

Research on the protection of labor rights and interests for delivery riders in Heihe City

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Abstract: In the Internet era, with the flexible working mode of time and space, the labor process and labor relationship identification of delivery riders have attracted much attention. Heihe city, a prefecture-level city in the north of Heilongjiang Province, has long-cold winters and slippery roads, which increases the risk of labor safety for delivery riders. By conducting field research and interviews to explore the internal and external scenes of takeout riders in Heihe City, this study describes the labor process of takeout crowdsourcing riders. This study analyzes the characteristics of their labor process from an attribute perspective. The study considers that technical control by platforms and consumers leads to a detachment between personality and attributes. Additionally, it highlights how economic attribute differentiation is driven by the platform era while multilateral relations result in ambiguous organization-slave attributes. Furthermore, this research clarifies existing risks within the labor process for takeout crowdsourcing riders in Heihe City. Through studying their labor process, it aims to strengthen protection for their rights and interests related to labor safety while promoting sound economic development for the takeout service platform of Heihe.

1. Introduction

Takeaway food members, also known as delivery riders, are the main labor force in the production process. The distribution scene is complex due to the combination of "own production + labor" and regulatory control through algorithms, websites, and consumer interactions. Gamification incentives have become a typical form of digital labor in the era of the digital economy. However, this has led to issues such as work overload, occupational safety risks, and lack of social security.

Heihe, which located in the north of Heilongjiang Province, has long-cold winters and slippery roads. Delivery riders face increased job risks when they accelerate speeds which can lead to traffic accidents. In order to address these concerns and improve labor security for delivery workers in the takeaway industry of Heihe, an investigation was conducted on takeaway insurance. This helped clarify the labor process and its typical characteristics while summarizing the associated risks. Measures were proposed including industrial injury protection, shared employer responsibility among platforms, government strengthening supervision over platform enterprises, and promoting social sympathy.

2. Summary of the labor rights and interests of food delivery riders

2.1 Identification of labor relations among food delivery riders

The logical starting point for protecting the labor rights and interests of takeout riders is to confirm the relationship between the takeout platform and the riders, which involves the rights and obligations of both parties. Scholars hold different views on this relationship, considering factors such as labor force and means of production ^[1], flexibility, economic dependence, and process autonomy. Three typical perspectives emerge: 1) The relationship cannot be determined because past standards do not apply to today's situation ^[2]. It represents a new type of labor relations ^[3]. 2) Labor relations are relatively hidden or covert employment relationships that exist beyond the realm of cargo

transportation in the physical world. To understand the labor relationship between riders and platforms^[4], we need to examine how data production functions as a factor of production in the digital world. 3) Some argue that it is a collusion relationship^[5] than a labor relation due to challenges in identifying joint employers' role in creating dilemmas regarding labor relationships. Policy delays and differences in judicial practices further complicate efforts to protect rights and interests. A potential solution lies in decoupling social insurance from labor relations while sharing employer responsibilities, thereby enhancing workers' protection.

2.2 Labor rights of delivery riders

In the study on the characteristics of labor rights and interests of takeaway riders, scholars, based on deconstruction and reconstruction of the relationship between workers and employers, believe that the income of takeaway riders is correlated with labor intensity, flexible entry, high control over the labor process, as well as dual control involving "the use of body and technology subjects". Their labor behavior and process exhibit efficient and orderly super-mobility, responsible autonomy, emotional labor^[6], unified confrontation, and collusion. It is argued that the tension between uncertainty in working conditions for riders and precise certainty in technical control leads to high risk. The rider's labor process belongs to both the real world and digital world which brings about a "new labor duality" characterized by double identity, double work tasks, and double value. Therefore, from the perspective of digital capitalism, takeaway riders have a new form in terms of their mode of work organization relations as well as emotional forms related to their rights and interests. With segmented wages being pursued by riders themselves willingly cooperate actively with referees.

3. Heihe City delivery riders labor rights and interests protection description

3.1 Heihe City delivery riders working time status quo

The small urban area of Heihe City has a short distribution distance; therefore, most of the passengers are professional distributors. In Heihe City, order distribution is limited to mornings, afternoons and evenings with rare availability after 10 o'clock. This difference in working hours distinguishes it from big cities. Furthermore, apart from peak hours when demand is high, many passengers remain on standby.

3.2 The current working environment status of delivery riders in Heihe City

On the northern border, Heihe City experiences low temperatures throughout the year. Many old areas fail to properly clear snow, resulting in concentrated and slippery conditions. Additionally, the border towns undergo significant changes between day and night, with approximately 16 hours of darkness from November to February. These factors pose numerous safety risks for delivery riders and their backup process. In recent years, the platform economy of Heihe City in Heilongjiang Province has expanded to grassroots levels and integrated into the economic society of Heilongjiang Province. With continuous growth, digital workers such as couriers play a crucial role in the county's economic development. The protection of labor rights and interests for riders is an important achievement in alleviating poverty in Heilongjiang Province and contributes to effective cohesion in rural revitalization efforts. It also serves as a key aspect promoting economic development at the county level, social security development, employment opportunities for specific groups, and market construction policies that require further academic research and governance practice.

4. Problems existing in the protection of labor rights and interests of takeout crowdsourcing riders in Heihe City

4.1 Takeout riders have a site pay pressure situation

The distribution platform outsources the distribution business to third-party service providers, and the distribution site under its jurisdiction manages the arrangement of passengers' uniforms, clothing, and equipment. It fully utilizes its leading role in publicity, training, and service provision. When a

rider provides labor services, the Xunke County takeout station charges 0.7 yuan per order and receives a platform subsidy of 1 yuan per order. In other words, when a rider completes one order, the takeaway site will earn at least 1.7 yuan. This forms a percentage for the labor intermediary; thus, the takeaway site functions as both a collection of labor market and "outsourcing" management.

When the delivery rider completes the delivery, the delivery order fee will be displayed, but it will not be recorded immediately. Bills are settled every three days so that franchisees have enough time to assess the service quality of delivery riders. The low entry threshold of the rider also results in high mobility. If the rider leaves during the probation period, they will have received training and will need to pay liquidated damages; after the probation period, there may be a delay of nearly three days before payment is made by the distribution site if a rider chooses to leave on their own accord. In such cases, it will be treated as absenteeism and part of their fee may be deducted accordingly during settlement meetings after departure. This approach ensures that both parties can reach an acceptable agreement without resorting to labor arbitration, saving time and effort. As for insurance coverage, a daily insurance premium of 3 yuan is applicable for platform order distribution personnel; however, this insurance only covers liability during distribution services which refers to when insured individuals accept food orders from platforms and deliver them within 60 minutes with no return trip included. Upon observation of daily insurance coverage for delivery riders, it becomes apparent that this insurance policy is limited in scope and only provides security rights and interests during deliveries without offering future social security or healthcare benefits. In such employment circumstances, take-out riders have no means to protect their living conditions in the long term.

4.2 Takeaway rider: the current situation of working hours and multiple platforms

On the surface, it is up to passengers to decide whether they accept orders, the number of orders, and the length of work hours. However, in reality, the platform tightly controls passengers through management systems such as "information guidance," "salary algorithms," and "performance links." Firstly, the platform plans routes and calculates delivery times based on order information. The rider must arrive at the destination within the specified time following the designated route. If there is a delay in delivery time, penalties will be imposed depending on the duration of suspension. Secondly, working overtime may result in negative feedback or complaints from customers. According to the "Dissatisfied Violation Penalty Rules," if a rider receives unsatisfactory ratings or complaints due to late deliveries caused by working overtime when order earnings are not high enough, they may end up with no income.

4.3 Delivery rider: low education level and weak status

In recent years, the education level of riders has improved, and the proportion of individuals with a college degree or above has exceeded 1/5. This has created a low barrier for flexible employment personnel to choose the occupation of being a rider. The occupation of takeout riders is highly mobile, and it is usually the first job for migrant workers after entering the city. For riders, having a smartphone that can be charged is essential.

5. The enlightenment of labor rights and interests of crowdsourcing riders in Heihe city

In Heihe city, the special delivery of riders mainly relies on the system to send orders or on dispatch personnel at the distribution site to adjust orders. The unit price of each order varies based on distance, weather, and delivery time; as for salary, it increases with more orders and higher rider levels, resulting in an increase in the order fee.

5.1 The essence of the distribution site is the "labor intermediary" of the takeout delivery business

Food delivery platforms, delivery locations, and other affiliates of resident merchants, consumers, passengers constitute complex interests in multiple relationships. According to the recruitment and organizational management behaviors of the takeout site, it has become an intermediary organization between the takeout platform and the takeout passengers. It plays a role as a labor market among the

passengers by managing uniform and equipment arrangements for them. Additionally, it takes on a leading role in publicity, training, and service. As an information provider, the platform uses technical monitoring to perform some manual passenger management tasks. Passengers have room for responsibility and autonomy. However, after receiving an order, they are required to provide feedback to the platform system regarding store turnarounds for delivery; failure to do so will result in punishment from the platform. Countless consumers seem to have become subjects of labor; however according to "Attention on Matters related to the establishment of Labor relations," consumers are not employers nor subject to inappropriate sexual behavior. The formulation of the "three-element composition" standard determines that labor relations are invalid if all three elements (subject suitability, labor management arrangement, and business composition) cannot be realized simultaneously. There is a dilemma between determining labor relations and establishing appropriate standards. Moreover, labor relations are often decoupled from social insurance according to many studies (Li Qi, 2018).

5.2 It is necessary to protect the occupational injuries for delivery riders

Due to the objective risks caused by the uncertain working conditions of delivery riders, the delivery platform only provides safety training and commercial accident insurance worth 3 yuan per day as a safety guarantee for the labor process. However, delivery riders lack social insurance coverage for industrial injury prevention, compensation, and rehabilitation. Although commercial accident insurance claims cover accident death, disability, hospitalization, personal third-party liability, and sudden death liability according to different platforms and external timeliness requirements, this labor risk avoidance is still insufficient in terms of additional clauses related to family-important labor extraction. In the context of the delivery platform system and value system, feasible safeguard measures should include social insurance and labor relations or atypical labor relations with quasi-attribute independent status. There must also be selective allocation of safeguard measures such as induced injury insurance, occupational safety and health benchmarks, and public employment services.

5.3 The importance of the pilot practice from identity insurance to behavior insurance

In order to expand the coverage of work-related injury insurance, effectively protect the rights and interests of relevant workers, and further disperse employers' employment risks, new business forms such as takeout riders will be introduced under the Guangdong Provincial Measures for Workers over the Legal retirement age to Participate in Industrial Injury Insurance (Trial) starting from January 2021.

To sum up, in order to promote the protection of labor rights and interests of delivery riders in Heihe, Heilongjiang Province, improve the social security system, facilitate the healthy development of the new economy, achieve significant progress in poverty alleviation, promote effective cohesion between county economic development and rural revitalization, and play a certain role in reducing population flow and promoting economic development, it is necessary to fully understand the current situation regarding labor rights and interests protection for delivery riders in Heilongjiang Province. Additionally, analyzing existing problems and their causes is crucial. Furthermore, studying and implementing measures to protect the labor rights and interests of riders specifically in Heihe will contribute to enhancing their overall level of protection.

6. Conclusion

Initially, we will explore the protection of labor rights and interests in the context of delivery riders in Heihe to determine the factors that contribute to their protection. This will help reduce occupational pressure, improve labor rights protection, provide specific policy references for social security and employment promotion policies, and promote the development of social security and labor employment in Heilongjiang City. We aim to foster a positive cycle for the development of the social security system.

By improving the delivery of additional wage security, social security, and labor security, we will

establish a favorable employment environment for the development of new forms of employment in Heihe. This will encourage employees' enthusiasm in new forms of employment, promote the healthy growth of new employment industries, and indirectly contribute to the sustainable development of Heihe's social security system. Additionally, it will address the labor safety concerns faced by delivery drivers in Heihe City. Building occupational injury insurance as a supplement to social security specifically for Heihe city serves as an example for other border cities with similar cold climates and emerging forms of employment. It has significant practical implications for safeguarding the rights and interests of practitioners engaged in these new forms.

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