

Not an employee but protected. Fair working conditions for food delivery workers

August 2026

In *True to The Land. A History of food in Australia* I wrote of the gig economy home delivery workers:

Whether people working in the gig economy are employees or independent contractors is fundamental to determining their rights and obligations across a number of areas of their employment, including tax, superannuation and the conditions under which they can be dismissed.¹

From August 24th, 2026, as a result of negotiations before the Fair Work Commission between the Transport Workers Union and two food delivery services – Uber Eats and Door Dash – workers in the gig economy further gains were made for food delivery drivers.

This article backgrounds food delivery services and the delivery worker, outlines the changes to their working conditions.

Takeaway before food delivery services

Before the advent of food delivery services – like Uber Eats and Door Dash - having meals at home from a food outlet was an activity done directly between two parties – the customer and the food outlet. Food outlets have menus from which the customer can order their food on-site. Some outlets have menus on their wall. Most will also have a brochure with their menus and once ordered the customer pays. It may be in cash or by card. They wait for the food, and when it's ready takes it home.

The customer sometimes will take one of these menu brochures home for future ordering from home via the telephone. The brochure may also have been put in the customer's mailbox. Here the customer tells the food outlet by telephone the dishes they want. The food outlet delivers the food by one of its employees. There may be a small delivery charge to cover this in addition to the meal price. Payment is done when the food is received. It may be done by the customer giving the outlet the details of their credit or debit card. In other cases, they may pay in cash when the food is delivered or by a hand-held payment machine using a credit or debit card.

Food delivery services

From the mid-2010s a third party was added, food delivery service apps – Uber Eats, Door Dash and the like.

Food outlets enter into contracts with the food delivery service to have their name, contact details and menu listed with the service. The restaurant café or other food outlet pays a fee for this under various plans. Food outlets might pass this fee on to the customer via increased prices for menu items. The customer knows the fee for the food but not its breakdown and for delivery.

When a customer wants to order food in-home, they go to one of the food delivery service apps. They select a food outlet and an item/items off the menu. They pay by card for the food through the food delivery app. No cash or card transactions happen at the customer's residence.

¹ Van Reyk, Paul, *True to The Land. A History of food in Australia* Reaktion 2021 p. 237

The food is delivered by a worker paid by the online service.

Food delivery service workers

There are an estimated 250,000 workers in the food delivery sector.²

A report prepared for SafeWork New South Wales profiled the worker.

- Primarily male and under 30
- Typically student visa holders
- Less than 1 year of experience
- Mainly car drivers or e-bike riders
- Looking for flexible work or supplemental income³

Until now the workers have been independent contractors.

This has meant that they don't get the working conditions of employees. There have been no minimum wage guarantees as happens in other work sectors.

Gig worker Alexi Edwards spends roughly 40 hours on the road delivering orders every week. At times, she says her pay was as low as \$15 an hour. It has left the 30-year-old anxious and uncertain as the cost of rent and bills rise. "In those moments you ask yourself why you're doing this, it's not the best feeling," Ms Edwards told the ABC.⁴

There have been no workplace protections such as safe working conditions. Their main Workplace Health and Safety concern is traffic accidents.⁵ According to the Transport Worker's Union at least 25 workers have died since 2017.⁶ There has been no accident cover.

In 2024, the Federal government passed the 'Closing Loopholes' reforms which gave the Fair Work Commission new powers to regulate the gig economy with minimum standards that are legally enforceable.

The 2026 decision by the Fair Work Commissioner while stopping short of giving employee status to the worker aligned the conditions for the worker with employees.

What changes?

The immediate change is to the workers' salary. There is now a 'minimum standard order' for wages. For pedal-powered bicycles or e-bikes, the rate is \$31.30 an hour. For motorcycles it's \$31.80 an hour. For cars, \$32 an hour.

If delivery services are currently paying their workers at less than this rate, they must increase the wages to the negotiated level.

² Food delivery workers to receive better pay under new minimum standards. ABC Business

³ Work health and safety of food delivery workers in the gig economy. Report prepared for the Centre for Work Health and Safety (NSW).

⁴ ABC Business

⁵ Work health and safety of food delivery workers in the gig economy. Report prepared for the Centre for Work Health and Safety (NSW).

⁶ ABC Business

This compares favourably with the national minimum wage an employer who is in the national system can pay an employee.

From 1 July 2026, the national minimum wage is \$1004.90 based on a week of 38 ordinary hours (\$26.44 per hour).⁷

The nature of the work makes the operation of this wages 'floor' different to other workers. Home delivery service workers will be entitled to a minimum hourly rate for their "engaged time", between accepting a delivery and completing it. There is no minimum hourly rate for time spent waiting for a job. Time spent waiting for an order at a restaurant will be paid, if the worker has already accepted the job.

Workers have a right to unpaid time away from work.

Delivery workers are required to take out compulsory third-party insurance on their vehicles, at their own expense.

Workers now will get personal accident cover from their employers.

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A new feedback forum for workers to raise concerns.

There will be a new procedure for resolving disputes.

Workplace culture

The report to SafeWork New South Wales found that food delivery workers take risks to:

- Achieve and maintain high in app ratings.
- Maximise income.
- Satisfy customers.
- Many believe that delivery times are deadlines, with penalties if missed.

Arguably the change in working conditions should be accompanied by changes to workplace culture.

Food delivery platforms' response to the changes

Uber Eats' managing director Ed Kitchen said the reform maintained the flexibility of gig work while also improving conditions for workers.

"These standards provide a guaranteed safety net while protecting the flexibility delivery people tell us they value most," Uber Eats Australia and New Zealand managing director Mr Kitchen said.

A DoorDash spokesperson said the new minimum standards were an example of what happens when industry and unions find common ground.

"This is modern regulation that will protect workers without regulating away the flexibility that brought them to the work in the first place," a spokesperson said.⁸

Impact on price of service

⁷ The national minimum wage, Fair Work Commission 2026

⁸ ABC Business

Before the government passed the new laws both delivery platforms said it could lead to price increases. Uber put this as at least 85 per cent. Door Dash said they would triple.⁹

Will delivery prices rise to cover better pay and standards? Almost certainly, though we're yet to hear by how much. However, given how actively involved both companies were in striking this deal, it would be surprising if we now saw them double or triple their prices, as they once claimed they might have to.¹⁰

Flow on effect

There are separate applications the Commission underway covering rideshare and parcel delivery workers. The terms in the food delivery workers case may have a flow on effect for these workers.

A world first

The International Labour Organization in June 2026 adopted the first binding employment standards for gig workers, potentially giving them rights around pay, safety and social benefits. No governments have yet endorsed this.¹¹

"Gig workers in Australia were left outside of our workplace systems for far too long. From Monday, they will be entitled to an absolute world-leading set of standards that we will build on over time," TWU National Secretary Michael Kaine said in a joint statement with Uber Eats and DoorDash.¹²

⁹ ABC Business

¹⁰ ABC Business

¹¹ Australian delivery workers to receive minimum \$31 an hour under new 'world-leading' rules, Independent 13 August 2026

¹² Australian delivery workers ... 2026