive behaviour that is seriously compromising the courier's daily performance, it will automatically put the courier on an automated break for a few minutes.</p> <p>Reasons leading to automated breaks include:</p> <ul style="list-style-type: none"> <li>● Accepting an order, but not moving towards pick up after an extended time</li> <li>● No GPS signal after an extended time</li> <li>● GPS location discrepancies</li> <li>● Excessive self-redispaches in a given hour</li> <li>● Missing a few consecutive orders in a given hour</li> </ul>

Table 3.4.1 Disciplinary actions taken by Foodpanda<sup>[38]</sup>

The guidelines above do not specify details like how many wrong orders count as too many, and how long the suspension would be for each type of non-compliant behaviour. From our interviews and participant observations at workers' collective actions, these day-to-day occurrences of warnings and punishments are a source of endless disputes and grievances against the company. Mr. O represented many of our interviewees when he said he found it hard to see any standard practice being applied in the company's execution of penalties:

'For example, if there's order spillage – I do that too around twice a month – the customer may complain. They may suspend you for 3-5 days for your first time. If you do that again, they will threaten to terminate your account. But there's no objective guideline to how many numbers of spillage would lead to termination.'

As being suspended from work for a single day means losing a crucial day's worth of income, workers desperately need clarity on the margin of error allowed. Workers' representatives in the November 2021 strike demanded company management to provide more specific details on disciplinary actions, and the publicised information obtained from the negotiation table was much more useful to workers than the guidelines above (see appendix 2). However, workers are unable to ascertain if this suspension framework has been adjusted since it was released.

### 3.4.3 Lacking the right to appeal or meaningful response from companies

Besides having a documented guideline, it is important to safeguard the rights of workers to appeal disciplinary actions. Foodpanda has published worker dispute procedures and requirements online,<sup>[39]</sup> while this information for Deliveroo is not available.

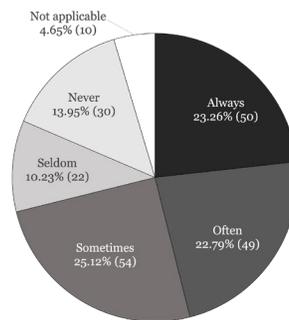
[38] Foodpanda (n.d.), *Service Guidelines*. Available at: <https://www.pandarider.hk/service-guidelines> (Accessed: 12 May 2022).

[39] Foodpanda (n.d.) *Service Guidelines*. Available at: <https://www.pandarider.hk/service-guidelines> (Accessed: 12 May 2022).

However, 53.9% of all food delivery workers disagreed or strongly disagreed that they can make reasonable appeals to the platform after customer complaints or if they are warned or punished by the platform. This reflects that over half of workers felt that they lacked the right to appeal decisions taken by platforms. Overall, when asked if they ever contacted the platform to give explanation for unreasonable complaints and did not receive a meaningful reply, 46.1% of workers responded that this often or always or happened.

	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree
Workers can make reasonable appeals to platform (food delivery)	26.0% (56)	27.9% (60)	24.2% (52)	16.7% (36)	5.1% (11)

Table 3.4.2 Surveyed food delivery workers’ responses to whether they can make reasonable appeals to platform



Graph 3.4.3 Surveyed food delivery workers’ response to whether they experienced not receiving a meaningful reply from companies when they offered explanations

Many interviewees reflected that platforms are biased towards customers in handling complaints and take a long time to process workers’ responses. Mr. H, a Company B motorcyclist, experienced this first-hand as he received warnings due to a customer’s complaint:

‘They did tell me what happened, but they will assume that you are in the wrong, and that you are guilty, just because they are powerful...if they do that, but I actually did nothing wrong, I’ll tell them...but you have to wait for a long time after sending them the letter...they won’t read it, and the progress just is very slow.’

The lack of proper response to workers’ appeals and complaints truly galvanised many food delivery workers towards taking and supporting collective actions against platforms.

### 3.4.4 Terminating workers without just cause

Both platforms reserved the right to terminate their agreement with workers at any time and for any reason. In Foodpanda’s independent contractor agreement with workers, point 5.5 states that the company can do so by simply issuing a written notice to the worker. In Deliveroo’s supplier agreement with workers, point 9.2-9.3, no less than one week’s written notice shall be provided, unless the worker has breached certain obligations, in which case the termination takes immediate effect.

#### 5. Shift hours and termination of agreement

5.5 The Company may terminate this Agreement at any time without giving any explanation or reason by issuing a written notice to the Contractor and/or not facilitating or making available any service request for the Contractor’ s selection.

5.6 The Contractor may terminate this Agreement at any time either by informing the Company or simply by not requesting for services to be matched.

Excerpt from Foodpanda's agreement with worker<sup>[40]</sup>

[40] Foodpanda (n.d.) *Independent contractor agreement*. Provided by interviewed worker

## 9. Termination

9.1 You may terminate this Agreement with [Company name] at any time and for any reason on giving [Company name] immediate notice in writing.

9.2 [Company name] may terminate this Agreement with you at any time and for any reason but [Company name] will give you not less than one week's notice in writing.

9.3 [Company name] reserves the right to terminate this Agreement with immediate effect in the event of any breach of any obligations owed by you (including for the avoidance of doubt where such breach is caused by any substitute engaged by you).

Excerpt from Deliveroo's agreement with worker<sup>[41]</sup>

Workers had also been fired unjustly for alleged mistakes that they did not commit. Our interviewee Mr. A once accompanied two fellow workers seeking to get their terminated account reopened. It showed him how the company could get away with careless decisions if workers did not defend their right to be properly informed:

'I think the company's inquiry system is very problematic. [What do I do] if I want to ask something, like "whether there is any misunderstanding over the decision to fire me due to certain wrongdoings?"...If you tell us the reasons, like order hijacking, you can check CCTVs, and we can cooperate with you. But if the company terminates our accounts without saying anything, this means [workers'] chance to explain themselves is lost.'

Even multiple income earners interviewed like Mr. L and Ms. S, who work far fewer hours than the other interviewees and presumably have less vested interest in the issue of account termination, found platforms' termination policies unacceptable.

### Goods delivery

#### 3.4.5 Less warnings and punishments issued to workers

Only 13.9% of goods delivery workers surveyed responded that they were often or always warned by the platform, compared to close to 30% in the food delivery sector (table 3.4.3). When asked if they had been punished by the platform through means like reduced ratings, account suspension and termination, 41.9% of workers replied that it never happened, as opposed to less than 30% in the food delivery sector (table 3.4.4). These findings show that the usage of warnings and punishments to control workers' behaviours is less widespread in the goods delivery industry compared to food delivery.

		Never	Seldom	Sometimes	Often	Always	Not applicable
Workers have been warned by platforms	Food Delivery	18.1% (39)	22.3% (48)	28.8% (62)	20.0% (43)	9.8% (21)	0.9% (2)
	Goods Delivery	34.9% (30)	26.7% (23)	22.1% (19)	8.1% (7)	5.8% (5)	2.3% (2)

Table 3.4.3 Surveyed food and good delivery workers' responses to whether they have been warned by platforms

		Never	Seldom	Sometimes	Often	Always	Not applicable
Workers have been punished by platforms	Food Delivery	28.8% (62)	16.7% (36)	23.3% (50)	15.8% (34)	11.6% (25)	3.7% (8)
	Goods Delivery	41.9% (36)	16.3% (14)	15.1% (13)	15.1% (13)	9.3% (8)	2.3% (2)

Table 3.4.4 Surveyed food and good delivery workers' responses to whether they have been punished by platforms

#### 3.4.6 Lack of sufficient written guidelines on disciplinary actions

From publicly available information, only Lalamove and Zeek have made their terms and conditions publicly available, and on top of that only Lalamove provided a more detailed 'community guideline',<sup>[42]</sup> listing out behaviours expected from its user and delivery agents along four categories – respect (e.g. no violent or rude behaviour), safety (e.g. no sharing of account, safe driving), law-abiding (e.g. no frauds, such as fake accounts or fake orders) and feedback (e.g. workers and

[41] Deliveroo (June 2021) *Supplier Agreement*. Provided by interviewed worker

[42] Lalamove (無日期), 〈社群指引〉。取自 <https://www.lalamove.com/zh-hk/terms-and-conditions>

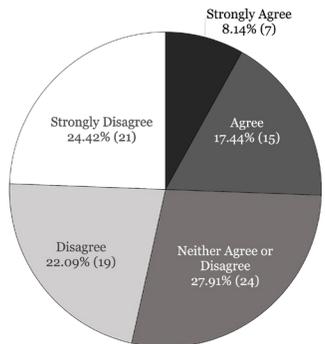
users with ratings below minimum average may be banned from entering the platform). However, Lalamove provided only a vague description on how disciplinary actions against workers who breached the guidelines would be executed.<sup>[43]</sup>

Still, as workers interviewed seldom reported incidences of disciplinary actions and major labour disputes were seldom observed in the industry, it is plausible that these guidelines (if they exist) are executed more loosely and infrequently compared to the food delivery industry.

### 3.4.7 Lacking proper right to appeal and meaningful response

A significant 46.5% of goods delivery workers disagreed or strongly disagreed that they could make reasonable appeals to the platforms when they received complaints, warnings or punishments. The same sentiment reaches 61.9% for Company F and 58.8% for Company E workers when disaggregated by company, reflecting that the problem could be more severe in these two platforms. Around 40% of workers also reported often or always not receiving meaningful replies when they contacted platforms to explain unreasonable complaints.

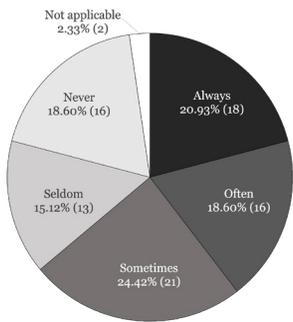
These findings show that a lot of workers still lacked the right to appeal companies' decisions and were not given meaningful responses when they attempted to communicate with platforms concerning these decisions.



Graph 3.4.4 Surveyed goods delivery workers' responses to whether they could make reasonable appeals to platforms

		Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree
Workers could make reasonable appeals to platform (Goods Delivery)	Zeek	45.2% (19)	16.7% (7)	19.0% (8)	7.1% (3)	11.9% (5)
	Gogovan/ GogoX	27.6% (16)	19.0% (11)	31.0% (18)	15.5% (9)	6.9% (4)
	Lalamove	26.4% (14)	22.6% (12)	30.2% (16)	13.2% (7)	7.5% (4)
	Pickupp	41.2% (7)	17.6% (3)	17.6% (3)	17.6% (3)	5.9% (1)

Table 3.4.5 Surveyed goods delivery workers' responses to whether they could make reasonable appeals to platforms by company



Graph 3.4.5 Surveyed goods delivery workers' responses to whether they experienced not receiving meaningful reply from platform after offering explanation

[43] Lalamove (無日期), 〈用戶條款及守則〉。取自 <https://www.lalamove.com/zh-hk/terms-and-conditions>

### 3.4.8 Control and restrictions

Care platforms adopt a range of strategies to control the labour process and monitor care workers' performance. To ensure their privileged position in the market to mediate between customers and workers, platforms generally impose strict control on workers to maintain their reliance on platforms, preventing them from making private contracts with the customers. However, the details of the punishment are not transparent, which include fines or the suspension of assigning jobs. The interviewees only had limited knowledge about the rules. This reinforces platforms' bargaining power against workers in the labour market.

'The platforms could blacklist you or even ask you to compensate for their loss as you are "stealing" their customers. It seems that they have a formula to calculate such compensation. I have no idea about the amount of money. If you do not pay for it, they will make a record and no longer distribute you the jobs.' (C6)

'Not only Company H, but also most platforms practise a rule that you cannot work for the customers (care homes and individuals) referred by them for one year. In other words, if you are working for a number of homes referred by the platforms, it is difficult for you to switch back to a standard employee of these homes.' (C10)

'It is not quite fair that these platforms could punish us as they are securing their own benefits at the expense of limiting our choices. Given that the agencies could not provide us enough job opportunities, we still cannot work at those care homes.' (C11)

'I used to work with Company H. As they did not assign me any jobs, I moved to another platform, but the company did not allow it. Consequently, they sent me some warning letters to threaten me that I have to compensate at least HKD 10,000 for them, otherwise they will file the case to the Small Claims Tribunal. They did file the case afterwards but eventually did not attend the hearing in the Tribunal...I was angry with that because I should have the freedom to choose whom to work with.' (C4)

Informed by the findings, care workers could work for multiple platforms but cannot be directly employed by the customers referred by the platforms. This restriction induces considerable legal issues as some interviewees were formally sued or threatened by the platforms. Therefore, care platforms' managerial practices limited the job opportunities and flexibility of workers, which made them more reliant on and submissive to the platforms.

### 3.4.9 Punishment for any uninformed absence

Apart from directly being employed by the care homes referred by the platforms, workers will also be punished for uninformed absences. Some platforms accept medical proof as the exemption of penalty.

'Unless you could provide the medical proof from the doctors or inform the platforms 24 hours before the service, you will be regarded as an uninformed absence if you have not shown up to work.' (C10)

### 3.4.10 Complaints handling (workers receiving and making complaints)

As the care platforms rely on the communication between HR managers and workers, complaints about the clients or work tasks would be conducted through calling or texting the HR department. Clients could also make complaints through the agencies about the services provided by the workers. Some interviewees mentioned that the platforms tend to protect the clients when it comes to clients' complaints or unreasonable requests.

### 3.4.11 Section Summary

While platforms do not admit their responsibility as an employer, they impose a range of labour control practices over the work process in terms of performance monitoring and penalty for non-compliance of rules, especially in care and food delivery. Compared to goods and food delivery workers who often experience frustration over inability to be properly informed and appeal disciplinary actions through apps, it seems that care workers can more easily contact the persons responsible for human resource management. However, there is strict control against care workers from forming private contracts with customers, which is not seen in the goods delivery sector. This shows that control and restrictions exist in different forms across sectors.

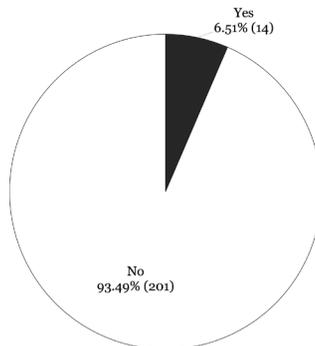
# 3.5 Representation

## Food delivery

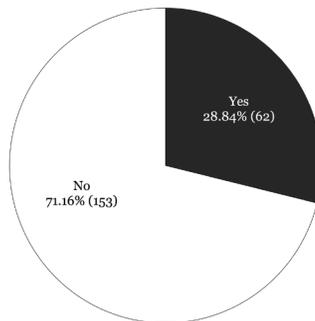
### 3.5.1 Low unionisation and strikes despite lack of formal rights

As self-employed persons, food delivery workers do not have the formal right to collectively bargain with their employers, to strike, or to form unions. However, in practice, some unions do accept such workers as members. This includes Catering and Hotel Industries Employees General Union<sup>[44]</sup> and Hong Kong Freelancer Service Union,<sup>[45]</sup> formed in 2000 and 2020, respectively. However, these unions are not recognised by platforms as legitimate representatives of food delivery workers. Also, as workers are not formally recognised as employees, this provides a strategic advantage for industrial actions to take place in the form of wildcat strikes unbound by formal procedures like obtaining union members' endorsement.

From our survey, only 6.5% of food delivery workers are members of trade union(s) related to their platform work, showing a very low unionisation level that is characteristic of the city. In contrast, 28.8% of workers reported having been involved in a strike or other collective action, which is likely to be one of the high-profile political strikes in recent years. This shows that a significant portion of workers are active in such collective actions, even though they are not union members.



Graph 3.5.1 Surveyed food delivery workers on whether they are member of trade unions related to platform work



Graph 3.5.2 Surveyed food delivery workers on whether they have been involved in strike or other collective action

### 3.5.2 Companies' worker consultation mechanism

According to our findings, platforms do not have adequate worker consultation procedures. They mainly relied on voluntary in-app surveys to collect workers' opinions over the platforms without regularly disclosing their findings. Workers interviewed found such surveys ineffective in bringing about changes in company policies.

Mr. D, a local Company B walker, did complete the company's survey for workers and sent them emails concerning his discontent with pay drop:

'They seem to have forgotten about it after reading...no written reply...They kept giving reasons that cannot tackle the problem...such as bad economic situation and that the company needs (business

[44] 飲食及酒店業職工總會 Catering and Hotel Industries Employees General Union (無日期), 位於面書 [專頁]。取自 <https://www.facebook.com/CHIEGUHK/>

[45] 香港自由工作者服務工會 HKFSU (無日期), 位於面書 [專頁]。取自 <https://www.facebook.com/HKFSU/>

model) transition because they opened Pandamarts...we have no say as the employed, the company is the boss's...when they say "do A", we have to follow suit and do A.'

Workers also reflected that companies used to maintain close communication in the early years of their establishment, when the fleet size was small and face-to-face meetings were more frequent. Presently, workers lack the opportunity to regularly meet with platform operators to give feedback concerning platform policies. Also, companies regularly provide unilateral updates to workers through Telegram broadcasting channels, releasing important information like weekly pay scale across zones and new bonus schemes. Workers only receive such instructions without the ability to provide direct feedback or negotiate.

### 3.5.3 Workers' strikes and negotiation with platforms

As firms lacked regular workers' consultation and collective negotiation structures, the platforms were only forced into negotiations during major strikes. In one such strike which began on 25 May 2020, around 300 Deliveroo workers took part in a week-long strike, demanding re-introduction of minimum fee and minimum earning guarantee, as well as the removal of acceptance rate policy.<sup>[46]</sup> Eventually, after negotiating with strikers, Deliveroo promised to include extra bonuses during peak hours and not deduct couriers' acceptance rate record in case of delays caused by restaurants.<sup>[47]</sup>

Foodpanda workers also initiated a strike on 12 September 2020. Their main demands included increasing the service fee back to July 2020 levels and making the service fee calculation method transparent.<sup>[48]</sup> According to our informants, over a week later the company announced that they were unable to respond positively, except to the demand to make acceptance rate information visible to workers. On 13 November 2021, another strike that paralysed Foodpanda and shut down several Pandamarts took place, with workers demanding the order price for motorcyclists be raised to HKD 50 and for cyclists and HKD 35 for walkers.<sup>[49]</sup> In the negotiations on 16 November, the company announced that they would freeze the current order price until June 2022 and raise peak hour bonuses. Up till now, they have not fulfilled other promises, including fixing the miscalculation of workers' travelling distance.<sup>[50]</sup>

In these negotiations, both platforms refused to hold regular meetings with strikers' representatives in the future.<sup>[51]</sup> The lack of transparency over platforms' algorithms also make it impossible for workers to monitor progress. Mr. E, a local walker said:

'The company does not have to publicise its algorithms, all they do is to tell everyone they updated delivery workers' app...we never know if there had been adjustments. That's why I have no trust (in the company), they can always change it again in the future.'

A small number of workers are appointed and paid by platforms to be 'fleet ambassadors' to answer workers' inquiries after major strikes. Foodpanda disclosed that they had met these ambassadors on 8 March 2022 to discuss 'most topics that the fleet concerns the most'.<sup>[52]</sup> However, strike negotiation team members interviewed found it impossible to access the ambassadors' contacts and viewed them as only serving the interest of platforms.

## Goods delivery

### 3.5.4 Low level of workers' organising

Among the 54 surveyed workers that only work for the goods delivery industry, only 3.7% were a member of trade union(s) related to their platform work, and 7.4% had been involved in a strike or collective action. While the unionisation rate is just slightly below that of food delivery workers, the rate of participation in industrial actions is much lower in this sector. There had also not been strikes or collective actions comparable in scale to those in the food delivery sector. This shows that a relatively low level of workers' organisation exists in the sector. Our interviews did confirm that workers experienced low levels of solidarity in the sector, and took price competition for granted:

[46] *South China Morning Post* (26 May 2020) 'Deliveroo couriers in Hong Kong take protest over new pay policy into third day'. Available at: <https://www.scmp.com/news/hong-kong/society/article/3086032/deliveroo-couriers-hong-kong-take-protest-over-new-pay> (Accessed: 12 May 2022).

[47] Hui, K. P. Karen (2021) 'Taming the Platform: How did Successful Strikes Occur among Atomized Workers in Hong Kong?' . Annual Meeting of American Sociological Association (Section on Labor and Labor Movements: The New Labor Activism), August 2021.

[48] 獨立媒體 (2020年9月11日), 〈自僱外送員促Foodpanda回應訴求 否則下週發工業行動〉。取自 <https://www.inmediahk.net/node/1077316>

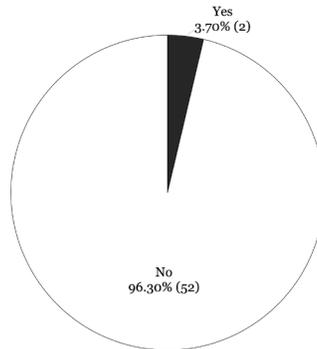
[49] *Hong Kong Free Press* (19 November 2021) 'Hong Kong Foodpanda workers end strike after deal on wages, working conditions'. Available at: <https://hongkongfp.com/2021/11/19/hong-kong-foodpanda-workers-end-strike-after-deal-on-wages-working-conditions/> (Accessed: 12 May 2022).

[50] Riders' Rights Concern Group (2 March 2022) 'Foodpanda delays updating the map, breaking its promise after the strike' . Available at: <https://www.facebook.com/RiderRightsConcernGroup/posts/397961975347957> (Accessed: 12 May 2022).

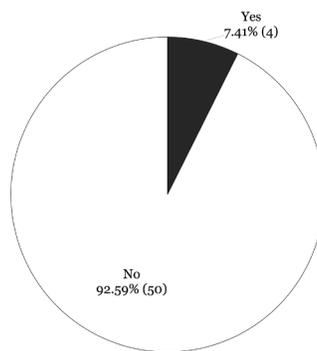
[51] Riders' Rights Concern Group (2 March 2022) 'Foodpanda delays updating the map, breaking its promise after the strike' . Available at: <https://www.facebook.com/RiderRightsConcernGroup/posts/397961975347957> (Accessed: 12 May 2022).

[52] Foodpanda (n.d.) *Meeting Highlight (08/03/2022)*. Available at: <https://www.pandarider.hk/meeting-highlight-08-03-2022> (Accessed: 12 May 2022).

‘It would be useless (to fight against low order fees); firstly, our industry does not have any unions, and we are not united. Simply put, if there’s a customer and three drivers, one of them would surely drop the price to fight for business...to raise order fees, you can only ask customers to call other platforms. This is not very possible with the existing market ecosystem.’ (Mr. S)



Graph 3.5.3 Surveyed goods delivery workers on whether they are member of trade union related to platform work



Graph 3.5.4 Surveyed goods delivery workers on whether they have been involved in strikes or other collective actions

### 3.5.5 Lacking proper worker consultation mechanisms

Most goods delivery platforms lacked proper mechanisms to consult workers about current practices and future policy changes. Our interviewees mentioned that Company C and D would occasionally release workers’ opinion surveys or call for workers’ gatherings. They were received poorly among workers who did not believe that improvements would follow:

‘The two companies do it very bureaucratically; sometimes suddenly a form would pop up, saying there’s an opinion survey in this google form... Asking if the user’s interface can be improved, and what they can help us with. But so far, I haven’t seen any improvement.’ (Ms. C)

‘Company D releases a survey around once a year or every two years. I’ve seen it only once or twice... nobody cares about it.’ (Mr. S)

Platforms used to be a lot more active in reaching out to workers before they established their leading market positions firmly. Mr. G recalled that Company C called him earnestly to seek his advice on multiple policies when he joined the company in 2013. After the company grew in scale, these consultations were discontinued.

### 3.5.6 Limited workers’ collective actions

As mentioned, goods delivery workers’ self-organisation is visibly lower. However, there were still some notable attempts from within the sector to collectively challenge the dominant platform’s high commission charges – an issue that resonated with many drivers.

In March 2017, a public Facebook group later renamed ‘Against deducting prices, against bad platforms’, Drivers unite and self-help’ (author’s own translation to English) was formed, and it remains active until today with over 8,000 members.<sup>[53]</sup> Workers interviewed suggested that this group was formed closely after an Audit Commission report was leaked, revealing that Company C was taking over 40% commission rate from drivers in some government outsourced work. The group raised the possibility of organising a trade union without success:

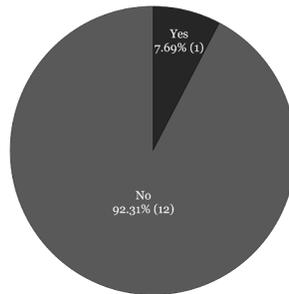
[53] The group was renamed in 2022. 「反減價，反西台，團結司機自救」（無日期），位於面書 [ 公開社團 ]。取自 <https://www.facebook.com/groups/driverpower/>

'I remember that the first post in the group was a vote on setting up a union, but this sector is used to having lots of comments flying around, some said they'd rather start using an app than start building a union, with so many diverse opinions it wouldn't work. There was no unity, every one's tending to their own business...Some were used to the convenience and habit...some said don't go against it, it is too big to fail...' (Mr. S)

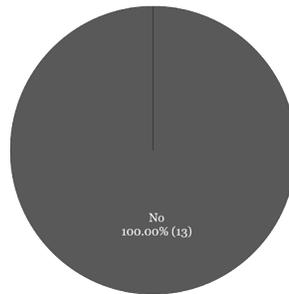
Care workers

3.5.7 Overview

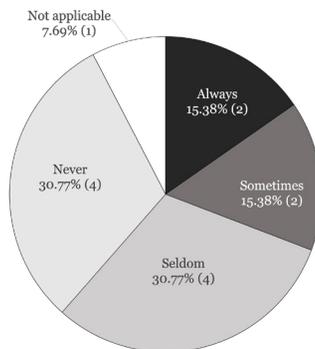
The unionisation and representation of care platform workers is weak, even compared to the food delivery workers. They generally adopt individualised and informal strategies to bargain with the platforms, such as pay information and WhatsApp negotiation. There was no mention of collective actions fighting for the betterment of employment conditions. Informed by the interviews, they are not affiliated to any unions but acquire the job information via informal network and the everyday interaction with different platform workers at the care homes or hospitals.



Graph 3.5.5 Surveyed care workers on whether they are member of trade union related to platform work



Graph 3.5.6 Surveyed care workers on whether they have been involved in strikes or other collective actions



Graph 3.5.7 Surveyed care workers on how often they make use of platform's official social media groups

3.5.8 Section Summary

Although some level of unionisation and wildcat strikes have occurred, there are inadequate workers' consultation and representation channels provided by platforms. Collective bargaining only exists in an ad-hoc manner during strikes and platforms have refused to formalise it. The level of worker organisation is highest in the food delivery sector with large-scale industrial actions taking place in 2020-21, followed by the goods delivery sector which exhibited some attempts to organise. Care workers experienced the weakest level of organisation.

# 3.6 Intersectionality of class, gender, and ethnicity

## 3.6.1 Rude behaviours linked to racial discrimination

Ethnic minority (EM) food delivery workers reported facing racial discrimination from customers and restaurants, and such attitudes are often accepted and normalised among local workers. It is important to first recognise that such rude behaviour affects workers of all skin colours. From our survey, within the sector of food delivery, the same percentage of Chinese and EM workers (31%) reported that customers had always or often treated them rudely. 40.2% of Chinese and 31.6% of EM workers agreed that restaurants always or often treated them rudely.

Yet over 50% of EM workers reported being sometimes treated rudely by customers and none of them reported never facing such treatment (while the numbers are 30% and 8% for locals, respectively). This reflects the possible existence of racial discrimination against EM workers by customers.

		Ethnicity		
		Chinese	Ethnic minorities	Total
Customers had treated workers rudely (food delivery)	Never	8.67% (17)	-	7.9% (17)
	Seldom	29.08% (57)	10.53% (2)	27.4% (59)
	Sometimes	30.10% (59)	52.63% (10)	32.1% (69)
	Often	20.92% (41)	21.05% (4)	20.9% (45)
	Always	10.71% (21)	10.53% (2)	10.7% (23)
	Not applicable	0.51% (1)	5.26% (1)	0.9% (2)

Table 3.6.1 Surveyed food delivery workers on whether customers had treated them rudely before by ethnicity

		Ethnicity		
		Chinese	Ethnic minorities	Total
Restaurants had treated workers rudely (food delivery)	Never	7.2% (14)	15.8% (3)	8.0% (17)
	Seldom	19.6% (38)	15.8% (3)	19.2% (41)
	Sometimes	33.3% (64)	36.8% (7)	33.3% (71)
	Often	31.4% (61)	21.1% (4)	30.5% (65)
	Always	8.8% (17)	10.5% (2)	8.9% (19)

Table 3.6.2 Surveyed food delivery workers on whether restaurants had treated them rudely before by ethnicity

Ms. S, an EM cyclist, noted that EMs are treated disrespectfully by restaurants and customers, and that many CCTV footage showing South Asian delivery men in arguments with restaurants were circulated on social media, reinforcing locals' bias against them. Mr. E, a local walker sympathetic to the plight of EMs, reflected on the racial disparity he witnessed from the attitudes of fellow workers and restaurants:

“When I urge the restaurant to give out orders, I don’t face any consequences. But when EMs do so, they will be told their attitudes are bad or got gossiped about behind their back. Waiters will say that these ‘A-Cha’ (a derogatory term for South Asians) are annoying when they return to the kitchen.’

### 3.6.2 Language Barrier for EM workers

Both local workers interviewed above pointed out that EM workers have limited job alternatives due to their lack of communication skills. This is confirmed in our interviews; quite a few EM workers pointed out that delivery is indeed an easier job for migrants who speak no Cantonese and little English.

Even in a job that requires relatively little communication, many EM workers are confronted by the language barrier, as they find it difficult to deliver to Chinese addresses that they simply cannot read. Workers often rely on online translation to find the address in English, but it could be inaccurate or even unavailable in less developed areas, such as in the New Territories. EM workers rely heavily on mutual assistance from other workers in these instances.

On this front, platforms did not offer sufficient support to EM workers. As many workers complained, real-time riders' support services at Company B are outsourced to Southeast Asia, and the operators do not have sufficient knowledge of Hong Kong geography to respond to workers' urgent inquiries regarding delivery locations. Workers thought that companies should apply its big data capabilities to include automatic Chinese-to-English translation of customers' locations.

### 3.6.3 Lacking room for conscientious objection for Muslims

From our interviews, we found that the local religious Muslim community showed contempt for fellow Muslim delivery workers, as they deliver items forbidden to be consumed according to Islamic tenets. As such, they did not support the November 2021 strike involving EM workers. Ms. S, a Muslim Pakistani cyclist, puts the conflict this way:

'We, the Muslim community, actually receive a lot of hate for doing delivery work... They say that delivery workers are sinning because they are delivering these kinds of things (pork and alcohol) to people... But some people have no choice. And some people try their best to reject orders like that. But we do not always know. It is not transparent...it is between them (customers) and God. We are just doing a job as a delivery worker.'

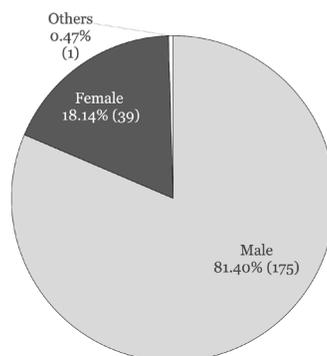
Some Muslim workers do wish to reject orders they hold a conscientious objection against, such as condoms, cigarettes, and alcohol. Yet, workers do not know the content of their delivery and have limited options to reject orders freely as their order acceptance rate affects their pay. When asked if she thinks platforms have done enough to take care of the needs of Muslims, she said:

'I don't think so. I think they are not aware of it. They are hiring people from all races. But they lack a lot of knowledge. They should be more respectful.'

Many workers, such as Mr. K, a Muslim Pakistani motorcyclist, feel strongly about the issue. He mentioned that Company A sometimes displays an icon stating that there are 18+ items involved in the order, which could be a good first step.

### 3.6.4 Uncomfortable working environment for EM women

Women formed a minority among all food delivery workers, making up only 18% of survey respondents. Interviewees often attributed this gender disparity to the physical strength required by the job and noted that the gap is closing as more ethnic Chinese women workers are joining the workforce, especially since the COVID-19 pandemic.



Graph 3.6.1 Gender of surveyed food delivery workers

In general, ethnic Chinese women workers do not experience gendered differences in how they are treated. The same cannot be said of EM women workers. Out of the three EM women workers we interviewed, Ms. S most explicitly stated that the food delivery working environment was unfriendly to her as a woman. She only worked as a motorcyclist when accompanied by her father in the evening as this made her feel safer. She felt uncomfortable to interact with fellow male workers, worried that it would be interpreted as signs of romantic interest. Similarly, Ms. A, an Indian walker and mother of two, only worked night shifts and never interacted with fellow workers.

EM women's isolation extends to the male-dominated online social media landscape. Ms. S felt uncomfortable sharing her working location and activities. She noted that very few female workers actively take part in workers' social media groups, and even if they do, they would seldom say they are female' to avoid 'too much attention'. This shows that much has to be done to create a safe working environment for women and increase the visibility of EM women in the sector.

### 3.6.5 Section summary

In this section we examined how EM food delivery workers encounter additional obstacles in form of language barrier, racial and gender discrimination, as well as the inability to exercise religion-based conscientious objection to certain jobs.

## Overall Summary

In terms of pay, it was found that although most workers in all three sectors who take the platform job as their primary income source earned over HKD 10,000 and likely above the minimum wage, the order fee for food delivery workers kept falling in a downward spiral and commission fee taken by goods delivery companies kept increasing. Care workers experience relatively better pay as their services are in high demand. In terms of conditions, as self-employed workers, workers get no sick leave or standardised accident insurance, and need to bear work-related costs. Workers face high pressure to deliver on time in the food delivery industry, increasing risk of accidents.

In terms of contracts, we found that companies have the right to unilaterally adjust contract terms without consulting workers, and often exercise this power to cut costs. They can also terminate workers without reason or compensation. Workers commonly reported that their contract did not genuinely reflect the nature of the employment relationship, especially in the case of food delivery and care work.

Regarding management, we found that there's a lack of due process for decisions concerning customers' complaints, especially in food delivery and care work. The food delivery sector showed the most algorithm-intensive mode of management, especially in companies that do not adopt a free online system like competitors or in the goods delivery industry. On representation, in general there is a lack of formal workers' voice mechanisms, or recognition of trade unions or workers' representatives. Workers can only express their discontent in social media groups. Collective bargaining only exists in an ad-hoc manner during strikes.

We found that some food delivery and care platforms showed signs of dependent self-employment, or even the possibility of false self-employment upon closer examination of contracts and management. Workers who take platform work as their primary income source in general lack the exit option that workers with multiple income sources have, and therefore suffer from longer working hours and declining pay, high work pressure, and ever-changing management practices. They tend to exhibit more discontent with platform jobs, desire more secure contracts, and invest more in seeking workers' representation.

# 4 Workers' demands and views on policies

## 4.1. Workers' demands towards food delivery platform

Demands	Details
Stop the continual downward adjustment of service fees	Most of the delivery workers were concerned about pay issues. During the delivery worker strike in 2021, the major demand was related to pay. From workers' perspective, pay drop issues are the most visible and have the most direct impact to workers.
Re-calculate the order distance based on actual distance	Company B in the food delivery sector is using Manhattan (shorter) distance, rather than the real distance on the roads to calculate service fee. This means that efforts from workers are not completely reflected by their service fee.
Set up a better traffic accident support system	In general, platforms require workers to report accidents to customer service immediately after getting injured with photo evidence. The procedure is mainly there to ensure food can be delivered to customers and not to provide support for the injured worker. Workers will even have their acceptance rate reduced because of the unfinished order. Also, the process of claiming insurance from platforms is complicated. The amount of coverage is insufficient to maintain their expenses.
Improve Worker and Customer Service support	As mentioned, some platforms outsourced their worker and customer service support to Southeast Asia. Workers think that the support staff answer their questions mechanically and could not provide useful and context-specific support for the workers.
Resolve language display problem in apps	The delivery apps do not have a standard input format for customers to type the address. This design is particularly troubling for EM workers. They must rely on online translators which often give inaccurate results.
Introduce an adjustable notification ringtone in the apps	The notification ringtone is not adjustable in some delivery platforms' apps, and interviewees told us the alarming sound affected their focus on driving, which is dangerous for riders.
Set up an effective appeal system for handling complaints	There is usually no direct hotline or hot desk to contact the platform for inquiries. Penalising workers and notifying them through email is a common practice for platforms, but reasons and proof are not provided to workers being penalised and warned. This creates barriers to workers' appeals or expression.
Make the algorithm more transparent	Fluctuating service fees, assignment of order and ranking system details are all invisible to workers. Algorithms regulate the way workers work and directly affect their pay. Workers must explore the rules through trial and error or by getting information from peers' experiences. Platforms change the algorithm at will and workers have to constantly adapt.
Establish penalty ticket subsidy	Some restaurants and residential buildings do not have parking slots nearby. A penalty ticket subsidy was provided before the transition to the self-employment system. In the past, two tickets could be claimed in one month. Currently, workers must bear the cost themselves.
Provide proof of employment for workers	Platforms do not directly provide proof of employment for workers, leading to difficulties, especially EM workers. An EM interviewee's landlord required him to provide his proof of employment to ensure he could pay for the rent. As a result he encountered many obstacles in the process of renting an apartment.
Respect conscientious objection due to religions reason	Currently, performance will be affected if workers reject the order. Workers would like to have choice to refuse delivering items (e.g. sex-related items and alcohol) that violate their religious beliefs without affecting their pay.

Table 4.1 Demands proposed by food delivery workers in interviews focus groups

## 4.2 Workers’ attitudes towards the government’s role

Workers in Hong Kong with traditional employment relationships are protected under the Employment Ordinance and Mandatory Provident Fund Schemes Ordinance. They are entitled to labour benefits guaranteed under the law, such as holiday with salary and employment insurance provided by their employers. Across the three sectors, we discovered that most of the platform workers are working under self-employment contracts (Section 3.3). A self-employed person is not covered under these two ordinances.

From our interview and focus groups, workers’ grievances and demands were usually about firm-based policies, concerning the pay mechanism and problems related to working conditions (Section 3 and 4.1). Despite this, in our survey, 45.2% of workers replied that the platform they work for has not provided enough labour protections for them. In contrast, 64.4% of workers think that the government has not provided enough labour protection to them and 65.1% of workers think that the government has not sufficiently regulated platform companies. The result reflects that workers feel more strongly about the government’s responsibility to protect workers than firms’.

	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree
You think that the <u>government</u> has provided enough protections for platform workers	40.6% (114)	23.8% (67)	20.3% (57)	7.8% (22)	7.5% (21)
The <u>platform</u> you work for has provided enough labor protections for you	22.8% (64)	22.4% (63)	30.2% (85)	12.5% (35)	12.1% (34)
You think that the <u>government</u> has sufficient regulations over platforms	38.1% (107)	27.0% (76)	22.1% (62)	7.1% (20)	5.7% (16)

Table 4.2 Worker’s attitude towards the role of platform and government for the labour protection

### 4.2.1 Workers’ attitudes towards protection under traditional employment relationships

Protections and benefits under traditional employment relationships are mentioned by workers in our interviews. Interviewed workers have different opinions on the form of self-employment (Section 3.3):

‘If I got an MPF and hourly rate, I couldn’t get online anytime. Getting MPF and other welfare means the platform directly employs workers. I don’t want to be tied up by an unscrupulous company... Although I am a full-time worker working for the platform, I now can be free, rest whenever I want to rest.’ (Mr. P)

Nearly half of the workers agreed there is actual employment relation between platforms and workers(Section 3.3), showing that workers still value the conditional flexibility provided by the platforms (Section 3.2). In response to the constant pay drop and lack of protection, an intuitive way for workers to react is to leave the sector. A food delivery worker returned to be a waiter after pay dropped constantly in 2021:

‘Although being a waiter you have to suffer from others’ tempers in the workplace and less flexibility, being a waiter is a job with protection (compared with food delivery workers).’ (Mr. L)

Platform workers are still working without adequate protections. Since workers think that the government has the responsibility to provide protection for platform workers (Section 3.1). We can examine the 6 examples of protections and benefits under traditional employment relationships in our survey to understand workers’ policy preferences.

	Food Delivery	Goods Delivery	Care work
Company cannot change contract terms unilaterally without consulting workers	73%	70.9%	92.3%
MPF or other retirement protections are provided by their job	51.1%	51.2%	69.2%
Job is covered by labour insurance and there is compensation to work-related accidents	82.3%	81.3%	100%
Job offers a guaranteed base salary per hour	72.6%	75.6%	92.3%
Holiday with salary is provided by their job	65.2%	65.1%	77%
Ccannot terminate workers' accounts without reason	83.4%	84.9%	84.7%

Table 4.3 Percentage of surveyed workers who agree or strongly agree with the statements by sector

	Food Delivery		Goods Delivery		Care work	
	Primary income source (122)	Multiple income source (93)	Primary income source (47)	Multiple income source (39)	Primary income source (8)	Multiple income source (5)
Company cannot change contract terms unilaterally without consulting workers	69.7%	77.4%	70.2%	71.8%	100%	80%
MPF or other retirement protections are provided by their job	54.9%	46.2%	61.7%	38.4%	75%	60%
Job is covered by labour insurance and there is compensation to work-related accidents	80.3%	84.9%	76.6%	87.2%	100%	100%
Job offers a guaranteed base salary per hour	71.4%	74.2%	70.2%	82.1%	87.5%	100%
Holiday with salary is provided by their job	70.5%	58.1%	70.2%	58.9%	75%	80%
Ccannot terminate workers' accounts without reason	81.2%	87.1%	78.7%	92.3%	75%	100%

Table 4.4 Percentage of surveyed workers who agree or strongly agree with the statements by sector and income source  
\*Primary = Take platform work as primary source of income; Multiple = Take platform work as part of one's multiple income sources

#### **4.2.1 Company cannot terminate workers' accounts without reason**

Over 83.8% of all platform workers hoped that the company would not terminate workers' accounts without reason, which is highest across 3 sectors and the respective income sources. As shown in Section 3.4, platforms have different strategies in controlling the labour process, especially in food delivery and care work sectors. Platforms could warn, punish and even terminate workers without reason.

#### **4.2.2 Job is covered by employment insurance and there is compensation for work-related accidents**

Among 3 sectors, over 80% of workers hoped that their job is covered by labour insurance and there is compensation for work-related accidents. Workers across the three sectors have a high risk of occupational injury (Section 3.2). Insurance provided by platforms is either inaccessible or not provided. A worker from the food delivery sector commented on the insurance provided by Company B:

'It's useless. What's the use of HKD 100 per day? Public hospitals charge us HKD 180 for getting the Accident & Emergency services. I was working for you, and I got injured. You (platform) were not trying your best to help your employee. At least, I think employees do not need to pay for the accident.' (Mr. P)

Workers can hardly get compensation from platforms. Interviewees told us they could only live from hand to mouth when they have got injured.

#### **4.2.3. Job offers a guaranteed base salary per hour**

Over 70% of our interviewees hoped that their platform would offer a guaranteed base salary per hour. Notably 82.1% of goods delivery workers with multiple income sources share this sentiment. Fluctuating orders and uncompensated costs affect the income of workers, specifically for food and goods delivery sectors. In certain cases, workers' wages may be lower than minimum wage (Section 3.1).

#### **4.2.4 Company cannot change contract terms unilaterally without consulting workers**

Over 70% of interviewees hoped that platforms would not change contract terms unilaterally without consulting workers. Self-employment status is not regulated by the Employment Ordinance. Platforms have significant rights to interpret and change the contract. Under the Employment Ordinance, if an employment contract does not contain an express term which allows changing terms and the terms of the employment contract is varied without the employee's consent, workers may claim for remedies against their employer.

#### **4.2.5 Holiday with salary is provided by their job**

More than 65% of workers hope that holidays with salary would be provided by their job. There is a difference in the opinions between those who take their platform work as their primary income source and those with multiple income sources, especially among food and goods delivery workers. Primary income earners are more likely to agree that there should be paid holidays than multiple income earners. This is because primary income earners earn less or even have a negative balance if they take no-paid holidays. (Section 3.2)

#### **4.2.6 MPF or other retirement protections are provided by their job**

Notably, having MPF or other retirement protections provided by their job received the least support among all policies across the three sectors (51%). Most of the workers' contracts are self-employment contracts. Mandatory contributions to MPF and retirement protection are usually not provided by the platform. Interviewed workers are ambivalent towards MPF as they often preferred getting more cash for present use.

# 5 Policy suggestions and future research directions

Based on our preliminary findings, we found that platform workers – especially those in food delivery – experience downward-spiralling pay, high risk of accident without sick pay or adequate insurance protection, and risk of being terminated by the company without reason or compensation. To formulate policy options in the local context, we also review policy and community actions around the world.

## 5.1 Changing global context

In response to mounting public concern over inadequate labour protection for platform workers, relevant policy changes, workers' organisations and community initiatives have been more active than ever across the globe, especially in the U.S. and Europe. These actions can broadly be divided into four categories: (1) legislation to reclassify platform workers as employees; (2) legislation to provide a form of 'semi-protection' for platform workers, establishing a set of minimum or basic rights in selected areas like pay level and benefits; (3) unionisation and workers' collective actions; and (4) platform cooperative movement to build worker-owned, democratically governed platforms.

The first approach involves legislation to reclassify platform workers as employees, rendering them eligible for existing labour protections. This was adopted in California through passing Assembly Bill 5 (AB5) into law in 2019,<sup>[54]</sup> which included the ABC test for employment status that implicitly redefined platform workers as employees. It stated that a worker is indeed not an employee if all three conditions of the ABC test are satisfied:<sup>[55]</sup>

- A. Is the worker free from the control and direction of the hiring entity in the performance of the work, both under the contract for the performance of the work and in fact?
- B. Does the worker perform work that is outside the usual course of the hiring entity's business? (This is satisfied in the case where a restaurant calls an outside plumber to repair a leak; that work is not part of the usual course of the restaurant's business.)
- C. Is the worker customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed for the hiring entity? (This condition is not satisfied if an individual's work relies on a single employer.)

However, this approach saw fierce opposition from platform companies. They sponsored California's Proposition 22, seeking to legalise the classification of app-based transportation and delivery drivers as independent contractors.<sup>[56]</sup> Before the referendum, companies rigorously advertised their worries about increasing operating cost if workers were categorised employees, and emphasised the importance of flexibility to workers. The referendum was passed in November 2020, effectively overriding AB5 and defeating platform workers' labour rights according to critics. However, in 2021 Alameda County Superior Court ruled in favour of a group of drivers and the Service Employees International Union (SEIU), ruling that certain sections of Proposition 22 were unconstitutional; proponents have pledged to appeal.<sup>[57]</sup>

The more popularly adopted policy direction is 'semi-protection' – to legislate various forms of protection specifically for gig workers, without attempting to reclassify them as employees. In Washington state, a portable benefit system was proposed to allow platform workers to carry benefits with them from one job to another, requiring any contracting agent that facilitates provision of services by at least 50 individual workers in a consecutive 12-month period to contribute funds to provide benefits to its workers.<sup>[58]</sup> New York City attempted to close the gaps in benefit coverage between platform workers and employees in the formal sector. Ride-hailing drivers were provided with workers' compensation, minimum pay of USD 1.161 per mile and USD 0.529 per minute and other benefits.<sup>[59]</sup> France passed a law to provide self-employed platform workers with the right to strike, to organise, to training and protection against workplace accidents in as early as 2016; these rights were extended in 2019 to include the 'right to disconnect' – to switch off platform apps without retal-

[54] Ballotpedia (n.d.) *California Assembly Bill 5 (2019)* Available at: [https://ballotpedia.org/California\\_Assembly\\_Bill\\_5\\_\(2019\)](https://ballotpedia.org/California_Assembly_Bill_5_(2019)) (Accessed: 13 May 2022).

[55] Labor and Workforce Development Agency, State of California (n.d.) *ABC Test*. Available at: <https://www.labor.ca.gov/employmentstatus/abctest/> (Accessed: 13 May 2022).

[56] Ballotpedia (n.d.), *California Proposition 22, App-Based Drivers as Contractors and Labor Policies Initiative (2020)*, Available at: [https://ballotpedia.org/California\\_Proposition\\_22,\\_App-Based\\_Drivers\\_as\\_Contractors\\_and\\_Labor\\_Policies\\_Initiative\\_\(2020\)](https://ballotpedia.org/California_Proposition_22,_App-Based_Drivers_as_Contractors_and_Labor_Policies_Initiative_(2020)) (Accessed: 13 May 2022).

[57] UnionTrack (4 January 2022), *Gig Worker Classification: Developments in the Ongoing Battle Over California's Prop 22*. Available at: <https://uniontrack.com/blog/gig-worker-prop-22> (Accessed: 13 May 2022).

[58] JDSupra (4 April 2017), *Gig Economy Portable Benefits Bill Introduced In Washington State*. Available at: <https://www.jdsupra.com/legalnews/gig-economy-portable-benefits-bill-31664/> (Accessed: 13 May 2022).

[59] Business Travel News (14 February 2022) 'NYC Uber, Lyft Drivers to See Pay Hike in March'. Available at: <https://www.businesstravelnews.com/Transportation/Ground/NYC-Uber-Lyft-Drivers-to-See-Pay-Hike-in-March> (Accessed: 13 May 2022).

iation and the right to refuse a ride without penalty.<sup>[60]</sup> It also requires platforms to inform drivers the distance of a proposed ride and net minimal payment to the driver before accepting the order.

China's newest directive on platform workers also adopted the policy direction of semi-protection. The directive, 'Guiding Opinions on Protecting the Labour Rights and Interests of Workers Employed in New Forms' issued in July 2021 focused on addressing the challenges facing workers under supervision of platform companies who do not fully meet the requirement of forming de-facto employment relations, first and foremost by requiring the rights and responsibilities of the contracting parties to be reasonably defined.<sup>[61]</sup> It also laid out clearly that workers under new forms of employment should have their labour rights and interests protected in areas like minimum remuneration standards, reasonable rest time and workload, eligibility for social insurance and protection from occupational risks.

In contrast to the two approaches above, Singapore has adopted a voluntary approach regarding the lack of platform worker protection since 2018, standardising self-employment contracts and encouraging enterprises to provide medical and accident insurance to independent workers.<sup>[62]</sup>

Around the world, workers also made use of unionisation and collective actions to make their demands for decent pay and better labour protections heard. Since 2016, platform-based couriers in the U.K., Italy and Germany took collective actions – including strikes, unionisation and consumer boycott campaigns – against unfair company policies, such as transition towards a piece-rate system, inadequate minimum wage, refusal to pay for equipment repairs and misclassification of workers' employment statuses.<sup>[63]</sup> In China, over 100 incidents of platform worker's collective actions had been recorded from 2018 to 2019, mostly demanding for higher pay.<sup>[64]</sup> The All China Federation of Trade Unions (ACFTU) also began a drive to unionise platform workers like couriers and truck drivers in 2018.<sup>[65]</sup> Under the pandemic, many platform workers experienced the lack of provision of personal protective equipment, and even instances of decreasing pay despite rising demand. This triggered a large-scale strike in Latin America from April to August 2020, involving workers in 10 Brazilian cities, Argentina, Ecuador, Chile and Mexico.<sup>[66]</sup>

A platform cooperative movement is also active around the world to build an alternative platform operation model that emphasises fairness and democracy in the workplace. They include the Green Taxi Cooperative in the U.S.; Up & Go, a cleaning service cooperative in the U.S., and CoopCycle, an open source platform delivery co-op.<sup>[67]</sup> The global network Platform Cooperativism Consortium (PCC) has members from Japan, Hong Kong, Sweden, Australia, Germany and Italy, providing 'a hub for research, community building, and advocacy for co-ops that make the digital transition' and 'supports the growth and conversion of hundreds of platform co-op businesses with tens of thousands of worker-owners around the world'.<sup>[68]</sup>

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[60] SHRM (11 October 2019) *France's Mobility Bill Offers Additional Rights to Gig Workers*. Available at: <https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/global-france-gig-workers-bill.aspx> (Accessed: 13 May 2022).

[61] L&E Global (23 August 2021) *China: Guidance Issued for Protection of Labour Rights for Workers under New Forms of Employment*. Available at: <https://knowledge.leglobal.org/china-guidance-issued-for-protection-of-labour-rights-for-workers-under-new-forms-of-employment/> (Accessed: 13 May 2022).

[62] Today (20 November 2018) *Protect freelancers under the Employment Act, MPs urge*. Available at: <https://www.todayonline.com/singapore/protect-freelancers-under-employment-act-mps-urge> (Accessed: 13 May 2022).

[63] Cant, C. (2019) *Riding for Deliveroo: resistance in the new economy*. John Wiley & Sons.

[64] China Labour Bulletin (27 January 2021) 'Collective protests decline but worker grievances remain unresolved'. Available at: <https://clb.org.hk/content/collective-protests-decline-worker-grievances-remain-unresolved> (Accessed: 13 May 2022).

[65] China Labour Bulletin (11 April 2018) 'ACFTU announces big recruitment drive in logistics and service industries'. Available at: <https://www.clb.org.hk/content/acftu-announces-big-recruitment-drive-logistics-and-service-industries> (Accessed: 13 May 2022).

[66] Vice (11 August 2020) *They Aren't Anything Without Us': Gig Workers Are Striking Throughout Latin America*. Available at: <https://www.vice.com/en/article/jgxazk/they-arent-anything-without-us-gig-workers-are-striking-throughout-latin-america> (Accessed: 13 May 2022).

[67] Public Seminar (12 August 2018) *Own This! A portfolio of platform cooperativism, in progress*. Available at: <https://publicseminar.org/2018/08/own-this/> (Accessed: 13 May 2022).

[68] Platform Cooperativism Consortium (n.d.), *About Us*. Available at: <https://platform.coop/who-we-are/pcc> (Accessed: 13 May 2022).

## 5.2 Our policy recommendations

In response to workers' demands in Hong Kong and the changing policy framework globally, we preliminarily recommend the following policies as a first step to address the challenges to workers' rights and interest:

### 5.2.1 Promote the worker-friendly environment via the corporate social responsibility of platforms

Before the government adopts a regulatory approach to the protection of workers, in the short-term, whistleblowing campaigns could help advocate platforms' voluntary actions in improving the working conditions, for example, upgrading the amount of insurance compensation. While some platforms have already joined the Caring Company initiated by the Hong Kong Council of Social Service, civil society should continually monitor and negotiate with platforms' work arrangements. The campaigns based on corporate social responsibility may generate moral pressure on platforms from below, which could benefit both platforms' reputation and workers' protection.

### 5.2.2 Conduct regular official census on platform workers

We urge the government to conduct a regular census on the demographics and number of platform workers in Hong Kong to obtain reliable statistics to better understand the industry and the potential impact of policies. In response to Hon. Luk Chung-hung's motion on

"Protecting the rights and interests of platform workers" in August 2021, Secretary for Labour and Welfare Dr. Law Chi-kwong revealed that the Department was planning to collaborate with the Census and Statistics Department to conduct a thematic household survey report on the working conditions of platform workers.<sup>[69]</sup> We welcome this initiative and also recommend turning it into a regular exercise.

### 5.2.3 Explore a new classification category for platform workers

Because a sizable portion of platform workers may not wish to return to traditional employment relationships and foresee strong objections to the reclassification of workers from companies, we suggest setting up a new category of workers to capture dependent self-employment between formal employees and self-employed persons. This approach requires defining a new legal category of such workers. Further research on the feasibility and desirability of this policy is recommended.

### 5.2.4 Extend Employee Compensation Insurance to cover platform workers

We recommend considering the possibility of extending Employee Compensation Insurance – currently only available to workers in a traditional employment relationship – to cover platform workers, as they suffer from a high risk of accident and inadequate compensation in case of occupational injuries and death, given the optional nature of insurance provided by their companies and the lack of paid sick leave.

### 5.2.5 Ensure platform workers get at least a minimum wage

Because of the piece rate nature of platform jobs, wide fluctuations in order volume and the power of platforms to reduce pay levels without prior notice, workers can often be underemployed and possibly earn below the minimum wage. We suggest looking into the plausibility of ensuring that workers get at least a minimum wage for every hour of work they perform to eliminate poverty in the sector.

### 5.2.6 Establish dismissal compensation for platform workers

It is essential to address the unequal power dynamics involved in platform companies' right to unilaterally terminate their contract with workers without reason. Thus, to increase the cost for companies to terminate their workers, we recommend relevant authorities consider the possibility of setting up dismissal compensation for platform workers concerning the Employment Ordinance's applicable stipulations.

## 5.3 Future research direction

The above preliminary policy suggestions were drawn from our review of the global context and our survey and interview data, corroborated by information gained through workers' focus groups and a roundtable discussion with labour organisations that have first-hand experience in aiding platform workers. However, much room is left for further investigation of each policy's potential benefit and cost, as well as the best formulation of a working proposal from policymaking and legal perspectives.

Future directions of research and advocacy deserving exploration include the following. First, more contact with care workers through surveys and/or focus groups could aid our understanding of the sector. Second, territory-wide and more standardised surveys on platform workers' income and working conditions, and a more detailed evaluation and comparison of global platform worker protection policies and their implementation are recommended. Finally, in terms of advocacy campaigns, we suggest exploring future avenues to raise public awareness about decent working conditions for gig workers.

[69] 政府資訊中心 (2021年8月26日), 〈立法會: 勞工及福利局局長就「保障平台工作者的權益」議案總結發言 (只有中文)〉。取自 <https://www.info.gov.hk/gia/general/202108/26/P2021082600513p.htm>

# Appendix I

## Survey Questionnaire

Q1 你工作中或曾經工作的平台職業（可選多於一個）？

Which kind(s) of platform work(s) you are working for or you worked for?

- 平台送餐員 Platform Food Delivery Worker (Foodpanda, Deliveroo...)
- 平台送貨員 Platform Courier Delivery Worker (GogoVan, Lalamove, Pickupp...)
- 平台 / 中介照顧員 Platform/Agent Care Worker

Q2 為平台 / 中介工作所得收入是你的主要收入來源？

Is the money earned from platform work the main source of income ?

- 是 Yes
- 否 No

Q3 平均每天在平台 / 中介工作的工時

Average working hour working for the platform each day

▼ 1 ... 24

Q4 平均每周的休息日

Average number of day(s) of rest

▼ 0 (0) ... 7

Q5 每月與平台 / 中介相關的每月平均收入

Average monthly income from working for platforms

- \$0 - \$5,000
- \$5,001 - \$10,000
- \$10,001 - \$15,000
- \$15,001 - \$20,000
- \$20,001 - \$25,000
- \$25,001 - \$30,000
- \$30,001-\$40,000
- \$40,001-\$50,000
- >\$50,000

Q6 你曾經或正在為以下那一個（那些）平台 / 中介工作？

Which platform(s) are you working for ?

- |                                             |                                                  |
|---------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> FoodPanda          | <input type="checkbox"/> EverCare                |
| <input type="checkbox"/> Deliveroo          | <input type="checkbox"/> 理心醫療 Empathy Healthcare |
| <input type="checkbox"/> UberEats           | <input type="checkbox"/> 愛護健 Essence LifeCare    |
| <input type="checkbox"/> Zeek               | <input type="checkbox"/> 麥迪 MPS                  |
| <input type="checkbox"/> Gogovan/GogoX      | <input type="checkbox"/> 環宇 UniCare360           |
| <input type="checkbox"/> Lalamove           | <input type="checkbox"/> 延年 Life Extension       |
| <input type="checkbox"/> Pickupp            | <input type="checkbox"/> 嘉文 Kaman Healthcare     |
| <input type="checkbox"/> 百本 Bamboos         | <input type="checkbox"/> 樂助 I Care Nursing       |
| <input type="checkbox"/> 活力國際 Active Global | <input type="checkbox"/> 其他（請註明）： _____          |

Q7A 現時你的主要工作模式是？（平台送餐員 / 平台送貨員）

What is your main mode of work? (Platform Food/Courier Delivery Worker)

- 步兵 Walker
- 單車 Bicycle
- 電動單車 Electric bike
- 電單車 Motorcycle
- 私家車 Private car
- 客貨車 Van

Q7B 現時你的主要工作模式是？（平台 / 中介照顧員）

What is your main mode of work? (Platform/Agent Care Worker)

- 只有一份固定的照顧工作（一個僱主） Only 1 stable care job (1 employer)
- 一份固定工作加中介派單 / 兼職 1 stable care job + take orders from intermediaries/ Part time
- 只靠固定兼職 Only rely on stable part time work
- 只靠平台 / 中介派單，不能預測工作量 Only rely on platforms/intermediaries' orders, cannot predict workload

Q8 現時或在離職之前，與平台 / 中介所簽訂的合約類型

Which kind of contract did you sign with the platform? (Display when they have chosen the corresponding platform)

	自僱合約 Self-employment contract	兼職僱傭合約 Part-time employment contract	全職僱傭合約 Full-time employment contract	不清楚 / 不知道 Uncertain / don't know
Foodpanda	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Deliveroo	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
UberEats	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Zeek	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gogovan/GogoX	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lalamove	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pickupp	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
百本 Bamboos	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
活力國際 Active Global	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
EverCare	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
理心醫療 Empathy Healthcare	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
愛護健 Essence LifeCare	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
麥迪 MPS	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
環宇 UniCare360	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
延年 Life Extension	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
嘉文 Kaman Healthcare	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
樂助 I Care Nursing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
其他	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q9A 加入 FoodPanda 年份

When did you join FoodPanda?

▼ 2014 ... 2021

Q9B 加入 Deliveroo 年份

When did you join Deliveroo?

▼ 2015 ... 2021

Q9C 加入 UberEats 年份

When did you join UberEats?

▼ 2016 ... 2021

Q9D 加入 Zeek 年份

When did you join Zeek?

▼ 2019 ... 2021

Q9E 加入 Gogovan/GogoX 年份

When did you join Gogovan/GogoX?

▼ 2013 ... 2021

Q9F 加入 Lalamove 年份

When did you join Lalamove?

▼ 2013 ... 2021

Q9G 加入 Pickupp 年份

When did you join Pickupp?

▼ 2016 ... 2021

Q9H 加入百本年份

When did you join Bamboos?

▼ 2009 ... 2021

Q9I 加入活力國際年份

When did you join Active Global?

▼ 2014 ... 2021

Q9J 加入 EverCare 年份

When did you join EverCare?

▼ 2016 ... 2021

Q9K 加入理心醫療年份

When did you join Empathy Healthcare?

▼ 2014 ... 2021

Q9L 加入愛護健年份

When did you join Essence LifeCare?

▼ 2017 ... 2021

Q9M 加入麥迪年份

When did you join MPS?

▼ 2013 ... 2021

Q9N 加入環宇年份

When did you join UniCare360?

▼ 2018 ... 2021

Q9O 加入延年年份

When did you join Life Extension?

▼ 2013 ... 2021

Q9P 加入嘉文年份

When did you join Kaman Healthcare?

▼ 2013 ... 2021

Q9Q 加入樂助年份

When did you join I Care Nursing?

▼ 2017 ... 2021

Q9R 加入「其他」平台的年份

When did you join the 'other' platform?

▼ 2011 ... 2021

Q10 你有多大程度同意以下有關「平台 / 中介對你的控制」的描述？

To what extent do you agree with the following statements about platform control over your work?

	非常不同意 Strongly disagree	不同意 Disagree	普通 Neither Agree or Disagree	同意 Agree	非常同意 Strongly Agree
平台 / 中介有權向你指派訂單，而你不能拒絕 Platform has the right to assign you orders that you cannot refuse	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
被客戶投訴，或被平台 / 中介警告或懲罰時，你能向平台 / 中介作出合理上訴 When complained by customers, or warned or punished by the platform, you can make reasonable appeals to the platform	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
你可以自由選擇自己的工作時間 You can choose your working hours freely	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
平台 / 中介可在未諮詢你之下單方面調整服務費 Platform can adjust service fees unilaterally without consulting you	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
你所工作的平台 / 中介限制你為其他公司工作 The platform you work for limits you from working for other companies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
你所工作的平台 / 中介有免費提供工作所需的設備 (例如：制服、保溫袋等等) The platform you work for provide free equipments for work (e.g. uniform, insulation bag)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
平台 / 中介強制要求使用其設備 (例如：制服、保溫袋等等) Platform has made the use of their equipment a must (e.g. uniform, insulation bag)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q11 你有多大程度同意以下有關「平台 / 中介與你的關係」的描述？

To what extent do you agree with the following statements about your relationship with the platform?

	非常不同意 Strongly disagree	不同意 Disagree	普通 Neither Agree or Disagree	同意 Agree	非常同意 Strongly Agree
不論事實上簽了哪種合約，你覺得自己與你所工作的平台 / 中介實際存在僱傭關係 You think that there is actual employment relationship between the platform you work for and you, regardless of the contract you in fact signed with them	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
我可以隨時參閱我和平台 / 中介簽訂的合約條款 I can read and reference the contract terms and conditions I signed with the platform anytime	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
平台 / 中介有清楚地解釋合約條款，並願意回應你的相關疑問 The platform has clearly explained the contract terms and conditions, and is willing to respond to your relevant questions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q12 你有多經常出現以下情況？

How often do the following situations come up?

	十分常見 Always	常見 Often	一般 Sometimes	很少見 Seldom	從未出現 Never	不適用 Not applicable
你曾受到平台的警告 You have been warned by the platform	<input type="radio"/>					
你曾受到平台的懲罰，如暫停或終止帳號、調低評級、罰款等 You have been punished by the platform, e.g. getting account suspended or terminated; reducing your ratings; getting fined	<input type="radio"/>					
你曾經有被客人無禮對待的經歷 Customers had treated you rudely before	<input type="radio"/>					

	十分常見 Always	常見 Often	一般 Sometimes	很少見 Seldom	從未出現 Never	不適用 Not applicable
你曾聯絡平台 / 中介以對無理投訴作出解釋，而未獲有意義的回覆 You had contacted platform to explain unreasonable complaints you received before, and did not receive a meaningful reply	<input type="radio"/>					
你曾經有被院舍無禮對待的經歷 Care homes had treated you rudely before (For care worker)	<input type="radio"/>					
你曾經有被餐廳無禮對待的經歷 Restaurants had treated you rudely before (For food delivery worker)	<input type="radio"/>					

Q13 你有多經常出現以下情況？(平台 / 中介照顧員)  
How often do the following situations come up?

	十分常見 Always	常見 Often	一般 Sometimes	很少見 Seldom	從未出現 Never	不適用 Not applicable
在職場上因中介照顧員的身份受到歧視 / 不公平對待 Discrimination or unfair treatment in workplace due to role as platform-mediated care worker	<input type="radio"/>					
為其他平台或院舍工作，而被中介警告或懲罰 Warned or punished by intermediaries for working for other platforms or care homes	<input type="radio"/>					
不清楚中介抽佣的比例 Unclear commission percentage taken by intermediaries	<input type="radio"/>					
中介定期按通脹調整服務費 Intermediaries regularly adjusting service fees in line with inflation	<input type="radio"/>					

Q14 你有多常使用以下有關「獲取資訊的渠道」？  
How often do you make use of the following channels to obtain information?

	經常 Always	有時 Sometimes	很少 Seldom	從不 Never	不適用 Not applicable
平台 / 中介提供的社交媒體群組 groups (e.g. Telegram Channel)	<input type="radio"/>				
平台 / 中介以外的社交媒體群組，如從業者自發的 Facebook 專頁 Social media groups that are not created by companies, such as Facebook page created by fellow workers	<input type="radio"/>				

Q15 你有多大程度同意以下有關「獲取資訊的渠道」的描述？  
To what extent do you agree with the following statements about your channels to obtain information?

	非常不同意 Strongly disagree	不同意 Disagree	普通 Neither Agree or Disagree	同意 Agree	非常同意 Strongly Agree
平日你有機會面對面與其他平台 / 中介勞工交流 You have the chance to interact face-to-face with fellow workers on a daily basis	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
平台 / 中介以外的大型公開社交媒體群組是你接收與交流與工作相關資訊的主要渠道 Large-scale and public social media groups that are not created by companies are the main channels through which you get and exchange information related to your work (e.g. Facebook Group, Whatsapp Group, Telegram group)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
親友和鄰里是你接收和交流與工作相關資訊的主要渠道 Friends, relatives and neighbours are the main channels through which you get and exchange information related to your work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
你需要在 Apps/WhatsApp Group / Facebook 與其他同行實時競爭訂單 You need to compete for orders in real time with fellow workers on apps/ Whatsapp Group/ Facebook	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
你清楚其他平台 / 中介的服務費讓你作參考 You are well-informed about other platforms' service fee levels as a reference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q16 你有多大程度同意以下有關「你對平台 / 中介的依賴程度」的描述？

To what extent do you agree with the following statements about your level of dependence on the platform?

	非常不同意 Strongly disagree	不同意 Disagree	普通 Neither Agree or Disagree	同意 Agree	非常同意 Strongly Agree
你可以在其他行業找到一份相等工資的工作 You can find a job with equal salary in other industries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
你在經濟上依賴這份工作 You rely on this job financially	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q17 你曾經在工作或通勤期間遇上意外

You had been in an accident during work or when you are commuting to work

- 是 Yes  
 否 No

Q18 你有參與過罷工或其他集體行動

You have been involved in a strike or other collective action

- 是 Yes  
 否 No

Q19 你是相關平台行業的工會會員

You are a member of trade union(s) related to your platform work

- 是 Yes  
 否 No

Q20 你願意成為相關平台行業的工會會員 (如非工會會員)

You are willing to be member of trade union(s) related to your platform work (If they are not trade union members)

- 是 Yes  
 否 No

Q21 平台 / 中介對你提供的保障

Protections provided by the platform

	有 Yes	沒有 No	不知道 Unknown
據你所知，你所工作的平台 / 中介有為你提供保險 You are aware that the platform(s) you work for provides insurance for you	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
據你所知，你所工作的平台 / 中介有為你報稅 You are aware that the platform(s) you work for has filed tax return for you	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q22 你有多大程度同意以下有關「平台 / 中介與政府對你提供的保障」的描述？

To what extent do you agree with the following statements about protections provided by the platform and government ?

	非常不同意 Strongly disagree	不同意 Disagree	普通 Neither Agree or Disagree	同意 Agree	非常同意 Strongly Agree
你希望公司不能在未諮詢工人下單方面更改合約 You hope that your company cannot change contract terms unilaterally without consulting workers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
你希望你的工作有強積金 (MPF) 或其他退休保障 You hope that MPF or other retirement protections are provided by your job	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
你希望你的工作受勞保及工傷意外保障 You hope that your job is covered by labor insurance and there is compensation to work-related accidents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
你希望你的工作提供每小時底薪保障 You hope that your job offers a guaranteed base salary per hour	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
你希望你的工作為你提供有薪假期 You hope that holiday with salary is provided by your job	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	非常不同意 Strongly disagree	不同意 Disagree	普通 Neither Agree or Disagree	同意 Agree	非常同意 Strongly Agree
你希望公司不能在沒有合理原因下終止工人的帳號 You hope that your company cannot terminate workers' accounts without reason	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
你所工作的平台 / 中介已為你提供足夠的勞工保障 The platform you work for has provided enough labour protections for you	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
你覺得政府已為平台 / 中介工人提供足夠保障 You think that the government has provided enough protections for platform workers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
你覺得政府對平台 / 中介有足夠的監管 You think that the government has sufficient regulations over platforms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q23 你對以下平台 / 中介的滿意度  
Level of satisfaction towards the platform

	非常不滿意 Very dissatisfied	不滿意 Dissatisfied	一般 Neither satisfied or dissatisfied	滿意 Satisfied	非常滿意 Very satisfied
Foodpanda	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Deliveroo	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
UberEats	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Zeek	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gogovan/GogoX	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lalamove	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pickupp	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
百本 Bamboos	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
活力國際 Active Global	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
EverCare	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
理心醫療 Empathy Healthcare	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
愛護健 Essence LifeCare	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
麥迪 MPS	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
環宇 UniCare360	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
延年 Life Extension	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
嘉文 Kaman Healthcare	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
樂助 I Care Nursing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
#{Q6/ChoiceTextEntryValue/17}	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q24 你的性別

Your gender

- 男 Male
- 女 Female
- 其他 Others

Q25 你的族裔

Your ethnicity

- 華人 Chinese
- 印度 Indian
- 巴基斯坦 Pakistani
- 尼泊爾 Nepali
- 其他 Others \_\_\_\_\_

Q26 你在香港出生？

Were you born in Hong Kong?

- 是 Yes
- 否 No

Q27 你在哪個地方出生

Where were you born? (If they were not born in HK)

- 中國內地 Mainland China
- 印度 India
- 巴基斯坦 Pakistan
- 尼泊爾 Nepal
- 其他 \_\_\_\_\_

Q28 你的年齡組別

Your Age

- 20 歲以下 Below 20
- 20-29
- 30-39
- 40-49
- 50-59
- 60 歲或以上 60 or above

Q29 你的主要工作區分

District that you mainly work in

- |                                                     |                                               |
|-----------------------------------------------------|-----------------------------------------------|
| <input type="radio"/> 中西區 Central and West District | <input type="radio"/> 離島區 Island District     |
| <input type="radio"/> 東區 Eastern District           | <input type="radio"/> 葵青區 Kwai Tsing District |
| <input type="radio"/> 南區 Southern District          | <input type="radio"/> 北區 North District       |
| <input type="radio"/> 灣仔區 Wan Chai District         | <input type="radio"/> 西貢區 Sai Kung District   |
| <input type="radio"/> 九龍城區 Kowloon City District    | <input type="radio"/> 沙田區 Sha Tin District    |
| <input type="radio"/> 觀塘區 Kwun Tong District        | <input type="radio"/> 大埔區 Tai Po District     |
| <input type="radio"/> 深水埗區 Sham Shui Po District    | <input type="radio"/> 荃灣區 Tsuen Wan District  |
| <input type="radio"/> 黃大仙區 Wong Tai Sin District    | <input type="radio"/> 屯門區 Tuen Mun District   |
| <input type="radio"/> 油尖旺區 Yau Tsim Mong District   | <input type="radio"/> 元朗區 Yuen Long District  |

Q30 你的最高學歷

Your education attainment

- 小學畢業或以下 Primary school graduate or below
- 高於小學但未完成中學課程 Secondary school education without graduating
- 中學畢業 Secondary school graduate
- 大專·非學士學位 Higher education (non-bachelor' s degree)
- 學士學位 Bachelor' s degree
- 學士學位以上 Above bachelor' s degree

Q31 居住房屋類型

Type of housing you live in

- 出租公屋 Public rental housing
- 租住私人單位 Private rental housing
- 租住劏房 / 分間單位 / 非正規房屋 Rented subdivided units/ irregular housing
- 自置私人物業 Self-owned private property
- 自置公屋 / 居屋 Self-Owned public housing
- 其他 Others \_\_\_\_\_

Q32 同住成員人數

Number of people you live together with

- 0
- 1
- 2
- 3
- 4
- 5
- 6+

Q33 你是不是家庭的經濟支柱（家庭的主要收入來源）？

Are you providing the main source of income to your household ?

- 是 Yes
- 否 No

Q34 為平台工作之前，你從事甚麼行業？

What kind of job did you have before working for platform(s) ?

- 建造業 Construction
- 零售業 Retail
- 醫療及護理 Care Work and Medical Care
- 住宿、膳食服務及飲食業 Accommodation and food services
- 郵政及速遞服務 Postal and courier services
- 運輸業 Transportation
- 倉庫及物流 Storage and Logistics
- 資訊及通訊 Information and communications
- 金融及保險 Financing and insurance
- 地產、專業及商用服務 Real estate and professional and business services
- 公共行政、社會及個人服務 Public administration, social and personal services
- 進出口貿易及批發 Import or export trade and wholesale
- 家務勞動 / 照顧者 Housework or Caregiver
- 學生 Student
- 沒有工作經驗 No working experience
- 其他 Others \_\_\_\_\_

Q35 你的稱呼

Your name:

\_\_\_\_\_

Q36 我們將以 Whatsapp 訊息或手機短訊聯絡你，提供 HKD\$20 便利店電子禮券。

We will contact you through Whatsapp message or SMS to provide the HKD\$20 Convenience store E-coupon.

你的聯絡電話號碼

Your contact phone number :

\_\_\_\_\_

# Appendix II

Publicised information obtained from the negotiation table of 2021 strike

	Threshold 1	First Action	Second Action	Third Action
Clickthrough orders	1 order (>1% of orders)	Reminder	5 days suspension	
	50% of orders	7 days suspension		
Low completion rate	<ul style="list-style-type: none"> <li>➤ 90% undispached orders</li> <li>➤ &gt; 10 undispach</li> </ul>	Reminder	5 days suspension	
Delaying clicking PU on purpose	<ul style="list-style-type: none"> <li>➤ Clicked “picked up” more than 150m away from vendor</li> <li>➤ &gt; 20% orders</li> <li>➤ &gt; 5 orders</li> <li>➤ &gt; 8min “at vendor”</li> </ul>	Reminder	7 days suspension	Termination
Customer or vendor complaints	< 3 valid complaints	Reminder	Warning or suspension depending on the severity of the complaints	Suspension or termination depending on the severity of the complaints
Fake GPS	1 time	Break	7 days suspension	
No show	> 10 shift / week	7 days suspension		
Hijacking orders	<ul style="list-style-type: none"> <li>➤ Orders undispached from a courier that end up cancelled under “Order hijacked” on Hurrier and completed on BE</li> <li>➤ &gt; 5 orders / week</li> <li>➤ &gt; 12 min between NPU and undispached</li> </ul>	7 days suspension + Email	Termination	
Cumulative spillage , wrong order, unable to find customer, unreturned order incidents	95th percentile flagged + investigation	Reminder	5 days suspension	
Cumulative Invalid PODs	1 count/week	Reminder	5 days suspension	
High hold time	<ul style="list-style-type: none"> <li>➤ &gt; 10 orders / week</li> <li>➤ Redispached &gt; 25min after accepted</li> <li>➤ OR</li> <li>➤ &gt;= 15 min avg from Accepted to MU</li> <li>➤ &gt;= 45% MU order</li> </ul>	Reminder	7 days suspension	
Thermal bag	1 <sup>st</sup> time	Reminder	7 days suspension + Email	

Source: Negotiation team in November 2021 Foodpanda strike



