



A GUIDE TO MANAGING WORK HEALTH AND SAFETY IN THE FOOD DELIVERY INDUSTRY

SAFEWORK NSW

AUGUST 2021

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Catalogue No. SW09407

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MINISTER'S MESSAGE

FOREWORD

As Minister for Better Regulation and Innovation, I am committed to helping improve safety in NSW workplaces to ensure everyone gets to return home from work safely at the end of their working day.

The gig economy is a relatively new, yet rapidly emerging business concept which involves persons captured under the *Work Health Safety Act 2011* (NSW) (the Act) and the *Work Health and Safety Regulation 2017* (NSW) (the Regulation). The food delivery industry is one industry that has been identified as forming a part of the gig economy in New South Wales.

Recent research¹ estimated that the gig economy in Australia, has increased rapidly in size over the past decade, increasing over nine times in market size from 2015 to 2019 to account for more than \$6bn in consumer spending in 2019. During this time the food delivery sector has increased six-fold to account for **\$3.8bn of consumer spending**, with growth largely driven by Food Delivery Platforms.

The COVID-19 pandemic has resulted in more people seeking alternative and additional income through food delivery work. In June 2020, **weekly consumer spending on food delivery was 70% higher than pre COVID-19 lockdown levels**. This has increased competition within the industry, with several Food Delivery Platforms reporting to SafeWork NSW a doubling of the number of workers delivering from their platforms between June 2019 and December 2020.

Workers in the food delivery industry are at greater risk, riding often unprotected on bicycles and motorcycles on busy NSW roads. Following multiple incidents involving serious injury and the tragic death of four Food Delivery Riders in NSW in the latter part of 2020, SafeWork NSW led a Food Delivery Joint Taskforce with Transport for NSW and NSW Police Force. This guide has been developed as a part of that Taskforce.

The guide provides practical advice and information to Food Delivery Platforms, Food Outlets and Food Delivery Riders, on their respective roles and responsibilities as duty holders under the Act and Regulation. Guidance is a necessary part of achieving greater compliance within an industry where reasonably foreseeable risks have been identified. The guide aims to assist duty holders to manage the health and safety risks associated with work undertaken as part of the business or undertaking in which they operate.

It is important to note that although the Guide is not law, it does form a critical aspect as to what industry knowledge exists regarding hazards, risks and control measures with Food Delivery. This is a critical aspect in determining what is 'reasonably practicable'. Guidance such as this, is complimented by the compliance, monitoring and investigative activities undertaken by SafeWork NSW Inspectors.

Should anyone have any questions in relation to the guidance provided, they are encouraged to seek further information from SafeWork NSW at www.safework.nsw.gov.au, or to contact SafeWork NSW directly on 13 10 50.



The Hon. Kevin Anderson MP
Minister for Better Regulation and Innovation

¹ Actuaries Institute. *The Rise of the Gig Economy and its Impact on the Australian Workforce*. Green Paper. December 2020.

INTRODUCTION

The safety of food delivery riders in New South Wales (NSW) is an important focus for both road users and the community. Working on NSW roads can be a high-risk activity, and everyone plays a role in managing the risks that food delivery riders face in their day-to-day work.

The main aim of the Act is to protect workers and other persons against harm to their health, safety and welfare. This is achieved through the elimination of risks from the workplace, and if that is not reasonably practicable, the risks must be minimised, as far as is reasonably practicable.

This guide is designed to provide information and advice to those engaged in food delivery services including, food delivery platforms, food outlets and food delivery riders, so that they can understand and meet their obligations under Work Health and Safety laws in NSW.

To be able to minimise some of the risks associated with working on NSW roads all parties need an understanding of the Road Rules 2014 (NSW). This guide does not specifically detail the Road Rules but such rules should be included in rider training and instruction.

BACKGROUND

The Food Delivery Industry involves the ordering and delivery of food and drinks from restaurants, cafes, kitchens, service stations and other food providers, referred to as Food Outlets (**outlets**), to members of the public by workers who transport the food using a bicycle or motorcycle. These workers are referred to as Food Delivery Riders (**riders**).

This Guide is directed at food delivery work where deliveries are dispatched by a Food Delivery Platform (**platform**) to a rider who delivers the meal ordered via the platform's application (**app**) to the customer.

While workers using cars are also engaged in the food delivery industry the risks faced by these workers and the incident of serious injury is far less than they are for workers using bicycles and motorcycles. The focus of the Guide is specifically on workers using a bicycle or motorcycle to deliver food or drinks from **outlets** to people's homes, places of work or places of recreation.



WORK HEALTH AND SAFETY DUTIES

The WHS Act places a series of important duties on a **Person Conducting a Business or Undertaking** – referred to as a **PCBU**. Individuals (such as sole traders, self-employed persons, or each partner in a partnership) and legal entities (such as corporations) can be **PCBUs** (section 5). **Platforms** and **outlets** will always be **PCBUs**.

PRIMARY DUTY OF CARE

The most important duty that a **PCBU** has is the ‘primary duty of care’ in section 19 of the WHS Act. This duty is owed to ‘workers’ (section 19(1)) and to ‘other persons’ (persons who are not the **PCBU**s workers) (section 19(2)).

Section 19(1) requires a **PCBU** to ensure, so far as is reasonably practicable, the health and safety of:

- **Workers** engaged, or caused to be engaged, by the person, and
- workers whose activities in carrying out the work are influenced or directed by the **person**, while the **workers** are at work in the business or undertaking.

This means that each **platform** has a duty to take all reasonably practicable measures to ensure the health and safety of all **riders** who carry out work using the **platform’s app**. Irrespective of whether the **riders** are employees, independent contractors, employees of contractors etc, they are all considered ‘**workers**’ (section 7) and are all owed this duty by the **platform**, including workers whose activities in carrying out work are influenced or directed by the **platform**.

PCBUs must do specific things, so far as is reasonably practicable, to ensure the health and safety of **workers**. Some examples of the measures that must be taken include:

- providing information, training, instruction, or supervision necessary to protect people from risks;
- providing and maintaining safe plant and structures;
- providing and maintaining safe systems of work;

- providing and maintaining a work environment without risks to health and safety;
- providing adequate facilities for the welfare of workers at work;
- monitoring the conditions at the workplace to prevent injury or illness.

Section 19(2) requires a **PCBU** to also ensure, so far as is reasonably practicable, that the health and safety of ‘**other persons**’ is not put at risk from work carried out as part of the conduct of the business or undertaking. Other persons can include, for example, customers, other road users and members of the public.

PCBUs have other duties under the Act and the Regulation, including immediately notifying SafeWork NSW of all deaths, serious injuries or illnesses, or dangerous incidents arising at work (Part 3).

Each **officer** of a **PCBU** must exercise due diligence to ensure that the **PCBU** complies with all its duties and obligations (section 27). This means that each officer (for example, each director and each senior manager) must:

- acquire up-to-date knowledge of health and safety matters,
- understand the **PCBU**s operations and the hazards and risks arising from those operations, and
- ensure that the **PCBU** is properly resourced and properly implements a systematic approach to managing health and safety.



REASONABLY PRACTICABLE

The **PCBU**s duty is to ensure the health and safety of workers and others 'so far as is reasonably practicable'. This means that the **PCBU** must take measures to eliminate the risk; and if this is not 'reasonably practicable', the **PCBU** must minimise the risks so far as is reasonably practicable (section 17).

In working out what is reasonably practicable, the **PCBU** must take into account and weigh up all relevant matters, including:

- the likelihood of the hazard or risk occurring
- the degree of harm that would result from the risk
- the availability and suitability of ways to eliminate or minimise the risk
- what the person concerned knows or ought reasonably to know about these three matters.

Once these factors have been weighed up, the **PCBU** may consider the **cost** of the measures to eliminate (or minimise) the risk. A measure is not reasonably practicable if the cost of implementing it is **grossly disproportionate** to the risk.

DUTIES AND RIGHTS OF WORKERS

Workers also have duties while at work. A **worker** must:

- take reasonable care of their own health and safety,
- take reasonable care that what they do, or fail to do does not adversely affect the health and safety of other persons,
- comply, so far as he or she is able, with any reasonable instruction that is given by the **PCBU**,
- co-operate with any reasonable policy or procedure of the **PCBU** relating to health and safety at the workplace that has been notified to **workers**.

Individual **workers** are entitled to cease work if they have reasonable concern that they have been exposed to an immediate or imminent serious risk to their health and safety (section 84).

Any discrimination against a **worker** for seeking to exercise their rights under the Act, or any attempt to coerce them not to exercise their rights, or to exercise them in a certain way, is prohibited and is an offence under the Act (Part 6).

CONSULTATION WITH WORKERS

Consultation with **workers** is an important part of identifying hazards and managing risks.

All **PCBU**s have a duty to consult, so far as is reasonably practicable, with all **workers** who carry out work for the business or undertaking and who are likely to be directly affected by a health and safety matter (section 47).

In particular, consultation is required when the **PCBU**:

- is conducting risk management activities
- when it proposes any changes that might affect the health and safety of **workers**, and
- when it makes decisions about procedures for consultation, issue resolution, monitoring, and providing information and training to **workers**.

The **PCBU** may establish arrangements for consultation to suit their workers and the nature of the workplace, provided the **PCBU** consults with the workers about these arrangements.

If a request is made by a **worker**, the **PCBU** must also:

- negotiate with **workers** to establish work groups,
- facilitate the election of health and safety representatives (**HSR**) for those work groups,
- confer and consult with those **HSRs** and
- provide the **HSRs** with reasonably necessary resources, facilities and assistance (Part 5 WHS Act).

Elected **HSRs** are given broad powers under the WHS Act, including rights to inspect places where work is carried out, to receive work health and safety information, to issue provisional improvement notices where they detect a breach of the WHS Act, and to direct that dangerous work cease.

HSRs have the same protection against discriminatory conduct and coercion as **workers**, while performing their role and functions.

WHO HAS DUTIES IN THE FOOD DELIVERY INDUSTRY?

DUTIES OF A FOOD DELIVERY PLATFORM

The **platform** is a PCBU. It oversees the technology in the **app** used to order and deliver the food. It markets the service to **outlets** and to **riders** who can register with the **platform** to deliver orders made via their **app**. The delivery services provided by these **riders**, forms part of the business or undertaking of the **platform**. The **platform** owes the section 19(1) duty to all **riders** that it engages, causes to be engaged, influences or directs.

The **platform** owes the section 19(2) duty to all **other persons** whose health and safety might be affected by the food delivery system that the **platform** has established (such as customers receiving the food delivery, road users, pedestrians, and members of the public).

The **platform** has a duty to consult all **riders** who carry out work using the **platform** (section 47) and this requires the **platform** to do all it can in the circumstances to consult **riders** on health and safety matters that affect them.

Refer to *Code of Practice; Work Health and Safety Consultation, Cooperation and Coordination*.

DUTIES OF A FOOD DELIVERY RIDER

A **rider** 'carries out work for' both the **platform** and the **outlet** and is therefore a 'worker'. The **rider** must take reasonable care for their own health and safety and the health and safety of others (road users, pedestrians, customers, etc). They must also follow the reasonable health and safety instructions, policies and procedures of the **platform** and the **outlet** (section 28).

In the majority of cases, the **rider** will be self-employed. In these cases, the **rider** will also be a PCBU and will have a duty to ensure, as far as is reasonably practicable, their own health and safety while at work (section 19(5)), and that the

health and safety of other people is not put at risk from their activities at work (section 19(2)).

Where the **rider** allows a delegate to work on their account, then the rider will assume section 19(1) duties for the **delegate rider**, to the extent that they direct or influence the work.

DUTIES OF A FOOD OUTLET

An **outlet** is a PCBU conducting their own business or undertaking. They have a primary duty of care to their own **workers** and to **riders**, to the extent that they direct or influence the work of the **riders** (section 19(1)). An **outlet** also has a duty to its customers and other persons affected by its business, (section 19(2)).

CONSULTATION, COOPERATION AND COORDINATION

Platforms, **riders**, and **outlets** must work together to ensure risks to health and safety are eliminated or if that is not possible, controlled.

As this guide illustrates, more than one person can have the same duty and one person can have more than one duty. When this occurs, the following principles apply to these duties:

- a person cannot transfer risks to others in the food delivery supply chain (section 13)
- a person cannot contract out of their health and safety duties, (section 14)
- each person must discharge their duty to the extent that they have capacity to influence and control the matter (section 15).

Where more than one PCBU has a duty in relation to the same matter, each PCBU with the duty must consult, cooperate and coordinate their health and safety activities with each other (section 46). This requirement to consult, cooperate and coordinate applies to all duties, including the section 19 duty and the section 47 duty to consult **workers**.

MANAGING RISKS IN THE FOOD DELIVERY INDUSTRY

To manage risks, **platforms** must take steps to identify all reasonably foreseeable hazards and risks that could arise from the business or undertaking of the **platform** when a **rider** performs work in the business of the **platform**, (known as hazards) and determine what actions (known as control measures) they, or the **rider**, needs to take to ensure **riders** and **others** are not exposed to risks and injured.

When deciding on control measures, the **platform** is required to eliminate the risk arising from hazards, if it is reasonably practicable to do so. If it is not reasonably practicable to do so, all reasonably practicable measures must be taken to minimise the risk.

Platforms must consult with the **riders** when identifying hazards and assessing risks, Platforms must consult with riders or their representative, if the riders are represented by a HSR.

Refer to *Code of Practice: How to Manage Work Health and Safety Risks*

COMMON HAZARDS THAT CONTRIBUTE TO INJURIES IN THE FOOD DELIVERY INDUSTRY

Some common potential hazards for **riders** include:

- **Unsafe systems of work**
 - poor app user experience that may contribute to errors or distractions
 - estimated delivery times resulting in time pressures and unsafe riding
 - distractions - for example, looking down at the phone for directions while riding
 - accepting deliveries to unfamiliar locations
- **Rider skills and competencies**
 - riders unfamiliar with NSW road rules - which include rules for both motorcycles and bicycle riders
 - riders poorly skilled and not confident operating a bicycle, motorcycle
 - riders riding/working using overseas rider's licences



- **Equipment unsuitable for the task**
 - poorly maintained, unsafe bicycles, motorcycles
 - types of bikes not approved for use in NSW, such as certain e-bikes
 - not wearing an approved bicycle helmet that is securely fitted and fastened
 - not wearing high visibility garments and/or delivery bags, closed in shoes
- **High risk manoeuvres/interactions with vehicles, pedestrians and objects**
 - riding around heavy vehicles, including risks of blind spots
 - riding on the left-hand side of a vehicle that is indicating that it will be turning left – this is against the road rules
 - leaving insufficient space when trying to pass another vehicle on the left-hand side, including the risk of blind spots
 - sharing the road with other road users who may be poorly skilled or impaired
 - other vehicles turning right into the path of a rider
 - insufficient following distances contributing to rear end crashes – bike into car in front, car from behind into bike
 - other high-risk manoeuvres including:
 - lane change
 - u-turn's
 - leaving parking
 - emerging from footpath
 - opening doors of parked vehicles
 - left turning vehicle collisions with other motor vehicles.
 - riding on footpaths
 - riding on/across rail tracks
 - negotiating speed humps and other traffic calming infrastructure
 - poor quality of road infrastructure – ‘pot’ holes etc
 - pedestrians, children, animals on roads
- **Hours of work**
 - intermittent work, long hours, time pressures
 - fatigue due to physical exertion, secondary employment or study
- **Environmental hazards**
 - weather conditions – heat, hail, wind, rain, natural disasters, environmental smoke
 - traffic fumes
- **Visibility hazards**
 - dark and/or non-reflective clothing/bags
 - poor road lighting
 - poor illumination from bike lamps
 - bike lamps not fitted
- **Hazardous manual tasks**
 - carrying and transporting heavy or awkward loads
 - riding posture and duration
 - carrying loads upstairs
- **Slips, trips, and falls whilst carrying loads**
 - uneven or cluttered surface, slippery surfaces, stairs
- **Violence**
 - aggression and harassment from customers and others
 - road rage



ACTION TO BE TAKEN BY DUTY HOLDERS TO CONTROL COMMON HAZARDS

When determining controls, **platforms** must, so far as is reasonably practicable consult with all **riders**, or their health and safety representatives, if so elected (section 47); and must consult, cooperate and coordinate with all other **PCBUs** (section 46).

This table details possible safety measures that **platforms**, **food outlets** and **riders** can take to manage common potential hazards and the risks arising from them, that may occur in the Food Delivery Industry.

This is a broad industry where hazards and risks may be different across businesses and undertakings and the reasonably practicable ways to eliminate or minimise such risks may vary.

The following table provides some examples only and those hazards specific to a particular business or undertaking and the appropriate control measures should be identified through the PCBUs risk management process.

THE HAZARD - HOURS OF WORK

Despite the flexibility offered by the work, riders can work unconventional hours and combine the work with another job or study. Fatigue is a foreseeable risk for riders.

Food Delivery Platform

Platforms should:

- Provide information to riders to enable them to understand the signs of fatigue and the effect on rider performance in onboarding and training programs.
- Develop and implement a Fatigue Management Policy and Procedures and include these in onboarding and training programs.
- Design controls into the app which prevent riders working excessive hours.
- Design controls into the app which remind riders to take sufficient breaks.
- Ensure that the app is based on average rider speeds and predicted traffic conditions.

Food Delivery Rider as a Worker

As a worker, riders should:

- Attend training and information programs to understand the signs of fatigue and the effects on riding performance.
- Recognise the signs of fatigue and do not ride when fatigued.
- Work a maximum of 12 hours per 24 hour period.
- Manage your work/life schedule to ensure you have at least 8 hours sleep per day (i.e. 10 hours not working).

Food Delivery Rider as a PCBU

As a PCBU, riders should:

- Consult, cooperate and coordinate with the platforms regarding strategies to ensure compliance with the Fatigue Management Policy and Procedures when working for multiple platforms.
- Consult, cooperate and coordinate with the platforms regarding average rider speeds and predicted traffic conditions for predicting delivery timeframes.

THE HAZARD – UNSAFE SYSTEMS OF WORK

Unsafe systems of work are recognised as a high risk to rider safety.

Food Delivery Platform

The platform should ensure that the systems of work including apps, products, logistics processes are designed with the safety of riders and others in mind.

Platforms should:

- Identify, manage and document the design and implementation of the platform app, the risks to the riders and how these will be managed.
- Eliminate or minimise the risks to riders and others that may arise from the use of the app and the performance of work when using it.
- Ensure that the app is:
 - designed to be used safely in the context of the rider's work
 - is based on average rider speeds and predicted traffic conditions
 - does not encourage unsafe rider behaviour
 - used to set realistic customer expectations around delivery times and delays.
- Ensure that riders are provided with sufficient information, instruction and training in the use of any app, including the use of routing/map apps.
- Monitor and review the systems of work to ensure risks are controlled.

Food Delivery Rider as a Worker

As a worker, riders should:

- Complete all training and onboarding provided by the platform.
- Follow all safe systems of work as notified by the platform.
- Use all safety features associated with the app.
- Report any safety risks connected with the use of the app.

Food Delivery Rider as a PCBU

As a PCBU riders should:

- Consult, cooperate and coordinate with the platform to ensure the design of the app is effectively designed to allow riders to work safely.
- Provide feedback to the platform about the app and its impact on the way riders work.

Food Outlet

FOs should:

- Provide feedback to the platform about the app and the algorithm and its impact on the way you work.
- Ensure safe systems for the transportation of meals/containers etc.
- Provide any specific transportation requirements to riders.

THE HAZARD – RIDER: POOR OR INADEQUATE RIDER SKILLS AND COMPETENCIES

Rider skills and competency is essential to ensuring that riders are safe to work on NSW roads.

Food Delivery Platform

Platforms should:

- Ensure riders are trained and competent to do the work, and can:
 - demonstrate the knowledge and skills required to safely work as a Food Delivery Rider.
 - demonstrate an understanding of NSW road rules
 - demonstrate an understanding of the specific hazards and controls of the risks for food delivery work.
- Ensure training is provided in a way that is readily understandable to the riders to whom it is provided.
- Ensure that riders hold the necessary credentials to undertake the work. For example - the relevant motorbike rider license, RSAT competency if delivering alcohol with meals.
- Ensure that riders retain the necessary skills and competencies to work safely such as annual refresher training.
- Amend training requirements and competencies when new hazards are notified/identified.

NB: A reminder that all food delivery platforms must provide training in accordance with the NSW Work Health and Safety regulations.

Food Delivery Rider as a Worker

As a worker, riders should:

- Complete all required training and onboarding.
- Complete all required assessment tasks.
- Obtain and provide copies of all required credentials to platforms.
- Follow all NSW road rules and ride safely.
- Follow all NSW bike rules and ride safely.
- Seek additional training/instruction if you are not confident to ride on NSW Roads.

NB: A reminder that all food delivery workers must complete training in accordance with the NSW Health and Safety regulations.

Food Delivery Rider as a PCBU

As a PCBU, riders should:

- Consult, cooperate and coordinate with the platform to ensure training is relevant and effective.
- Consult, cooperate and coordinate with the platform to ensure training is provided in a way that is readily understandable to the riders to whom it is provided.
- Consider additional 'on road' training and assessment if the rider lacks skills or confidence.

Food Outlet

FOs should:

- Provide information to the platform that will help them to pick up from your location, which might include information on
 - where to park safely and legally
 - where to wait
 - where to pick up
 - specific food transport requirements
 - other safety requirements (such as public health information).

THE HAZARD – EQUIPMENT UNSUITABLE FOR THE TASK

Unsuitable equipment contributes to the risk of injury to riders while working.

Food Delivery Platform

Platforms are best placed to introduce a system whereby they purchase and distribute Personal Protective Equipment (PPE) to riders such as hi-visibility garments and delivery bags. (NOTE: PPE does not include bike safety gear which a rider must have to be able to ride on NSW roads).

Platforms should:

- Provide riders with PPE such as hi-visibility vests, shirts or jackets and/or delivery bags.
- Advise riders that they must use the PPE at all times while working.
- Advise riders that standard bicycles purchased in Australia must meet the requirements of AS/NZS 1927:2010 and be fitted with markings to indicate this.
- Advise riders that Learner and Provisional motorcycle licences are restricted to riding 'Learner approved Motorcycles' only.
- Advise riders and/or preferred bicycle suppliers that e-bikes must be designed to be propelled primarily by the rider – they cannot be propelled exclusively by the motor.

You can find more information on which types of e-bikes are legal in NSW at <https://roadsafety.transport.nsw.gov.au/stayingsafe/bicycle-riders/petrol-powered-bicycles.html>

- Advise riders and/or preferred bicycle suppliers that to be 'fit for purpose' bicycles must:
 - display a white light on the front of the bike in dark or hazardous conditions
 - display a red light to the back of the bike in dark or hazardous conditions
 - display a red reflector to the rear of the bike in dark or hazardous conditions
 - have at least one working brake
 - have a bell, horn, or other warning device.
- Advise riders all motorcycles/mopeds must be roadworthy and have current registration.
- Advise riders and/or preferred bicycle suppliers to carry out regular prestart checks and maintenance of the bicycle or motorcycle.
- Advise riders that certain safety gear is legally required to ride on NSW Roads:
 - helmets to the approved standard for the type of vehicle which must be fastened and secured
 - mobile phone cradle fitted to the handlebar of the bicycle, motor scooter or motorbike.
- Platforms providing insulated delivery bags to riders as a source of visibility must ensure the bags are designed to be hi-visibility and that the hi-visibility markings/materials meet the required Australian Standards (or equivalent).

NB: A reminder that all food delivery platforms must provide PPE to workers in accordance with the Work Health and Safety Regulation (NSW).

Food Delivery Rider as a Worker

As a worker, riders should:

- Always wear hi-visibility vest, shirt or jacket and/or delivery bag.
- Always wear closed-in shoes when riding.
- Only ride a standard bicycle that meets the requirements of AS/NZS 1927:2010 and is fitted with markings to indicate this.
- Only ride an e-bike that is designed to be propelled primarily by the rider – they cannot be propelled exclusively by the motor.

You can find more information on which types of e-bikes are legal in NSW at <https://roadsafety.transport.nsw.gov.au/stayingsafe/bicycle-riders/petrol-powered-bicycles.html>

- Ensure that your bicycle is fit for purpose:

- display a white light to the front of the bike in dark or hazardous conditions
 - display a red light to the back of the bike in dark or hazardous conditions
 - display a red reflector to the rear of the bike in dark or hazardous conditions
 - has at least one working brake
 - has a bell, horn, or other warning device.
 - Lights must be turned on and working when it is dark.
 - Ensure your motorcycle is roadworthy and has current registration and insurance.
 - Conduct daily prestart checks to ensure your vehicle is safe and fit to ride.
 - Always wear a helmet approved for the type of vehicle you are riding that is securely fitted and fastened.
 - Conduct daily checks of your helmet to ensure it is not cracked or damaged.
 - DO NOT wear a cap or anything else under the helmet.
- You can find information on motorcyclist helmets and gear at <http://www.crash.org.au> and <http://www.motocap.com.au>
- Always secure mobile phone in cradle fitted to the handlebar of the bicycle or motorcycle.

Food Delivery Rider as a PCBU

As a PCBU, riders should:

- Only ride a standard bicycle that meets the requirements of AS/NZS 1927:2010 and is fitted with markings to indicate this.
- Only purchase and ride an e-bike that is designed to be propelled primarily by the rider – they cannot be propelled exclusively by the motor.

You can find more information on which types of e-bikes are legal in NSW at <https://roadsafety.transport.nsw.gov.au/staying-safe/bicycle-riders/petrol-powered-bicycles.html>

- Purchase and ride a bicycle that is fit for purpose:
 - display a white light on the front of the bike in dark or hazardous conditions
 - display a red light to the back of the bike in dark or hazardous conditions
 - display a red reflector to the rear of the bike in dark or hazardous conditions
 - has at least one working brake
 - has a bell, horn, or other warning device.
 - Lights must be on and working when it is dark.
 - Ensure your motorcycle is roadworthy and has current registration and insurance.
 - Conduct daily prestart checks to ensure your vehicle is safe and fit to ride.
 - Supply and wear an approved helmet that is securely fitted and fastened.
 - Conduct daily checks of your helmet to ensure it is not cracked or damaged.
 - NO NOT wear a cap or anything else under the helmet.
- You can find information on motorcyclist helmets and gear at <http://www.crash.org.au> and <http://www.motocap.com.au>
- When using a bicycle, or motorcycle riders are advised to wear protective clothing, e.g. jackets, long pants, and gloves.

Food Outlet

Outlets should:

Provide fit for purpose equipment such as containers and carriers suitable for the food that is to be delivered.

THE HAZARD – HIGH RISK MANOEUVRES/INTERACTIONS WITH VEHICLES, PEDESTRIANS AND OBJECTS

- The majority of fatal and serious injury crashes involve riders and another vehicle.
- Riders using bicycles or motorcycles may be injured from interacting or colliding with obstacles other than vehicles.

Food Delivery Platform

Platforms should:

- Include information on contributing factors of motor vehicle accidents involving riders in training and onboarding programs.
- Advise bicycle riders to use the bike mode on branded apps for delivery routes so that riders travel on the safest route available, for example:
 - well-lit roads with bike paths or lanes
 - avoid narrow and busy roads without bike lanes
 - must not use motorways or tunnels that prohibit bicycles
 - ride separately to traffic and pedestrians using designated bike paths or lanes.
- Develop and maintain incident reporting systems and provide advice requiring riders to report all incidents to the platform as soon as practicable.
- Develop and maintain a process to assist law enforcement to contact the platform and identify riders, in the event of a crash or other serious incident.
- Develop systems and capacity to detect and respond to critical incidents once reported:
 - to swiftly mitigate risks
 - to notify relevant persons and authorities (including next of kin, emergency contacts, external authorities if necessary)
 - to resolve the issue.
- Comply with the *Work Health Safety Act 2011* to notify SafeWork NSW of all serious notifiable incidents.
- Investigate the root causes of all serious incidents and use this information to inform ongoing risk management process, for example:
 - consulting with workers
 - reviewing existing control measures
 - updating the Risk Register
 - revising training material and rider competencies.
- Advise the riders of new risks and risk controls via social media, pop-up messaging on app, push messaging or via Health and Safety Representatives, if elected.
- Provide updated training to riders to address identified risks and risk controls.
- Identify hazards and control of risks for riders interacting or colliding with non-vehicle obstacles.
- Instruct riders using bicycles:
 - not to ride on footpaths unless it is a shared path or part of a separated footpath designated for the use of bicycles
 - not to ride across a pedestrian crossing unless there is a green bicycle light.
 - to keep to the left when on a shared path or separated path.
 - to give way to any pedestrian on a shared path.

Food Delivery Rider as a Worker

As a worker, riders should:

- If riding a bicycle always use the bicycle mode on 'Maps' so you travel on the safest route available:
 - well-lit roads with bike paths or lanes
 - avoid narrow and busy roads without bike lanes
 - must not use motorways or tunnels that prohibit bicycles
 - ride separately to traffic and pedestrians using designated bike paths or lanes.
- Report all incidents to platform as soon as practicable following an incident.
- Carry identification, the phone number of an emergency contact and the platform you are working with, in case of serious injury.
- Carefully consider all advice about risks and risk controls provided by the platform.
- Attend all training provided by the platform.
- Apply relevant control measures listed above to the identification of hazards and control of risks for riders interacting or colliding with non-vehicle obstacles.

In Addition:

- Do not ride on footpaths unless it is a shared path or the part of a separated footpath designated for the use of bicycles.
- Do not ride across a pedestrian crossing unless there is a green bicycle light.
- Keep to the left when on a footpath, shared path or separated path.
- Give way to any pedestrians on a shared path.

Food Delivery Rider as a PCBU

As a PCBU, riders should:

- Consult, cooperate and coordinate with the platforms to ensure delivery routes provided by branded apps use the bike mode on 'Maps' for bicycle riders so that riders travel on the safest route available.
- Always use the bike mode on 'Maps' so you travel on the safest route.
- Report all incidents to the platform as soon as practicable following an incident.
- Carry identification, the phone number of an emergency contact and the platform you are working with, in case of serious injury.
- Consult, coordinate and cooperate with the platform to identify risks and investigate risk controls.
- Apply relevant control measures listed above to the identification of hazards and control of risks for riders interacting or colliding with non-vehicle obstacles.

Food Outlet

Outlets should:

- Consider traffic conditions and traffic movements when advising riders where to pick up a delivery.
- Ensure outdoor dining arrangements do not introduce obstacles for riders when picking up deliveries.

THE HAZARD – ENVIRONMENTAL HAZARDS

Environmental conditions like heat, hail, wind, rain, natural disasters, traffic fumes, environmental smoke will impact directly on the rider's health and safety.

Food Delivery Platform

Platforms should:

- Include information on riding in hazardous environmental conditions in onboarding and training programs, for example:
 - what wet weather gear to carry
 - sun protection and use of sunscreen
 - riding in extreme heat and the importance of hydration.
 - riding when there is poor air quality
- Develop and implement specific policies to prevent incentivising unsafe behaviour during wet weather.

Food Delivery Rider as a Worker

As a worker, riders should:

- Check the weather app and the UV radiation app before setting out on the ride.
- Pull off the road and seek shelter if rain, hail, wind or smoke is extreme.
- Always carry wet weather gear with you when riding.
- Ensure wet weather gear is hi-visibility and reflective. DO NOT WEAR BLACK.
- Carry a P2 facemask and wear it for protection against environmental smoke or traffic fumes.
- Wear long sleeved shirts and long pants in extreme heat or high UV conditions.
- Always carry and apply sunscreen when riding when UV rating is high.
- Be aware of the potential exposure to heat stroke or heat stress, carry water and maintain adequate hydration.

Food Delivery Rider as a PCBU

As a PCBU, riders should:

- Provide protective gear suitable for extreme weather conditions – hi-visibility and reflective.
- Consult, cooperate and coordinate with the platforms to prevent the incentivising of unsafe behaviour during wet weather.

THE HAZARD – VISIBILITY HAZARDS

The inability for others to see riders when they are working on the road is a major risk and one which is a concern to other road users.

Food Delivery Platform

Platforms should:

- Include information on the need for good rider visibility in onboarding and training programs, for example:
 - blind spots in vehicles
 - blackspots in the environment
 - the importance of always wearing hi-visibility clothing, shirts or vests
 - the importance of wearing additional reflective equipment when riding on the road at night e.g. hi-visibility vest with reflective strips, reflective slap wraps on an ankle.
- Provide hi-visibility shirt, jacket or vest with reflective strips
 - Provide reflective slap wraps for use on ankle.
- Insulated delivery bags should include reflective properties and meet the AS/NZS 4602.1-2011 (or equivalent)
- If relying on the platforms recommended insulated delivery bag as a hi-visibility garment, it must be reflective in a range of low visibility conditions on road and ensure that the riders know that it must be on their back (not strapped on the bike) to provide optimal visibility.

Food Delivery Rider as a Worker

As a worker, riders should:

- Recognise that other road users will have difficulty seeing riders in certain circumstances for example:
 - blind spots in vehicles
 - blackspots in the environment
 - riding at night.
- If the platform's delivery bag is hi-visibility and has reflective qualities ensure that it is worn on your back rather than strapped to the bike.
- Always wear hi-visibility shirt, jacket or vests and/or delivery bag.
- Always wear reflective garments when riding on the road at night:
 - Hi-visibility, shirt, jacket or vest with reflective strips
 - reflective slap wraps for use on an ankle.

Food Delivery Rider as a PCBU

As a PCBU, riders should:

Consult, cooperate and coordinate with the platforms to develop strategies to improve rider visibility.

THE HAZARD – HAZARDOUS MANUAL TASKS

Repetitive, pushing, pulling, lifting, and carrying awkward, unstable, heavy loads are hazardous manual tasks and over time may result in serious injury.

Food Delivery Platform

Platforms should:

- Ensure the design of the work, the systems of work, and the delivery bag design consider human factors and good ergonomics for example:
 - variations in riders height, weight and strength
 - delivery bags – size, shape and weight
 - weight and distribution of loads so that it does not cause the vehicle to become unbalanced
 - riding posture on bicycle, motor scooter or motorbike
 - number of deliveries per hour.
- Provide advice on how to safely load vehicles during onboarding/induction.
- Include risks associated with hazardous manual tasks and control measures in training and onboarding programs.

Food Delivery Rider as a Worker

As a worker, riders should:

- Practice good riding posture and stretching exercises between deliveries.
- Select a delivery bag that is suited to your body and the type of vehicle you use.
- Ensure the weight and distribution of loads is tolerable.
- Do not overload the delivery bag or carry two delivery bags at once.

Food Delivery Rider as a PCBU

As a PCBU, riders should:

- Consult with riders on risk controls for hazardous manual tasks.

THE HAZARD – SLIPS, TRIPS AND FALLS

Slips, trips and falls are foreseeable hazards in the food delivery industry.

Food Delivery Platform

Platforms should:

- Provide information to riders on appropriate non-slip footwear to prevent slips, trips and falls.

Food Delivery Rider as a Worker

As a worker, riders should:

- Wear appropriate non-slip footwear when working.
- Not wear thongs or sandals when working.

Food Delivery Rider as a PCBU

As a PCBU, riders should:

- Provide appropriate non-slip footwear to riders to prevent slips trips and falls.

Food Outlet

Outlets should:

- Ensure unobstructed access and egress to the venue.

THE HAZARD – OCCUPATIONAL VIOLENCE

Occupational violence is a foreseeable hazard in most customer facing businesses.

Food Delivery Platform

Platforms should:

- Identify factors external to the workplace which may lead to violence or aggressive behaviour impacting riders, for example: gatherings of people, protests or people affected by drugs or alcohol.
- Ensure riders who will be delivering alcohol have undertaken Responsible Supply of Alcohol Training (RSAT) and complete the required assessment.
- Take appropriate action when advised of unsafe or inappropriate behaviour of any customer towards a rider.
- Manage expectations of customers by clearly communicating expected wait times and delays.
- Clearly communicate to customers that any form of violence or aggression is not tolerated e.g. in-service agreements, contracts, app T&C and social media.
- Provide information to riders in how to deal with difficult customers, conflict resolution, when and how to escalate issues to the platform and procedures to report incidents.

Food Delivery Rider as a Worker

As a worker, riders should:

- Consider the use of tracking devices such as GPS systems
- Learn how to deal with difficult customers, conflict resolution, when and how to escalate issues to the platform and procedures to report incidents.
- Undertake Responsible Supply of Alcohol Training (RSAT) and complete the required assessment before delivering alcohol.
- Report all incidents of violence and aggression to the platform immediately.
- If the violence or aggression involves an assault, or a threat of an assault, report the incident to the NSW Police immediately.

Food Delivery Rider as a PCBU

As a PCBU riders should:

- Consult with riders on risk controls to manage the risks of occupational violence and aggression.

Food Outlet

Outlets should:

- Provide workers and others with a safe place to retreat to avoid occupational violence.

MONITOR, REVIEW AND REVISE

Once the appropriate control measures are agreed to and implemented for each risk, the PCBU must ensure that the control measure is effective, and is maintained so that it remains, effective. This includes ensuring that the control measure is and remains: (clause 37; WHS Reg 2017)

- fit for purpose, and
- suitable for the nature and duration of the work, and
- installed, set up and used correctly.

In addition, the PCBU must continue to review and as necessary revise control measures implemented so as to maintain, so far as is reasonably practicable, a work environment that is without risks to health or safety of workers or others (clause 38; WHS Reg 2017).

Platforms, outlets and riders can monitor and review the control measures they have put in place by:

- a. **Allocating accountability for health and safety** – ensuring that appropriate personnel are provided with the authority and resources to implement and maintain control measures and ensure procedures are followed.

- b. **Maintenance of plant and equipment** – ensuring that equipment is regularly inspected and tested and repaired or replaced if damaged or no longer fit for purpose.
- c. **Up-to-date training and competency** – providing training/onboarding to ensure all new riders are capable of working safely and reviewing and revising the training to ensure that it addresses new risks and is provided to riders to maintain competencies.
- d. **Regular review and consultation** – regularly consult with riders and their health and safety representatives, if elected, to review systems of work and control measures to ensure they remain effective.

Refer: Code of Practice; *How to manage work health and safety risks*



FURTHER INFORMATION

SAFETY INFORMATION

- [SafeWork NSW At Risk Workers' Strategy 2018-22](#)
- [The Basics: Your rights at work fact sheet – translated](#)
- [Young workers eToolkit](#)
- [Translated resources hub](#)
- [Speak Up app](#)
- [Consultation at Work Toolkit](#)

CODES OF PRACTICE

- [How to Manage Work Health and Safety Risks](#)
- [Work Health and Safety Consultation, Cooperation and Coordination](#)

AUSTRALIAN STANDARDS

- AS/NZS 1927:2010 Pedal Bicycles – safety requirements
- AS/NZS 4602.1:2011 High visibility safety garments – Garments for high risk applications

OTHER ORGANISATIONS

- SafeWork Australia – [Handbook: Principles of Good Work Design](#)
- Transport for NSW – [information on e-bikes](#)
- [The Consumer Rating and Assessment of Safety Helmets \(CRASH\)](#) – information on motorcycle helmets
- [Motocap Safety Ratings](#) – information on motorcycle gear

For further information about the food delivery industry and GIG economy see, www.safework.nsw.gov.au or call 13 10 50.

