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Covid- 19 Outbreak: Opportunity or Risk for Gig Economy Workers

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Abstract

The services of gig economy workers especially delivery riders are tremendously demanded recently due to the enforcement of movement control order (the MCO). They can easily resolve the affairs of getting ready- to-eat-meal, groceries, wet stuff to customers' doorstep in return of a certain rate of service charge. Nevertheless, behind these overwhelming opportunities of daily tasks comparing to previous days before the MCO, eventually, they double up the risk to be infected with Covid-19. Unfortunately, as an independent contractor who depends largely on some tasks secured daily, it is relatively reasonable to describe gig economy workers as vulnerable labour. Therefore, this article aims to investigate the position of gig economy workers in the purview of the existing Malaysian employment legal framework. Their position is assessed with reference to the recent scenario of the Covid-19 outbreak that is taking place locally and globally to eventually disclose the role and function of this category of labour who are considerably neglected. In the meantime, the author identifies a few issues that are commonly encountering by these workers mainly the implication of their status as 'independent contractor' or 'self-employed' within the employment legislative framework. The author presents examples within the UK and US jurisdictions to demonstrate their role, challenge, issue, and position in the legal perspective.

Keywords

Employment, employment rights, employment status, gig economy, gig economy workers, Malaysia

Introduction

The Covid-19 pandemic has caused turmoil across the world. The impact of its spread is varied and extensive beyond various dimensions including but not limited to economy, social, education, communication, stock market and demand and supply. Interestingly, all institutions from the authorized government agencies to private organisations and people at large have been forcing to

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go through the process of learning while responding, controlling, managing and handling this global health issue.

Even before the World Health Organisation (WHO) had announced that the Covid-19 disease as a pandemic, the Malaysian Ministry of Health (MOH) actually had activated an action plan to manage the same (Sai Kit, 2020). There are generally two basic strategies in containing the widespread of Covid-19 disease mainly containment and mitigation phases (Braga, 2020). Nevertheless, the MOH outlined a four-phase of containment strategy. It involves alert phase, early containment phase, late containment phase and mitigation phase (Director-General of Health Malaysia, 2020 (DG of Health Malaysia).

The containment strategy commences at an early stage when there is little or no community spread and the number of cases is low. At this phase, medical authority will take certain measures objectively to identify and isolate infected individuals from exposing to other individuals. Among the measures employed are rapid detection of cases, tracing contacts, investigating of samples, isolating suspected or confirmed cases and mobilization of resources whenever needed (Sai Kit, 2020).

During the implementation of the measure, the government discouraged any travel to the countries that recorded significantly high number of confirmed cases and advised the society to avoid any mass gatherings. Even, such gatherings were urged to be cancelled or postponed to later dates. Nevertheless, at national level, the number of case had been in spike especially after the detection of confirmed cases from the tabligh religious gathering at Sri Petaling Mosque in Kuala Lumpur (Mat Ruzki, 2020). The Malaysian Minister of Health through his media statement on March 16 finally hinted a drastic measure to be launched in order to control the widespread of the virus from becoming more serious (DG of Health Malaysia, 2020). He further alerted the public that his team was ready to move to the next stage of pandemic control i.e mitigation stage (DG of Health Malaysia, 2020). Consequently, on the night of 16th March 2020, the Prime Minister announced that a movement control order would be enforceable from 18th March 2020 until 31st March 2020 (Prime Minister Office (PMO), March 16, 2020) by exercising the power conferred under the Prevention and Control of Infectious Disease Act 1988 (Act 342) (section 11 (2)). The Royal Malaysian Police (PDRM) was empowered to render assistance for the purpose of enabling any officers authorized under the PCIPA to execute the order (Police Act 1967 (Act 344) (Part VII Duties and Powers of Police Officers especially section 31).

The initial period of a 14-day restriction movement order was aimed to break the infection chain. Hence, the effort of detecting and treating any infected individuals will be effective considering the incubation life span of the Covid-19 is two weeks even though there were cases when the symptoms appeared after such duration. This strategy would be helpful to isolate those who showed symptoms within the duration and would be treated accordingly (PMO, March 18, 2020).

The movement restriction order is enforceable by virtue of the Prevention and Control Infectious Diseases (Measures within Infected Local Areas) Regulations 2020 (P.U. (A) 91) (the PCID Regulations). The PCID Regulations must be read together with the Prevention and Control of Infectious Diseases (Declaration of Infected Local Areas) Order 2020 (P.U. (A) 87) (the PICD

Order). The PICD Order declared that all states and Federal Territories across Malaysia as the 'infected local areas' which demanded the imposition of the movement control order so that the spread of the virus can be adequately taken care. Both of the subsidiary legislations were simultaneously in force effective March 18 2020 until March 31 2020. Principally, the Regulations impose two types of restrictions. They are restriction of movement and gathering. Any movement is allowed only for five reasons i.e to secure official duty; to make a journey to and from any premise that provided essential services or premises that opened with duly obtained prior written approval from the DG subject to certain conditions; to supply or deliver food or daily necessities; to seek healthcare or medical services or any other special purposes as may be permitted by the Director General of Health (regulation 3 (1 of the PCID Regulations). Any movement cross infected areas shall be allowed only with prior permission of a police officer (regulation 3 (4) of the PCID Regulation). Regulation 3 (2) of the PICD Regulations curbs any gathering at infected local areas for the purpose of religion, sport, recreational, social or culture. However a gathering for a funeral is permitted with a minimum attendance (regulation 3 (3) of the PICD Regulations). As to date, the movement control order has been gradually lifted and extended which has been effected through series of amendment and repeals to the initial PCID Regulations and PCID Order respectively. The latest PCID Order (paragraph 2 of the Prevention and Control of Infectious Diseases (Declaration of Infected Local Areas) (Extension of Operation) (No. 4) Order 2020 (P.U. (A) 146) is effective from 13th May 2020 until 9th June 2020. Whilst, the PCID Regulations that outline the operational measures of the movement control order (which has been replaced with conditional control order) during the same period is the Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) (No. 6) Regulations 2020 (P.U. (A) 147).

Therefore in realising the fundamental objective of movement control order the public is urged to strictly adhere to all the laws imposed and strongly encouraged to stay at home unless for any valid reasons as stated by the laws. In that case, the role and function of riders and delivery service provider has been one of the most demanding during this duration. Delivery of daily necessities supply, ready food and fast food is one of the permissible movement. It can be seen that the Covid-19 pandemic is accelerating the gig economy not mainly due to the higher demand from the society but partially due to job losses in the formal sectors. Unlike regular employees, gig economy workers do not have financial safety nets, such as pension and savings in the Employees Provident Fund chiefly as they generally are not legally recognised as 'employee' under the national legal framework. Therefore, this article is to analyse the position of the gig economy workers from the employment law perspective and related legal issues currently in place. Taking into account the existing crisis in overcoming the Covid-19 pandemic as the background, the writer will look into potential and risks of gig workers. The writer will also find out any potential further research that will be helpful to improve their employment standard as this paper does not mean to offer solid and conclusive resolutions to the issue brought up. This should be attended fairly with adequate empirical study.

Methodology

This research is a typical legal research. It adopts a qualitative approach when the writer evaluates and reviews critically most of the references. The list of references are mainly the secondary sources including and not limited to journal articles, reported and unreported case laws, statutory

provisions, official government documents and online articles. As the intention of the writer to look into the issue at a wider perspective, some examples of case laws are extracted from the foreign jurisdictions i.e US, UK and Australia. These references are critically reviewed to define and assess the outlined issues. The paper is however not intended to offer any conclusive solutions and possible mechanisms to resolve the issues are merely laid down in general. More importantly, it is to establish that issue raised in this paper is current and demands considerably urgent attention. Consequently, further empirical research is strongly recommended to explore the issue of gig economy workers in more comprehensive manner.

Who Are Gig Economy Workers?

The delivery service providers who mostly ride their motorcycles to perform the tasks assigned to them are in the category of gig economy workers. No conclusive meaning or definition of 'gig economy'. Nevertheless, many literatures generally describe the term as a method to generate economy in which organisations contract with independent workers for short-term engagements (The World Bank, 2019).

A common feature that can be inferred from most of the literatures is that the gig economy rapidly develops due to an increasing number of businesses have been adopting the platform business model so that they remain competitive (Chan et.al, 2018; Morgan, 2017; Lobel, 2016; Stewart & Stanford (2017)). Gig economy that mostly operates online is different from the traditional economy where involves participation of full time employees who focus on career development and secure survival of their position in the chosen jobs.

De Stefano (2016) claims that the gig economy can be divided mainly into two forms. They are 'crowdwork' and 'work-on-demand via app'. 'Crowdwork' refers to employment activities that requires performance of series of task through online platform. Commonly, the digital platform lists down an unlimited number of organisations and individuals who potentially connect each others as clients and employees or service provides at global level. In contrary, 'work-on-demand via app' involves work where performance of task is in traditional mode for instance transport and cleaning service.

Some other examples of work which employ 'work-on-demand via app' method including daily chores i.e collecting laundry from laundry shop, buying groceries, clerical task which were offered and performed through mobile application (De Stefano, 2016). Delivery service provided by motorcycles riders are part of this category even though some of them might offer their service personally without a middle platform. They deal directly with their clients or users commonly via mobile phone. Hence, this paper pursues the discussion by focusing on the gig workers that fall within the category of 'work-on-demand via app' as 'crowdwork' category may involve different issues.

Potential of Gig Economy Workers

'Work-on-demand via app' basis allows a reach of extensive personal outsourcing of activities to individuals rather than to complex businesses. This potentially allows more leverage to standardising terms and conditions of contracting out and assigning work whilst keeping a considerable control of business processes and outputs (De Stefano, 2016). Other than offering an access to a scalable workforce, the economy that fully makes use of digital technology opens high level of flexibility to the businesses (Morgan, 2017). Workers are ready only when needed and they are compensated according to the tasks completed. It means they are only paid during the moments they actually work for a client. Therefore, businesses are in the position to fully maximize their resources at a reasonably low cost.

On the workers' perspective, even though enjoying optimum level of flexibility it justifiably compensate for absence of many employment benefits (Buang, 2019). It is true that gig economy workers has not tied to any fixed working hours and they may offer their services through application at any time as they wish. This undeniably enables the workers to distribute their commitment with other jobs, study, family and their hobbies.

In the meantime, it is arguably that such flexibility can eventually risk work-life balance, disturb sleep routines and other daily life activities. Working gigs means that workers have to make themselves available any time tasks come up, regardless of their other needs and must always be ready to hunt for the next task (Buang, 2019). Principally, in a gig economy, greater freedom is enjoyed but at the expense of not securing a stable job and regular pay and comparable benefits. Furthermore, hardly the parties in the gig economy i.e. workers, employers, clients and vendors are able to cultivate long-term and enduring relationships.

Legal Issues Relating to Gig Economy Workers

With such embedded features, unsurprisingly many jurisdiction do not recognise them as 'employee' but as independent contractors or self-employeds. The same position stands in our legal regime. The independent contractor is not covered by the employment law. This means that gig economy worker is not entitled to enjoy basic employment rights such as annual leave, paid sick leave, minimum rest days, maternity leave for female workers, right for minimum termination notice, access to justice, termination benefits and protection against unfair dismissal. The social security protection chiefly in the form of employment injury insurance schemes and related schemes managed by the Social Security Organisation (SOCSO) merely operates on unilateral basis. It is also not obligatory for both parties either platform or workers to contribute to the retirement saving scheme as generally imposed compulsorily for typical employees. Most of the employment rights are outlined in employment law framework in the form of statutory provisions and common law.

During the enforcement of movement control order and conditional movement control order, if it is to view in positive side, gig economy workers in particular those provide delivery service have been continuously able to generate income instead of encountering public health crisis. This considerably fortunate compare to labour in other sectors which seriously affected i.e

hotel and tourism, airline, manufacturing, oil and gas sectors. However, while offering their services, their safety are at stake as easily expose to the virus equally to other frontliners i.e medical health providers, security teams and those serve for essential services.

The same issue cuts across the countries which earlier affected with the pandemic such as in the UK and US. However as to date not much have been done. These workers have to take own initiative i.e to be extra careful and strictly adhere to the necessary measures of social distancing and regularly washing hands. They have to keep working. They may opt to temporarily stop working but it practically may not be an option any longer. This is to ensure they could serve food on their dining table and home rental fees are settled. Stop working means no income as the gig workers depend on daily income. Gig economy workers in the UK were reported describing their current position to the extent that they could not afford to even fall sick in this critical time (Wall, 2020).

However, on March 20, 2020 self-employeds in the UK including gigs workers were entitled to enjoy paid sick leave equally to 94.25 pounds a week as enjoyed by typical employees through a special aid announced by the government due to Covid-19 crisis (Inman, 2020).

Meanwhile, in the US, Lee (2020) reported that there were some platforms convinced the gigs workers to keep working during this critical time promising that their welfare will be taken care of by the platforms. Gig economy workers are also worried that they will be infected even though they have exercised social distancing. Additionally, for the past few weeks, few digital platforms have introduced compensation schemes for those could not work due to positively confirmed with Covid-19. For instance, Uber agrees to pay their affected workers based on their average daily earnings over the past six months. However, with limited capacity of testing and as at the article was written the US government has not declared compulsory quarantine, the workers complained that they were unable to take leave even when they themselves or their family members fall sick.

Fortunately, the Malaysian government has announced financial aid to affected workers either due to totally losing their jobs or their work were disrupted as they have to be treated for Covid-19. Generally, independent contractor like gig economy workers are qualified to claim special allowance of RM100 per day if they have to be off from work to handle their family members who are affected or if they themselves were treated for the same. Nevertheless, this financial aid is founded on charity scheme as the fund collected from public at large and will be distributed and managed by the National Security Council (MKN) and National Disaster Management Agency (NADMA) (PMO, March 11, 2020)

However, a week later, the government had announced a more comprehensive recovery plan package when it also benefits gig economy workers. E-hailing drivers will receive a one-off pay of RM500. For those who are categorized as B40 under mySalam scheme they will receive an income replacement of RM50 per day in case hospitalizes due to infected with Covid-19 or has to be quarantined as patient under investigation (PUI) (PMO, March 27, 2020).

On 7th June 2020, further incentives to stimulate recovery of national economy were announced by the Prime Minister under a Short-Term Economic Recovery Plan known as Penjana

(MOF, 2020). It supports the growth of the gig economy and welfare of the workers through a matching grant up to RM50 million for gig economy platforms which contributed to the SOCSO employment injury scheme of up to RM162 and the Employees Provident Fund's i-Saraan contribution of up to RM250 yearly. Besides that, the government will allocate RM25 million for the Malaysia Digital Economy Corp for the Global Online Workforce (Glow) programme which will train Malaysians to earn income from serving international clients while working from home. These incentives to kick off in August and expected to benefit some 30,000 gig economy workers (MOF, 2020).

Obviously, from the packages that have been announced, gig economy workers are indirectly admitted vulnerable, easily affected financially. Even before the Covid-19 in spike, the issue of gig economy workers have been a hot topic and publicly discussed especially in developed countries where the number of such workers rapidly increasing and form a large population of workforce. In Malaysia, their population is uprising and even rapidly. According to Associate Professor Dr Mohamad Fazli Sabri, who is Universiti Putra Malaysia's Faculty of Human Ecology deputy dean (Graduate Studies and Industry and Community Network), 'people have been doing "gigs" for decades. In Malaysia, food delivery services are flourishing. To date, there are 13,000 Foodpanda and 10,000 Grab Food riders in the Klang Valley' (Abu Karim, 2020).

More worrying, the scenario of dependency of the workers to this job as their main job and source of income perhaps more significant (Goh, 2019) compare to the trend in developed countries as majority merely relied to gigs for extra income (Stewart & Stanford, 2017).

The most common issues that have been widely covered and reported both in academic literatures and mainstream media regarding the gig economy workers are unfair dismissal, denial of minimum wage and lack of union representation, absence of right for annual leave and paid sick leaves. This can be founded on the case laws reported and brought to the courts within jurisdictions like UK (Smith, 2019), US (Cherry, 2016) and Australia (Stewart & Stanford, 2017). Most cases involve e-hailing platforms i.e transport service provider). The entitlement to enjoy such rights within most legal jurisdictions is that an employed person must be an employee. The same position stands in Malaysia. If an individual worker is a self-employed or an independent contractor he is not entitled to claim such rights. According to the employment law, there are several methods ruled as determining factors whether an employed person is an independent contractor or an employee. The factors are the control level by an employer against employed person, the workers' work are integral part of the employers' business, the economy dependency on the work done and the existence of mutual obligation between the employer and employed (Prassl & Risak, 2016; Hassan, 2017; Adams et.al, 2018)

From the theoretical point of view, the activities of generating money via digital platform intermediary may not meet the meaning of 'work'. Indeed, a significant involvement of digital platform as a medium to match between those who demand for service and those who would offer the service conceals the human's element in delivering of such service. Eventually, the terms used to represent the activity are gigs, tasks, favours, services, rides etc instead of job, work or labour that commonly used for a conventional employment relationship (De Stefano, 2017).

One of the recent high profile litigation proceedings have considered the employment status of gig economy worker particularly an e-hailing driver is Uber v BV Aslam [2018] EWCA Civ 2748. This case involves a claim filed by five Uber drivers. They sought their right for annual leave. However, their claim would be only successful if they were recognised as 'worker' not 'self-employed' or 'independent contractor'. In the UK, its employment law identifies three category of employed persons i.e. 'employee', 'worker' and 'self-employed' (Morgan, 2017). Employee receive full legal protection, whilst the worker which is categorized as an intermediary between self-employed and employee offered with limited employment rights i.e minimum wage, annual leave, regulated working hours and rest hours, protection against discrimination including against discrimination over employee (Craig, 2017)

Self-employed is mostly outside coverage of safety net set by the employment law except has access only to the right to be secured with a safe and healthy workplace (GOV.UK). The Court of Appeal in the case of *Uber BV v Aslam* decided to be in favour of the claimant by adopting the approach in the case of *Autoclenz v Belcher* [2011] UKSC 41 (UK Supreme Court). The Supreme Court ruled that it is crucial to view the reality of such relationship between the contractual parties rather than purely relied on the content of such written agreement itself (Fredman & Du Toit, 2019). This implies that the courts were in the opinion that it is very crucial to get back to the philosophy behind the introduction of the employment law. The main objective of the labour law is to strike the balance of different bargaining powers between capitalist and labour. Even though, in the context of employment law in general, the courts are reluctant to interfere with a formation of contract that was initially founded on freedom of contract but eventually evidenced different for a contract of employment. This due to intense insistence to secure jobs on one side and on the other end, this is an advantage as they would have stronger bargaining power. In consequence, the businesses unilaterally determine terms of employment which are usually not in favour of workers and the latter left without any option other than to accept all of them as part of contractual terms.

In the context of US legal framework, De Stefano (2016) outlines few legal actions brought by the workers against digital platforms i.e. *O' Connor et al. v Uber Technologies Inc. et al.* (N.D. Cal. Sept. 1, 2015 and *Lyft Cotter et al. v Lyft Inc*. (N.D. Cal. Mar. 11. 2015), both involve e-hailing service platform. The court and Commissioner in respective cases shared relatively similar opinion i.e deciding that such platform does not simply sell software but it sells rides. Additionally, they could establish that drivers provide service to the platforms and not only to clients. Consequently, such transaction meets perfectly a presumption that set under the California's law that a service provider (the drivers in the context of these cases) is presumed to be an employee unless the principal (e-hailing platforms) affirmatively proves otherwise. Thus, the burden of proof lies on the putative employer to establish that individual performing personal services for a counterpart do so as an independent contractor capacity (De Stefano, 2016). Moreover, the courts and Commissioner agreed with the level of control inflicted against the drivers. This implies from the right to discharge at will without providing any cause, a right that is explicitly reserved by both Uber and Lyft. The same goes in respect of execution of work. Even though it is true that drivers are not obliged to show up physically at workplace but when drivers gives consent to join platforms and take jobs offered therein they accept to adhere to the policies and instructions unilaterally designed by the platforms (De Stefano, 2016).

In the Malaysian context, as to date there is one case reported against an e-hailing platform. The claimant claimed that the platform has unfairly kicked her out from the platform system on the basis of unsatisfactory rating and bad reviewing by a user. She challenged the platform's action and filed her case under section 20 of the Industrial Relations Act 1967 to the Department of Industrial Relations for unfair dismissal (Ong, 2020). This case potentially tests the legal position of an e-hailing driver under the employment legal framework in Malaysia. Obviously, it will be a reference in deciding later cases on the same issue and in general the position of gig economy workers. Similar cases eventually were reported before but mainly through the internal settlement medium i.e accessible by platform and its drivers only (Lai, 2019).

Most of digital platform especially e-hailing platforms contended that digital platforms merely act as a third party that uses the internet to connect dispersed networks of individuals to facilitate digital interactions between people. It is the job of the platform to connect people with demand (the customer) to people that provide supply (the driver) and the latter is at his ease and freedom to deliver his service. However, for an e-hailing driver his relationship with the digital platform has no any difference from typical employer-employee relationship. Even though, it is claimed that they are free to plan and manage their assignments but they are subjected to specified terms set by the platforms to sustain them in the system. They have to retain the intended level of rating and receive good review from the users so that their accounts would not be suspended or deactivated. They have to strictly abide to work ethical and platforms' policies in executing their tasks.

The Way Forward

The findings from the research launched by the Centre and published early this year may be helpful to describe aspirations of the gig economy workers in Malaysia (Goh, 2020). Surprisingly, the findings among others indicated that 60% and 59 % of the respondents favour to receive work-related cost subsidies (such as petrol and phone bill subsidies) and minimum hourly wages respectively. Despite relatively higher percentage i.e over 50% of the respondents do not have emergency savings, retirement/old age savings, unemployment insurance and personal healthcare insurance, the finding shows retirement savings and work-related injury insurance are the next most demanded, selected by 42% and 40% of respondents respectively. However, the survey outlines that only 37% do not have work-related injury or accident insurance. Currently, the law does not impose any contribution to public retirement scheme (EPF). A self-employed person is encouraged to contribute on voluntary basis through i-saraan scheme. As for work injury related insurance, a contribution to a scheme has been made mandatory through the Self-Employment Social Security Act 2017 (section 11, Act No 789). Initially, it was meant for the e-hailing drivers and since January 1, 2020 has been extended to 19 other sectors including food delivery sectors.

Even though the survey is not comprehensive as covered the Klang Valley alone but it is considerably significant to provide an overview of reality of gig workers in respect of its density and their work related benefits as generally the digital platforms standardise the engagement terms with their partners across the country. Therefore, the gig economy workers are in high probability encountering relatively similar situations.

Thus, looking for reasonably viable solution to the issue of gig economy workers particularly is urgently demanding and placing a gig economy workers in a legal framework at a certain position is necessary to be decided. Undeniably, positioning a gig economy worker as an 'employee' will improve and place them equally with typical employees who widely protected by the employment regulatory system. This seems an easy and definite stand but it is also considerably true to argue that it would disrupt the fundamental objective of this business model that is aimed from the very beginning to minimise costs.

Instead, the position will be different if the law rules a new intermediary category of employed persons i.e 'worker' as in place in some foreign legal framework i.e Germany and UK. Even though to certain extent it improves the gig economy workers' welfare and employment standards but in the meantime, there have been proved to be the other way around as some employers have found ways to escape the liabilities by creating sham contracting relationship.

Therefore, a new strategy that has been proposed by some researchers may be an alternative to be resorted to. The approach fundamentally recommended by considering the cooperation between the capitalist and employed persons themselves instead of placing the burden solely on the employers. This approach was well known adopted in the Taylor Review (Adams, 2019). Jamaluddin et. al (2019) have echoed this strategy even though they discussed the issue in the context of industrial relations instead of individual employment relationship. While supporting a pool of workers' voices to fight for their interests through collective bargaining and agreement, they proposed that the law regulating the same must be relaxed instead of subject to stringent control by the government as currently imposed.

The plan that had initially stated out by the Pakatan Harapan government i.e to incorporate the issue in the 12th Malaysia Plan and repeated by the new PM by announcing that the special committee to look into the issue of gig economy is a good signal and strongly supported. Except it is strongly suggested that the committee to seriously consider an appropriate fundamental approach in addressing the issue and considering the proportionate growth of labour within these near future and long term estimation. The experience of foreign jurisdictions which have been facing the rapid growth of this category of workforce a decade ago for example will be very helpful in analyzing a better approach and lesson for us in planning our policy and regulatory system for the sustainable growth of economy and interest of workforce.

Conclusion

In summary, it is hopeful that the position of the gig economy workers will be given considerable attention post Covid-19 crisis especially for both e-hailing drivers and delivery riders. This can reasonably be realised as uprising awareness among people in consequence of Covid-19 pandemic and the imposition of movement control order in the country in regard the roles of gig economy workers. In consistent with the rapid development of delivery service sector and gig economy in general, a serious consideration and investigation need to be deliberated by authorised bodies in order to ensure this group of human labour would have an access to at least minimum employment rights. It is not only to secure their survival but to enable a decent standard of lives. This can possibly happen when an individual is at least eligible for retirement scheme, protected by

reasonable employment injury scheme and secured with minimum wage standard. Even for a better position, the government should have also considered enabling collective representation right for them. This will enable all workers to engage collectively with those for whom they work and, in the event of disputes, act collectively in promoting their interests.

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