# *The* INSTANT DELIVERY WORKPLACE *in* D.C.

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# *Executive Summary*

The instant food delivery industry has grown exponentially, doubling its record sales in the pandemic. Today, the global instant food delivery market is worth an estimated $294 to $466 billion.[1] While the industry provides convenient access to food for consumers, the workers powering the industry struggle to make ends meet. These challenges are especially true in the Washington, D.C. area. This study finds that the instant food delivery industry in the D.C. region poses risks to worker health and safety, subjects workers to unpredictable and variable wages, and requires unpaid work. As the instant delivery industry's workforce consists primarily of people of color, a significant portion of whom are immigrants, these findings suggest that the new industry is deepening existing racial and economic inequities. Key findings include:

1. The instant delivery industry poses risks to worker health and safety. Of those surveyed:

- 51% of workers felt unsafe on the job.
- 41% of workers experienced assaults or harassment on the job.
- 51% of workers faced problems with bathroom access on the job.
- 23% of workers were in traffic collisions on the job.

2. Wages for instant delivery workers are unpredictable and unclear.

- 49% of surveyed workers received underpayment or no payment for jobs.
- Different workers are paid different amounts for nearly identical jobs.
- The industry uses opaque pay structures and sub-minimum wages.
- There is no transparency about how jobs are algorithmically allocated.
- Workers experience "tip-baiting" and "promotion-baiting."

3. The instant delivery industry requires unpaid work.

- Workers are not compensated for the time they spend waiting on the job.
- Some workers spend half of their work-time engaged in unpaid waiting.
- Workers are not compensated for the data they produce on the job.
- Workers have widespread concerns and confusion about data collection.

As a result of these findings, we recommend enacting legislation to ensure fair and just working conditions in the instant food delivery industry.

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# Introduction

Local officials and civic leaders in cities across the U.S. and the world are grappling with the unexpected arrival and rapid growth of new food delivery services that use smartphone technologies to dispatch individual workers on-demand. These new services — the most visible of which are DoorDash, UberEats, Grubhub, and Instacart — have attracted significant venture capital investment. They have also captured media attention and the consumer market. Still, the visibility of the industry stands in sharp contrast with the seeming invisibility of the people who work in it. This study asks: What are the working conditions in the instant delivery industry?

To answer this question, we examine data from 41 individual workers who entered and, in some cases, left the instant delivery workplace in the Washington, D.C. area from 2022-2023. Analysis of transcribed interviews and detailed surveys identify a number of challenges for this new workforce. From this research, we make recommendations to community organizations, residents, and policymakers for how to address the identified challenges and improve labor conditions in this new industry.

# *Background*

## The Industry

Food delivery is not a new phenomenon. Pizzas, milk, and frozen meals have been available for delivery for decades in certain parts of the U.S. But over the last decade, Silicon Valley companies and major retailers have incorporated digital mobile technologies to dramatically change what food gets delivered and how quickly.

In this industry, the language of freedom, flexibility, and autonomy abounds, and is designed to appeal to workers who seek more predictability over their work hours and schedules.[2] But the instant delivery industry does not pay a fixed rate and workers do not have the power to set their own rates.[3] Instead, workers are paid a per-delivery amount based on what appears to be a number of different factors, such as the time of day, length of distance between a restaurant and customer, the size of an order, the demand for deliveries, and the supply of drivers. To workers, these varying factors are hard to predict and seem to change from day to day, hour to hour, and even neighborhood to neighborhood.[4]

When instant food delivery companies classify workers as self-employed, many of the costs of doing business and the risks of doing so are shifted onto workers.[5] Workers must pay for the instruments of work (e.g., cars, gas, and insurance) but are deprived of common rights, such as the right to receive a minimum wage.[6] Workers are also excluded from key benefits and protections traditionally associated with formal employment, including collective bargaining rights.[7] In the U.S., most instant food delivery workers do not receive employment-based health insurance, retirement benefits, or overtime pay. They do not qualify for paid sick leave, family leave, or unemployment insurance. Perhaps most importantly, these workers are not eligible for worker's compensation if they are injured on the job, despite the significant health and safety risks we identify in this study. Given that the instant food delivery industry employs a racial minority workforce, the structure of this workplace likely deepens existing racial and economic inequalities.[8]

## The D.C. Landscape

Today, the instant food delivery industry in the D.C. region consists of more than twenty active platforms for meals, alcohol beverages, and groceries, including the following:

### *Meal delivery*

Caviar, Chowbus, ChowNow, Delivery.com, DoorDash (which has the largest local market share at almost 50%[9]), Eat Street, Grubhub, HungryPanda, Postmates, Seamless, Skip The Line, and UberEats.

### *Grocery delivery*

Amazon Fresh, Cornershop, GoPuff, Instacart, Mercato, Shipt, Walmart Spark, Weee!, and Yami

### *Alcohol delivery*

Drizly, Go To Liquor Store, MiniBar, and Saucey

Despite this seemingly wide range of options, the industry is consolidating. In recent years, DoorDash acquired Caviar. Grubhub obtained Seamless. And, UberEats bought Drizly, Cornershop, and Postmates, in addition to forming a partnership with GoPuff.[10]

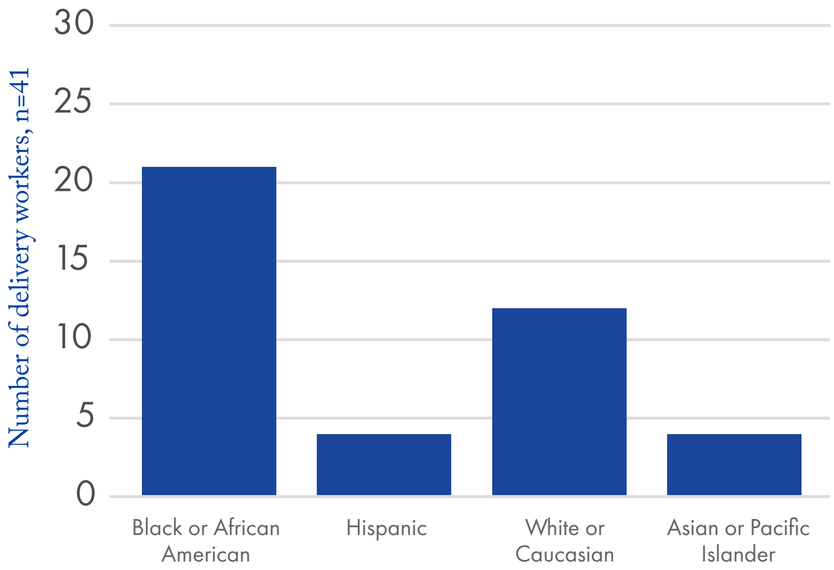
Of this new generation of food delivery companies, Postmates and Instacart were the first to arrive in D.C.— the former arriving in 2013 and the latter beginning operations in 2014. UberEats, owned by ride-hail giant Uber, arrived the following year.

In 2020, the Covid-19 pandemic exponentially expanded the size and scope of the D.C. instant delivery landscape. Many ride-hail drivers, including

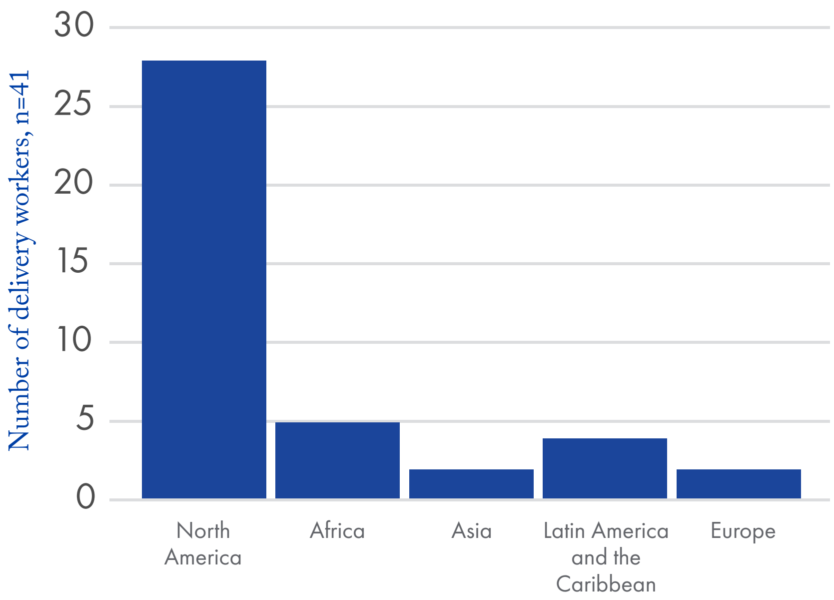
32% of the participants in this study who struggled to find passengers or who wanted to limit their risk of exposures, moved en masse to instant delivery.

The work histories and demographics of delivery workers in this study largely mirror findings from other studies of the gig economy, which is the broad umbrella term for app-based service work. Twenty-nine percent of the workers in this study identify as White; the majority identify as Black or African American, Hispanic, and Asian or Pacific Islander. The ages of workers range from 18-65, with an average of 33. Sixty-eight percent of the workers were born in the U.S. The remainder emigrated from Argentina, Benin, Bosnia, Ethiopia, Germany, Ghana, Iran, Jamaica, Nigeria, Peru, Southeast Asia, and Venezuela. The drivers in this study are 61% male and generally well-educated; only 15% of workers have not attended any college while 56% have completed at least a college degree. The residency of this study's participants is spread somewhat evenly across the region, with 49% living in D.C., 29% in Maryland, and 22% in Virginia. (See Appendix B for participant summary.)

## Race(s) & Ethnicities




## Place of Origin



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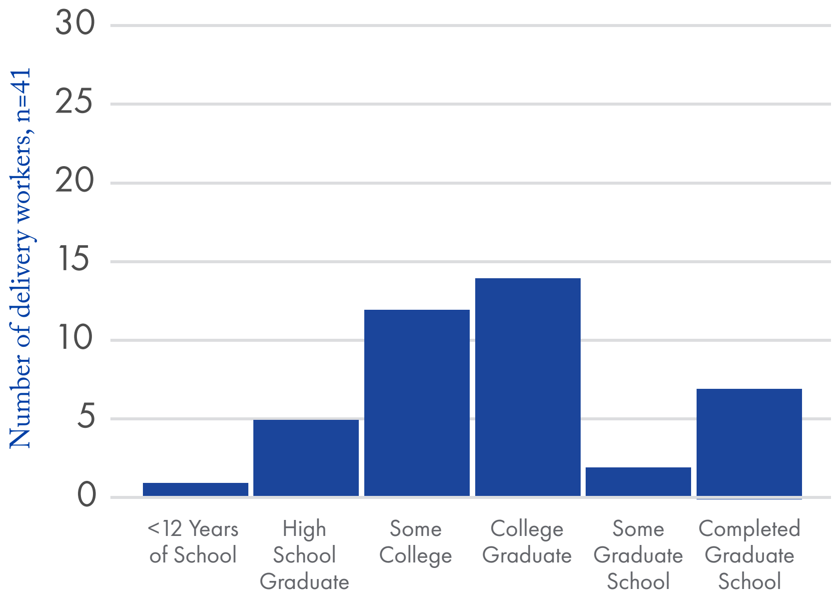


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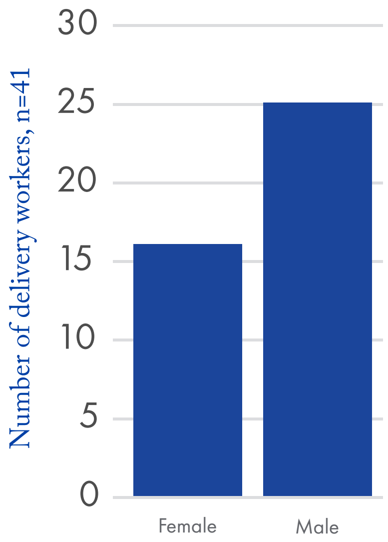
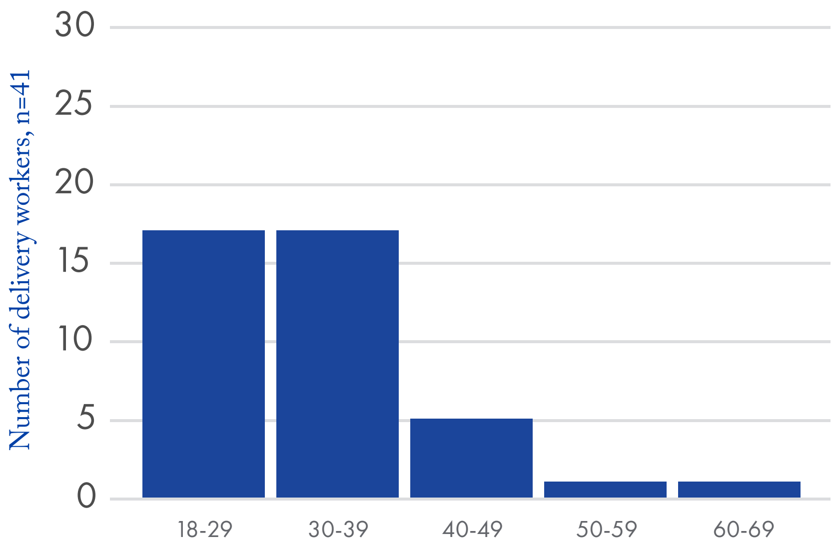
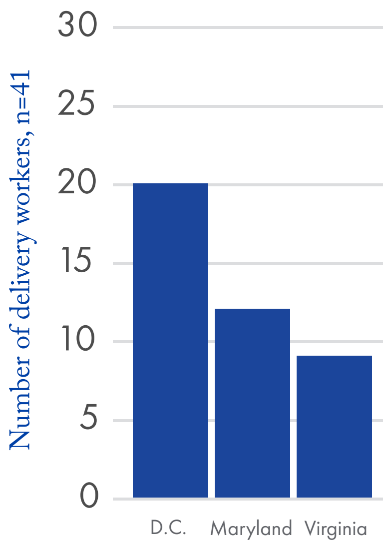



## Driver Age




## State of Residency



# *Worker Experiences*

## Safety and Health Risks

### *Verbal and Physical Assaults*

On more than a dozen occasions, Diana, a Black, 30-year old, new mother who works as a security officer, has been called curse words by customers for late or incomplete orders on UberEats.[11] She said, "I usually try not to argue back with them, again because it all comes down to the ratings. I'm like, 'Well, I'm sorry, how can I help you? What can I do? How can I make this better? Do you want me to go back to the restaurant?'"[12] Sometimes she will go back to a restaurant for an item that was missing from the delivery bag or to exchange food for a warmer version, but she isn't paid for that extra work. She does it, she says, to appease angry customers and in hopes of avoiding a bad rating. If her ratings go too low, she can be kicked off the platform. And she needs the income.

Diana doesn't earn enough as a security officer to take care of her rent, groceries, and bills, but she earns too much to qualify (as she once did) for food stamps. Diana is not alone in her struggle to supplement earnings from another job. Sixty-one percent of the workers in this study signed up for instant delivery work to make ends meet.

When we last spoke, Diana was averaging forty-one hours a week for UberEats, in addition to the forty hours she spends as a security officer. She does the delivery work on the weekends or after she finishes her other job, where her shifts run from either 11pm to 7am, or 6am to 2pm. Her godmother or a friend watches her son while she works. She says that meal deliveries are easier than ride-hailing work, where there is a greater threat of physical violence:

> *"I don't have to worry about people being behind me."*[13]

She knows this risk first-hand as she was sexually assaulted by a passenger in 2018 while working as an Uber driver.[14]

Like Diana, more than 41% of instant food delivery workers in this study report incidents of verbal harassment or physical assault while on the job. They experience how the instant delivery industry poses a series of risks to worker health and safety. Sometimes the incidents occur between workers and restaurant staff; other times, between workers and customers. In total, 51% of the 41 workers with whom we spoke indicate that they have felt unsafe or feared for their physical well-being while engaged in delivery work. Workers who are Black, Hispanic, or Asian were more likely than White workers to share with us experiences of assault, harassment, or other safety issues.[15]

Marcel, a Black, part-time delivery worker who also works as a retail store manager, told us about a restaurant manager in Georgetown who yelled at her for coming through the restaurant's front door on Wisconsin Ave NW rather than going through the back alley. At a different restaurant, she was told that sitting on a bar stool is only for paying customers, not delivery workers.[16] Some restaurants have signage that direct delivery workers like Marcel not to cross a certain point or wait outside, even in rain. (See images of restaurant signage on the previous page.) She finds these encounters insulting but also ironic. Of the restaurant staff, she said:

> *"At the end of the day, we're all working for tips. At the end of the day, we are serving people food and drink. It's like the same job."*[17]

Benjamin, a White, long-time delivery worker, has been verbally harassed by customers for incorrect orders, for reasons that he believes are out of his control. In one instance, a restaurant accidentally sent the wrong sauce to a customer. In another situation, a frozen desert melted by the time he delivered it. These problems, he points out, are beyond his responsibilities. He says, "I can't open up the burger and look at the ingredients… [and] they don't give us those cold freezer-packs."[18]

The volatility of the instant delivery workplace went beyond verbal harassment for Vanessa, a White, full-time delivery worker. In 2022, she survived an attempted carjacking. After Vanessa had parked her car to pick-up an order from a restaurant near Eastern Market, she was attacked from behind. Luckily, she was able to get free. Before she called 911, however, she went into her UberEats app to un-assign herself to the delivery order. She worried that if she didn't, the delivery platform would penalize her and not give her decent orders in the future. What Vanessa didn't do, though, was tell UberEats that she had experienced an assault. She said:

> *"I don't think there would have been a point to report it [to UberEats]. I don't think they would have done anything."*[19]

We heard this refrain over and over again about a lack of faith in delivery companies to help workers in the case of emergencies. We find that many workers believe, as Vanessa does, that the companies will penalize them for disrupted or incomplete orders, even if the reason for the interruption is a verbal or physical assault. A recent study shows that this fear is not unfounded for the sister industry of ride-hail: Drivers are often deactivated (or fired) after they report physical assaults or verbal abuses by passengers.[20]

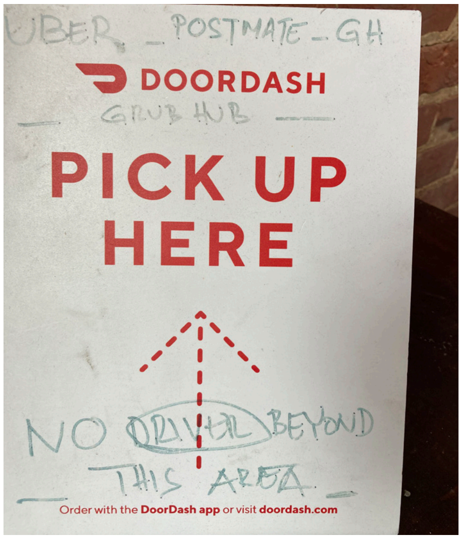
In D.C., the carjackings of delivery workers continue to threaten the safety of this new workforce.[21] The local police report that delivery drivers are especially targeted for vehicle thefts.[22] Indeed, in six months of 2020 alone, the city saw 309 of 876 motor vehicle thefts involving delivery workers.[23] Between 2021 and 2023, three local delivery drivers were killed on the job.[24]

The risks that D.C.-area workers face in the instant food delivery workplace are not unique. In Australia, one third of delivery workers have sustained injuries on the job.[25] In the U.S., one investigation found that more than 350 gig workers have been carjacked in a five-year period, an estimate that is likely higher as workers often underreport these incidents.[26]

## *Restricted Bathroom Access*

A second health risk that delivery workers face concerns bathroom access. Fifty-one percent of the workers in this study had difficulties accessing bathrooms while they were picking up orders, or were denied bathroom access altogether.[27] The lack of bathroom access poses long-term threats to workers' health, increasing the likelihood of genital and urinary organ diseases.[28]

Workers who are Black, Hispanic, or Asian were slightly more likely than White workers in this


*Restaurant Signage: "Please DO NOT wait inside." And, "NO DRIVER BEYOND THIS AREA."*

study to report problems and uncertainties with bathroom access. Cameron, a recent college graduate and immigrant from Iran, has not been denied access but has seen it happen to other delivery workers. He believes that this denial has not happened to him because he looks White.

Delivery workers are often stuck between a rock and a hard place when they pick-up grocery or meal orders. They work for an app—not the restaurant or grocery store. And so restaurants and stores choose how, or if, to recognize a business relationship with delivery workers. Luis, a Hispanic, full-time delivery worker, pointed out to us the tricky place of app-based workers in the delivery industry. He said:

> *"Restaurants…you actually don't work for them, right? Okay, I get that. That's understandable. But I am providing [the restaurants] a service for [their] business to continue to work."*[29]

Workers in this study worry that they will be penalized if they take a break to find a bathroom outside of a designated delivery route. Delivery platforms constantly track workers' GPS locations and encourage them, with bonuses and other incentives, to complete a certain number of orders within a set time frame.[30]

Vanessa, who survived the carjacking discussed above, gets mad when restaurants won't allow restroom use and tells her the facilities are only for customers. She said, "It pisses me off, not gonna lie. Because when you're a delivery driver, especially a full-time one [like me], you don't have access to a bathroom in your car."[31] Efua, a Black, full-time delivery worker whose husband accompanies her on the job so that she is less likely to get a parking ticket, experiences similar difficulties. She said, "the restaurants will look at you and tell you, 'Oh, the bathroom don't work.'"[32]

Diana hears the same explanation:

> *"Any restaurant I've been in, I've been told, 'Oh it's shut down. It's shut down due to Covid.' Or they've blamed it on the bathroom having a maintenance issue."*[33]

As a result of these conditions, Marcel prefers to deliver in the wealthier neighborhoods of Northwest D.C. because she believes she is less likely to be declined there when she asks to go to the restroom. She said "it's just unrealistic that DoorDash expects you to, like, keep going, keep going, keep going, and restaurants won't even let you use their bathroom."[34]

### *Frequent Traffic Collisions*

Assad, a Black, full-time delivery worker, was new to instant delivery when he was hit by a car on the job. He was not seriously injured and his e-bike, which he had purchased for this job, was still operational. But he was surprised by how the delivery company responded to the incident. When he called to tell the company he had been in a collision, they urged him to still deliver the food he was carrying. And so he did.

Including Assad, 23% of workers in this study report involvement in vehicle collisions on the job. Another 24% of workers report receiving parking tickets, which raises questions about safety in this workplace and the collective risks for the region. These findings echo those in New York City where 49% of delivery workers in one survey report having been in an accident or vehicle collision.[35]

When Cameron, whom we introduce above, was in a car crash on the job, he called the delivery company to say he could not complete the assigned order. But he did not share what had happened. He said, "I just gave them another reason" as he wasn't sure what would happen to his ability to get delivery jobs if he was honest.[36] Then, he paid out of pocket for medical expenses related to the crash since he does not have health insurance. In this study roughly 15% of workers, nearly all of whom work full-time for delivery companies, report that they do not have health insurance. This pattern aligns with a study of California workers which finds 16% of ride-hail drivers to be uninsured.[37]

Roberta, a Black, grandmother who turned to delivery work after she lost her childcare business in the pandemic, totaled her car on the job. Her back was also injured in the crash. Like Cameron, she did not report the incident to UberEats. Of this decision, she said, "I don't know if that's a good thing or a bad thing… I didn't want to go through any challenges" with the app or jeopardize an ability to work with the delivery company in the future.[38]

Indeed, one worker in this study ended up with a DoorDash violation for an incomplete delivery when she was hit by a car. She needed an ambulance and, in the fog of her concussion, believes she forgot to inform the company what had happened to the food she was supposed to deliver.

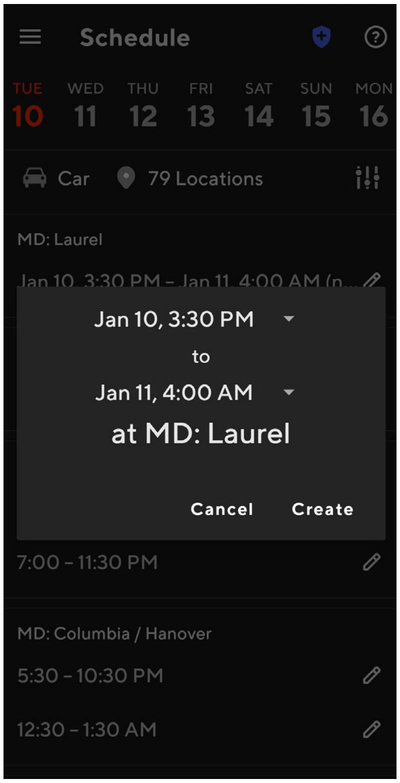
## 2. Unpredictable and Variable Wages

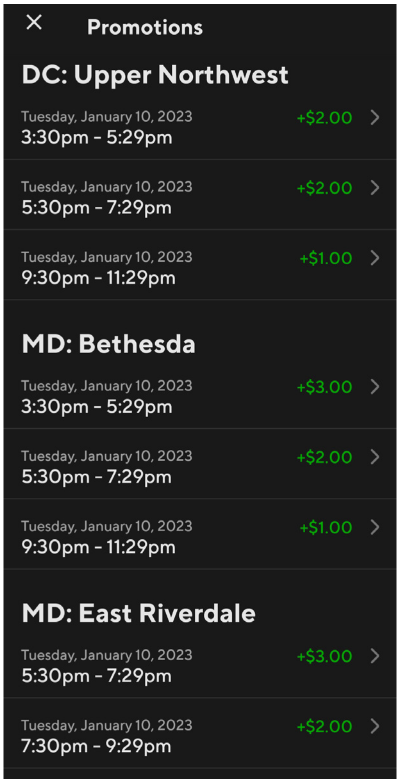
### *Opaque Pay Structures*

On the same day, at the same hour, in the same restaurant or grocery store, two delivery workers can be paid different amounts for food deliveries that entail similar amounts of time and travel distances. In other words, the instant food delivery industry routinely pays varying amounts for nearly identical work. Two workers, standing side-by-side, may also wait significantly different amounts of time for job offers to be dispatched to their phones. One worker may wait 9 minutes for a delivery request; the other worker may wait 25 minutes. Even if a worker schedules shifts on an app in advance and goes to the designated area indicated by the app, the worker will not necessarily access a steady stream of delivery jobs. (See images in the sidebar.)

The instant food delivery industry uses an unpredictable, automated system to allocate work and compensate workers. This system looks more like a "black box" than an open process, a clear set of rules, or a fair contract. In the words of one delivery driver, the payment system is "a mysterious black hole."[39] These opaque pay structures make it "nearly impossible," according to legal scholar Veena Dubal, "for workers to predict or understand their constantly changing" compensation and job offers.[40]

This lack of wage transparency is a central challenge for D.C.-area workers. Delivery workers want to know how their pay is determined and why they receive less pay than peers in certain situations. They also want to know whether the hidden algorithm that creates the personalized pay system is instituting new forms of racialized and/or gendered wage discrimination.[41] Yet workers do not have access to information about how pay decisions are made and cannot contest them.




*DoorDash Shift Sign-ups and Geographic Incentives*

Whereas D.C. consumers are entitled to know how much they will be charged for a particular food delivery order—as a result of the Fair Meals Delivery Act enacted in 2023—instant delivery workers in D.C. have no similar right to know in advance what they will be paid for the same order.[42] As a result of this information imbalance, workers often accept jobs that they would not have accepted had they known how much the job would actually pay, or whether their peers were being offered higher compensation.

### *Underpayment*

Caleb, a White, disabled firefighter who turned to delivery work after he lost a supplemental job during the pandemic, has been paid less than what he was expecting on numerous occasions. Sometimes he contacts the company to contest the discrepancy; other times, he doesn't. He explained that it's not always a good use of his time "to fight with [the delivery company], which is sad, because… I feel like they realize they can get away with a certain number of glitches."[43]

Esma, a White, full-time delivery worker who likes the autonomy of the job, wishes there was wage transparency. The apps, she explained, "trick people into taking all orders in hopes of a higher payout…. It's smart on their behalf, but it kind of sucks for me as a driver."[44] Last week, she said:

> *"I was supposed to be getting paid $12 and then for no reason it switched to $9."*[45]

Another full-time driver named Pedro, who is Hispanic and appreciates that the delivery jobs do not require him to speak much English, told us a similar story. He said:

> *"An order came in saying I would get paid $15 for 3 miles but when I completed the order, they only paid me $10. And after sending many complaints to DoorDash, nothing [happened]. They basically said 'We can't confirm this sir.' And so I stopped bothering."*[46]

In total, 49% of the workers in this study received underpayment or no payment for at least one delivery.[47]

Efua, whom we introduce above, feels as if she has to regularly battle with the companies to get the pay they promise. She shared receipts from several delivery jobs for which the app indicated she would have a bonus of $1 per delivery. But her pay stubs showed that she actually received only an extra $0.75 on the deliveries. Bosa, a Black, full-time delivery worker who tries to be vigilant in documenting pay and advertised incentives, described the workplace this way: "It's a very, very bad, bad job if you are not prepared to fight."[48]

### *Tip-Baiting and Promotion-Baiting*

Marcel, whom we introduce above, believes the discrepancies between estimated pay and actual pay are purposeful: The apps are "very careful not to say how much of [the estimated pay] is tip and how much isn't tip."[49] She continued:

> *"They don't want us to know ahead of time that the customer isn't tipping us, because they think it will impact the service that the customer receives, which is probably true. Like, if I was picking up an $80 order and I saw that the customer was not tipping me, I'll probably take my sweet time getting that food to them, because, like, you should have tipped me. You spent almost $100 on your food and you couldn't give me $2?"*[50]

Sidney, who is an Asian, part-time delivery worker and long-time, federal government employee, shared with us a different problem with tips in the industry. Like all workers in this study, tips generally make-up the bulk of his earnings.[51] He said, "the other night I was delivering pizza, and the [customer] offered a very generous tip up front, so I obviously [accepted the job offer], but then [the customer] took it away in the end."[52] Customers are allowed to change the amount of tip they give to delivery workers for a limited period *after the order has been completed.*

Sidney's experience can be summed up as an instance of "tip-baiting." The customer "baits" the delivery worker like a fish with the promise of a good tip.

By contrast, "promotion-baiting" in the instant food delivery industry occurs when the app "baits" the delivery worker with the promise of a financial bonus—which may or may not materialize. Promotions are used on the delivery platforms to incentivize workers to work in particular neighborhoods, at particular times, and on particular days.

Tiana, a Black, part-time delivery worker who has worked for instant delivery companies for more than two years, explained her frustration with UberEats incentive schemes. One week, she said, there was a $75 bonus if she completed "600 points" within a seven-day period. Each delivery was worth a certain number of points, but the points varied and, in her case, decreased from 6 points per delivery to 1 point after 9pm. After working for much of the week, she only needed 13 more points to qualify for the bonus. On the last day of the week, she was puzzled to see a string of $2 and $3 delivery requests show up on her phone. She normally accepts orders in the $7 to $15 range. The $2 and $3 offers would not cover the cost of her expenses to drive to a restaurant and then to a customer's home, but she felt incentivized to forgo decent wages for points that would hopefully turn into a bonus. In the end, she lost that gamble and didn't earn the 600 points in time. Of UberEats and its low wage delivery jobs, she said, "they knew I was trying to hit that bonus."[53]

## *Low Wages*

Roberta, whom we introduce above, believes that the variations in pay and underpayments are not accidental in the industry. She said:

> *"When the alert comes [on the UberEats app], it says this job is going to pay $5.74, right? And it says under the $5.74, in fine print…'includes expected tip.' So the idea is that they're going to give you this money if the person tips. Well, if the person doesn't tip, that means you're not going to get $5.74. So the amount changes… And sometimes you won't get the $5.74 because you discover that the order is actually [paying] $1.59."*[54]

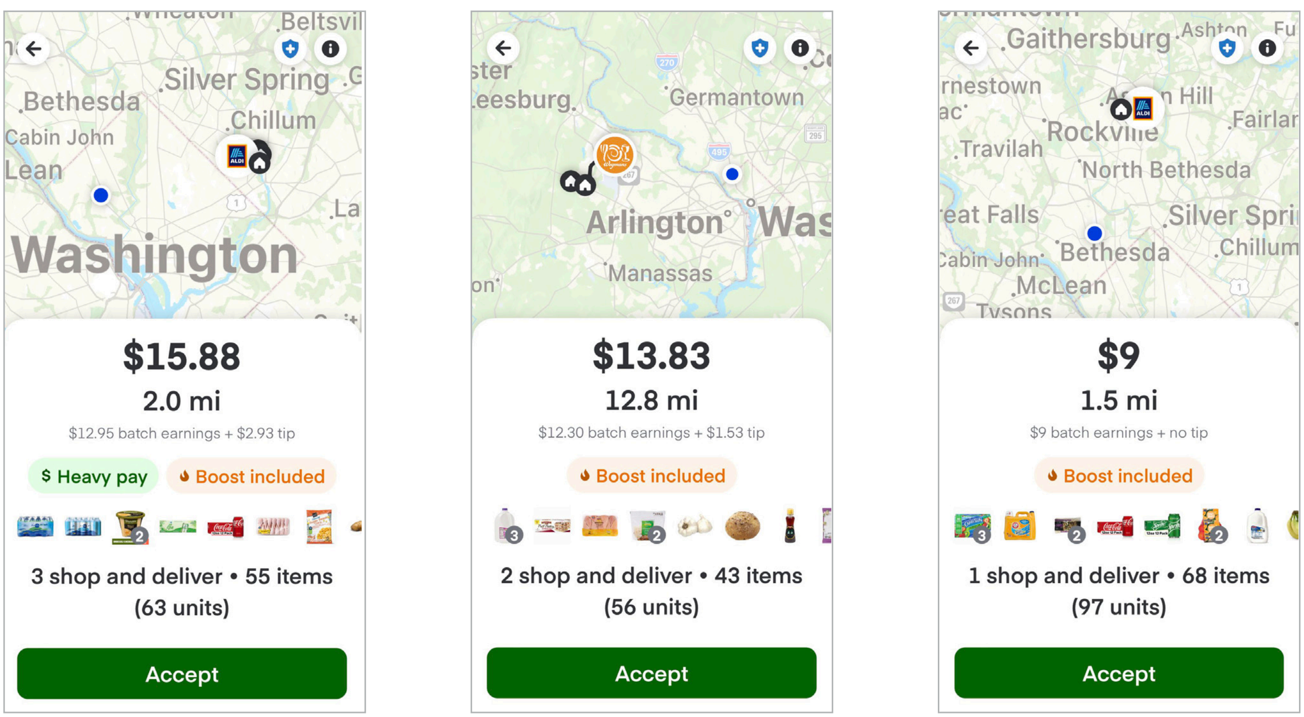
Roberta's pay stubs show how these small discrepancies can make a big impact. During one week, she completed 88 trips for $662. Of that amount, $372 were from tips and $289 were from wages by the delivery company. When she calculated how much she earned before tips on each delivery, it was only $4.23. Her real take-home pay on each delivery was even lower as Roberta's payout does not take into account the significant expenses she incurs, such as gas, insurance, car maintenance, and taxes.

Workers like Roberta are responsible for a host of job-related expenses because they are classified as independent contractors, not employees. This arrangement makes it difficult for instant delivery workers—even full-time ones—to earn a living wage, let alone D.C.'s current minimum wage of $16.10 per hour. Nearly half of the workers (49%) in this study report annual household incomes of less than $48,000, which in D.C. does not create a living wage for a family of two.[55] Moreover, 13% of the workers who spoke us earn so little in this job that they receive food stamps or other forms of public assistance.

Instant delivery companies sometimes offer such low-paying jobs that some D.C.-area workers lose, rather than earn, money in the course of the work. The result of these workers' jobs is debt. One worker recently received an Instacart job offer that would pay a flat fee of $12.95 to (a) shop for 63 items for 3 different customers at an Aldi's grocery store in Hyattsville, Maryland, and (b) drive 2 miles to deliver the groceries to the 3 customers' homes. A potential tip of $2.93 was listed. But, as this worker knew too well, that was just a potential tip, not a guaranteed one. The job would take her at least two hours, and so her take-home pay would be, at most, $7.94 per hour, which quickly decreases when she calculates expenses like gas and taxes. Another recent Instacart job offered her $12.30 to shop for 56 items at a Wegmans grocery store in Tysons, Virginia and then drive 12.8 miles to deliver the items to 2 different customers. A potential $1.50 tip was listed but, again, not guaranteed. When she calculated how much time and gas it would take to complete the job, she realized she could come out in the red. Though she didn't accept the offers, other workers—like Tiana in the previous section—report that they sometimes make a gamble and accept such low wage jobs in hopes of obtaining a bonus.

In the instant delivery industry there are no record-keeping standards for work time or uniform naming conventions. Some apps keep track of when workers are waiting for a job request, which can be called "online time" or "on-app time"; others do not and list only the "engaged time" when a worker is completing a specific part of the delivery job. Confusingly, DoorDash's "active time" category seems to refer to the period when a worker is waiting for an order as well as taking it from a restaurant to a customer whereas UberEats' "active time" seems to encompass the narrower period in which a worker is shuttling a delivery order only from a restaurant to a customer.[56]

When a worker calculates her hourly earnings using only the portion of her work-time that a delivery app lists as "engaged time," her earnings will seem higher than when she includes *all of the time* she is logged onto the app – waiting for a job offer, or driving to pick-up an order, or waiting for a restaurant to prepare the food. For instance, one day Amal, a Black, part-time delivery worker, spent 2 hours and 16 minutes working for DoorDash. He earned $24, which averaged $10.59 an hour—an amount that is well below D.C.'s minimum wage even *before* expenses and taxes are removed. DoorDash, however, indicates on its app that Amal's work time that day only spanned 1 hour and 40 minutes, which would misleadingly suggest he earned a higher hourly rate of $14.12.




*Instacart's Sub-minimum Wage Job Offers*

## 3. Unpaid Work

### *Waiting Time*

To Susan, an Asian, 51-year old, full-time delivery driver, long waits between orders on the UberEats platform are "insane" but also common.[57] She said:

> *"Every time I sign up to work for [UberEats], you know, I'm taking time away from my family. It better [be] worth my time. So, it's hard. Yeah, it's hard when you sit there for half an hour. And you wonder, either, they actually don't have any customers? Or are they manipulating you to think that there's no business? …I see people coming in and out of [the restaurant] Dumplings and Beyond. And I've sat here for, like, 20 minutes now. What's going on? What is the actual algorithm that, you know, decides who gets this order? Because I'm sitting right here."* [58]

Susan lives with her two teenage children in a one-bedroom apartment in D.C., where she has mostly lived since emigrating from Southeast Asia. Before she turned to the gig economy, Susan worked for years at a university research laboratory and then a nail salon. But, as a single-mother, she needed a schedule that didn't require work on the weekends. Some weeks, delivery work feels as flexible as she had hoped it would be. She can turn on the app once her kids are in school, and turn it off in time to make dinner. Other weeks, she waits and waits in her car for orders, struggling to earn enough to cover the cost of fuel.

This waiting is rarely interminable. But it is a reliably persistent part of Susan's work life. She waits in her car as she watches her phone to see if a delivery job will be offered to her. She waits at a restaurant for a meal to be prepared. She waits at a customer's residence or office for them to receive the delivery. And then, she waits for the final pay and tip to be transferred from the app to her account.

At first glance, all of this waiting may seem like a bug or glitch in the delivery system, not a feature. Perhaps the app is not efficient enough, or the restaurant is too slow, or the roads are too congested, or the delivery worker themself is the problem. But, as this study finds, waiting is far from an exceptional occurrence in the instant delivery industry and is, in fact, a routine part of the job. Delivery work can mean dizzying speeds and unexpected accelerations where workers are "too pressed for time."[59] But it can also mean many minutes, hours, and days of waiting and incurring unpaid work-time.

We heard stories from delivery workers like Michelle who says that a long wait is her primary concern when doing this job: "I think about *time* more than anything."[60] She doesn't like when the apps "waste" her time with waiting. For Luis, the waiting is almost half of his work day. Cameron recounts how he hates fast-food restaurants because he can end up waiting long periods for a single order: "The timing…it's just terrible. So when you get hit for 30 minutes of this [waiting], DoorDash doesn't, like, compensate you."[61] Axel, too, shares how he has gotten parking tickets while waiting for an order to be prepared:

> *"Sometimes you don't know how long it's going to take, and if the restaurants aren't letting you know it's going to be a wait…it's unfortunate."*[62]

He wishes there was a way for the apps to tell drivers whether there will be a long wait at the restaurant: "I think every driver will…[say] 'Why am I waiting here so long for this one order?'"

Unpaid work-time and waiting do not just happen accidentally within the delivery workplace. The instant food delivery industry generates, normalizes, and to some extent, depends upon unpaid work-time.

### *Data Production*

When instant delivery workers drop-off a burger to a customer, they produce more than a service called instant delivery. They also produce data.[63] This data can be about traffic patterns, restaurant demand, tip amounts, and driving speeds. But this data can also be about the workers themselves.

In this study, workers have widespread concerns and confusion about data collection, specifically *what* data they produce for delivery companies, *when* they produce the data (be it during a paid delivery or while they are waiting for an order), and *where* data goes after it leaves their phones. Terrence, a Black, part-time delivery worker and recent high-school graduate, said: "I don't know what they're doing with [the data]. I hope they're not doing anything bad with it."[64]

Tiana, whom we introduce above, expressed doubt that the companies use data to improve her earnings. She imagines the platform company might look at her record and say, "[Tiana] looks like she's in a desperate situation, throw some lower [paying] trips, and she'll probably accept it."[65] Other drivers believe their work patterns on DoorDash are tracked in such an intimate way that the delivery company knows when their phone battery is low and so will offer at that time only low paying orders.

The data that instant delivery workers produce may shape how platform companies set prices, manage workers, create personalized pay structures, and even offset financial liabilities.[66] Indeed, one company named Argyle has amassed the employment records of 40 million gig economy workers in the U.S., and sells this data as its primary source of profits.[67]

Data extraction happens whenever workers are logged in to a delivery app yet compensation happens only during "engaged time."[68] In the U.S., individual workers do not yet have the right to access and get compensated for the data they produce, creating conditions that could lead to data monopolies, power imbalances, and a further erosion of worker rights. The instant delivery industry has been able to avoid transparency about which data workers produce, what happens to the data, and whether the data are financial assets.[69] However, recent updates in 2023 to California's Consumer Privacy Act suggest that some workers may soon be able to find out more about their data.[70]

## 4. Workplace Retention

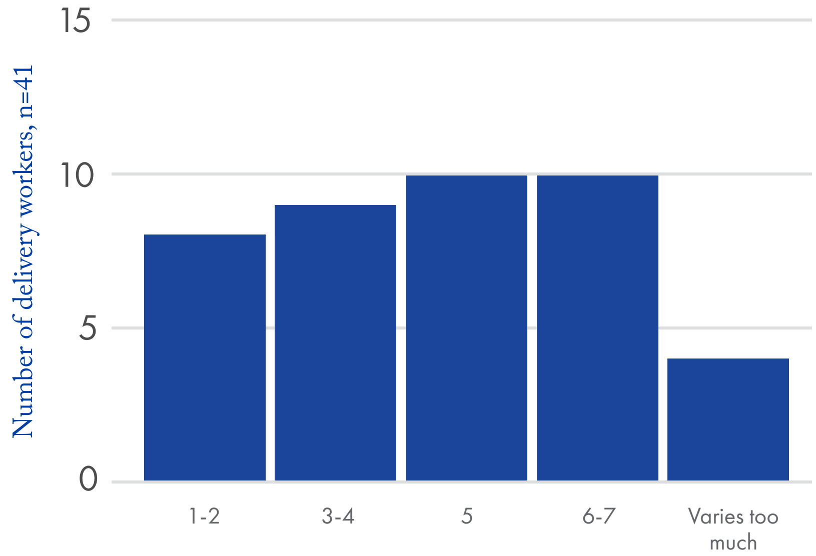
Despite the constraints and risks outlined in this study, 46% of workers who spoke with us plan to continue with instant delivery work for at least six more months. The industry also remains attractive to a third of the workers in this study who say they would recommend the job to a friend. Below are some of their explanations that point to the scheduling flexibility of the industry as its strength and the desires on the part of delivery workers to supplement incomes from other jobs.

> *Chris: "For an extra-income job, it's not bad. I would recommend it."* [71]
>
> *Michelle: "It's a great way to supplement your income with a great degree of flexibility.… [It's] a flexible way of making ends meet because, otherwise, it's hard to find a part-time job that is willing to work with your unique life, your unique schedule, and everything else."* [72]
>
> *Manuel: "It's a good option as a part-time job."* [73]
>
> *Sidney: "It's a great second job. You can work whenever you want... When I'm on vacation, I don't have to worry about it.… I know that if I had to do this full-time, I would be miserable. It's great as a part-time job."* [74]

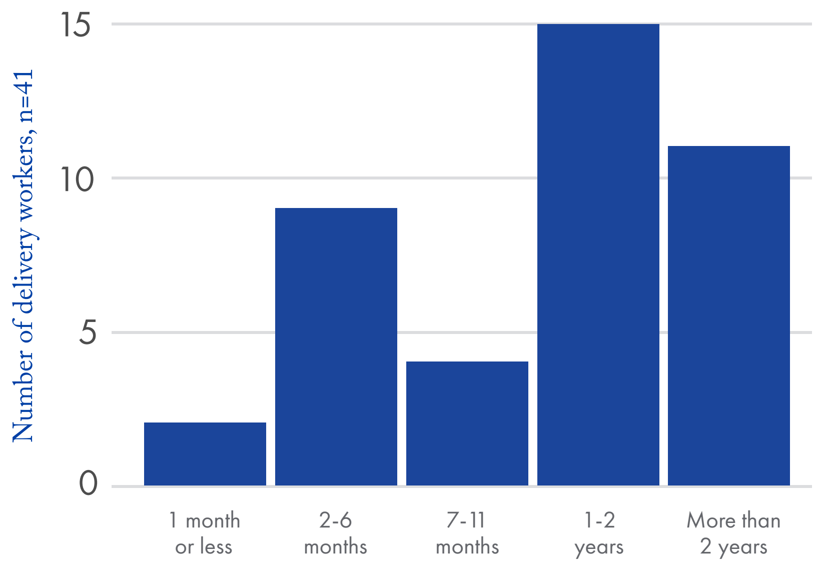
These responses complicate our picture of the instant delivery food workplace, but they do not negate the concerns expressed earlier. The fact that workers find benefits in this industry reflects the broader labor market in the D.C. region as much as the desirability of the gig economy itself, which now claims participation from 16% to 36% of the U.S. workforce.[75] Many of the workers in this study shared frustrations with existing restaurant and retail service jobs in which there is no scheduling stability, a possibility that the D.C. Council rejected in 2016.[76] In traditional service sector jobs in the D.C.-area, it is difficult to know when and how much one might work from one week to the next let alone arrange childcare, make a budget, continue with education, or visit a doctor.

For many workers, the possibility of work that is both flexible and stable is enticing and worth pursuing. In this study, 40% of participants earn income only through delivery work while 48% of participants report five or more days per week in this job. Indeed, 63% of the workers in this study have stayed in the instant delivery workplace for more than a year. The question before civic leaders and government officials is how to balance the flexibility that attracts instant food delivery workers while also addressing the workplace concerns of many of those same workers. These concerns, which this report outlines, are often addressed in other workplaces by legislators who evaluate and regulate labor standards.

## Days per Week of Delivery Work




## Length of Time as a Delivery Worker



# *Policy Interventions*

Litigation, legislation, and political debates about instant food delivery companies in the D.C. region have increased, though unevenly, in recent years. There have been discussions about how equitable the companies provide service to customers across the city's eight wards[77] as well as whether curb-side management programs to create pick-up/drop-off zones help restaurants.[78] There have also been public interest lawsuits against the instant food delivery industry. But, a full decade after its arrival in D.C., local regulators have not mandated that the instant food delivery industry upholds basic worker rights.[79] Workers themselves have been prevented from litigating workplace problems as part of a class-action lawsuit because the instant delivery industry uses arbitration clauses in its contracts. In the absence of federal responses to these labor conditions, local and state-level regulators play a crucial role.[80]

## Litigation with the Instant Food Delivery Industry

Between 2019 and 2023, the D.C. Office of the Attorney General (OAG) sued or took action against at least six instant food delivery companies for violations of D.C. consumer protection laws and, in some cases, for withholding worker tips. DoorDash was required to pay $2 million for misleading customers who believed tips would result in higher wages for workers.[81] Instacart was ordered to pay restitution for deceptive compensation practices.[82] UberEats, at the behest of the OAG, agreed to transparency standards so that customers can understand exactly what are the separate prices for food and for delivery.[83] Grubhub has been sued for $3.5 million for charging hidden fees to customers and falsely claiming to help struggling restaurants.[84] Drizly, a new subsidiary of Uber, agreed to a $6 million settlement for failing to pay sales tax and stealing worker tips.[85]

The most ambitious action to address challenges in the instant delivery workplace in the D.C. area involves Target's delivery service named Shipt. In October 2022, the OAG sued Shipt for misclassifying workers and denying them of basic employment rights and safety protections that they would otherwise receive if they were correctly identified as employees.[86] In addition to dictating when and how work is to be done, Shipt, like many other instant delivery companies, directs workers' interactions with customers; supervises and evaluates their workers' basic delivery habits, including timeliness; exerts significant control over termination and promotion; sets all fare rates for service and worker payment formulas; and penalizes workers for refusal of work.

## Legislation about the Instant Food Delivery Industry

This broad sweep of litigation in D.C. stands in sharp contrast with the paucity of local legislation about instant food delivery services. In response to concerns about the restaurant industry surviving the Covid-19 pandemic, the D.C. Council adopted a series of temporary limits on the commission fees that delivery platforms take from restaurants in exchange for listing the restaurant on the delivery platform's app and website.[87] When DoorDash sought to skirt the 15% commission cap, the OAG successfully sent a cease-and-desist letter.[88] When Postmates tried out a similar tactic, the D.C. Department of Consumer and Regulatory Affairs fined the company.[89] In Maryland's Montgomery County, policymakers encouraged residents to order directly from local restaurants, rather than placing orders through platforms, due to high and hidden commission fees.[90]

The D.C. Council eventually eliminated[91] the commission cap in early 2023 but made permanent a requirement that delivery companies acquire a formal agreement with restaurants before listing any restaurant on its platform.[92] The listing policy, which was adopted as part of the Fair Meals Delivery Act, came in light of complaints from restaurateurs who found that companies had advertised them without their consent, and sometimes with inaccurate menu offerings.[93]

The Fair Meals Delivery Act intervenes in two kinds of business relationships: those between delivery platforms and restaurants, and those between delivery platforms and customers. On behalf of customers, the Act requires that platform companies disclose "in plain language and in a conspicuous matter, any commission, fee, or other monetary payment charged to the customer."[94] The rights for workers to access similar disclosures about compensation and fees are not included in the law.

Two related factors contribute to this bare policy landscape. First, local government agencies and regulators have little to no data on the size, operations, or effects of the instant food delivery industry. As in most other cities, these companies are not required to register with the city, obtain an industry-specific license, or share data about potential infractions, such as idling, car collisions, pedestrian crashes, speeding tickets, or parking violations.[95]

Second, instant food delivery companies have extensively lobbied D.C. policymakers to enact minimal, and sometimes zero, public oversight of the industry. To make their case, six instant food delivery companies — UberEats, Instacart, Grubhub, Postmates, DoorDash, and GoPuff — spent more than $1,877,000 to lobby the D.C. Council from 2019 to 2022.[96] The largest sums were spent by UberEats (54%) and DoorDash (17%). These six companies also report 344 communications (including 131 meetings) with the council during this period. This pattern of lobbying echoes a nation-wide push by gig economy companies to influence state- and city-level policies, especially regarding the industry's legal obligations to its workers.[97] Instant food delivery companies have invested heavily in, according to the Economic Policy Institute, an "expansive state legislative lobbying agenda in their quest to redefine employment."[98]

## Strange Bedfellows

Despite D.C.'s legislative silence on the rights of instant delivery industry workers, the city has actually garnered national attention in recent years as one of the most labor-friendly jurisdictions in the country. Policymakers established a model paid family leave plan, which gives workers up to 12 weeks of paid time-off for parental, medical, or family caregiving needs. Through a ballot initiate, voters agreed to eliminate the "tipped minimum wage" for restaurant staff, helping to ensure that workers eligible for tips are guaranteed to take home at least the city's minimum wage of $16.10.[99] And, to address widespread misclassification in the local construction industry, legislators added an "ABC test" to make it more difficult for construction companies to evade obligations to workers or commit workplace fraud. A civil rights bill to limit bias and discrimination in algorithmic decision-making systems was even introduced by the OAG.[100] In light of these precedent-setting actions and efforts, D.C.'s alignment with the instant food delivery industry on worker rights creates a case of strange bedfellows.

# *Conclusion and Recommendations*

Our conclusion is straightforward. The patterns identified in this study raise questions about the extent to which working conditions in the instant food delivery industry conform to contemporary labor standards. To address these concerns, local legislators should adopt the following set of recommendations:

1. Establish access to bathrooms at restaurants and retail stores where instant food delivery workers pick-up orders, and explore investment in public bathrooms. Specifically, we urge the council to amend Section 3 of the Fair Meals Delivery Act to state that any agreement between a restaurant and a third-party delivery platform must mandate bathroom access for delivery workers who are engaged in delivery for the restaurant. The Act already details some aspects of agreements between restaurants and third-party meal delivery platforms, for instance, by requiring third-parties to not indemnify restaurants. A provision that ensures bathroom access would align with recent efforts by Councilmember Brooke Pinto in her proposed bill, "Expanding Access to Public Restrooms Act of 2023" as well as ongoing efforts by Councilmember Brianne Nadeau.[101] New York City offers a model for this kind of legislation as it already requires restaurants to allow delivery workers who are picking-up orders from their establishments to access bathrooms.[102]
2. Require transparency in commissions, fee, and pay for instant food delivery workers through an amendment to Section 4 of the Fair Meals Delivery Act, which already requires a similar kind of transparency between delivery companies and restaurants, *and between delivery companies and consumers.*
3. *To assess worker safety and potential violations of local labor standards, mandate that* instant food delivery companies collect and submit to the appropriate agency or agencies the following information about instant delivery labor conditions in a format approved by the council, for the period July 1, 2023 through December 31, 2023, and for each calendar quarter thereafter no later than 30 days after the end of that calendar quarter.[103] Data shall be anonymized, made publicly available, and used only for the express purposes of evaluating worker safety and labor conditions. Instant delivery companies shall pay the District a monetary penalty for each violation of the terms of this data sharing agreement.
    a. The total number of private delivery-for-hire operators ("operators") that utilized the digital dispatch services of the private delivery-for-hire company in the District in each 24-hour period, including breakdowns by gender, ethnicity, and census tracts of residency;
    b. The average operator earnings per hour for all trips that begin or end in the District, including breakdowns by gender, ethnicity, and census tracts of residency;

c. The average percentage of non-revenue hours to revenue hours for operators, including breakdowns by gender, ethnicity, and census tracts of residency;

d. The number of hours that operators spend logged into the app per 24-hour period, including the percentage and frequency of operators who spent more than 10 hours logged into the app per period; and

e. The total number of traffic collisions or assaults pertaining to operators, including as complainants.

4. Initiate a prevailing wage or, in the least, a minimum trip payment for instant food delivery drivers. New York City guarantees such workers a minimum per trip payment, so that workers are less likely to incur job-related debt.[104] Seattle, Washington adopted the "PayUp Ordinance," which affords delivery workers basic protections such as a minimum wage and transparency in pay.[105] Policymakers in Denver, Chicago, and Minneapolis are currently pursuing similar kinds of legislation.[106]

5. Extend employment rights to delivery workers, specifically by expanding the use of the ABC test to determine employment status. D.C.'s current ABC test, which helps to prevent workplace fraud (§ 32–1331.04), only applies to the construction industry. We urge the removal of *one line* from this law that stipulates the application of the ABC test for only the construction services industry (§ 32–1331.02): "This subchapter shall apply only to the construction services industry." This simple deletion would have an important and immediate impact by making it clear that many app-based companies are employers. This reclassification of workers would align with recent U.S. court cases[107] and would not need to limit schedule flexibility for the instant delivery workforce.

6. Promote policy that would create data rights for workers, using California's new amendments to its Consumer Privacy Act as a model and/or California's proposed Workplace Technology Accountability Act.[108]

# *Appendix A: Methodology*

In 2022 the research team conducted and transcribed 41 hour-long interviews with instant delivery drivers for UberEats, Grubhub, DoorDash, Instacart, GoPuff and other similar services in the D.C. area. To mitigate any possible coercion, the researchers did not conduct interviews or surveys as customers or as part of any food delivery transaction. App-based workers can be deactivated or fired from a platform for low ratings from customers, and so the research team avoided any solicitation that involved ratings. Instead, the research team enlisted workers through in-person recruitment at several D.C. restaurants, especially in the Glover Park neighborhood adjacent to Georgetown University's main campus.[109] The 41 interviews were conducted remotely through Zoom and were roughly an hour in length. Workers received a small financial reward for participation and were asked questions about their employment histories, delivery strategies, household budgets, and feelings about the gig economy in general. Demographic, education, and household financial information was also collected through a short survey.

There is insufficient evidence to assess whether the workers who participated in this study are representative of all instant delivery workers everywhere or even those in the D.C. area. To date, there are no robust estimates of this industry's workforce in D.C. But the data collected and reviewed here is evidence of the structures of work that delivery drivers, however many, navigate and the kinds of worker challenges that they face in one of the most visible platform workplaces.

To contextualize these findings, this report draws on analyses of policy documents, Freedom of Information Act requests, media reports, and field observations around the region. In 2022 the research team also conducted and recorded 43 interviews with local stakeholders in the D.C. area. This group included members of business improvement districts, advisory neighborhood commissions (ANCs), gig companies, news organizations, the restaurant industry, think tanks, social services, quasi-governmental organizations, and labor rights groups as well as lobbyists, public interest lawyers, and policymakers.

# Appendix B: Participant Summary

| Pseudonym | Age and Gender | Highest level of education | Race(s)/ ethnicities | Current jobs in addition to delivery |
|---|---|---|---|---|
| Aaditi | 30F | High School | Asian or Pacific Islander | Caregiver |
| Ajani | 27M | Some college | Black or African American | Soldier |
| Amal | 18M | High School | Black or African American | Intern |
| Amber | 36F | Graduated from college | Asian or Pacific Islander | Finance consultant; translator |
| Assad | 26M | Some college | Black or African American | None |
| Axel | 28M | Graduated from college | Black or African American | Soldier |
| Benjamin | 26M | Completed graduate school | White or Caucasian | Teaching assistant |
| Bosa | 37M | Completed graduate school | Black or African American | None |
| Caleb | 43M | Completed graduate school | White or Caucasian | None |
| Cameron | 25M | Graduated from college | White or Caucasian | None |
| Chris | 26M | Some graduate school | White or Caucasian | None |
| Cole | 38M | Some college | Black or African American | None |
| Diana | 30F | Some college | Black or African American | Security guard |
| Efua | 49F | Some graduate school | Black or African American | None |
| Esma | 26F | Some college | White or Caucasian | None |
| Gabrielle | 32F | High school | Black or African American | Food service worker |
| Jack | 37M | Graduated from college | White or Caucasian | Accountant |
| James | 32M | Less than 12 years of school | White or Caucasian | Baseball umpire |
| Janelle | 31F | Graduated from college | Black or African American | Administrative assistant |
| Javier | 23M | Some College | Hispanic | None |
| Jayden | 21M | Some college | Black or African American | Camp counselor; university employee |
| Josh | 34M | Graduated from college | White or Caucasian | Data scientist |
| Kayla | 32F | Some college | Black or African American | Tow operator |
| Kojo | 44M | Graduated from college | Black or African American | Grocery store manager; translator |
| Luis | 43M | Some college | Hispanic | None |
| Luke | 29M | Completed graduate school | White or Caucasian | Elementary school teacher |
| Manuel | 37M | Graduated from college | Hispanic | Valet parking |
| Marcel | 29F | Graduated from college | Black or African American | Retail store manager |
| Michelle | 38F | Completed graduate school | Black or African American | University employee; tutor |
| Niles | 25M | Some College | Black or African American | Mover; ride-hail driver |
| Pedro | 36M | Graduated from college | Hispanic | None |
| Roberta | 65F | Completed graduate school | Black or African American | None |
| Samuel | 41M | Completed graduate school | White or Caucasian | Army officer |
| Sidney | 31M | Graduated from college | Asian or Pacific Islander | Federal government employee |
| Susan | 51F | Graduated from college | Asian or Pacific Islander | None |
| Terrence | 24M | High School | Black or African American | Event support staff |
| Tiana | 38F | Graduated from college | Black or African American | Quality assurance specialist |
| Tina | 28F | Some College | Black or African American | Movie theater staff |
| Trinity | 34F | Some college | Black or African American | None |
| Vanessa | 24F | High School | White or Caucasian | None |
| Will | 27M | Graduated from college | White or Caucasian | None |

# *Endnotes*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109 This neighborhood was often chosen as a site for recruitment because of its proximity to Georgetown University campus, which eased access for student researchers.


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