



Department for
Business & Trade

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Ref: TOB2025/01965

By email: [REDACTED]

13th March 2025

Dear Mr Lewis,

Thank you for your correspondence of 7th February, regarding the working conditions of delivery drivers.

You raised concerns about a lack of access to basic worker rights. An individual's entitlement to employment rights is determined by their employment status, which depends on the reality of the relationship between an individual and their employer. Individuals in the platform / gig economy can be any status: employee, limb (b) worker, or self-employed. This is not a choice, it depends on the reality of the relationship between an individual and their employer. Employers should never seek to deny people their employment rights and avoid their own legal obligations by claiming someone is self-employed when in reality they are not.

If an individual is a worker or employee, they are legally entitled to be paid the National Minimum Wage (for individuals aged 18-20) or the National Living Wage (for employees aged 21 and over). Self-employed individuals are not entitled to most employment rights, including the National Minimum/Living Wage, because they are their own boss and tend to have more responsibility for how and when they work. They also tend to have fewer obligations to those engaging them for their services such as not having to personally carry out work themselves and have significant flexibility in their work.

We recognise that many who work in the gig/platform economy as delivery drivers value the flexibility it can bring. However, new technologies and ways of working have made it more complex for businesses and workers to apply the current three-tier employment status framework and that this has created a lack of clarity.

The government has committed to consulting on a simpler, two-part framework for employment status. However, some reforms in The Plan to Make Work Pay will take longer to undertake and implement, and we see consulting on a simpler, two-part framework for employment status as a longer-term goal.

We are also committed to strengthening rights and protections to help self-employed workers thrive in good quality self-employment. We have already announced a package of measures to tackle late payments for small businesses and the self-employed, including a new Fair Payment Code.

Regarding your concerns on illegal working, it is a criminal offence for migrants to work illegally in the UK (where they are breaching their conditions or are unlawfully in the UK), including through self-employment activity. The offence of working illegally carries a maximum penalty of 51 weeks (England and Wales), or six months' (Scotland and Northern Ireland) imprisonment and/or fine.

The Home Office is determined to clamp down on illegal working, including in the food delivery sector. The Home Office and the Department for Business and Trade continue to work closely with the major food delivery platforms to ensure they understand their responsibilities in using riders who have the right to work in the UK.

The focus has been to eliminate abuse enabled by business models which allow food delivery riders to substitute work to other individuals, unknown to the platforms, including illegal workers. Deliveroo, Uber Eats and Just Eat have introduced enhanced security checks to prevent the market being abused by illegal workers. The firms already do right to work checks on all of their account holders and have introduced right to work checks on registered substitutes in 2024, with the responsibility to register substitutes being on the account holder, and their account being at risk should they fail to do so. We will be inviting the firms to provide further updates on the changes they have implemented and what additional measures are necessary to prevent illegal working via their platforms.

Any worker who has a complaint regarding their employment, or who is unsure of their rights or employment status, can contact the Acas helpline (0300 123 1100), who can advise about entitlements and resolving disputes, or complain to HMRC, who enforce the Minimum/Living Wage. HMRC considers every complaint they receive, and they can preserve an individual's anonymity. The online form can be found via the following link - <https://www.gov.uk/government/publications/pay-and-work-rights-complaints>.

Kind regards,

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