

A photograph of a bearded man wearing a black bicycle helmet and a blue button-down shirt. He is holding a brown paper bag in his right hand and looking down at a smartphone in his left hand. The background is blurred, suggesting an outdoor setting.

# FOOD DELIVERY RIDERS - KEEPING YOU SAFE

SAFEWORK NSW

**This document provides a summary of what the platform, food outlets and riders must do to keep safe.**

## THE PLATFORMS DUTY OF CARE

The platform, as a *'Person Conducting a Business or Undertaking (PCBU)'* has specific duties under the *NSW Work Health and Safety Act 2011 (The Act)*.

The most important duty of the platform is the 'primary duty of care' for workers they 'engage' or 'cause to be engaged'. This means that the platform has a duty, so far as is reasonably practicable, to ensure the health and safety of all riders who carry out work using the platform's app.

It does not matter whether you are an employee, an independent contractor, or an employee of a contractor, you are considered a 'worker' because the work you carry out is influenced or directed by the platform.

## WHAT PLATFORMS MUST DO

The platform must ensure your health and safety by:

### **Designing work so it can be done safely**

The platform must ensure risks are eliminated or controlled. This includes features of the app or the delivery process that can create a risk to your health and safety, for example, when and how you are required to access the app and ensuring delivery times are based on average rider speeds and predicted traffic conditions.

## **Providing a safe working environment**

The platforms will put policies and processes in place that can influence your working environment. These policies may include wet weather policies, advice about routing apps and safe routes.

## **Ensuring you use suitable equipment**

The platform should make sure that the vehicle you use is safe and suitable for the job, that you are trained in the use of the vehicle and know how to check and maintain the vehicle to ensure that it is suitable and safe to use on public roads in NSW.



## Providing Personal Protective Equipment

The platform is required to provide you with equipment that you need to do your job safely. This includes a hi-visibility vest, shirts or jackets suitable for both night and day, a delivery bag that is suitable for the job and has hi-visibility qualities. PPE does not include bike safety gear, such as a helmet, which you must have to be able to ride on public roads in NSW.

## Providing information and training

The platform must provide you with the information, training and instruction you need to do the job safely. They must do this before you start carrying out the work. This includes information and training about:

- **General road safety** and road rules relevant to the type of vehicle, safe riding practices, vehicle pre-start checks, maintenance checks, common road hazards and situations like wet weather and 'dooring'.
- **Hazard and fatigue management** including, managing work hours and fatigue, use of multiple apps, use of drugs and alcohol, medications, medical issues and the impacts on workplace safety.
- **Personal protective equipment (PPE)** provision and selection of appropriate PPE, including adequate and proper use of PPE.
- **WHS duties and obligations** to ensure that you know what they must do to keep you safe as well as what you are required to do.

## **Provide access to facilities**

The platform should provide information about where public toilets are located, where you can fill your drink bottles and how to access first aid.

## **Monitoring the workplace**

The platform must have systems in place to monitor the workplace for risks so action can be taken to prevent injury and illness. This includes systems for you to report incidents and near misses as well as hazards that are likely to cause harm.

**Note:** If you delegate your account to another rider you may assume some of the duties of a PCBU, for example training and information, supply of PPE.

## **WHAT FOOD OUTLETS MUST DO**

A food outlet is also a PCBU. They have a primary duty of care to their own workers and to riders picking up deliveries from their premises. They have this duty to you, to the extent that they direct or influence your work.

Waiting areas and how the delivery is packed are some of the things the outlet must make sure are free from risks.

## RIDER'S DUTIES

As a food delivery rider you, together with the platform and the food outlets, play a role in managing the risks that you face in your day-to-day work. You must:

- take reasonable care of your own health and safety.
- take reasonable care that you don't do anything to harm others in the workplace including other workers or members of the public.
- comply, so far as reasonably practicable, with any reasonable instruction given by the platform.
- co-operate with any health and safety policy or procedure that the platform has communicated to riders.

## RIDER'S RIGHTS

If you have concerns that you are being exposed to an immediate and serious risk to your health and safety, you have the right to cease work or refuse to carry out the work. You must tell the platform that you have ceased work and remain available to carry out suitable alternative work.

Any discrimination against a rider for seeking to exercise their rights under the Act, or any attempt to coerce them not to exercise their rights is prohibited and is an offence under the Act.

## CONSULTATION

The platform has a duty to consult with you, or your representative, on any matter that is likely to directly affect your health and safety. They must consult:

- when proposing any changes that might affect the health and safety of riders, and
- when making decisions about procedures for consultation, issue resolution, monitoring, and providing information and training to riders.

The platform may establish, in discussion with riders, consultation arrangements to suit their riders and the nature of the workplace.

If a request is made by a rider, the platform must also negotiate with riders to establish work groups, with the purpose of electing health and safety representatives (HSRs) for those workgroups.

Elected HSRs have broad powers under the Act, including:

- rights to inspect places where work is carried out;
- to receive work health and safety information; and
- to direct that dangerous work cease.

Once HSRs are trained, they can issue provisional improvement notices where they detect a breach of the Act.

FOR FURTHER INFORMATION,  
REFER TO:

**WORK HEALTH AND SAFETY**

**SafeWork NSW**

*A guide to managing work health and safety in the food  
delivery industry*

Website: [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)

Phone: 13 10 50



**ROAD SAFETY**

**Transport for NSW**

Website: [www.roadsafety.transport.nsw.gov.au](http://www.roadsafety.transport.nsw.gov.au)