

MINISTRY OF LABOUR

MEETING NOTE

Cliff #: 65240

Date: June 2, 2023

PREPARED FOR: Honourable David Eby, Premier.

DATE AND TIME OF MEETING: June 13, 2023 at 3pm

ATTENDEES: BC Federation of Labour: Sussanne Skidmore, President; Hermender Singh Kailley, Secretary-Treasurer; Denise Moffatt, Director of Government Relations

Government of BC: The Honourable David Eby, Premier; The Honourable Harry Bains, Minister of Labour

ISSUE(S): Employment protections for app-based ride hail and food delivery workers.

BACKGROUND: The BC Federation of Labour (BCFED) has requested a meeting with Premier Eby to discuss its concerns about the working conditions and protections of app-based ride hail and food delivery workers. The BCFED argues that these workers are misclassified by companies as “independent contractors” in order to avoid compliance with well-established employment laws such the *Employment Standards Act* and the *Workers Compensation Act*.

The BCFED is an advocate for workers across the province, and is a strong supporter of “essential workplace protections” for ride-hail and food-delivery workers. The BCFED has launched a campaign to reach out to MLAs to garner support for improved working conditions for gig workers. In addition, the BCFED has launched an online petition titled ‘Workers Deserve Better.’ The petition calls for government to ensure gig workers are fully protected by BC’s workplace laws.(<https://www.workersdeservebetter.ca/>)

In its request for a meeting the BCFED has highlighted a recent case in which a ride-hail (Uber) worker was assaulted. WorkSafeBC has confirmed with the Ministry that they have denied the driver’s claim for workers’ compensation coverage. The BCFED publicly indicated they will work with the driver to file an appeal with WorkSafeBC.

DISCUSSION: The 2022 mandate letters for the Minister of Labour and the Parliamentary Secretary for Labour set a priority for the ministry to propose employment standards and other protections for app-based ride-hail and food-delivery workers.

Engagement with the sector began in Fall 2022, which included workers and platform companies, and other key groups, including the BCFED, to hear the benefits and

challenges of this type of work and to help inform the policy options. The engagement found that the sector is characterized by a lack of protections overall, health and safety issues, and low, unpredictable pay for some workers, who use this type of work as their primary source of income.

Currently, the application of the standards and protections in the ESA and WCA to ride-hail and food delivery workers is unclear. While some of these workers and their advocates, including BCFED, claim that the workers are employees entitled to the protections of the ESA and WCA, many platform companies maintain that the workers are independent contractors and that the ESA and WCA, therefore, do not apply.

All agreed through the engagement process there is a value in setting minimum standards for the workers, however, some platform companies have indicated that if the workers are classified as employees, they may cease operating in this province. This would be due to the potential business and operational costs to comply with the new minimum standards and protections, as well as the precedent it would set for their operations outside of BC.

s.12; s.13

SUGGESTED RESPONSE/KEY MESSAGING:

- I am shocked and saddened by the recent attack on an Uber driver by a passenger in Abbotsford.
- Ride-hail drivers, like everyone who works in our province, deserve to be treated fairly and have a safe work environment.
- The workforce has changed dramatically over the past few decades with the growth of the gig economy, including a growing prevalence of app-based gig work.
- As you know the Ministry of Labour has been engaging with the app-based ride-hail and food-delivery sector including many workers directly, to review the benefits and challenges. This includes the issue of employee classification.
- The goals of this work are to propose appropriate employment standards and other protections for these workers, while maintaining the viability of this sector.
- The views and analysis provided by the BCFED are very much appreciated.

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