



Compensation options for gig economy delivery workers injured on the road

Date: Sunday January 14, 2024

The increase in demand for food delivery services has seen pressure from employers to push delivery workers to get deliveries done quicker. This added pressure leads this particular cohort of gig economy workers to take more risks on the road, with the inevitable result being a spike in injuries to delivery workers from motor vehicle accidents.

In this blog, we explore two compensation options for these gig economy delivery workers:

worker's compensation; and

motor vehicle accident compensation.

As most delivery workers are on bicycles, mopeds or smaller motorcycles (like those who work for companies like Uber Eats, DoorDash, Foodora etc), they tend to suffer more significant injury if involved in a road accident than, say, a taxi worker, courier or truck driver. The fact that most of these workers are part of the less-than-secure gig economy doesn't help, as they tend to have a higher degree of anxiety about job security, which usually means they're pushing the envelope to complete their work in the often unrealistic time frames demanded of their employer.

Worker's compensation claims for gig economy delivery workers

Recent improvements in worker's compensation laws in most states and territories in Australia mean that on-demand food delivery workers have better access to compensation options than they once did.

But worker's compensation for gig economy workers is still far from straight forward. In many cases, some employers are still less than prepared to be proactive in ensuring that injured workers take the necessary steps to ensure their rights are properly protected/accessed in the event of an accident whilst on the job.

To be entitled to worker's compensation, you need to be considered "an employee" rather than an "independent contractor". Many gig economy businesses will engage their workforce as independent contractors when in fact, they may be considered employees (for the purposes of worker's compensation). When it comes to employment rights and entitlements, including an entitlement to worker's compensation, this becomes technically tricky.

So, if you've been injured on the job as a gig economy worker, and your employer is denying any entitlement to worker's compensation or they are frustrating your attempts to claim worker's compensation, it's crucial you seek legal advice immediately.

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Worker's compensation payable to gig-economy workers if the claim is successful

If a worker's compensation claim is accepted, the worker will be entitled to some or all of the following benefits.

Weekly payments if you have lost wages;

Medical expenses, including GP expenses, physiotherapy, psychological treatment, medication, surgery and other medical treatments related to your injury;

Transport expenses to travel to medical appointments;

Domestic and home help;

Death benefits for dependants of the deceased worker; and

Lump sum compensation for permanent impairment.

In addition to the above (what are termed statutory benefits), there is sometimes the option to consider suing the employer where it can be shown that the delivery worker was injured because of something the employer did or indeed didn't do in terms of making sure the worker wasn't working in unsafe circumstances.

Motor vehicle accident claims for gig economy workers injured on

the road

In addition to the ability to access worker's compensation benefits if injured during a delivery job, there is the separate and distinct right to recover often significant damages (compensation) if the delivery driver is injured due to another driver's negligence.

Compensation payable to gig-economy workers injured on the road

If a motor vehicle accident (CTP) claim is successful, an injured delivery worker will be entitled to some or all of the following benefits.

Pain and suffering (a lump sum payment, often substantial);

Loss of income or earning capacity (known as economic loss);

Medical expenses;

Travel;

Paid care; and

Where applicable, gratuitous care (or, in other words, care provided for free, usually by friends and family).

Getting help from an injury compensation lawyer is crucial for gig economy workers

Gig economy delivery workers, if injured whilst on the job, should get legal advice as soon as they can following their accident to find out what their rights are. There are strict time limits for both worker's compensation and motor vehicle accident compensation. The sooner you seek advice and assistance, the better your chances of getting all the compensation you deserve.

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.