

**Comments on the NYC Department of Consumer and Worker Protection
Second Proposed Rule Establishing Minimum Pay for Food Delivery Workers**

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The CUNY Urban Food Policy Institute's research and education aims to advance just, healthy, and resilient urban food systems, which includes the health and wellbeing of food workers. The Barry Commoner Center's mission is to identify and help solve environmental and occupational threats to human health. Together, we have been examining the occupational safety and health issues facing food delivery workers, from the stresses caused by the algorithms that govern platform-based work to the specific risks of low-wage, precarious delivery work in a dense city like New York.

In our previous testimony, we commended the New York City Department of Consumer and Worker Protection (DCWP) for its efforts to set a floor for the hourly compensation of food delivery workers that is fair, adequate, and consistent. We also recognized the critical efforts of worker organizations like Los Deliveristas Unidos and their members in bringing to light the inequities of app-based delivery work, documenting the experiences faced by delivery workers, and demanding policies to ensure that these essential workers receive adequate compensation.

Based on our assessment of the revised rules and considering continued concerns raised by organizations like Los Deliveristas, who represent many of the city's food delivery workers, and the NYC Comptroller and numerous City Council Members, we urge DCWP to make three important changes:

(1) Eliminate the proposed \$3.60 adjustment for multi-apping. Apart from the limitations of estimating multi-app behavior from survey data collected in just one quarter in 2021, the method the DCWP used to calculate the multi-app adjustment is premised on faulty assumptions. Considering the limited evidence of how multi-apping affects current compensation and how it is likely that practices will change in the first year of the new rule, we feel it is prudent not to recommend any downward adjustment in the base pay. Doing so would likely perpetuate the practice of paying delivery workers a subminimum wage.

(2) Eliminate the proposed phase in rate. Requiring companies to pay 100% of the full rate (\$23.82) as of the effective date of the rule would ensure that workers gain the anticipated benefits of the higher compensation level immediately.

(3) As the new rule is implemented, it is critical for DCWP to collect and provide access to data to enable workers, labor organizations, and researchers, as well as DCWP staff, to monitor implementation and evaluate the rule's effectiveness at ensuring that delivery workers receive fair compensation and that the new minimum compensation level results in financial and wellbeing gains. We recommend requiring third-party food delivery or courier services to collect and report to DCWP data on worker equipment theft and breakage and on-the-job accidents and injury. Such data would enable DCWP to assess the need to re-evaluate the hourly expense component of the minimum compensation rate and whether additional regulations are required to improve the safety of food delivery work.

Thank you for the opportunity to present our comments today. We are happy to clarify or elaborate on our remarks and look forward to working with DCWP and the city's food delivery workforce as the rules are implemented.