

Why are Shenzhen police regulating labour relations in the food delivery business?

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Shenzhen traffic police are unilaterally extending their remit to regulate the employment conditions of the city's food delivery workers.

The municipal traffic police announced a package of stringent regulations earlier this month targeted at food delivery bike riders who disregard traffic lights, drive in the wrong lane or go in the wrong direction, and use vehicles that are not up to standard.

The new regulations stipulate that food delivery workers who commit three consecutive traffic violations will lose their jobs. The new three-step system penalises workers progressively: a first offence is punished with a one week suspension, a second violation results in a one month suspension, and the third violation means that the employer can dismiss the worker, who then becomes unemployable by any food delivery platform for a whole year.

The Shenzhen traffic police claim to have already suspended 1,280 food delivery workers for a week, or about ten percent of the city's total, according to the Guangzhou Daily.

The regulations also target the offender's employer and colleagues. First time offenders have to go through traffic safety training. If they fail to do so within 15 days, all employees at the offender's delivery platform branch will be slapped with a three-day suspension. Colleagues of a delivery worker involved in a severe or fatal accident will be suspended from work and subject to training: Suspensions vary from one to five days depending on the level of responsibility of the worker and severity of the accident.

In addition, the food delivery company is liable in cases where one of its employees is implicated in a serious accident: After three consecutive traffic violations, the company is put on a list circulated city-wide, and if there is a serious accident, the traffic police will summon company executives.

Food delivery is a highly competitive, fast developing industry. It has also created one of the most dangerous jobs in China. Delivery workers often have to work hectic long days to complete as many orders as possible just to earn a decent salary, often at the expense of their own safety and of everyone sharing the roads.

Since the Lunar New Year, there have been a staggering 36,000 accidents in Shenzhen involving electric bikes, of which more than 11,000 were linked to food deliveries, according to official statistics. Between 22 February to 13 March there were ten fatal accidents caused by bikes or tricycles in the city, more than in the same period last year.

Critics of the new regulations question the legitimacy of collectively punishing delivery workers. "To hold all workers at a delivery branch collectively accountable for one individual's breach of law may work as a deterrent, but at the same time it sounds awfully similar to the old "collective punishment" (连坐) system and raises questions of legal legitimacy," Wang Yongjie of the Beijing Zeyong Law Office

noted in a Beijing News commentary.

Wang argued that there should be a more balanced approach to the liability of the employee, the branch and the food ordering platform to avoid overstepping the traffic police's authority. However, supporters of more severe punishment hope that the regulations will have a deterrent effect and force the fast-moving food delivery sector to "slow down".

The real question however should be why are the police no longer content with just issuing fines and are instead attempting to regulate labour relations in the food delivery business?

The job of ensuring a safe working environment as well as decent pay and conditions should be done by China's official union, the All-China Federation of Trade Unions (ACFTU). The union is obviously aware of the structural issues affecting not only the food delivery business but a range of increasingly informal logistic operations like express deliveries and freight transport, occupations primarily filled by rural migrant workers.

The ACFTU has continually emphasised increasing migrant workers' membership but so far the only initiative to establish a food delivery workers' union was in Shanghai last year. There is clearly a need for a similar effort in Shenzhen but at the moment the municipal trade union federation appears to be content to let the police take the lead.

Imposing stringent traffic rules on food delivery workers will not solve the fundamental problems in the industry. The Shenzhen trade union needs to be much more proactive and accept that it has a key role to play in making sure that food delivery workers can do their job safely and without endangering themselves and others in the rush to complete orders.

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