

SUBMISSION TO CLERK OF
STANDING COMMITTEE ON SOCIAL
POLICY
RE BILL 88
DIGITAL PLATFORM WORKERS'
RIGHTS ACT 20220

My name is Earla Phillips and I am a Gig Worker. I have been working as a Rideshare Driver and Courier for Uber since August 2015, Lyft since inception in Canada and also Facedrive and Instaryde for short periods of time. In addition, I have done work for other platforms like Cornership, Doordash and Callia.

I am writing to you today to give you some thoughts on the proposed Bill 88 and the serious impact that this Bill will have not only on Gig Workers but for ALL workers going forward. I will start with a progression through the Sections.

The Right to Information

As I have done an aggregate upwards of 18,000 “assignments” for these companies, most of them have moved towards “black box” calculations of payment for work. I will refer to one in particular as this is the one that I have done the most work for. The company (many) have moved away from providing transparent calculations for pay and offer an “upfront” amount per assignment without a clear calculation of how. I.e. Uber no longer pays Base, per km, per minute and additionally no longer shows what the actual fare to the customer is. This also allows them to inflate the customer rate and offer drivers less. For Example, customers can be told the ride is multiplied because of demand and will pay 2.5x the normal rate. Then offer the driver 1.5x the normal rate. Taking that difference PLUS the commission they charge the driver which is 25% (or 20% for drivers grandfathered from before August 15, 2015)

The black box calculations do not have a rational methodical way for workers to calculate whether they have been paid properly or not.

Some providers will pay a base rate and if the customer tips, they will subtract the tip equivalent from the base rate. Essentially, taking any responsibility to pay the courier at all.

SOLUTION

Ensure that all companies are providing transparency on all information on rates to calculate the pay including per km rates. Display what customers have paid and stick to the percentage contracted. Additionally, stop taking money from the base if the customer has provided a tip!

Right to Notice of Removal

Platform Operators must give notice and written explanation when removing workers. I agree but want to suggest a further clarification. Many do provide a very terse basic notice as at the time of deactivation with no explanation. Workers have NO idea what they did wrong, no way to defend without details. Although we can file disputes, without details of the problems or complaints there is no way to defend or fight against FALSE complaints of which there are exceedingly large amounts. I will quote an Uber employee who said “we are aware that there are an inordinately high number of false complaints” in Toronto.

SOLUTION

Companies not only should provide notice but details in the written explanation so that workers can address complaints. Many of us have dashcams for example to be able to file evidence but if we are not given an explanation with details we cannot defend.

Right to Minimum Wage

ALL Workers are Workers and deserve the rights and benefits that all Employees have. This proposed minimum wage devalues all of the workers who have been out there working during the pandemic risking their lives while Ontario stayed home and safe. This does nothing beneficial for workers at all.

This only serves to benefit big corporations to continue to move away from the responsibility to their workers because they will only have to pay for “engaged” time.

In Toronto, for example, Rideshare drivers spend up to 40% of their time waiting and idling (per Municipal Licensing & Standards). Another 12% of their time is spent driving to pick up a customer. ALL of this time is unpaid but they are dedicating their time and resources, burning gas while unpaid.

This proposed Minimum Wage is saying that our time spent dedicated to these platforms is not worth being paid. Additionally, this doesn’t even begin to address the costs that workers have to perform their work and minimum wage doesn’t address those expenses.

Many workers, especially rideshare drivers often have Long Distance assignments which take them out of their operable market area, province or even country. They are

not paid for the time and expenses to return to their area of legal operation (ie Taxi Drivers can negotiate a fee to return to their area of operation). For example, an Ontario driver takes someone from Ontario to Quebec or even to the US. They cannot operate in those areas and must return back to their operable area before they can work again. This is all uncompensated time, and in fact costs them often more than they have or will be paid for the original trip taking them out of area. This effectively has them operating at a loss!!!

As I said at the beginning ALL Workers are Workers! Let's make Gig Work Good Work! We must value these workers instead of relegating them to forever making less than all other workers!

SOLUTION

The root of all of these issues is misclassification of most of the Gig Workers. This government says they are Working for Workers but they are NOT! This government took away the responsibility for employers to prove that workers are employees. Leaving the workers in a lurch and enabling corporations to exploit their workforce!

Your own Ministry of Labour has already determined in a decision that a Gig Worker is an employee but you are disregarding this decision! Why?

Countries around the world have already come to change their legislation recognizing Employee status. For example, The EU has tabled a plan to ensure Gig Workers have Employee Status. France and several other countries have acknowledged this status and changed laws.

In closing, although I am a proud Canadian, I am appalled and ashamed that my country is willing to continue to allow workers to be devalued, exploited and denied the rights they deserve! Canada has enjoyed a reputation for a long time for being a country where people are valued, fought for, being fair and against exploitation. But NO longer! You cannot allow this continued exploitation of workers!

Scrap this law and start again with the input of the people that it would affect the most! This whole process has lacked any meaningful participation from the workers! We count on you to make laws that treat people fairly and ensure that they are not trampled on but this law is NOT one of them.

Thank you for your consideration!