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Written statement* submitted by ArabEuropean Forum for Dialogue and Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 August 2023]

* Issued as received, in the language of submission only.



Enacting International Mechanisms to Protect the Rights of Delivery Workers

The matter of labor rights pertaining to delivery workers, also recognized as food and order delivery personnel or employees of delivery services, stands as a preeminent human rights concern within the spectrum of human rights enjoyment. It occupies a prominent position due to the manifold rights transgressions that afflict workers within this domain on a day-to-day basis. The field of delivery services, unfortunately, witnesses a significant prevalence of these violations.

Notwithstanding the notable discrepancies between nations in terms of domestic legislations and regulations aimed at governing and remedying this matter, the challenges and predicaments encountered by both the global community and the corporate sphere in tackling the deplorable circumstances faced by delivery workers in diverse countries have burgeoned, acquiring heightened intricacy. This mounting complexity is compounded by the waning emphasis accorded to this issue, which has garnered criticism from international human rights entities and individual countries alike. A palpable dearth of international mechanisms dedicated to the resolution of delivery sector workers' conditions further exacerbates this situation. The need for the formulation of comprehensive legal and procedural frameworks to address these concerns and resolve the myriad legal and procedural intricacies enveloping them has never been more pronounced.

We bring forth an impassioned appeal to the distinguished Council, being the inaugural international human rights organization to articulate this imperative. We beseech the Council to ardently undertake the task of addressing the dire circumstances encompassing millions of laborers within the delivery sector. Our plea extends to the activation of international protocols and mechanisms encompassing all pertinent international entities, a concerted endeavor that aims to actualize justice and protection for an expansive cohort exceeding 30 million workers within this realm. This workforce, beleaguered by egregious violations and the gravest forms of suffering, is subjected to maltreatment and abuse by employers and corporations that control digital platforms. This systemic disregard for their well-being persists without states interposing to offer safeguarding and redress, while international institutions and mechanisms remain remiss in their mission to ameliorate their reality and working conditions. The imperative lies in compelling states and enterprises to enhance the work environment and conditions for delivery service workers, thereby shielding them from a panorama of transgressions and inhumane practices, and sparing them unwarranted hardships or unsuitable environments.

We beseech the esteemed Council to wield the authority vested in the United Nations, utilizing its inherent legal prowess to enforce labor laws and protect workers' rights across nations. This prerogative can be harnessed through the array of international bodies and mechanisms that the United Nations possesses, fortified by a comprehensive framework of international agreements and declarations safeguarding and elevating human and workers' rights. This framework inherently encompasses the rights of delivery workers, who aspire to fall under the protective aegis and mandate upheld by these international conventions, principles, and guiding benchmarks. We underscore the pivotal role played by the Human Rights Council, the Office of the High Commissioner for Human Rights, and the International Labor Organization, entities and institutions within the United Nations that are devoted and specialized in both safeguarding and advancing human rights, as well as delineating equitable principles that underpin fundamental workers' rights and ensure dignified employment conditions. This concerted effort aims to secure that all workers within this sector unequivocally partake in the rights guaranteed to them by legislation and international agreements. Additionally, we implore member states of the International Labor Organization to devote their energies towards enhancing the labor conditions and work environment prevalent within the delivery sector. This entails extending the umbrella of national agreements, laws, and legislations to encompass the safeguarding of human rights for workers in this realm. Furthermore, it mandates the proactive resolution of legal and legislative hurdles that hinder the realization of these rights, thereby upholding an equitable and just working environment for all.

In this context, we unequivocally underscore the pivotal role enacted by the United Nations, along with its array of international bodies and entities. Of special significance is the role of the International Labor Organization, which assumes a paramount responsibility in ensuring that nations uphold their international commitments concerning the diligent implementation of the constellation of rights and freedoms integral to workers' rights. This implementation should be conducted in a comprehensive, just, and equitable manner, harnessing the Organization's mechanisms, capabilities, and partnerships with the governments of its Member States. The International Labor Organization stands as a linchpin in this endeavor, serving as a catalyst to address and safeguard the rights of delivery workers within the broader framework of agreements and principles governing labor rights, human rights, and social protection. Anchored in core values and principles governing the right to work, equitable working conditions, and the pursuit of decent employment, this collaborative effort stands poised to chart a path that ensures fair, just, and equal work environments. This encompasses both temporary arrangements and more enduring structures upheld by robust laws and procedures, effectively creating a fortified milieu for the rights and well-being of delivery workers.

With the jurisdiction of governments of different countries being the cornerstone for the implementation and enforcement of workers' rights, particularly within the dynamic context of delivery work, it becomes imperative to foster an environment where delivery workers and advocates for workers' rights can engage with their respective governments, labor unions, civil society entities, and employers. This engagement is pivotal in advocating for the recognition and endorsement of the rights of delivery workers, thereby establishing a foundation that ensures their protection, equitable treatment, and access to justice. The diversity inherent in labor laws and regulations pertinent to the rights and safeguards of delivery workers across nations underscores the need for comprehensive dialogue and collaboration. As delivery workers and their advocates interface with stakeholders, including governmental bodies, labor unions, civil society organizations, and employers, a collective voice emerges, advocating for the equitable recognition of the rights of delivery workers. This concerted effort is geared towards yielding a landscape where protection, justice, and equality permeate the sector, much akin to other labor spheres. Furthermore, we commend the proactive strides undertaken by the European Union in this arena. The EU's initiatives, such as enacting laws, regulations, and legislations addressing the rights of workers within the core framework and the gig economy, notably encompassing delivery workers within digital platforms, are laudable. The European Commission's initiatives in 2020, including the "Digital Services Law" and "Digital Markets Law," underscore a commitment to fostering clearer rules governing legal relationships and labor rights within digital platforms. These endeavors are designed to fortify the rights of workers within these platforms, ultimately working towards the realization of their fundamental rights.

Reports and comprehensive studies delving into the working conditions of delivery workers serve to underscore a disheartening reality: the deprivation of numerous fundamental labor rights that are rightfully theirs. These reports further corroborate the stark vulnerability of delivery workers to an array of transgressions, which, in many instances, are intricately woven into the tapestry of their human suffering. These grievances persist against the backdrop of a global inability and shortcoming to effectively shield them and establish conditions of work that are dignified and humane. Within the confines of their workplaces, a multitude of violations and abuses have been meticulously documented and observed. These can be distilled into a series of adverse conditions and practices, as follows:

1. The absence of a legally defined retirement system leaves them without a recognized status in accordance with international labor conventions and national labor laws.
2. They are often denied the mandated minimum wage applicable to other workers, and the compensation for extra working hours is not provided.
3. Social security coverage is lacking for workers in this sector, including protection against workplace injuries, illnesses, and disability retirement.
4. Inadequate working conditions fail to align with their right to decent work, neglecting health, safety, and security requisites. Essential training for ensuring their safety is also omitted.

5. Paid annual leave, mandated by international agreements and national laws, is not provided, and neither is paid sick leave or compensation for work-related injuries.
6. The absence of mechanisms for collective engagement prevents them from participating in talks with states and international bodies, including the formation of trade unions for negotiating with various actors.

Acknowledging the diligent efforts undertaken by your esteemed Council in bolstering the legal framework that ensures the universal enjoyment of fundamental labor rights, and recognizing the commendable endeavors orchestrated by the International Labor Organization to address the rights and labor conditions within the sphere of application-based delivery and the transient job economy, we are cognizant of the formidable international and domestic challenges that beset these workers. These challenges must be surmounted to guarantee, preserve, and advance their rights within an ambit that engenders equitable working conditions and comprehensive protection. It remains imperative for workers within these sectors to be well-versed in their rights and responsibilities pertinent to legal and judicial jurisdictions.

Jusoor International Organization for Media and Development, NGO(s) without consultative status, also share the views expressed in this statement.