The International Conference on Interdisciplinary Humanities and Communication Studies
DOI: 10.54254/2753-7048/5/20220526

The Issue of Takeout Riders' Rights and Interests and Its Coping Strategies

Zilu Wang[1,a,*]

[1]*School Of Political Science and Public Administration, Wuhan University, Wuhan, Hubei, China*
a. 2020300005044@whu.edu.cn
**corresponding author*

Abstract: At present, with the rapid development of the platform economy, the takeout rider has encountered difficulties in their right protection. The reasons involve the responsibilities of the takeout platform, the crowdsourcing platform, the merchants, the customers, the riders, and the social security system. However, the protection of the rights and interests of takeout riders has not been implemented in place, and the existing research covers few areas. Therefore, a more comprehensive investigation has not been carried out. This paper focuses on solving the dilemma of protecting the rights and interests of takeout riders, and divides it into three parts. In terms of the platform, this paper examines the platform operation mechanism and social research. For the poor guarantee of the government and the trade union, the paper reviews the literature, seeks the help of the industry to understand, and investigates this problem from the perspective of various subjects. Finally, the study analyzes the potential causes of this phenomenon, and proposes reasonable and feasible solutions.

Keywords: takeout rider, labor union, legal rights, gig economy

1. Introduction

Under the new employment form, the status of platform economy becomes more and more important, and thus it has spawned a large number of emerging employment groups. As flexible employment groups, food delivery riders have thus come into our vision. In recent years, there have been more reports about the delivery rider industry, and people also know something about the risks behind the industry. Delivery riders are increasingly becoming high-risk occupations due to the industry reasons. After the accident, the process of claim is very difficult due to the lack of legal awareness of rights. The reasons behind the difficulties in rights protection involve multiple subjects of takeout platform, crowdsourcing platform, merchants, customers, riders and social security system.

At present, the protection of their rights and interests has not been implemented in place, and the existing research institutes cover few fields, and researchers often fail to conduct a more comprehensive investigation. In realistic context, As a flexible labor group, riders exist as a dependency of the platform economy, Often show the characteristics of weak slave attributes, Specifically speaking, there are the following three aspects: First, Riders are organized from attributes with weak, Crowdsourced riders do not organize and supervise delivery platforms such as *Meituan* or third-party labor dispatch companies such as errand companies, only through the *Meituan* crowdsourcing and other software can participate in the distribution work; Second, the rider's personality from the attribute is weak, They often have no fixed workplace, Its working hours are

© 2023 The Authors. This is an open access article distributed under the terms of the Creative Commons Attribution License 4.0 (https://creativecommons.org/licenses/by/4.0/).

DOI: 10.54254/2753-7048/5/20220526

also more fragmented; Last, the rider's economy from the attribute is weak. The boundary between whether the platform pays the payment or the consumers is ambiguous. Under the platform economy, most workers hold multiple jobs. It is difficult to determine the labor relationship between riders and the platform.

The research on the protection of the rights and interests of takeout riders can be classified as the protection of the rights and interests of new labor groups and the platform economy. For a long time, all sectors of society attach great importance to the protection of labor rights and interests in new forms of employment. The latest research often starts from the background of the new employment form, which analyzes the similar problems and proposes corresponding solutions. Moreover, after comparing with the problems faced by other workers, it summarizes and analyzes the special situations of social security as a special group of workers. Platform economy can be divided into algorithm design, the relationship between platform and rider, and the mode of operation.

2. Literature Review

From the theoretical perspective, some scholars analyze the compression of the existing algorithm system of the delivery platform on the time of the rider's delivery of orders from the perspective of the algorithm system and material labor. The study of algorithm tries to reveal the mediation of algorithm technology and analyze the function of algorithm on digital labor. The representative one is Sun Ping, who sells riders as the research object and discusses the three levels of algorithm "materiality" based on the concept of "arrangement", as the "algorithm" of platform infrastructure; as the "algorithm" of the concept of space and time, and; as the algorithm practice of "life power". From these three aspects, the algorithm system specifically analyzes the control of takeout riders, as well as the "autonomy" and resistance behavior of labor [1]. From the perspective of labor relationship, some other scholars analyze the labor relationship between takeout riders and takeout platform and crowdsourcing platform from the theoretical level. Foreign in the "employment" (adjusted by labor law) and "self-employed" (adjusted by the civil law) of the labor dichotomy earlier explored the third type of laborer as a middle zone, including "employee" in Germany, British "independent workers", Italy's "quasi attribute workers", Canada's "dependent contractor" is more typical.

These scholars believe that the characteristics of the non-standard labor relations of the new labor force should be fully considered when determining the judgment criteria of labor relations, so that the workers with the sharing economy should avoid being classified as independent contractors [2]. Rosenblat and Stark believe that if drivers are classified as employees, then employment platforms will face billions of dollars of pressure, and their business model will be severely impacted [3]. De Stefano believes that many issues, such as labor rights, employment relations, and social insurance, among independent workers cannot be isolated, but they should be regarded as part of the labor market to solve [4]. Lupion, Rosenberg, Manyika and other scholars believe that in the traditional employment model, workers enjoy a series of social insurance security and related benefits such as industrial injury insurance and unemployment insurance, while the relevant security of independent workers in this respect is missing, which needs to support the social security of independent workers from legislation and other aspects [5, 6]. From the perspective of platform monopoly, the third type of scholars explore the existing literature of exclusive transactions on platforms mainly explores the influence mechanism of exclusive transactions on platform competition from the aspects of entry barriers, the conditions for concluding exclusive transactions and the motivation for implementing exclusive transactions [7].

The first type of literature explores the impact of exclusive transactions on barriers to market entry. In this kind of research, the exclusive trading platform improves the market barriers to entry research conclusion is not consistent, a view that trading of the sole raised the barriers to entry, make more

DOI: 10.54254/2753-7048/5/20220526

efficient competitors into the market face more difficulties, alleviate the competition of platform manufacturers, thus damage the efficiency of resource allocation. However, some scholars have found that although the exclusive transactions of platform manufacturers exclude some potential competitors by raising the entry barriers, they can also play a screening mechanism to keep better-quality platform enterprises in the market and eliminate the competitors with low efficiency, thus improving the efficiency of market operation. The second type of literature mainly analyzes the main factors of exclusive transaction agreement. Whether the exclusive transaction agreement is reached or not is closely related to the bargaining power of the platform manufacturers, the transfer costs and sinking costs of bilateral users, the quality of the platform content, and the development stage of the platform. For emerging platforms, if most content is non-exclusive, and there are transfer costs, then the content vendors are more motivated to implement exclusive transactions.

From a practical level, most of the existing domestic studies pay more attention to the dilemma of the rights and interests protection of food delivery riders, and objectively point out the problems faced by this group with a critical attitude. These studies focus on different aspects of the difficulties faced, but the conclusions are similar, generally pointing to the legal system and supervision, labor relations and other unclear aspects [8]. However, in the relevant literature, some media and scholars believe that the relationship between the delivery riders and the platform is extremely unequal, while the delivery riders, as a weak party, depreciate their labor value, and often do not get the matching rights and interests protection and fall into the black hole of rights and interests. There is no lack of emotional literature and lack of rational expression. Others have taken a positive attitude, focusing on the protection of delivery riders in recent years. For example, in Zhang Chenggang's article "Protection of Labor Rights and Interests of Workers in New Employment forms: Content, Current Situation and Strategy", he believes that the protection of labor rights and interests of new employment forms is worthy of affirmation, and the income level of workers (such as riders) is often higher than the average level of the labor market of practitioners [9].

3. Methods

In order to reflect the seriousness of the current dilemma of right and interest protection faced by delivery riders, the author conducted a data analysis on the cases of labor rights and interest protection disputes among delivery riders in recent years. The number of such disputes rose from 48 in 2017 to 579 in 2020. The author found that with the continuous development of the platform economy and the continuous expansion of the delivery riders, the protection of delivery riders' rights and interests is becoming more and more acute. To further understand the problems existing in local governments in the process of protecting the rights and interests of takeout riders, the authors collected information through questionnaires and face-to-face interviews. In addition, the paper also refers to the relevant information of the Wuhan University Law School database.

3.1. Questionnaire

To obtain broader and credible data, the authors collected questionnaires from different regions, including Wuhan City, Hubei Province, Zunyi City, Guizhou Province, and Chaohu City, Anhui Province. There are mainly two main types of questionnaires: rider questionnaire and customer questionnaire. A total of 380 points of the rider questionnaire were distributed, and 331 people were valid after screening. The questionnaire for riders covers the rider's family background, income, income status, working hours, category of labor contract, type of social security, and career expectations. The questionnaire aims to fully understand the rider's professional status, survival status, safety risks and his inner demands.

A total of 300 customer questionnaires were issued, and 253 people were effectively filled in. The

DOI: 10.54254/2753-7048/5/20220526

customer-oriented questionnaire includes the customers' tolerance for the late food delivery of the riders and the social tolerance for the food delivery riders. The questionnaire covers people of different ages and occupations, aiming to reflect the society's views of delivery riders through the data.

3.2. Interviews

The interviews were divided into two categories: *Eleme* and *Meituan* sites' staff and ordinary riders. The interviews for site staff mainly include the performance appraisal mechanism of delivery riders, the management mechanism for different types of delivery riders, and the rights protection services provided to delivery riders by communities and streets.

According to the current interviews with the site staff, the site has a shortage of staff, and the current number of site staff cannot calmly handle the accidents encountered in the process of food delivery. At the same time, the site staff showed that the quality of different site management personnel also greatly affects the rider work. Due to the mobility, it is difficult for streets and communities to provide good legal aid services and support their rights.

Interviews for delivery riders mainly include salary settlement and claims after an accident during food delivery. During the interview process, the author found that the riders generally do not know whether they have signed a labor contract, and which type of labor contract they have signed to belong to. At the same time, riders generally responded that the delivery time stipulated by the delivery platform was so urgent that they could only violate the traffic rules to ensure timely delivery.

4. Results

4.1. Safety Risks of Delivery Riders

On *Eleme* and *Meituan*, delivery riders are mainly divided into special delivery riders and crowdsourced riders. Crowdsourced rider refers to the rider who does not establish a labor relationship with the platform, and the platform does not provide any equipment and help to the crowdsourced rider. Crowdsourced riders voluntarily take orders through the delivery platform. It can be said that as long as there is an electric car, and a simple registration and learning can become a crowdsourced rider on the takeout platform. Special rider refers to the rider who has established a certain sense of employment relationship with the platform, but is not a labor relationship in the traditional sense of labor. Special delivery riders are managed by the site, and they have fixed working hours every day. If you encounter problems in the food delivery process, you can seek help from the site to solve them. According to the questionnaire survey data, 27.41% of the passengers ran red lights more than three times in a month. Considering that the rider may not present completely real information during filling in the questionnaire, the author also conducted a face-to-face interview with the stationmaster of a street delivery station in Wuchang District, Wuhan city. According to the station master, "nine out of the ten riders will violate the traffic rules during the food delivery process.

First, the number of platform dispatch orders is relatively large. The number of orders received for special delivery riders is not completely free of choice, but is automatically sent by the system of the delivery platform. Delivery riders may carry more than a dozen delivery orders during the delivery process. The large number of orders makes the rider's delivery time very tight. The author had the honor to follow the rider to send a single. In the process of sending the order, the rider passed three intersections, two of which ran red lights, and another intersection passed the smooth under the green light. The rider also completed the last order just one minute early with multiple traffic violations.

Second, the response mechanism of the takeout platform for emergencies is not perfect. According to the rider, if the rider is not delivered within the specified time (such as the customer does not answer the phone or the customer fills in the wrong address), the rider will not be liable. But riders

DOI: 10.54254/2753-7048/5/20220526

carry more than a dozen orders on a trip, and the overtime of the last order is bound to affect the delivery time of the next order. The losses caused by such overtime delivery shall be entirely borne by the rider himself.

Last, all the damage caused by food damage or overtime delivery of orders in extreme weather shall be borne by the riders themselves. In the rainstorm weather, although the platform will extend the delivery time appropriately according to the rainstorm. But according to the 20 riders interviewed, 15 riders thought that sending orders overtime more frequently in extreme weather. At the same time, one of the riders of the interview group said that in the extreme summer heat, if the order includes deformed food such as cakes, then if the external damage occurs, the damage will be borne by the rider.

4.2. Lack of Accident Insurance for Delivery Riders

There are some problems with insurance that riders have. Firstly, time is limited. This policy covers only the insurance liability for the delivery service process. The delivery service process refers to the insured within 60 minutes after grabbing the order to pick up the meal, deliver the meal and complete the order delivery on the platform. Secondly, the insurance plan is guaranteed per person every day. If the delivery personnel have no order record on the same day, the insurance company shall not bear the insurance liability on the same day. Thirdly, or the rider and the injured rider, the insurance guarantee amount is far from enough, disability standard is different: the insurance applicable to the life insurance disability assessment standard and code (JR / T 0083-2013) is far stricter than the normal traffic accident standard “human injury disability degree classification”, so the injured may reach the traffic accident level 10 disability standard cannot obtain the insurance disability compensation. Additionally, personal injury liable for a third party, non-fracture or non-hospitalization shall only compensate for necessary and reasonable medical treatment in the hospital, and do not bear non-medical expenses such as missed work expenses, nursing expenses and nutrition expenses. Other expenses such as emotional distress, transportation expenses, and disability appliance assistance expenses are also not compensated.

Moreover, for strong liquidity, they cannot guarantee the continuous payment. The vast majority of them are non-local residents and may be in this city this year or in another city next year. Five social insurance and one housing fund often can transfer endowment insurance only, medical treatment insurance, unemployment insurance and housing accumulation fund want to see whether the new job place to receive just can transfer, and industrial injury and birth are to belong to pay as you go, cannot transfer.

Riders also faced the increase of living burdens. Paying employee social security is similar to a tax burden. The tax burden shall be jointly borne jointly by both parties. With more social security, the riders’ income decreases. Riders themselves are not clear about the concept of the labor contract, and they are also unclear about what rights should be guaranteed in the labor contract. According to the research, 32.53 percent of the riders said they were not clear whether they had signed a labor contract. China’s social security is divided into urban workers and urban and rural residents. For urban workers’ social insurance, it is often said “five social insurance and one housing fund” They are the benefits that workers with labor contracts enjoy.

4.3. The Absence of a Trade Union

According to the results of the author’s field visits to the trade union and interviews with riders, there is no trade union in the industry due to the flexibility of the food delivery rider industry. At present, many cities have established “rider homes” to provide some services for delivery riders. Such “rider homes” are usually run by community unions and streets to provide legal aid services for delivery

DOI: 10.54254/2753-7048/5/20220526

riders. According to riders interviewed by the authors, such services do provide some relevant legal knowledge, but fail to provide practical rights protection for riders.

The rider industry itself has mobility. Because the riders do not establish labor relations in the traditional sense with their platforms, the jobs of riders are unstable. Most people are engaged only temporarily in the rider industry. Therefore, the group of riders is more mobile, and the personnel turnover is faster. In addition, riders in an area usually belong to different delivery companies, making it difficult for street unions to manage and provide services consistently.

Unions have difficulty coordinating the relationship between riders and crowdsourced platforms. Because there is also a crowdsourced platform between the rider and the delivery platform, such as the "Jiangsu Wumei" company. The crowdsourced platform divides the riders according to the area, thus forming a "station" to manage the riders within a certain area. Webmaster and deputy stationmaster are set up in the site, responsible for the scheduling and management of delivery riders. There is a conflict of interest between the site and the rider. The standard of site profit is that the data is good, where the data means that the rider is in the middle of delivery, no traffic accidents and late delivery and other conditions. In the case of good data, the number of riders must decrease, because the more the number of riders running orders, the higher the probability of the rider on the road will confuse the data of the site. The union had difficulty protecting the riders over the station.

The contradiction between local governance and the whole ability of platform operation. It is difficult for local governments to align their policies. The contradiction between the local government governance and the whole domain of the platform operation is usually distributed throughout the country. Thus, the food delivery platform will be regulated or governed by the governments at all levels in the process of business development. Local governments regulating riders currently adopt an "experimental" approach: either trying first, or following the pace of the central government, or exploring agile governance. In their policies, local governments show different tendencies for the distribution of responsibilities of platforms, partners and governments themselves. If the platform applied the legislation or regulatory methods of a certain region, it could face very different legislation or regulatory ideas in other regions. This means that the platform governance had to adopt one policy. Although the field of the internet is unlimited, the management boundaries and resources of the platform organization are limited. If policies and legal standards are uneven, the cost efficiency of the platform management would be significantly unbalanced, and the platform would also fall into a situation of "not knowing what to do".

5. Conclusion

Based on the author's research on the site, riders and the platform, the team members found that the current difficulties faced by food delivery riders are mainly: first, the road safety difficulties when delivering food. Second, the compensation dilemma after the accident. The team members analyzed the main reasons for this dilemma from three aspects: the labor union, the platform and the government. First, the platform dispatch mechanism was unreasonable, and it failed to consider the actual road conditions and emergencies, making the delivery time of riders very tight. Second, there is no trade union within the riders, and it is difficult for community trade unions to play a role. Third, the comprehensiveness of the government's policies and the local situation in the practice process have produced great conflicts. In addition, the government's existing social security system fails to cover the flexible employment group of food delivery riders.

References

[1] *Sun Ping. How to understand the physical properties of algorithms — based on platform economy and digital labor physical research [J]. Science and Society, 2019,9 (03): 50-66*

DOI: 10.54254/2753-7048/5/20220526

[2] *Tega, D. (2017), Uber in Piazza del Quirinale n. 41: la "gig economy" arriva alla Corte costituzionale, Le Regioni, vol. 3, pp. 580-589.*

[3] *Mosca, G. (2016), Lo sciopero contro Foodora è il sogno infranto della sharing economy, Wired, https://www.wired.it/economia/lavoro/2016/10/11/sciopero-contro-foodora-sogno-infranto-sharingeconomy/?refresh_ce.*

[4] *La Repubblica (2017), Deliveroo, sciopero dei rider con biciclettata di protesta: "L'azienda non può nascondersi dietro a un clic", http://milano.rep.*

[5] *ILO: Proposal on Employment Relations (Proposal No.198), https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/normativeinstrument/wcms_r198_zh.pdf.*

[6] *Antonini, C. (2018), Riders, il modello spagnolo ottiene un'altra vittoria contro Deliveroo. E in Italia?, Left, https://left.it/2018/07/10/riders-il-modello-spagnolo-ottiene-unaltra-vittoria-controdeliveroo-e-in-italia/.*

[7] *Kong Xiangjun. On the macro positioning of Internet platform antitrust — is based on political, policy and legal analysis [J]. Comparative method study, 2021 (2): 85-106.*

[8] *Johnny Chen. "Digital Control" — Labor Control Study [J]. Sociology Research, 2020,35 (06): 113-135 + 244.*

[9] *Zhang Chenggang. Protection of labor rights and interests of workers in new employment forms: Content, Status quo and Strategy [J]. Journal of China Institute of Labor Relations, 2021,35 (06): 1-8 + 120.*