

# Inquiry into the impact of technological and other change on the future of work and workers in New South Wales

## Uber response to questions on notice

Thank you for the opportunity to provide further information to the Committee. We have provided responses to the questions on notice in the table below.

### Question 1

Mr DENMAN: Obviously one death is obviously tragic. Since Uber Eats launched in 2016 there has been eight fatalities across the country on our platform. The CHAIR: How many in New South Wales? Just the three or would there be more? Mr DENMAN: There has been more. I would have to get the exact number; it is from several years ago. The CHAIR: Can you take that on notice? Mr DENMAN: Yes, certainly.

### Response

Since 2016, Uber Eats is aware of six road safety incidents where a delivery person was actively delivering with Uber Eats and lost their lives on NSW roads. These incidents were referred to SafeWork NSW.

Uber Eats is aware of two further incidents since 2016 where delivery people were not actively delivering with Uber Eats but had the app online and lost their lives on NSW roads. While these incidents are not notifiable incidents, Uber Eats' practice is to inform SafeWork NSW of these incidents when we become aware.

### Question 2

The CHAIR: Given that there are others who do not, it is good that you are at least complying with that aspect of the law. There were 74 incidents between January and October, which is a 10-month period. Do you have any updated figures as to how many have been reported since October last year? Mr DENMAN: I would have to take that on notice. I do not think there has been any material change in the rate, but I would have to take it on notice to get the exact number.

### Response

For the period from 1 October 2020 to 3 May 2021, Portier Pacific Pty Ltd has notified 22 incidents to SafeWork NSW.

### Question 3

The CHAIR: Ms Gilmore, do you have figures for your rideshare part of the business as to how many incidents have been reported to SafeWork NSW in the last 12 months? Ms GILMORE: I do not have that figure. The CHAIR: Can you take it on notice? Ms GILMORE: Yes. The CHAIR: Have you made reports? Ms GILMORE: Yes. In line with our obligations similar to what Mr Denman noted, we have obligations across New South Wales as well as the rest of the country as it relates to workplace health and safety regulations and we report on those. The CHAIR: Do you mind on notice just providing us the same data for the same time period if that is possible? Ms GILMORE: Yes, happy to.

**Response**

For the 12 month period to 3 May 2021, Rasier Pacific Pty Ltd has notified 12 incidents to SafeWork NSW.

**Question 4**

The Hon. ADAM SEARLE: On notice, can you give us the breakdown of the percentage of your driver partners for whom this is their permanent work as opposed to people who you say are doing it for other reasons, if you have that data? Mr DENMAN: Obviously, we can provide data on what earners tell us in the surveys. We actually do not know. But certainly the overwhelming majority of drivers and delivery partners are using the platform for well and truly less than what you would consider full-time hours.

The Hon. ADAM SEARLE: Whatever data you both have, if you could provide it to us on notice.

**Response**

In 2021 report, Accenture found that for delivery people in Sydney using Uber Eats:

- 79% worked fewer than 30 hours per week;
- 79% indicated in survey data that they had other sources of income; and
- 34% indicated in survey data they were also studying.

A copy of that report is attached.

In a 2019 report, Alphabeta found that for the vast majority of driver-partners in Sydney, Uber is a supplemental source of income. Nearly half of all driver-partners spend a maximum of 10 hours per week on the app. A copy of that report is attached.

**Question 5**

The CHAIR: But in California you have a guaranteed minimum earnings model that is based on time performed on delivery. That is correct? Mr DENMAN: Correct. The CHAIR: And on ride. That is correct? Mr DENMAN: Correct. The CHAIR: On notice, can you provide us with some detail as to how that works? Ms GILMORE: Yes, happy to.

**Response**

Details of the earnings guarantee in California are included on our website, here:

<https://www.uber.com/blog/california/p22-independent-work/>

**Question 6**

Ms ABIGAIL BOYD: I have one more topic to cover off. I am interested in the partner support and protection package you were talking about earlier, which is your form of WorkCover. Are you able to tell us the total amount that you have spent on that insurance package since it was first launched in 2018? Are you able to give us a yearly figure for that? Mr DENMAN: In terms of the premiums? Ms ABIGAIL BOYD: Yes. Mr DENMAN: I would have to take that on notice. Ms ABIGAIL BOYD: That would be great if you could, but also do you have any general idea as to whether the amounts of premiums have decreased or increased over that time? Mr DENMAN: It depends, obviously, on what payouts are occurring from year to year. I think what is important to us is that we are looking at

the level of cover and making sure that it is a policy that is working for drivers and delivery partners when they do need it. But also, as we said previously, to the extent that we should look at sector-wide reform or sector-wide minimum standards in this space, absolutely we should be. We continue to see that as an important step. Ms ABIGAIL BOYD: If you could take those numbers on notice, that would be useful.

**Response**

Uber's premiums are negotiated on commercial terms with insurers and are commercially sensitive. However, the coverage is detailed on our website, including the policy wording, here:  
<https://www.uber.com/au/en/drive/insurance/injury-protection/>

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**Question 7**

The CHAIR: Did you ever seek legal advice as to whether or not they could be covered under the workplace injuries management Act? Mr DENMAN: I would have to take that on notice. The CHAIR: Do you mind? Ms Gilmore, do you mind as well? Ms GILMORE: I am not aware. I would have to take it on notice.

**Response**

Uber obtains legal advice on a range of matters concerning NSW law. Uber's view is that drivers and delivery people are not workers or deemed workers for the purpose of NSW workers compensation law, which reflects numerous decisions of the Fair Work Commission (including a decision of the Full Bench of the Fair Work Commission).

**Question 8**

The Hon. WES FANG: Deliveroo. Apologies. From the point that their partners log in until I think it was an hour after they have logged off or that they have arrived home, they are covered under their insurance policy. They may not be on trip, but they are covered if there is an accident or an incident. I guess what I am looking at is where you are logged into multiple platforms, in that instance they may not be on either trip but they are covered under one insurance policy but they would not be covered under yours. Is that correct? Mr DENMAN: There are windows under the insurance policy, and I think we will take on notice to get the exact specifics of it, but before and after a trip where the coverage exists. Maybe Ms Gilmore can, but I don't think we can obviously speak to what the policies of other platforms are, but certainly our policy does have a window where there is coverage but necessarily it cannot be infinite.

**Response**

There may be multiple insurances which protect drivers and delivery people in the event of an incident on NSW roads (for example, CTP insurance may apply). Uber's partner protection insurance applies while drivers and delivery people are actively engaged with the Uber platform (after they have accepted a trip or delivery request) and for 15 minutes following the completion of any trip.

More details, including the policy wording, is available on our website here:

<https://www.uber.com/au/en/drive/insurance/injury-protection/>

**Question 7**

The CHAIR: That is helpful. Secondly, you offer a standard terms of agreement for the people who perform work through your service. Is that correct? Ms GILMORE: Correct. The CHAIR: Can we get on notice what they are—the actual standard terms of agreement? Ms GILMORE: Yes.

**Response**

A copy of the standard terms for drivers in NSW is attached.

**Question 8**

The Hon. ADAM SEARLE: What other benefits to workers who are injured does your policy provide and how does that compare to the compulsory system that operates in New South Wales for other workers? Mr DENMAN: We provide various benefits for certain injuries, for a payment for a temporary disability, et cetera— The Hon. ADAM SEARLE: To save time, are you able to provide us with a copy of the insurance document or a schedule of benefits that we can have a look at? Mr DENMAN: Certainly, we can do that.

**Response**

Full details of the partner protection insurance policy, including the policy document, are available on our website here: <https://www.uber.com/au/en/drive/insurance/injury-protection/>

A copy of the current coverage summary is also attached.