

# Australia: Two Sydney Uber Eats workers die in three weeks

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A Sydney food delivery worker was killed on Saturday evening, after his motorcycle was struck by a ute in Campbelltown, in the city's southwest outskirts. The man, aged in his 20s, was pronounced dead at the site of the crash.

He was the second Uber Eats rider to die in the New South Wales (NSW) capital in just three weeks.

On July 22, Akshay Deepak Doultani was hit by an SUV in Epping, in Sydney's north. He was treated by paramedics, but died from his injuries at Royal North Shore Hospital.

Doultani, 22, was an international student from India, undertaking a master's degree in finance at Macquarie University, after receiving a scholarship to enable him to study in Australia.

Since 2017, at least 13 food delivery riders have been killed while working in Australia, but the number may be higher. Under reporting of accidents is common in the sector, in part due to the isolated character of the work and the large proportion of riders who are young migrants, often without strong community connections in Australia.

When Malaysian DoorDash rider Chow Khai Shien was fatally struck by an allegedly stolen car in Melbourne on September 24, 2020, the company was silent for five days. A police media release issued on September 28 described him as a "yet to be identified" man, although a Sydney Chinese-language news outlet had named him the previous day.

In April 2020, 30-year-old Turkish student Burak Dogan was killed when his bicycle was hit by a truck in inner-west Sydney. But, although he was logged in to the Uber Eats app at the time of his death, the company's Australian General Manager Matt Denman did not include him among the three work fatalities he told a parliamentary committee hearing had occurred in the year to April 2021.

The company subsequently told the Australian Broadcasting Corporation Denman had only been referring to "road fatalities involving delivery people who were making a delivery with Uber Eats."

Uber refused to pay compensation to Dogan's family, stating that the company's insurance only covers workers while they are actively making a delivery or for 15 minutes

after their previous delivery was completed or cancelled. Dogan had cancelled his last delivery 25 minutes before he was killed.

Under Australian law, employees are entitled to workers' compensation if they are injured or killed at work, but because gig economy workers are engaged as "independent contractors," not employees, they are denied this basic workplace right, along with legal minimum wages, paid sick leave, annual leave, superannuation and other entitlements.

This also means that, in almost all cases, food delivery workers have to provide their own vehicle and pay all their own expenses, including fuel and wear and tear.

After a tragic run of four deaths in the state over two months in late 2020 (in addition to Chow in Victoria), SafeWork NSW established a taskforce to investigate the food delivery industry.

Flowing from the inquiry, the government regulator introduced an "action plan" in April 2021, but it was limited to minor measures deemed acceptable by the delivery companies. According to an FAQ that was published with the plan, early proposals were modified "to be less prescriptive and more suggestive based on advice from platforms."

The changes demanded by business included, "removing reference to the algorithm, removing controls related to the design of mapping technology, removing the specific requirement to lock people off the app after 12 hours."

The changes proposed were of an extremely limited character, frequently based on whatever steps each company had already decided to implement.

For Uber Eats, the sole recommendation under "safe design of work" was for the company to incorporate a "bike safety checklist" and a helmet detection feature into its app. However, all five riders who died and the 50 injured in crashes examined in preparing the report were wearing helmets at the time.

While "time and emotional pressures," "fatigue" and "road and environmental conditions" were identified as contributing factors to delivery rider accidents, they were

almost entirely unaddressed in the “action plan.”

One company, Easi, agreed to include a “fatigue management reminder” in its app, while Hungry Panda pledged to warn customers of known delays resulting from traffic conditions.

Recommendations pertaining to other factors, “equipment design and use of unauthorised electric bikes,” “rider visibility” and “skills and knowledge,” were either patronising, requiring workers to complete an annual course on “the requirement to not ride when seriously fatigued or under the influence of alcohol and other drugs,” or perfunctory, such as the provision (free or at a “discount”) of high-visibility clothing and mobile phone holders.

The “action plan” said nothing whatsoever about the dire and unpredictable pay common across the sector—the single most important contributor to riders working fatigued, rushed, stressed and distracted, and to their use of poorly maintained bicycles, motorbikes and scooters.

A survey of around 1,000 gig economy transport workers published by the McKell Institute in April found that 45 percent earn less than the national minimum wage. Among the food delivery workers surveyed, 57 percent were paid less than the minimum wage.

Contrary to the frequent claims by businesses that workers enjoy the “flexibility” of gig work and predominantly use it to supplement other earnings, 81 percent of those surveyed said they were dependent on it to “pay bills and survive.”

In an attempt to do so, 41 percent of workers were working more than 40 hours per week, with 74 percent juggling multiple apps to try to secure enough work and guard against total loss of income if their account is suddenly deactivated.

While the Transport Workers Union (TWU) initially promoted the NSW taskforce and was an active participant, the union withdrew late in the process in an attempt to distance itself from the meagre “action plan.”

However, the tepid measures recommended by SafeWork, and the corporatist manner in which the taskforce was conducted, are entirely in line with what the TWU is now putting forward.

Conscious of mounting concern among workers throughout the transport industry, the most dangerous sector in the country, over safety as well as the intimately related issues of pay and working conditions, the TWU is trying to divert these sentiments into futile appeals to the parliamentary politics and support for companies that supposedly “do the right thing.”

To this end, the TWU has promoted charters it has signed with DoorDash, Uber and Menulog. These documents commit the companies to nothing beyond “good faith discussions” and going hand-in-hand with the union bureaucracy to “lobby the federal government or any future

body, to establish agreed standards.”

The primary orientation of the TWU is not to ensuring work in the food delivery sector is safe, secure and well-paid. Instead the union bureaucracy is seeking to protect its own privileged position as the gig economy conditions become more common across the transport industry, and to fortifying the business model and profits of those companies that are willing to offer the union a seat at the table.

The latter is also the aim of legislation proposed by the federal Labor government, falsely promoted by the TWU as “lifesaving reform.” In fact, this reform is about legitimising the sham contracting practices that the gig economy relies upon so that, as Workplace Relations Minister Tony Burke told the *Saturday Paper*, “everybody who uses the technology will still be able to use it.”

Burke made clear that the measures are about codifying a lower tier of entitlements for gig workers, who “might not be employees, but they deserve some minimum standards.” Instead of the current “cliff,” between the rights of regular employees and those of “independent contractors,” Burke is seeking to establish a “ramp.”

At best, the aim of this reform is to increase the wages and conditions of gig workers to just below those of the lowest-paid casual employees, who themselves face an increasingly intolerable situation. It will do nothing to provide a decent standard of living for, or improve the workplace safety of, food delivery workers.

The latest tragic deaths are a stark reminder that gig workers cannot afford to place their lives in the hands of the unions or the Labor government. The rampant growth of insecure work, epitomised by the gig economy, is itself the result of the sweeping onslaught against full-time jobs initiated by Labor governments in the late 1980s and early 1990s with the full collaboration of the trade unions.

Instead, food delivery workers need to establish independent rank-and-file committees and link up with workers throughout the transport sector and more broadly, in order to take forward a fight for secure, safe, well-paid jobs.



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