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BC POLICY SOLUTIONS SUBMISSION:

Ministry of Labour 2025/26 Review of Standards and Protections for Online Platform Workers

Véronique Sioufi, PhD

Researcher and Policy Analyst

BC Policy Solutions

Submitted to: precariousworkstrategy@gov.bc.ca

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Introduction

We welcome the BC government's decision to review the effectiveness of Bill 48's standards and protections for platform workers. This review comes at a critical moment. As the province grapples with an ongoing affordability crisis, platform work has become a critical yet precarious source of income for many—particularly new immigrants and racialized workers who generally are disadvantaged in the labour market.

We thank the Ministry of Labour for the opportunity to contribute to this vital consultation.

BC Policy Solutions is an independent, non-partisan research institute committed to advancing transformative policy solutions to the most pressing challenges facing people in British Columbia. Our BC Policy Solutions team brings extensive expertise on this file: we are economists and labour studies scholars with deep experience in BC, including years of work at the now-shuttered Canadian Centre for Policy Alternatives BC office.¹ Our co-Executive Director Iglia Ivanova co-leads the Understanding Precarity in BC partnership project with Dr. Kendra Strauss, Director of Simon Fraser University's Labour

¹ BC Policy Solutions. <https://bcpolicy.ca/about/#team>

Studies Program and the Morgan Centre for Labour Research.² This project brings together four BC universities, 26 community-based organizations and more than 80 academic and community researchers and collaborators to generate much-needed data on the extent and nature of precarious employment in our province and to study the impacts of precarity on the lives of British Columbians. Our staff researchers have authored a number of policy analyses on platform work regulation over the past eight years (Hemingway, 2018; UP-BC, 2023; Ivanova, 2023; Sioufi, 2023);³ and we have made submissions to government on this topic at every opportunity (Hemingway, 2019; Ivanova & Sioufi, 2023).⁴

This submission addresses the urgent need to close the regulatory gaps that leave platform workers behind.

British Columbia took an important step with the passage of Bill 48 (Labour Statutes Amendment Act, 2023), which came into effect September 3, 2024. This legislation established platform workers as employees under the Employment Standards Act (ESA) and the Workers Compensation Act (WCA) and recognized the legitimacy of platform workers' claims to equitable treatment and represented a meaningful advance in worker protections in Canada, particularly when compared to the limited framework in Ontario's Bill 88. The legislation also defined platform companies as employers with responsibilities under the ESA and WCA, requiring these companies to register with WorkSafeBC and comply with occupational health and safety regulations. We were happy to see that this bill also addressed several of our other research-backed recommendations such as tip protections, pay transparency, destination transparency, protections against unfair suspensions and terminations and WorkSafe BC coverage.

² *Understanding Precarity in BC*. <https://understandingprecarity.ca/project/>.

³ Alex Hemingway, 2018. What's missing from the Uber debate? Market power, congestion, pollution, and even deaths. Policy Note. Canadian Centre for Policy Alternatives-BC. <http://policynote.ca/whats-missing-from-the-uber-debate/>; Understanding Precarity in BC, 2023. Open letter on regulating platform work from BC experts in labour law, policy and economics. <https://understandingprecarity.ca/gig-work/>; Iglia Ivanova, 2023. Here's how BC should protect app-based workers. Understanding Precarity in BC. <https://understandingprecarity.ca/app-based-workers/>; Véronique Sioufi, 2023. New protections for BC platform workers entrench racism. Understanding Precarity in BC. <https://understandingprecarity.ca/new-protections-for-bc-platform-workers/>.

⁴ Alex Hemingway, 2019. BC should think twice before opening its doors to multinational ride-hailing corporations. Policy Note. Canadian Centre for Policy Alternatives-BC. <http://policynote.ca/bc-should-think-twice/>; Iglia Ivanova and Véronique Sioufi, 2023. Raising the Bar for App-Based Work. Canadian Centre for Policy Alternatives. https://understandingprecarity.ca/wp-content/uploads/app-based-workers-submission_sep_2023.pdf.

As currently implemented through the regulations, however, Bill 48 has entrenched a growing group of predominantly racialized workers as second-class with fewer rights than other employees in BC. Platform workers are not entitled to the full slate of minimum protections and benefits under the ESA, with no right to paid sick days, no vacation pay, no statutory holiday pay and no overtime pay. The payment model of “engaged time” only leaves workers underpaid and unprotected while on the road waiting for their next assignment. Algorithmic transparency requirements fall significantly short of what other jurisdictions have implemented and of what is needed to protect workers. Platform workers remain ineligible for Employment Insurance (EI) and Canada Pension Plan (CPP) and platform companies are exempt from contributing to EI, CPP and the Employer Health Tax (EHT). Together these gaps shift the cost of insecurity onto workers and the social safety net.

These regulatory gaps mean that workers in this sector face exclusions from basic workplace rights that are guaranteed to all other workers in the province. Recent studies show consistent associations between platform work and poor health outcomes, particularly mental health impacts due to precarious scheduling, low pay, algorithmic surveillance, performance pressure and isolation.⁵ It is therefore imperative that the province not only expand these baseline protections but also ensure robust enforcement mechanisms are in place.

In 2023, BC led the way in gig work protections both within Canada and on the international stage. Since the passage of Bill 48, significant international developments in platform work regulation have followed suit. In May 2024, the European Union (EU) adopted the Platform Work Directive, the first supranational law governing digital labour platforms. The directive establishes a rebuttable presumption of employment status and requires algorithmic transparency that exceeds even the EU's Artificial Intelligence (AI) Act, including human review of decisions affecting working conditions.

More significant still is the International Labour Organization's historic 2025 vote to pursue a binding Convention on Decent Work in the Platform Economy.⁶ The draft convention covers all platform workers regardless of employment classification, explicitly requires compensation for waiting time and other unpaid work, guarantees parity in social security access (EI, pensions, health care), protects freedom of association and collective

⁵ Matilla-Santander, N., Lundh, F., Kvarn, S. et al, 2025. What is known about the health of location-based and online web-based digital labour platform workers? A scoping review of the literature. *BMC Public Health* 25, 2635. <https://doi.org/10.1186/s12889-025-23916-5>.

⁶ 114th Session of the International Labour Conference, 2026. Decent work in the platform economy. <https://www.ilo.org/resource/conference-paper/ilc/ilc114/decent-work-platform-economy>.

bargaining and mandates algorithmic accountability including human review of automated decisions.

BC has the opportunity to lead on this issue once again by aligning with the upward trajectory of international standards. This submission makes the case for closing the gaps in Bill 48 with eight recommendations grounded in our longstanding research and supported by recent evidence. The message is consistent across the research: partial protections leave workers vulnerable.

Summary of Recommendations

1. Extend the full range of ESA rights and protections to app-based workers, including paid sick leave, vacation pay, statutory holidays and overtime.
2. Require platform companies to contribute to the EHT and formally urge the federal government to require platform companies to contribute to EI and CPP.
3. Compensate all working time, including waiting time—not just "engaged time"—and mandate full WorkSafeBC coverage for all working time, including time between assignments.
4. Mandate genuine expense compensation covering all work-related costs and prohibit off-loading of fees and other business costs onto workers.
5. Strengthen algorithmic transparency requirements beyond destination and pay disclosure.
6. Strengthen enforcement with independent review and meaningful penalties that exceed the cost of non-compliance.
7. Monitor health impacts of platform work.
8. Require platform companies to implement digital reputation portability to address platform lock-in.

Key Context

A. The outsized influence of platform corporations on public policy

The BC Ministry of Labour's efforts to create protections for platform workers recognized that ride-hail and food delivery workers were shut out of the fundamental workplace protections that the BC Employment Standards Act, the Workers Compensation Act and the Labour Relations Code were designed to guarantee. The absence of protections for these workers left them exposed to risk, mistreatment and exploitation with no meaningful recourse. Bill 48 aimed to mitigate this gap.

This precarity was not an oversight on the part of platform owners, but a defining feature of how platform corporations structure their operations. Global platform companies have

invested heavily in lobbying governments to minimize regulatory obligations and shape labour standards that preserve their business model's advantage over workers and over their competitors.

In a 2018 policy brief and a 2019 submission to the Passenger Transportation Board, our senior economist Alex Hemingway warned that platform companies have “deep-pocketed lobbying operations” that allow them to exert outsized influence on the regulatory process while ignoring the social, environmental and economic costs of their demands.⁷ This lobbying is part of the companies' broader strategy to monopolize the sector by using their capital to lobby for fewer restrictions on pricing, fleet size and labour standards. And they can flood the market, set predatory pricing—even operating at a loss—and eliminate competition. Once they achieve an oligopoly, their lobbying power and dominance in the sector makes them even more difficult to contain and regulate.

The scale of this global lobbying effort has been extraordinary.

The 2022 “Uber Files” leak of 124,000 internal documents spanning 2013 to 2017 revealed that Uber's global lobbying and public relations budget was \$90 million USD for a single year.⁸ The company compiled lists of 1,850 lobbying “targets” across 29 countries, secretly courted world leaders, paid academics six-figure sums for research favourable to its business model and offered lobbyists and advisers equity stakes and success fees for delivering the desired regulatory outcomes. In California, platform companies spent a combined \$205 million USD on Proposition 22 to enshrine platform workers' independent contractor status into law, making it the most expensive ballot measure in US state history.⁹ In Europe, platform companies lobbied intensively against the EU Platform Workers Directive, with labour activists and Members of European Parliament reporting that Uber deployed every available tool to ultimately dilute the legislation before it passed in 2024.¹⁰

⁷ Hemingway, 2018. What's missing from the Uber debate?; Hemingway, 2019. BC should think twice.

⁸ Rebecca Bellan, 2022. Leaked Uber Files reveal history of lawbreaking, lobbying and exploiting violence against drivers. TechCrunch. <https://techcrunch.com/2022/07/10/leaked-uber-files-reveal-history-of-lawbreaking-lobbying-and-exploiting-violence-against-drivers/>.

⁹ George Skelton, 2020. It's no wonder hundreds of millions have been spent on Prop. 22. A lot is at stake. Los Angeles Times. <https://www.latimes.com/california/story/2020-10-16/skelton-proposition-22-uber-lyft-independent-contractors>.

¹⁰ Uber Files Reporting Team, 2022. Uber Files: Massive leak reveals how top politicians secretly helped Uber. BBC Panorama. <https://www.bbc.com/news/business-62057321>.

Lobbying in BC

2015-2019: Passenger Transportation Amendment Act

From 2015, Uber and Lyft registered lobbyists in BC, including former government staffers, to push the premier, the minister of transportation, the minister of labour, the minister of jobs and multiple members of the legislature (MLAs) not only to open up the BC market to ridesharing—BC was the last Canadian province to legalize ridesharing—but to do so by privileging market entry regulations.¹¹ The legislation that ultimately passed was significantly diluted; while the platform companies failed to secure lower licensing requirements for drivers, they successfully pressured the provincial government to drop the proposal that ridesharing companies charge the same rates as taxis. By avoiding fare parity, price surge restrictions and fleet size caps, these corporations were handed the regulatory conditions necessary to run their predatory pricing playbook.

2020-2024: Bill 48

After ridesharing was introduced in BC in early 2020, the focus of platform companies' lobbying efforts shifted to worker classification and labour standards. As the province began exploring gig worker protections, platform giants engaged in aggressive—and at times non-compliant—government relations in pursuit of a customized "third category" framework that would offer nominal benefits while legally cementing workers as independent contractors. In 2023, the BC Lobbyists Registrar actually fined Uber \$4,500 for conducting unregistered lobbying meetings with senior provincial officials throughout 2020 and 2021, a paltry amount compared to the corporation's nearly hundred million dollar annual lobbying budget.¹²

Ultimately, while community and labour organizations—including our own team's efforts—successfully pushed evidence-based research to secure employee classification under Bill 48, platform lobbying succeeded in severely watering down the actual protections. Yielding to what the companies' asked for, the province carved out significant exemptions from full ESA protections and restricted drivers' \$20.88 minimum wage strictly to "engaged time," allowing platforms to continue avoiding paying workers the sector's minimum wage for all on the road working time.

¹¹ 12-Month Lobbying Summary, Lyft Canada Inc., 2026. Office of the Registrar of Lobbyists of BC. <https://lobbyistsregistrar.bc.ca/app/secure/orl/lrs/do/clntSmmry?clientOrgCorpNumber=2018&sMdky=>; Review Registration, Uber, 2015. Office of the Registrar of Lobbyists of BC. <https://www.lobbyistsregistrar.bc.ca/app/secure/orl/lrs/do/vwRg?cno=2984®Id=23174453>.

¹² Determination Decision, Uber Canada, 2023. Office of the Registrar of Lobbyists of BC. <https://www.lobbyistsregistrar.bc.ca/handlers/DocumentHandler.ashx?DocumentID=495>.

2025-2026: Review of Standards and Protections

Now, as the labour ministry reviews the impact of partial protections for workers passed under Bill 48, both DoorDash and Uber have once again hired well-connected former BC government staffers to lobby the province. DoorDash has retained a former NDP premier's communications manager and Uber has hired a former BC government communications director.¹³

These corporations are sustaining their intense lobbying efforts—not only in BC but federally and internationally—against minimum pay regulations, comprehensive labour protections, data privacy and AI regulations, transportation safety rules, airport access fees and fair taxation models for digital services. These continued efforts to buy political access illustrate the massive power imbalance inherent in the gig economy where global corporations use endless capital to outmaneuver vulnerable workers, local businesses and the public. Countering this immense corporate power requires strong, principled governance. It is the fundamental responsibility of the provincial government to see past this lobbying and govern for the long-term public interest, ensuring that the health, safety and economic well-being of workers and the public remain the absolute priority.

B. The false dichotomy between worker autonomy and employment protections

A favourite pressure tactic of global platform corporations is to threaten to abandon any jurisdiction that imposes stronger worker protections. This was particularly the case for jurisdictions pursuing employment status for platform workers. During the Ministry of Labour's formal public engagement process in 2022 and 2023, companies' lobbying leaned heavily on their signature "flexibility" narrative with Lyft, Uber and others deploying internal survey data to argue that standard employment classification would destroy worker autonomy and their on-demand business models. Yet, as we discovered in BC after the passing of Bill 48—just as other jurisdictions like Spain and the UK discovered after passing similar legislation—these have been hollow threats. In fact, Uber reported record global profits in 2025 despite operating under increased worker protections worldwide.

Flexible work arrangements are important. They can help build a more diversified and resilient economy by broadening labour market access for people with caregiving obligations, health conditions or other significant barriers to conventional nine-to-five

¹³ Zak Vescera, 2026. DoorDash taps former Horgan communications chief to lobby against B.C. gig worker rules. Investigative Journalism Foundation. <https://theijf.org/brief/doorDash-ndp-mckinnon-lobbying>; Zak Vescera, 2026. Uber hires former B.C. government staffer as gig work review continues. Investigative Journalism Foundation. https://theijf.org/brief/uber-holiday-bc-ndp?utm_source=auth&utm_medium=internal&utm_campaign=login.

employment. Workers cite flexibility as one of the only benefits they anticipate from platform work.

However, flexibility should not come at the expense of basic worker protections against poverty and precarity. BC should reform the ESA in order to strengthen employees' rights to flexibility without precarity and poor working conditions. This broadening of protections is particularly important given that those most likely to need flexible work are women and racialized persons as our own research and the Understanding Precarity in BC project has found.¹⁴

That said, the current ESA protections are nonetheless compatible with a wide range of flexible work arrangements, including platform work. Safeguarding workers against exploitation and expanding workplace flexibility are not mutually exclusive goals, despite what corporate lobbying narratives might posit. Platform companies are entirely capable of operating within the parameters of decent work without restricting workers' ability to choose when they work.

Recent legal and empirical research confirms that the flexibility versus employment protections trade-off is largely a manufactured lobbying construct. A 2025 Yale Law Review article notes that platform companies have funded seemingly independent academic studies and have ghostwritten worker op-eds in addition to forming overlapping lobbying coalitions to propagate the narrative that employment is inherently inflexible.¹⁵ "The historical and legal reality," the paper reports, "[is] that the employment framework is robust enough to tolerate diverse work schedules and wage structures, without sacrificing employment law's protection of minimum wages and standards for all time worked."¹⁶

Spain's natural regulatory experiment bears this out. After their 2021 Riders' Law established a presumption of employment for food delivery couriers in Spain, the company Just Eat chose full compliance. This meant directly employing riders and signing a pioneering collective agreement with Spanish unions that included a minimum salary, 30 days vacation and a maximum nine-hour workday. Research conducted in 2022 found that flexible scheduling was preserved across complying platforms.¹⁷ Just Eat grew its market

¹⁴ Igluka Ivanova, 2024. Trapped in the wage gap. Understanding Precarity in BC. <https://understandingprecarity.ca/trapped-in-the-wage-gap/>; Kendra Strauss, 2023. But is it a good job? Understanding employment precarity in BC. Understanding Precarity in BC. <https://understandingprecarity.ca/but-is-it-a-good-job/>.

¹⁵ Sarah M. Levine, 2025. Gig-Economy Myths and Missteps. The Yale Law Journal. <https://yalelawjournal.org/forum/gig-economy-myths-and-missteps>.

¹⁶ Ibid.

¹⁷ Tiago Vieira , Pedro Mendonça, 2024. The times, are they changing? Examining platform companies' chameleonic labour process as a response to the Spanish *Rey Rider*. Socio-Economic Review. <https://academic.oup.com/ser/article/23/2/877/7863433>.

share to 39% by 2023, demonstrating that compliance with employment law can be a competitive advantage. The departure of non-compliant competitors, such as Deliveroo, created openings in the market that allowed smaller home-grown delivery start ups and even worker cooperatives to successfully set up business.

A 2023 peer-reviewed study analyzed another natural experiment involving a US delivery platform that proactively transitioned its workers from independent contractors to employees.¹⁸ The results found that, "employment, as a legal classification, has proven to be adaptable, dynamic and capable of accommodating a range of working time behaviors."¹⁹ The transition did not compromise worker autonomy: the company maintained its first-come, first-served scheduling system and retained its mix of variable occasional, part-time and full-time workforce. The shift to employment status actually improved the company's operational efficiency by encouraging it to match consumer demand.

On the other hand, as the Assistant Attorney General, Workers' Rights and Antifraud Section, Office of the Attorney General for the District of Columbia Sarah M. Levine put it, "it would be shortsighted to reject the myth of inflexible employment without addressing the companion myth of flexible contracting."²⁰

Despite selling the promise of flexibility to prospective workers, platform corporations in practice sharply constrain platform workers' autonomy through algorithmic management that compels them to be available at times and in locations that are not of their own choosing. By either classifying workers as independent contractors or only being responsible for paying for workers' time 'on assignment', platforms are incentivized to systematically flood the market, oversaturating zones with excess drivers to ensure ultra-fast customer response times at no additional cost to the company. For the worker, this manufactured oversupply translates into intense competition for scarcer gigs, long stretches of unpaid wait times and plummeting hourly earnings. To make ends meet, workers are forced to relinquish their autonomy, conforming to the algorithms' incentives/demands and working longer, less predictable hours than they originally intended.

Where workers remained classified as independent contractors—or under 'third way' classifications—in the name of greater flexibility, the evidence shows that "instead, it reduced their degree of autonomy and control in relation to the platform." In California,

¹⁸ Hannah Johnston , Ozlem Ergun , Juliet Schor , Lidong Chen, 2024. Employment status and the on-demand economy: a natural experiment on reclassification. *Socio-Economic Review*. <https://academic.oup.com/ser/article/22/1/169/7248597>.

¹⁹ *Ibid.*

²⁰ Levine, 2025. *Gig-Economy Myths and Missteps*.

for example, researchers have found that independent contractor drivers' effective pay is drastically reduced compared to drivers classified as employees, while their subjection to algorithmic control remained entirely unchecked.²¹

If all platform work guaranteed the minimum wage for all time worked, carried the same baseline employment protections as other jobs, compensated all work-related expenses and stopped flooding the market with more staff than there is work, workers would not be forced to juggle multiple apps simultaneously to survive. Instead, they could exercise genuine choice: selecting the platform that offers them the best compensation, safest conditions and the truest flexibility. Rather than extending limited employment benefits to contractors, governments should enable flexibility for employees through flexible scheduling laws, part-time pay parity and protected rights to accommodations.

C. Rejecting racist labour market hierarchies

As we wrote in our submission to the 2023 consultation, there are two core principles that standards and protections for platform workers must uphold: first, regardless of the technology that mediates their work, all workers deserve and are entitled to the full slate of minimum protections under the ESA; and second, all platform companies engaging these workers must assume all of the responsibilities that other employers in BC are expected to uphold, including paying the minimum wage for all time worked, being liable for the health and safety of workers during all the time on the job and paying into all payroll-based social programs.²²

Adopting partial solutions—such as carving out a limited set of protections under the ESA—dangerously normalizes a two-tiered workforce rooted in racial capitalism.²³ Recent studies of platform workforces in Canada, the UK, Chile and similar contexts find platform workers are mainly racialized, migrants and immigrants.²⁴ This is not a demographic

²¹ Jan Drahokoupil, Agnieszka Piasna, 2019. Work in the Platform Economy: Deliveroo Riders in Belgium and the SMart Arrangement. European Trade Union Institute. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3316133; Eliza McCullough, Brian Dolber, Justin Scoggins, Edward-Michael Muña, and Sarah Treuhaft, 2022. Prop 22 Depresses Wages and Deepens Inequities for California Workers. National Equity Atlas. <https://www.nationalequityatlas.org/research/analyses/prop-22-pay-study>.

²² Ivanova and Sioufi, 2023. Raising the Bar for App-Based Work.

²³ Dalia Gebrial, 2022. Racial platform capitalism: Empire, migration and the making of Uber in London. Sage Journals. <https://journals.sagepub.com/doi/10.1177/0308518X221115439>.

²⁴ Benjamin Madden, 2024. Discourses of Hate: Far Right Rhetoric and Racialized Migrants in the Gig Economy. Queen's University Undergraduate Research Abstracts. <https://ojs.library.queensu.ca/index.php/inquiryatqueens/article/view/18004>; Gebrial, 2022, Racial platform capitalism; Macarena Bonhomme, James Muldoon, 2024. Racism and food delivery

coincidence—platform companies have been designed to actively capitalize on the consequences of neoliberal policies and systemic barriers that push marginalized groups out of the formal labour market, absorbing this vulnerable workforce. This vulnerability is further exacerbated by Canada's recent drastic shift to a more restrictive immigration policy, which has left many non-permanent residents in the country with increasingly limited employment options.

On these platforms, these workers face racism, algorithmic bias and entrenched hierarchies in part because the defining features of gig work—such as algorithmic management and so-called flexibility—are designed to leverage the exploitability of a devalued and disposable workforce. In other words, platforms code historical racial inequalities and the precarity of migrants into their technological framework to generate profit.

Because gig workers in BC are disproportionately racialized non-permanent residents and recent immigrants, Bill 48's partial protections for platform workers only deepens racial stratification within the labour market and leaves these individuals highly susceptible to ongoing exploitation.

As multinational platform companies seek to export their precarious, low-liability business models to other service sectors, the BC government holds a critical duty to uphold robust standards for platform work. Any review of this legislation must critically address how downgrading minimum employment standards inflicts distinct harm on this rapidly growing, racialized workforce.

Recommendations

1. Extend full ESA rights and protections

Bill 48 defines platform workers as employees under the ESA but then excludes them from a number of essential protections. This is not the spirit of what employee status should be; it is the letter of the law without the substance.

Excluding platform workers from eligibility for paid sick days is an indefensible public policy choice. A worker who is sick must either lose income or work while ill, which could include being contagious. As we learned during the COVID-19 pandemic, this endangers

platforms: shaping migrants' work experiences and future expectations in the United Kingdom and Chile. *Ethnic and Racial Studies*.

<https://www.tandfonline.com/doi/pdf/10.1080/01419870.2024.2349268?needAccess=true>.

public health. It also breaches workers' dignity—no one should have to choose between rent and a day of rest when ill.

Vacation pay, statutory holiday pay and overtime pay are foundational protections that apply to other BC workers. There is no principled reason to exempt platform workers. These protections provide income security throughout the year and ensure that work intensification is compensated. The International Labour Organization (ILO) draft Convention requires "social security parity," in other words, access to the same protections as standard employees.

We recommend an amendment to Bill 48 to ensure platform workers receive the same protections as other employees, including paid sick leave, vacation pay at 4% of annual earnings and statutory holiday pay.

2. Require platform companies to contribute to EI, CPP and Employer Health Tax

Platform companies continue to be explicitly exempted from contributing to Employment Insurance, the Canada Pension Plan and BC's Employer Health Tax. This is a massive subsidy to platform companies and shifts costs to workers and the public. Estimated figures from 2019 suggest that Uber and Lyft alone avoided approximately \$135 million in annual Canadian tax obligations through this exemption.²⁵ With growth in the sector that figure has certainly increased.

Workers without EI contributions face income insecurity during periods of unemployment or illness. Those without CPP contributions lose retirement security. These costs are borne by the affected workers and by public social programs. This is a form of regulatory arbitrage that undercuts traditional employers who follow the law. Fairness—both for platform workers and for non-platform BC businesses—demands parity.

We recommend that Bill 48 be amended to require all platform companies to contribute to the Employer Health Tax. We also recommend that the Province formally urge the federal government to require platform companies to contribute to EI and CPP.

²⁵ D.T. Cochrane, 2021. Uber-low Taxes Lyft Ride-sharing Revenue. Canadians for Tax Fairness. <https://www.taxfairness.ca/en/resources/reports/report-uber-low-taxes-lyft-ride-sharing-revenue>.

3. Compensate all working time including waiting time and make sure WorkSafe applies to waiting time

The engaged-time-only payment model is a central flaw in Bill 48's framework. A driver waiting for the next assignment is working, monitoring the app, staying in the designated zone, ready to accept work immediately. **Bill 48's payment formula of 120% minimum wage aims to cover this additional time and thus recognizes that this is work time.** However, the additional 20% falls short of the 40-60% of unpaid waiting time drivers report in practice. This means that in the end, this payment formula does not ensure workers make the minimum wage for all the hours they spend working.

In Ontario, where the Digital Platform Workers' Rights Act reflects the same engaged-time-only wage floor flaw, workers earn a nominal minimum of \$18.06 per hour for engaged time only, but RideFairTO data show actual average earnings of \$6.37 per hour after expenses.²⁶ Ontario's experience shows that nominal protections without time-worked provisions fail workers.

Failing to compensate this time ignores the reality of the job. Time spent monitoring the app, travelling to high-demand areas, waiting for a passenger or meal and maintaining a vehicle mid-shift is entirely directed by the requirements of the platform. Averaging earnings on a daily basis for all working hours is a much better way to ensure workers actually earn the general minimum wage.

The ILO draft Convention explicitly requires that "remuneration shall cover all time spent working," including waiting time. This eliminates the incentive to oversupply labour and reduces algorithm-driven speed-up. We recommend that BC amend Bill 48 to require compensation for all time worked, including waiting time. The minimum wage must apply to all hours worked from first sign-in to final sign-out, not just time from assignment acceptance to completion.

We must also reiterate that the provincial minimum wage itself must be increased to close the widening gap between statutory minimums and actual living wages across BC communities.²⁷

Bill 48 requires platform companies to register with WorkSafeBC, which is a significant protection for workers and the general public. But the engaged-time-only framework creates gaps in this coverage. A food-delivery worker waiting between assignments, or a

²⁶ RideFair Coalition, 2024. Legislated Poverty. <https://ridefair.ca/legislated-poverty/>.

²⁷ Igluka Ivanova, Anastasia French, 2025. Living Wage Report 2025. Living Wage BC, BC Policy Solutions, Vancity Community Foundation. <https://bcpolicy.ca/living-wage/>.

driver in a pickup lot monitoring the app, are working but may lack coverage if injured. Occupational health and safety obligations must extend to all working time, including time between assignments.

Excluding unengaged working time from WorkSafeBC coverage also creates dangerous liability gaps. A bike courier injured by a vehicle while waiting on a street corner for their next dispatch is clearly injured on the job yet the current framework allows platforms to evade responsibility for worker medical care and lost wages. This again shifts the financial burden of workplace injuries onto the public health care system and provincial safety nets.

We recommend that Bill 48 be amended to require WorkSafeBC coverage for all hours worked, including waiting time. Premium calculations should reflect total working hours and coverage must be maintained continuously without gaps. Workers should have the right to report injuries and hazards to WorkSafeBC independent of platform company approval.

4. Mandate genuine expense compensation and prohibit offloading of additional costs onto workers

Since Bill 48 defines platform workers as employees and platform companies as employers under the ESA, the prohibition on offloading business costs onto employees in Section 21 of the Employment Standards Act must apply in full. Section 21(2) of the ESA explicitly states: “An employer must not require an employee to pay any of the employer’s business costs except as permitted by the regulations.”²⁸ The official policy interpretation is unequivocal: “The cost of doing business must not be borne by employees.”²⁹

Current expense compensation covers only vehicle kilometres at \$0.35 per kilometre for delivery workers (including those using bicycles, e-bikes or scooters) and \$0.45 per kilometre for ride-hail workers, paid only for “engaged time.”

This is inadequate compensation that ignores many of the costs that workers actually incur: mobile data plans essential for running platform apps, commercial vehicle insurance or rideshare endorsements required to legally operate, airport access fees and parking costs, vehicle cleaning and maintenance and safety equipment such as helmets, visibility vests and dash cameras. These are costs of doing business that the employer should bear.

²⁸ Province of BC, 2024. Deductions - Act Part 3, Section 21. Employment Standards Act. <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/forms-resources/igm/esa-part-3-section-21>.

²⁹ Ibid.

We recommend that the per-kilometre rate for motor vehicles be raised to at least the CRA reasonable automobile allowance rate and that an equivalent depreciation and maintenance allowance be established for bicycles, e-bikes and e-scooters based on actual costs of ownership and operation.³⁰ The Province must ensure that ESA Section 21 protections are enforced for platform workers and that platform companies are required to compensate workers for all legitimate business expenses.

5. Strengthen algorithmic transparency requirements

BC's current requirements around destination and pay disclosure before assignment acceptance are an excellent start towards transparency, but algorithmic management is now a primary mechanism of control in platform work. Algorithms determine which workers see which assignments, how much they are paid, which workers are deprioritized and which workers are deactivated. Workers have little understanding of how these systems work or why they make specific decisions. This information asymmetry is incompatible with genuine employment protections.

Ontario's Bill 88, for example, established much stronger transparency requirements. Workers have the right to information about all factors determining compensation and assignment distribution. The EU Platform Work Directive goes further, requiring transparency in all automated decision-making, human review of significant decisions affecting working conditions and restrictions on processing personal data.

We recommend amendments to Bill 48 require:

- a) Full transparency in all factors that algorithms use to determine compensation, assignment allocation, prioritization and deactivation as Ontario's Bill 88 does.
- b) Plain-language explanations of algorithmic decisions be provided to workers upon request within five business days.
- c) Mandatory human review, upon request, of any algorithmic decision affecting working conditions (compensation, assignment distribution, prioritization, deactivation).
- d) Restrictions on processing personal data for purposes other than wage and assignment management.
- e) Worker representatives' right to audit algorithmic systems annually.

³⁰ Government of Canada, 2026. Calculate payroll deductions and contributions Motor vehicle provided by the employer. Canada Revenue Agency. <https://www.canada.ca/en/revenue-agency/services/tax/businesses/topics/payroll/benefits-allowances/automobile/automobile-motor-vehicle-benefits.html>.

6. Strengthen oversight and enforcement with meaningful penalties

Worker protections are essential, but they are only meaningful if enforced.

BC's current oversight and enforcement mechanisms for platform workers' rights are insufficient. When the cost of non-compliance is less than the cost of compliance, rational business actors will choose non-compliance. This is especially true for large multinational platforms that can absorb large fines (let alone BC's current minor fines) as a business cost.

Spain's Ley Rider (2021) provides a more instructive case. Platform workers gained fixed salaries and access to social protection. Yet outsourcing and subcontracting have allowed companies to circumvent obligations and algorithmic transparency protections have proven "largely ineffective" in practice. Glovo (a Spanish food delivery platform) accumulated approximately €450 million in fines from regulators across the EU before complying. Spain's experience proves that laws are necessary but not sufficient without robust enforcement and attention to evasion strategies.³¹

Australia's Closing Loopholes Act (2024) offers a different model. The Fair Work Commission in Australia has powers to hear unfair deactivation claims and award compensation. Wage theft, in all sectors, has been criminalized with penalties of up to 10 years imprisonment and \$8 million AUD in fines. This combination of employment status clarity, accessible justice mechanisms and criminal enforcement creates real deterrence.

BC's Employment Standards Branch (ESB) is currently under-resourced and overwhelmed, resulting in lengthy delays that effectively deny justice to vulnerable workers who cannot afford to wait months or years to resolve wage theft or unfair termination claims.

We recommend:

- a. That the ESB be adequately resourced to establish an expedited process for reviewing platform worker grievances and for proactive monitoring of platform compliance with regulations.
- b. Establishment of escalating penalties for non-compliance, structured so that penalties always exceed the financial benefit of non-compliance, including temporary operating restrictions for serious or repeated violations.

³¹ Vieira and Mendonça, 2024. The times, are they changing?; Tiego Vieira, 2025. An incomplete double movement: Spain's legislative strategy for platform courier reclassification. *International Labour Review*. <https://en.ilr-rit.org/article/pubid/23799/>; Wouter van de Klippe, 2025. EU gig-workers still exploited, despite landmark laws. *EU Observer*. <https://euobserver.com/100/eu-gig-workers-still-exploited-despite-landmark-laws/>.

- c. Consideration of criminal penalties for egregious violations (for example, systematic wage theft).
- d. Public disclosure of non-compliance findings and penalties to create reputational deterrence.

7. Monitor health impacts and mandate safety obligations

A critical component of closing the enforcement gap outlined above must focus on occupational health and safety for platform workers.

A 2025 scoping review examined 40 peer-reviewed studies of health outcomes for digital labour platform workers.³² The findings are consistent: platform work is associated with poor health outcomes, particularly poor mental health. Contributing factors include precarious scheduling, low pay, algorithmic surveillance, performance pressure and isolation. Compared to traditional employment, platform workers face higher rates of depression, anxiety, musculoskeletal injury and workplace violence.

Algorithmic control amplifies these health harms. Workers cannot refuse dangerous work because they fear deactivation. They cannot afford to take breaks because waiting time is unpaid. Food couriers, in particular, feel pressured to maintain high speeds and delivery turnover regardless of safety risks because they fear falling below performance thresholds.³³ The lack of peer relationships and formal management structures means no one notices when a worker is struggling.

Platform employers must address these structural impediments to mandatory occupational health and safety obligations. Platforms should be required to implement protections including: mandatory paid breaks during long shifts, accessible mechanisms for reporting hazards and unsafe working conditions, prohibition on imposing standards of timely delivery that endanger safety, mandatory training on ergonomics and injury prevention and access to mental health resources for workers. Workers must also have the right to refuse unsafe work without hidden algorithmic penalty.

We recommend that WorkSafeBC conduct a comprehensive study of health harms in platform work, including on mental health. Based on the findings, occupational health and safety regulations should be amended to:

- a. Impose specific obligations on platforms regarding scheduling and workload management.

³² Nuria Matilla-Santander, et al., 2025. What is known about the health of location-based and online web-based digital labour platform workers? A scoping review of the literature. Springer Nature Link. <https://link.springer.com/article/10.1186/s12889-025-23916-5>.

³³ Park Travers, et al., 2026. Food warriors: app-based delivery on electric micromobilities. Mobilities. <https://doi.org/10.1080/17450101.2025.2532399>.

- b. Require hazard assessment and mitigation.
- c. Establish speed and performance targets consistent with worker safety.
- d. Require access to training and mental health support.
- e. Protect workers' rights to refuse unsafe work.
- f. Mandate reporting of injuries, hazards and near-misses. These obligations should apply during all working time, not only engaged time.

8. Recognize digital reputation portability

Platform lock-in is a form of control distinct from traditional employment. A driver who builds a 4.8-star rating on Uber has accumulated valuable social capital—this rating makes assignments more frequent and better-paid. But that rating is trapped on Uber's platform. If the driver switches to Lyft (perhaps because of wage cuts or unfair treatment), they start at zero. The accumulated reputation capital is lost.

This mechanism discourages workers from switching platforms or invoking their rights.

Uruguay's 2025 law treats digital reputation as portable private capital. Workers can take their ratings with them if they switch platforms.³⁴ This is a novel but intuitive protection. It addresses a genuine mechanism of control.

We recommend that BC consider incorporating digital reputation portability into platform worker protections. Platforms should be required to provide workers with downloadable records of ratings, reviews and performance metrics. Workers should be able to import these records to alternative platforms.

Conclusion

The passage of Bill 48 in 2024 was an important step for British Columbia, establishing precedent-setting protections for platform workers.

The basic rights enshrined under the Employment Standards Act and the Workers Compensation Act are particularly important for vulnerable workers such as those who are racialized and new immigrants—disproportionately represented among platform workers—who are less able to secure workplace conditions better than the minimum requirements set out by law.

³⁴ Industrial Relations News, 2022. Uruguay: New law on platform workers. IOE. <https://industrialrelationsnews.ioe-emp.org/fr/news/article/uruguay-new-law-on-platform-workers>.

This submission makes the case for reform of Bill 48 to close the worker protection gap between platform workers and other employees, strengthen the enforcement of these protections and ensure fair competition between platform employers and other businesses that retain traditional employment relationships.

Our recommendations position BC to lead on platform worker rights once again by aligning with the upward trajectory of international standards since the passage of Bill 48.

Thank you for this opportunity to share our recommendations for strengthening the standards and protections for online platform workers in BC. We hope our contributions are useful for your deliberations.

ABOUT THE AUTHOR

Véronique Sioufi is the racial and socio-economic equity researcher and policy analyst at BC Policy Solutions. She leads a community-driven research desk dedicated to applying an intersectional lens to socio-economic policy. This work is guided by advocates from community organizations, unions and academia.

Véronique has a PhD in Labour Geography and an MA in Communication from Simon Fraser University where her Social Science and Humanities Research Council of Canada (SSHRC) funded research focused on the ways inequality is reproduced through digital platforms, data-driven technologies and artificial intelligence systems. Her expertise includes labour studies, economic geography, critical data studies and critical race theory.

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ABOUT BC POLICY SOLUTIONS

BC Policy Solutions is an independent, non-partisan research institute committed to advancing transformative policy solutions to the most pressing challenges facing people in British Columbia. Through research, convening and public engagement we seek to build a more just, equitable and sustainable future for all.

This brief is part of Understanding Precarity in BC (UP-BC), a research and public engagement initiative investigating precarious work and multi-dimensional precarity in British Columbia. UP-BC is jointly led by Simon Fraser University's Morgan Centre for Labour Research and BC Policy Solutions and brings together four BC universities, 26 community-based organizations and more than 80 academic and community researchers and collaborators. The partnership is supported by the Social Science and Humanities Research Council of Canada (SSHRC). For more information about UP-BC, visit understandingprecarity.ca.

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Thank you!

Understanding **PRECARITY** in BC

This brief is part of Understanding Precarity in BC (UP-BC), a research and public engagement initiative investigating precarious work and multi-dimensional precarity in British Columbia. UP-BC is jointly led by Simon Fraser University's Morgan Centre for Labour Research and BC Policy Solutions and it's supported by the Social Science and Humanities Research Council of Canada (SSHRC). For more information about UP-BC, visit understandingprecarity.ca.



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