



A STUDY ON WORKPLACE SAFETY OF DELIVERY PARTNERS

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Abstract: This research aims to prioritize the occupational safety of delivery partners, wherein currently the delivery platforms concentrate on minimal delivery time (for eg., 10 minute, 20 minutes etc.). Even ambulances that have unrestricted access take more than ten minutes to reach whereas here the delivery partners are pushed to work beyond it. The thrive for shorter span of delivery time is accelerating the issue. Countless delivery partners have died or been brutally injured in these road accidents. Many research analyses say that it is highly essential to regulate the safety of gig workers, especially delivery partners. Gig workers can be graded as self-employed, with minimal employment protection i.e. there is no protection against unfair dismissal, right to redundancy payments, right to receive the national minimum wage, paid holiday and sickness pay are treated to be void. As per the Occupational Safety, Health, and Working Conditions Code, 2020 it does not cover up platform workers. The Code which affirms workplaces to be free of hazards which are likely to cause injury or occupational disease is applies only to employees and contract workers in factories establishments and not to platform workers. There is no responsibility placed on these delivery platforms which creates nearly an impossible deadlines and routinely place the delivery persons who work for them in a serious life-threatening situations. Employers should realise the pros and cons of the non-traditional workforce to help their gig workers overcome these challenges, This paper emphasizes the safety measures of the delivery partners who undergo huge physical and mental trauma due to this rapid delivery time wherein their lives are highly endangered. Finally, few suggestive measures have been put forth to ensure such online platforms would be safer place to work.

Key Words: Occupational safety, Delivery partners, Gig workers & Social security code.

1. INTRODUCTION:

“The workforce is getting Uberized. The gig economy is taking over the world. Independent-contractor jobs are the new normal”. -Annie Lowrey

A good number of firms that are employ independent workers for short term jobs or 'gigs' is a pattern of employment that has rapidly increased over these last few years. This has given birth to the term 'gig economy'. The workers who contribute to Gig economy are not entitled to the same employment rights and legal protections that employers must provide to permanent employees. Permanent employees are privileged to receive a basic minimum wage, pay on a holiday and to take adequate rest sessions but employers are not under any binding to provide these kinds of support to 'gig' workers. The health, safety and well-being of gig workers are one of the serious areas of concern. The ecosystem in which these workers are employed is usually demanding and highly target oriented one. Ill effects on the health and safety of these individuals are a concern, with reports of gig workers feeling unable to deny the work for fear of not reaching minimum targets, working while sick and feeling forbidden from taking sufficient breaks.

1.1. Speedy-Delivery – The new mantra of the hour:

The race to deliver food on time accelerates the risk of road accidents, which is experienced by several delivery partners. Our Indian roads are highly crowded and have intractable traffic with less regards for traffic rules. Bikes





scurrying on the pedestrian footpath and cars blazing across red lights are an often sight. Residential apartments are highly complex to get through, high rise buildings usually have watchful security guards who take abundant time to verify identity, not to mention attempting to identify houses located on perplexed roads and narrow alleys. None of this is structured for optimization. It brings in a high physical and mental toll on the delivery partners, and endangering their lives. Those these online platforms list insurance as one of the benefits, these workers to a larger extent are unaware of the modalities of accessing it. When several orders are given to the executives who make deliveries at a prompt time and faster, it coerces them to travel at risky speed endangering themselves and other people's lives. At the time of pandemic, these workers were specifically vulnerable and need to pay for personal safety out of their own pockets. Numerous delivery partners have died or have been severely injured due to these road accidents.

1.2. Occupational safety - a far cry to delivery partners:

App-based delivery platforms need to work during unsocial hours not only limits these delivery

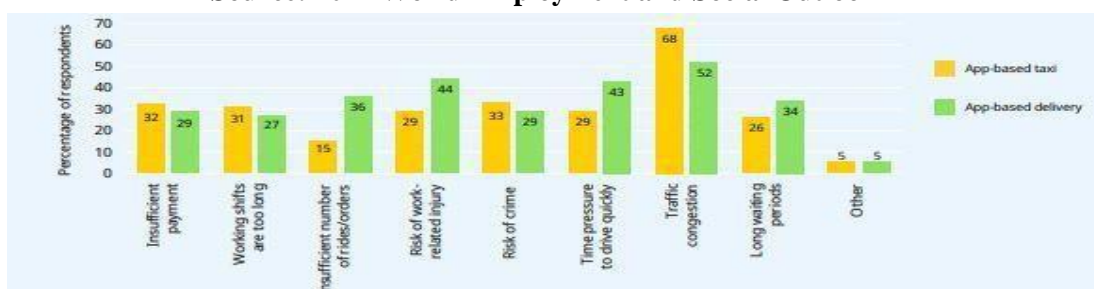


executives/workers ability to be flexible with respect to working hours but also has a deep impact on their work–life balance, and in few cases, it can also lead to social isolation. A survey based on freelance platforms of Ukraine analysis shows that work–life balance did not improve, or stayed the same, compared to their previous job situation. Such situations have implications on the health of these workers, many of whom are already confronted with long working hours in front of a screen. App-based taxi and delivery platforms, a high proportion of workers are prone to stress due to their work and working conditions. This is usually due to hectic traffic congestion, inadequate payment, lack of jobs, long working hours, the risk of work-based injury and pressure to drive speedily. Worker movement is accurately monitored by the platforms and can be tracked by the customers easily, which adds on the pressure to reach destinations quickly so as to ensure future orders or rides, which can be cancelled for even slight delays. This can also have severe implications for workers’ occupational safety and health, specifically since workers often do not have access to social protection coverage and can even lead to customer’s safety at risk.

Source: 2021 World Employment and Social Outlook



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Online delivery platforms are necessarily having safety concerns, mostly due to road safety, theft and physical assault as per ILO World employment and social outlook report. In countries with women in the sample, a higher proportion of women than men were worried about physical assault in the app-based taxi sector, reflecting safety concerns, along with violence and harassment at work, which need to be addressed on a closer scale

1.3. COVID-19 impact on occupational safety and health:

Online delivery platform workers who were working during COVID-19 were found that the platforms had introduced necessary steps to bring down the health-based risks during the pandemic, even though the proportions varied depending on the country and the platform. Among them app-based taxi drivers, measures included compulsory wearing of mask, contactless and cashless delivery, limiting the number of passengers, and sanitizing hands, equipment and vehicles, were few among them. Some of the taxi platforms also mandated the car to be equipped with a separation between driver and passengers, or offered to make the needy changes. In certain cases this was provided free of cost, some organizations charged the worker for the same.

1.4. ILO's outlook on Digital Labour Platforms:

ILO's World Employment and Social Outlook- Trend 2019, while addressing the "Poor working conditions are main global employment challenge," cautioned: "[Some] new business models, including those enabled by new technologies, threaten to undermine prevailing labour market achievements — in areas such as enhancing employment formality and security, social protection and labour standards — unless policy-makers meet the necessary threats

1.5. Contract Labour vs Self-employed:

Contrary to popular belief, the absence of a defined schedule and working hours does not mean that employees immediately become self-employed. The International Labour Organization (ILO) defines "dependent self-employment" as a category in which "workers provide a service for a company with a contract that differs from a work contract, but depend on its clients for their income or received detailed instructions regarding how the work is to be done"

1.6. ILOs convention on Occupational safety and Health:

As per the Occupational Safety and Health Convention, 1981 (No. 155), "applies to all branches of economic activity" and to "all workers" in these branches . Other key occupational safety and health instruments include the Protocol of 2002 to the Occupational Safety and Health Convention, 1981; and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The Violence and Harassment Convention, 2019 (No. 190), also applies to all workers (including jobseekers and ex-workers) and addresses violence and harassment involving third parties (Art. 4). These Conventions deal from physical harm to psychological health, which are particularly at risk as a result of online activities or social isolation. These standards put forth a defined set of responsibilities with respect to the creation and maintenance of a safe and healthy working ecosystem. The ILO Centenary Declaration for the Future of Work also portrays that safe and healthy working conditions are fundamental to decent work.

1.7. Social Security code 2020:

In the year 2020, four labour codes related to wages, social security, occupational safety and industrial relations were enacted, invoking in few much-anticipated labour law reform in our country. The recognition of the digital platform workers in these codes was considered to be a historic change. The code ensures the Union government to notify suitable welfare schemes for the app based workers that pertain to life and disability cover, health and maternity benefit etc. The aggregator i.e., the app based platform itself is not expected to contribute more than 5% of the amount payable to the platform worker from their Social Security Fund. In addition to this, the e-Shram portal was launched in August 2021 which was a notable change. Nearly 25 crore informal sector workers have been registered in it. However, social security without basic workers' rights to a safe working environment and adequate compensation is absurd. As per the Occupational Safety, Health, and Working Conditions Code, 2020 does not cover upon app based/platform workers. The Code which mandates that workplaces should be free of workplace hazards that are likely to cause injury or occupational disease is made applicable only to employees and contract workers in factories and establishments and not to app based/platform workers. No responsibility is placed on these platforms that create near-impossible deadlines and routinely place the delivery persons who work for them in life-threatening situations.

1.8. Responsibility for managing the health, safety and welfare of delivery partners:



It is the primary responsibility of the “duty holder” to concern for the health and safety of their workers. They are legally bound to carry out risk assessments so that they can identify all reasonably predictable hazards and do everything that is fairly practicable to eliminate, or failing that, reduce them. The duty holder is the person or organisation that is duly responsible for the worker’s day to day safety on the premises or environment where they are working or prone to. For workers where the person or organisation who employs them and pays their wages, also controls the premises or environment they are working in, then that is their employer.

1.9. The Path Forward:

As the modern economy has evolved since the Industrial Revolution, so too has the need to revolutionize the regulatory systems that safeguard labourers. With this regulatory progression should come a middle ground that helps to match the gap that exists for the gig workers. App based Platforms must have policies or guidelines in place, appropriate to the locations and modes of work, to secure workers from health and safety risks, and should strive to shield and promote the physical and mental wellness of the workers. The path ahead is to assure that the Occupational Safety, Health and Working Conditions Code, 2020 is dilated to include app based and gig workers. This would ensure platform aggregators accountable for the safety of their delivery partners.

2. CONCLUSION:

For a large number of workers and employers, the gig economy model fit could offer enormous benefits. Employees can aid through an additional stream of income in addition to their existing which is made possible due to the flexible working hours. Employers can take privilege of the efficient and cost-effective nature of this pattern of employment and react efficiently to dynamic market demands. Looking towards the future, the biggest challenge for employers would be how this mode of working alongside with the adequate measures by the management to ensure the health and safety of this digital workforce.

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