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Subject: Note for Today's Meeting with Minister Bains at 12PM
Sent: 12/19/2022 18:52:13
Attachments: PPS Meeting Note - Precarious Work Strategy Timeline_V2.docx
Message Body:

Good morning Matt,

Rosa suggested I share this short note with you in advance of your meeting with Minister Bains today at 12PM.

Cheers,

JM

John Michael McColl | Director
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PPS MEETING NOTE: PRECARIOUS WORK STRATEGY BRIEFING

Prepared for: Matt Smith (this note has not been shared with Ministry staff or the Minister's Office)

Meeting date: December 19, 2022 @ 12:00PM

Meeting participants: Matt Smith, Minister Bains, Tim Renneburg, Raunaq Singh, JM McCall

Summary

- In today's briefing with Premier's Chief of Staff on the Precarious Work Strategy, s.13
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Background

- On August 30, 2022 the current scope and timeline for the Precarious Work Strategy was endorsed by Minister Bains, Parliamentary Secretary Adam Walker, Amber Hockin, Mark Sieben, Ministry of Labour's DMO, and MO.
- It was agreed that the priority for delivery in this mandate would be creating employment standards for app-based food delivery and ride hail workers. Public consultation would begin in the Fall 2022. Policy would be developed, and Cabinet direction would be sought in Spring 2023. The public strategy would be released with any supporting legislation in Fall 2023.
- The core of this policy issue is that platform companies like Uber and Lyft classify the people who work through their apps as 'independent contractors' rather than 'employees'. As a result, the minimum standards set out in the Employment Standards Act (ESA) do not apply to these workers.
- The Employment Standards Branch (ESB) can determine whether a given person should be considered an 'employee' or an 'independent contractor'. However, the ESB makes determinations on a case-by-case basis and is currently facing an 18-month backlog. There is no indication the ESB will make any determination relevant to app-based workers in the near term.
- As a result, to create employment standards for these workers in the near term, government will have to create a legal mechanism for itself to clarify that these particular workers are 'employees' and the ESA should apply— or it will have to create a new act that defines and establishes minimum standards for this group of workers.

PPS Analysis

- s.12; s.13
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Recommendation

- s.12; s.13