Content

Title：	Taichung City Self-Government Ordinance for the Management of Delivery Platform Operators Ch
Date：	2022.09.02
Content：	Article 1　To reinforce the management of delivery platform operators and protect the interests of delivery personnel, Taichung City (hereinafter the "City") has enacted this Self-Government Ordinance. Article 2　The competent authority of this Self-Government Ordinance is Taichung City Government (hereinafter the "Government") insofar as matters in this Self-Government Ordinance involve the duties of the competent authorities of relevant industries under the Government that are executed by such competent authorities of relevant industries. This Self-Government Ordinance is applicable to operators of delivery platforms when delivery personnel perform delivery services in the City. Article 3　The terms in this Self-Government Ordinance are defined as follows: 1. "Delivery platform" is a platform that uses e-commerce technologies for online transactions, allowing consumers to purchase goods and providing delivery personnel with the option of accepting orders and performing delivery services. 2. "Delivery platform operator" is a company that operates a platform as described in the previous subparagraph. 3. "Delivery personnel" are personnel performing delivery services through delivery platform applications, who travel to the merchant designated by a consumer to collect the merchandize and deliver it to the location designated by the consumer within the City. 4. "Delivery service period" is the period from the time delivery personnel accept a consumer's online order to purchase merchandize on the delivery platform application to the time the delivery personnel deliver the merchandize in accordance with the consumer's instructions. Article 4　After a delivery platforms operator enters into a contract with delivery personnel for the provision of delivery services, the delivery platform operator shall take out injury insurance at its own cost in accordance with the below requirements, naming the delivery personnel as the insured: 1.Insurance for incapacity or death caused by accidental injury, with a minimum insurance amount of NT$3,000,000. 2.Medical insurance for accidental injury, with a minimum insurance amount of NT$30,000 for "at cost" insurance or NT$1,000 per day for insurance with daily payment. The delivery platform operator shall provide the insurance certificate or insurance manual for the insurance contract under the previous paragraph to delivery personnel for safekeeping and shall maintain the insurance coverage under the previous paragraph for the validity period of the delivery service contract. The delivery platform operator shall retain insurance coverage details under the first paragraph and documents provided by the insurer showing agreement to undertake insurance until at least six months after the expiry of the insurance period. The scope of insurance shall also be publicly disclosed to delivery personnel and updated within seven days in case of any changes. Delivery platform operators shall file with the Government the number of delivery personnel covered by insurance before the 25th day of each month for record.

A delivery platform operator shall not procure the provision of delivery services by delivery personnel before it fulfills its obligations under the first and second paragraphs.

Article 5　Delivery platform operators shall cease delivery services during the period and within areas where the Government announces that offices should be closed due to a natural disaster and shall issue notice to delivery personnel, except when there is due justification demonstrating there is no obvious or foreseeable risk.

Article 6　During the period of performing delivery services, if delivery personnel experience any of the below events, the delivery platform operator shall file a report with the Labor Affairs Bureau of Taichung City Government within eight hours from the time it learns about or could have learned of the event:
1.Accident resulting in death.
2.Accident involving more than one victim and requiring hospitalization.

Article 7　In providing or participating in food delivery services, the management of food safety and hygiene by delivery platform operators shall follow the following requirements:
1.Have in place at least one hygiene manager, and compliance with the certain percentage of hygiene managers publicly announced by the Health Bureau of Taichung City Government and the number of hygiene training hours.
2.Designate hygiene managers to manage the hygiene of delivery personnel and delivery containers. Daily records shall be made during the period when delivery services are provided and retained for three years for audit by the Health Bureau.

Article 8　Delivery platform operators shall provide training on occupational safety, food hygiene and safety, and traffic safety, with each training sessions lasting at least one hour, before newly recruited delivery personnel may provide delivery services. Existing delivery personnel shall undergo at least one on-the-job training session every year.

Article 9　Delivery platform operators shall disclose the manner of calculating remuneration per order to delivery personnel before committing to a delivery order.

Article 10　Delivery platform operators shall clearly disclose the following in the delivery platform interface:
1.Product price, service fees, or delivery fee.
2.Refund mechanism in case a consumer cancels an order.
3.Events due to which the delivery platform operator may cancel orders and the refund mechanism.
4.Method of handling delayed deliveries.
5.Method of handling discrepancies in type or quantity between the product delivered and that ordered, product damage, and refund and compensation solutions thereof.

Article 11　The Government shall make public announcements about statistics related to traffic accidents of delivery personnel in the City on a quarterly basis.

Article 12　Delivery platform operators shall retain the below data records for at least five years and make them accessible by relevant authorities in accordance with the law as required:
1.Time and details of merchandise ordered by consumers.
2.Time and details of orders accepted by merchants.
3.Time, location, and details of delivery services provided by delivery personnel.
4.Consumer payment records.

Article 13　Any delivery platform operator that falls under any of the following circumstances shall be penalized by a fine of between NT$20,000 and

	NT$100,000: 1.Any breach of Articles 4 to 6. 2.Any unjustified evasion, obstruction, or refusal to permit an audit of the relevant authority in accordance with this Self-Government Ordinance. Article 14　Any delivery platform operator that breaches Article 7 and fails to correct the breach in a timely manner following notice with a deadline shall be penalized with a fine of between NT$20,000 and NT$80,000. Multiple penalties may be imposed for multiple offenses. Article 15　Any delivery platform operator that breaches Article 9 or Article 12 shall be penalized with a fine of between NT$30,000 and NT$60,000. Article 16　Any delivery platform operator that breaches Article 8 or Article 10 and fails to correct the breach in a timely manner following notice with a deadline shall be penalized with a fine of between NT$30,000 and NT$60,000.　Multiple penalties may be imposed for multiple offenses. Article 17　If a delivery platform operator fails to establish a contract with delivery personnel for the provision of delivery services and such contract is established with delivery personnel of a third party, Articles 4 to 8 and Articles 12 to 16 apply mutatis mutandis to such third party. Article 18　This Self-Government Ordinance is effective from the date of publication.
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