



Discussion Paper for Workers*



**Proposing Employment Standards
and Other Protections for App-Based
Ride-Hail and Food-Delivery Workers
in British Columbia**

** Workers version*



July 2023

INTRODUCTION

This paper continues the Ministry of Labour's engagement on employment standards and other protections for app-based ride-hail and food-delivery workers in B.C.¹ The engagement, which began in Fall 2022, supports a [mandate priority](#) for the Minister of Labour and the Parliamentary Secretary for Labour.

The key themes that have come from the engagement so far are summarized in the [What We Heard Report](#). Now the Ministry is asking for input on possible minimum standards and protections for top priorities and concerns raised by workers.

The Ministry is seeking to design solutions that keep the flexibility (logging in/working when you want, and working how long you want) that workers like you value, while keeping ride-hail and food-delivery services in B.C possible.

It is a priority for the Ministry to hear directly from you, the workers. This paper has some possible approaches, and we would like to know what you think. If you are working for an app, in ride-hail or food-delivery, please email your thoughts on any or all of the questions to precariousworkstrategy@gov.bc.ca by **September 30, 2023**.

Because designing appropriate employment standards and other protections for workers who deliver food or drive for an app-based company is complex, we are approaching this in stages, beginning with these four top concerns:

1. Fair Compensation (Pay)
2. Pay and Destination Transparency
3. A Fair Process for Account Suspensions and Deactivations
4. Worker Safety and Workers' Compensation

(The Ministry intends to engage on other potential standards in later stages.)

¹ While this paper refers to "app-based food-delivery workers", government's intention is that any standards and protections will apply to app-based workers who deliver food or other goods through an app that matches customer orders with a delivery courier.

1. Fair Compensation (Pay)

Many workers told the Ministry that their net income (after car, gas and other work-related expenses are deducted) is less than B.C.'s general minimum hourly wage (\$16.75 as of June 1, 2023) because the pay for some assignments is low, and they spend periods of unpaid time waiting for assignments. Platform companies told the Ministry that if they were required to pay workers for the entire time they are logged in, they would not be able to offer workers the flexibility to decline assignments or work when they want.

To address fair pay, the Ministry would like to know your views on potential standards that would require companies to pay workers at least a minimum wage (in addition to tips) and reimburse workers for your expenses.

- A. Should companies be required to pay workers like you at least a minimum wage?
 - What is the best way to do this?
 - Should companies be required to pay workers a minimum amount for the time they spend engaged on assignments, or all the time they spend logged into an app?
 - What amount would be fair?
- B. Should companies be required to reimburse workers for their expenses?
 - What is the best way to do this?
 - Should companies be required to pay workers a minimum amount for every kilometer they drive, or should they be required to compensate workers another way, such as through higher wages?
 - What amount would be fair?
 - Should companies be required to pass 100% of customers' tips to workers?
- C. As a worker, could minimum standards like the ones above address your concerns about fair pay?
 - Please let us know your thoughts on the questions above, and any other ideas about fair pay that you may have, including the reasons for your answers and recommendations.

2. Pay and Destination Transparency

During the first stage of engagement, workers indicated that it is not clear exactly how pay is calculated, so it's hard to know if they have been paid correctly. They also said that when companies don't provide details up front – about the pay and destination involved in an assignment – it is difficult to decide which assignments to accept and to refuse what might feel unsafe.

To address pay and destination transparency, the Ministry is seeking your views on potential standards that would require companies to be more transparent about the pay and destinations for an assignment.

- A. When offering workers an assignment, should companies be required to show you the minimum payment (separate from the tip) that workers can be assured to be paid for completing the assignment?
- B. Should companies be required to give each worker a pay summary every two weeks that shows the amount of time worked during that period and gives a breakdown of the amount you were paid for your time and all the details that contribute to the pay, including tips?
- C. When offering workers an assignment, should companies be required to show you the pick-up and drop-off locations associated with the assignment?
- D. As a worker, could minimum standards like the ones above address your concerns about pay and destination transparency?
 - Please let us know your thoughts on the questions above, and any other ideas about pay and destination transparency that you may have, including the reasons for your answers and recommendations.

3. A Fair Process for Account Suspensions and Deactivations

Workers have described instances of drivers' accounts being suspended for days – or terminated – based on a negative customer report. Workers described the devastating impact of being suddenly cut off from what is sometimes their only source of income, or an important part of their overall income. Some workers have said that processes to have a suspension or deactivation decision reviewed can be unfair or non-existent. Platform companies explained that when they receive customer complaints about illegal or dangerous behaviour, they have a responsibility to immediately suspend workers while they investigate – and that these investigations can take time.

To address fairness in account suspension, deactivation or termination, the Ministry is seeking your views, as a worker, about potential standards that would require companies to have a complaint review process that is fair, and standards that would require companies to give workers notice – or compensation – if a worker is terminated or deactivated without cause.

- A. Should there be a maximum time that a worker can be suspended from access to a platform before the suspension is considered a termination or deactivation?
 - If so, how long should it be?
- B. Should workers have the opportunity to respond to complaints made against them or concerns raised about their performance before they are terminated or deactivated?
 - If so, what should that look like?
- C. Should workers have the right to be represented by a labour or a worker advocacy organization, or other representative of the worker's choice, in a deactivation review process?
- D. If companies decide to deactivate a worker without cause, should it be required to give that worker two weeks notice, or pay them compensation?
- E. As a worker, could minimum standards like the ones above address your concerns about fairness in account suspension, deactivation or termination?

- Please share your thoughts on the questions above, and any other approaches or ideas you may have regarding fairness in account suspension, deactivation or termination, including the reasons for your answers and recommendations.

4. Worker Safety and Workers' Compensation

Workers have said they face many risks while doing this work, such as being injured by violent passengers or slipping on icy pathways while delivering food. If they are injured on the job and become unable to work, many find they cannot claim workers' compensation to compensate them for lost wages.

To address this issue, the Ministry is seeking your views on a potential standard that would require all workers to be covered by workers' compensation paid for by the platform companies, and all platform companies to follow occupational health and safety regulations that are designed to keep workers safe.

- A. Could platform-paid workers' compensation and adopting occupational health and safety regulations solve your worker safety and workers' compensation concerns?
- Please share your thoughts on the question above, and any other ideas you may have about worker safety and workers' compensation, including the reasons for your answers and recommendations.

PROVIDE FEEDBACK

Thank you for reading this discussion paper. We look forward to receiving your input. Please email your thoughts on any or all of the questions to precariousworkstrategy@gov.bc.ca by **September 30, 2023**.

