



RIDE HAIL AND FOOD DELIVERY WORKERS NEED RIGHTS

The BC Federation of Labour is calling on the NDP government to protect ride hail and food delivery workers by legislating full employment rights, workers' compensation coverage and access to unionization. These workers deserve the same rights and protections as other workers in our province.

Governments across the globe are already taking action to improve working conditions for ride hail and food delivery workers. BC is not alone in these efforts.

- Spain has brought in tough employment laws to protect ride hail, food delivery and other product distribution workers through a legal presumption of employment status.
- The EU is drafting a similar law that will provide employment protections for platform workers. Once passed, the rules must be written into the laws of each member state. This will apply in 27 countries including Germany, France, Italy and the Netherlands.
- To better protect workers, the US Labor Department is proposing to revise the test in the *Fair Labor Standards Act* to determine whether a worker is an employee or an independent contractor.

When companies fail to pay their fair share into our programs and systems, workers lose out and so do we.

- When workers are excluded from employment standards and workers compensation protections, British Columbians are left footing the bill.
- The government simultaneously receives lower contributions to the Employer Health Tax and must pay out for health care costs for injured workers who are excluded from workers' compensation coverage.
- When workers are not eligible for Employment Insurance, our province is on the hook to provide support through social assistance and disability programs.

Allowing newcomers and a racialized workforce to continue to have substandard employment conditions is inconsistent with the provincial government's commitment to address systemic racism and to apply an anti-racism lens to all of its work.

- Understanding Precarity in BC's recent report, "But is it a good job?" found that nearly 60% of Indigenous men, racialized women and Indigenous women were in non-standard jobs.
- The study found that more than half of recent immigrants (55%) were in precarious jobs, the highest proportion of any group in the survey.

"The regulation approved today ... places us at the forefront of a technological change that cannot leave labour rights behind."

*Labour Minister
Yolanda Diaz of Spain*

"Misclassification deprives workers of their federal labor protections, including their right to be paid their full, legally earned wages."

Former US Secretary of Labor Marty Walsh

Making special exceptions for employers simply because they're app-based sets a bad precedent. Employers in other sectors are very likely to demand similar (or worse) exemptions, turning employment standards in British Columbia into a patchwork — and dramatically increasing the extent of precarious employment and poor working conditions.

- Other companies are watching how app-based companies are operating.
- This model is already expanding to other sectors such as home care, health care and other personal and professional services.
- David Weil, American academic, former administrator of the US Wage and Hour Division in the Department of Labor recently wrote, *"Since gig work tends to be volatile and contingent, losing employment protections amplifies the precariousness of work. A business using misclassified workers can gain cost advantages over competitors who treat their workers as employees as required by the law. This competitive dynamic can spread misclassification to new companies, industries and occupations."*

The BC government shouldn't be bullied by corporations seeking to protect their own interests. The government's role is to identify and enforce the necessary protections for workers, not to find a mid-point in an already imbalanced relationship between powerful, multinational companies and some of our province's most precarious workers.

- This is a values issue for the government. What are the minimum protections and rights every worker in British Columbia is entitled to?
- Platform companies do not speak for workers, though they may try to. They are beholden to shareholders and their bottom line.
- If gig companies really wanted to improve the pay and benefits for their workers, nothing is stopping them from doing so now. So why aren't they doing it? Their motivation is to enshrine caps on workers' rights and ability to organize and to try to get governments to be complicit in so doing.

The consumers who most frequently use ride hail and food delivery services in BC demonstrate the highest awareness of workers' issues and the most support for providing workers with employment protections.

- A Research Co. poll conducted April 15 to 17, 2023, of 807 BC residents found that usage of app-based services was highest for 18-to-34 year olds at 87% compared to only 24% of those 55 and over.
- The polling demonstrated that the 18-to-34 age group was most aware of the lack of employment protections for these workers at 60% awareness, compared to a total sample awareness of only 48%.
- And this age group was the most supportive of providing workers with employment protections, including minimum wage, overtime sick days and workers' compensation protection, with 84% support compared to the total sample at 74%.

"Uber Drivers, Instacart Shoppers, and other gig workers -- We're working on protections for digital platform workers under the Canada Labour Code."

*Canada's Labour Minister,
Hon. Seamus O'Regan*

"The platform economy is here to stay, new technology, new sources of knowledge, new forms of work will shape the world in the years ahead. These are new opportunities that must not come with different rights, online as well as offline. All people should be protected and allowed and enabled to work safely and with dignity."

*EU Commission's digital chief,
Margrethe Vestager*