

British Columbia Legislation Introduces Minimum Wage and Other Rules for “Online Platform Workers”

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First-of-its-kind legislation in Canada regarding “online platform workers” will take effect in British Columbia on **September 3, 2024**. Online platform workers include workers who – *via* an online platform – pick up and deliver online orders (such as food) or transport passengers.

Bill 48, [Labour Statutes Amendment Act, 2023](#) (“Bill 48”) and [B.C. Reg. 140/2024](#) (“Regulation 140”) will enact a minimum wage, job security standards, and other rules regarding online platform workers. In addition, [B.C. Reg 141/2024](#) (“Regulation 141”) will bring online platform workers within the scope of WorkSafeBC (worker’s compensation) coverage. **The legislation only applies to online platform workers and operators in BC.**

“Online platform worker” considered an “employee” and “worker”

Bill 48 and Regulation 140 define “online platform worker” as a person who performs the following type of work the person accepts through an online platform: (1) picking up and delivering an online order (a “delivery service worker”) or (2) transporting of passengers whose transportation is ordered through a ride-hail online platform (a “ride-hail services worker”).

The legislation makes an “online platform worker” an “employee” for the purposes of British Columbia’s [Employment Standards Act](#) (“ESA”)¹ and a “worker” for the purposes of the province’s [Workers Compensation Act](#) (“WCA”),² regardless of whether the worker is a worker or employee under any law. Further, under both the ESA and WCA, the operator of the online platform will be considered the employer.

Note: Regulation 140 sets out that the certain provisions of the ESA do not apply to an online platform worker including the overtime, statutory holiday and vacation provisions.

¹ RSBC 1996, c 113.

² RSBC 2019, c 1.

Minimum wage

Regulation 140 will enact a minimum wage of \$20.88 *per* hour for an online platform worker. This wage only applies to “engaged time,” defined as time that begins when the worker accepts a platform work offer and ends when the assignment is completed or cancelled.

Distance expensing

Regulation 140 will require an online platform operator to pay an online platform worker a distance expense. Specifically, an operator must pay:

- A delivery service worker at least \$0.35 *per* kilometre travelled during engaged time for any transportation other than on foot.
- A ride-hail service worker who operates a motor vehicle at least \$0.45 *per* kilometre travelled during engaged time.

Access to information

Regulation 140 will require a platform operator to disclose the following information in a “work offer” prior to a platform worker’s acceptance of the work offer:

1. The anticipated pick-up location.
2. The anticipated drop off location.
3. An estimate of the amount payable to the platform worker if the offer is accepted and completed, including earnings and any distance expense applicable.

An online platform worker will also be entitled to receive a wage statement that sets out prescribed information including the total amount of engaged time in the pay period, the total number of kilometres travelled during engaged time and the total amount of tips received.

Job security standards

If a platform operator temporarily removes a worker's ability to accept platform work, the following rules apply:

- The operator must provide the worker 72 hours of notice, unless (a) the worker has engaged in serious misconduct, (b) the worker’s continued use of the platform would pose an immediate risk to the health and safety of any person, or (c) immediate removal is required to comply with any applicable law or order made by a law enforcement authority.
- The notice must specify the reasons for the removal and inform the worker of any process to respond or appeal.
- Generally, the removal can last for a maximum of 14 days although there are certain exceptions such as if the worker has not complied with a request for certain information.

If a platform operator permanently removes a worker's access to the online platform, the following rules apply:

- The operator must give the worker written reasons for the removal.
- The operator must provide a worker notice of termination, or compensation in *lieu* of that notice, in accordance with the ESA.

WorkSafeBC

Regulation 141 will bring online platform workers into the scope of workers' compensation coverage by WorkSafeBC. Workers will be covered, and the platform operator will be responsible for paying into the insurance scheme, reporting and other requirements under the WCA.

To learn more and for assistance, contact your Sherrard Kuzz lawyer or our team at info@sherrardkuzz.com.

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