

STATE OF NEW YORK

9089

IN SENATE

January 30, 2026

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to prohibiting unsafe and punitive algorithmic practices by food delivery platforms, protecting delivery workers from coercive delivery timing requirements, and promoting traffic safety

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "food delivery worker safety and fair algorithms act".

3 § 2. Legislative findings and intent. The legislature finds that app-
4 based food delivery services rely heavily on automated and algorithmic
5 management systems to assign work, set delivery expectations, evaluate
6 worker performance, and determine access to future work. Evidence
7 suggests that certain algorithmic practices pressure delivery workers,
8 including drivers, e-bike operators, and bicycle operators, to speed,
9 disregard traffic laws, or engage in unsafe behavior in order to meet
10 rigid delivery time windows or avoid penalties. Such practices endanger
11 delivery workers, pedestrians, motorists, and the general public.

12 The legislature further finds that delivery workers are often penal-
13 ized, deactivated, or denied work opportunities through opaque algo-
14 rithms for circumstances beyond their control, including traffic
15 congestion, weather conditions, restaurant delays, or compliance with
16 traffic laws. It is the intent of the legislature to prohibit algorithmic
17 practices that coerce unsafe conduct, punish lawful and safe behav-
18 ior, or unfairly restrict a delivery worker's ability to earn a living.

19 § 3. The labor law is amended by adding a new article 21-D to read as
20 follows:

ARTICLE 21-D

FOOD DELIVERY WORKER SAFETY

Section 796. Definitions.

24 796-a. Prohibited practices.

25 796-b. Transparency and notice.

26 796-c. Oversight, enforcement, and coordination.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 796-d. Penalties and remedies.

2 796-e. Severability.

3 § 796. Definitions. For the purposes of this article, the following
4 terms shall have the following meanings:

5 1. "Food delivery platform" means any person or entity that operates a
6 digital application or online service that arranges for the sale and
7 delivery of prepared food or beverages from restaurants or food estab-
8 lishments to consumers through delivery workers.

9 2. "Delivery worker" means any individual who delivers food or bever-
10 ages on behalf of a food delivery platform by motor vehicle, electric
11 bicycle, bicycle, scooter, or on foot, regardless of classification as
12 an employee or independent contractor.

13 3. "Algorithmic management system" means any automated, computational,
14 or artificial intelligence-based system used by a food delivery platform
15 to assign deliveries, estimate delivery times, evaluate performance,
16 determine compensation, impose penalties, or control access to work
17 opportunities.

18 4. "Punitive algorithmic practice" means any algorithmic rule, metric,
19 or automated decision that penalizes, deprioritizes, limits access to
20 work, reduces compensation, or results in suspension or deactivation of
21 a delivery worker based on delivery speed, timing, or completion metrics
22 that do not reasonably account for traffic laws, traffic conditions,
23 weather, restaurant preparation time, or other factors outside the work-
24 er's control.

25 § 796-a. Prohibited practices. 1. No food delivery platform shall
26 utilize or deploy any algorithmic management system that:

27 (a) Requires or incentivizes delivery workers to complete deliveries
28 within a fixed or rigid time window that cannot reasonably be met while
29 complying with all applicable traffic laws and safety regulations;

30 (b) Penalizes, deactivates, suspends, deprioritizes, or otherwise
31 limits a delivery worker's access to work opportunities for failure to
32 meet delivery time estimates that do not account for traffic patterns,
33 traffic congestion, weather conditions, restaurant delays, or lawful
34 compliance with traffic signals, signage, and rules of the road;

35 (c) Directly or indirectly incentivizes speeding, unsafe operation of
36 a vehicle or bicycle, or disregard of traffic control devices, signage,
37 or pedestrian right-of-way; and

38 (d) Reduces pay, tips, bonuses, or access to incentives based on a
39 delivery worker's refusal or inability to engage in unsafe or unlawful
40 conduct.

41 2. Any delivery time estimates provided to consumers or workers shall
42 be expressly identified as estimates only and shall not be used as the
43 sole or primary basis for discipline, reduced compensation, or loss of
44 access to work.

45 § 796-b. Transparency and notice. 1. Food delivery platforms shall
46 provide delivery workers with clear, written notice, in plain language,
47 of:

48 (a) The factors considered by any algorithmic management system in
49 assigning deliveries and evaluating performance;

50 (b) Any metrics that may affect a delivery worker's access to work
51 opportunities or compensation; and

52 (c) The circumstances under which a worker may be suspended, deacti-
53 vated, or otherwise penalized.

54 2. Delivery workers shall have the right to request a written explana-
55 tion of any suspension, deactivation, or significant limitation of
56 access to work imposed through an algorithmic management system.

1 § 796-c. Oversight, enforcement, and coordination. 1. The commissioner
2 shall have primary jurisdiction to enforce the labor and worker-protec-
3 tion provisions of this act pursuant to this chapter, including authori-
4 ty over retaliation, access to work, compensation impacts, and private
5 rights of action.

6 2. The attorney general shall have concurrent authority to enforce
7 this chapter, including, but not limited to, the authority to investi-
8 gate unfair, deceptive, or abusive practices related to algorithmic
9 management systems used by food delivery platforms.

10 3. The department of transportation shall have the authority to
11 promulgate advisory guidance, in consultation with the department of
12 motor vehicles, regarding delivery time practices and algorithmic incen-
13 tives that implicate compliance with the vehicle and traffic law, pedes-
14 trian safety, and roadway operations.

15 4. The department of state, through the division of consumer
16 protection, shall have the authority to enforce the transparency and
17 disclosure requirements of this act as applied to representations made
18 to consumers regarding delivery time estimates.

19 5. The commissioner may enter into a memoranda of understanding with
20 the attorney general, department of transportation, department of motor
21 vehicles, and department of state to share information, coordinate
22 enforcement, and avoid duplicative or conflicting regulatory actions.

23 § 796-d. Penalties and remedies. Anti-retaliation. No food delivery
24 platform shall retaliate against a delivery worker for exercising rights
25 under this act, including filing a complaint, participating in an inves-
26 tigation, or refusing to engage in unsafe or unlawful conduct.

27 § 796-e. Severability. If any provision of this act or its application
28 is held invalid, such invalidity shall not affect other provisions or
29 applications of the act which can be given effect without the invalid
30 provision or application.

31 § 4. This act shall take effect on the one hundred eightieth day after
32 it shall have become a law. Effective immediately, the addition, amend-
33 ment and/or repeal of any rule or regulation necessary for the implemen-
34 tation of this act on its effective date are authorized to be made and
35 completed on or before such effective date.