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Employment Wage Protection for Delivery Drivers of Online Mobile Food Ordering Companies

Vol. 1, Issue No. 10 (2015)

Current industry and financial reports are [highlighting](#) the extent by which “over the past 12 months, food and grocery delivery has been one of the hottest VC sectors [and] more than \$1 billion was invested in 2014, an almost fourfold increase year-on-year – with a further half a billion dollars invested in Q1 2015.” As such online mobile food service based companies expand nationally, the issue of employment minimum wage, overtime, classification, and other employment based protections is becoming increasingly significant, especially where in the past few months, many delivery drivers are allegedly being misclassified as independent contractors, [despite](#) such companies treating “delivery drivers as employees but [failing] to provide any of the benefits, such as expense reimbursements for gas, parking and phone data, meeting minimum wage requirements, and paying drivers for overtime.” In an “on-demand” economy where timely delivery, consistency, and high quantity consumer response is highly important to such business models and profitability, delivery drivers are increasingly being subjected to seemingly rigid, ambiguous, and often times, very harsh [well documented compensation practices](#).

For instance, many delivery companies advertise and represent to prospective delivery drivers “guaranteed minimum average payments” but in doing so, similarly impose “acceptance” or “fulfillment” requirements, which if not met during a given shift, cause such delivery drivers to essentially forfeit delivery work for the entire shift, and as a result constitutes such drivers essentially working [well below minimum or in many cases no wage](#). This is occurring despite such delivery drivers performing a substantial amount of delivery services and work. Although many jurisdictions such as New York are attempting to establish and otherwise enforce labor and wage compliance for such industry, delivery drivers for such online and mobile food delivery companies continue to

remain without adequate recourse, employment protection, and in many cases, very onerous harsh working conditions.

About Us

Robert N. Wilkey, Esq. is the Principal Attorney of Wilkey Legal Consultants, LLC (“WLC”) located in Exton, PA, with over a decade of class action, mass tort, and complex civil commercial litigation experience, including claims involving Federal and State laws involving unfair trade practices and consumer protection; banking and lending standards, credit services and truth in lending regulations, breach of good faith and dealing claims, and breach of fiduciary duties. Mr. Wilkey is an advocate for Asian-American based domestic and international issues. He holds a BA/MPP from Brigham Young University and a JD from the University of Iowa College of Law, and currently provides regulatory, legal, and consultation and litigation services to individuals, corporations, industry, non-profits, school districts, and government entities.

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Robert N. Wilkey, Esq., MPP
Wilkey Legal Consultants, LLC
Eagleview Office Plaza
600 Eagleview Blvd., Suite 300
Exton, PA 19341
www.robertwilkey.com
Toll Free Number: (888) 598-1112
Local Number: (610) 465-7393
Facsimile: (484) 698-7961