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INTRODUCTION

The evolution of technology, digitalization and internet adoption over the last decade has transformed the gig economy. App-based platforms created new opportunities to connect service providers directly to customers. These services now extend to ridesharing, food and grocery delivery, home repairs, dogwalking, and everything in between. Some of the services provided through app-based platforms existed as "gig work" previously, while others have created entirely new economies.

At the height of the COVID-19 pandemic, the gig economy was a vital source of income for many British Columbians who had been laid off or were working reduced hours. Services provided through the gig economy enabled the delivery of essential goods while also serving as a lifeline for local restaurants that were forced to close their dining rooms due to health measures.

Recognizing the existing value and future potential of the gig economy, the Greater Vancouver Board of Trade has written this policy paper to outline a path forward for this way of doing work. The B.C. government is currently consulting on this changing work landscape, and we hope this paper provides a helpful perspective on how the gig economy is benefitting British Columbian communities and workers while proposing some changes to rideshare and delivery services work to ensure it is fair, safe, and accessible long-term.

EXECUTIVE SUMMARY

Gig work is an important segment of work throughout British Columbia and the benefits of app-based work are widely shared by workers, companies, and users alike. Over the past year, around 250,000 Canadians provided ride or delivery services through digital platforms, while nearly 140,000 people provided services in areas such as content creation, programming, coding, web or graphic design, and teaching or tutoring.¹ At the same time, updated standards could be implemented to reflect this evolving way of doing work to ensure it is fair, safe, and accessible. It is important to ensure that standards are updated in a measured and calculated way as they could have a meaningful impact on individuals and businesses alike.

Reclassifying ride-hailing or food delivery workers as traditional employees carries the potential for negative unintended outcomes. This report outlines the importance of carefully balancing rules governing app-based ridesharing and delivery services and the benefits these apps provide to workers and businesses. We believe a collaborative approach that benefits B.C. is possible.

Throughout this report, we put forward policy amendments for the provincial government to consider for app-based work, including:

- Exploring options for injury protection
- Considering portable benefits models
- Considering what a minimum earnings standard could look like when engaging in app-based work
- Considering best practices for dispute resolution and termination
- Exploring ways to reduce instances of racism and discrimination for app-based workers

We ask that the provincial government widely consult with all impacted stakeholders before introducing any new policy, program, or legislation to ensure there are no unintended consequences that could negatively impact the gig work ecosystem.

CURRENT ECONOMIC CLIMATE

With ongoing inflationary pressures in a high-cost environment, both businesses and workers are feeling the financial sting. For workers, the gig economy offers flexibility over when they work and how they get paid. Whether they are looking to earn additional income or simply want the flexibility to choose when they work, app-based work provides individuals with more autonomy over when and how they work.

The business community has rarely faced more uncertainty than it does today. Record inflation, rising costs and the prospect of a prolonged economic slowdown would be challenging at the best of times, let alone on the heels of a global pandemic. According to the most recent data released by the Greater Vancouver Board of Trade and the Canadian Chamber of Commerce's Business Data Lab², these difficulties are compounded by rapidly increasing costs and a host of other challenges for many small businesses.

The top challenges expected in the next three months include:





Rising cost of inputs



Rising interest rates and debt costs



Rising costs in real estate, leasing or property taxes



Recruiting skilled employees

Worryingly, anticipated changes in the business environment over the next three months all appear to be negative, with increased costs and lower profits leading the way:



According to the Small Business Recovery Dashboard curated by the Canadian Federation of Independent Business, over half of small to medium-sized businesses in B.C. are still below normal sales levels and pandemic debt continues to hamper growth. It is important to recognize that many businesses are not yet free of the impacts of the pandemic, while others are increasingly concerned over the prospect of further financial headwinds in 2023.

HISTORY

In 2016, the Greater Vancouver Board of Trade began its advocacy in earnest to bring in new ridesharing regulations and modernize the taxi industry to create a more competitive passenger transportation industry.³ For years, Vancouver remained the largest city in North America without ridesharing.⁴ The lack of innovative transportation options embraced by other jurisdictions particularly harmed Vancouver as a tourism destination.⁵

Our members, along with the general public, strongly believed that with a balanced framework, we could have greater consumer choice and broad benefits. The GVBOT advanced a regulatory framework that would bring these services to Metro Vancouver, and that framework was largely adopted by the provincial government some years later. It is in the same spirit that the Board of Trade is engaging in this topic regarding working standards for these workers. We believe that improvements to the system can be made to better reflect and support workers, while also ensuring that market forces and competition can be maintained and that there are no disruptions or other impacts to the novel services and work opportunities created by app-based work.

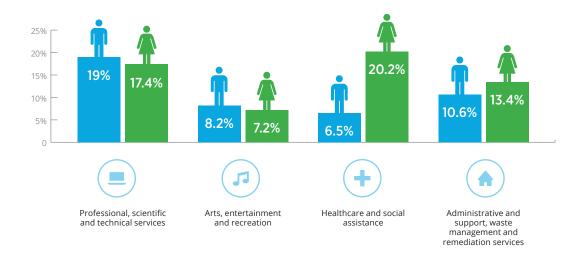
GIG ECONOMY VERSUS APP-BASED WORK

Gig-type work is offered in a number of sectors, providing a wide variety of work opportunities for Canadians.

The top gig work industries for Canadians, according to Statistics Canada⁷, are:

2-Digit NAICS Industry	Men (% of gig workers)	Women (% of gig workers)
Accommodations and food services	1.2	1.4
Administrative and support, waste management and remediation services	10.6	13.4
Agriculture, forestry, fishing and hunting	2.2	0.9
Arts, entertainment and recreation	8.2	7.2
Construction	12.4	1.4
Educational services	3.7	5.7
Finance and insurance	6.6	3.8
Healthcare and social assistance	6.5	20.2
Information and cultural industries	3.3	1.9
Management of companies and enterprises	0.2	0.1
Manufacturing	2.0	1.6
Mining, quarrying and oil and gas extraction	0.3	0.1
Other services (Except public administration)	8.2	12.7
Retail Trade	4.5	10.0
Real estate and rental and leasing	3.4	2.4
Professional, scientific and technical services	19.0	17.4
Transportation and warehousing	8.3	1.3
Utilities	0.3	0.1
Wholesale Trade	1.3	1.4

While many think of ridesharing and food delivery services as the primary forms of gig work, the data offers a much different picture. Professional, scientific, and technical services alongside healthcare and social assistance, arts, entertainment and recreation, and administrative and support, waste management and remediation services all make up a substantial percentage of the broader gig economy.



Transportation and warehousing workers make up less than 10% of gig workers across Canada. Many have inferred that ridesharing and other delivery services are driving a substantial increase in gig work, though these claims have not been broadly substantiated in Canada. Statistics Canada highlights a study that looked into the role of Uber, Lyft and similar online platforms by looking into recent trends in gig work in NAICS industries that are closely associated with them, such as taxi and limousine services. They note that while there was an increase in the mid-2010s, by 2016 the share of male workers in this category did not exceed 3% of all male gig workers.

BENEFITS OF THE APP-BASED WORK

The benefits of the app-based work economy are significant, and shared by workers, companies and users alike. The services provided through these gigs are convenient and flexible and are easily offered through an app. Communities and families across British Columbia have benefited greatly from these services, especially during the pandemic when we had to change the way we conduct business and seek new ways of accessing services. These apps are convenient and provide new ways for British Columbians to support businesses in their city. Digital platforms for ordering food, for instance, enable consumers to easily compare menus and prices from across restaurants in their neighbourhood and expose consumers to new restaurants they have not tried before.

For workers, some of the benefits of this style of work include:

Flexibility

Engaging in work through the gig economy provides a great deal of flexibility, in terms of location and hours worked. Gig economy workers are typically not restricted to a certain geographical region within a traditional commuting distance.

Independent workers that engage in the gig economy are also not restricted to a typical 9-5 schedule, which could be an attractive work option for many people: parents or people with other family obligations, people entering retirement age or people pursuing work in creative industries. Independent workers can choose to take on additional work during busy times of the year or in times of high demand (holidays, weekends, etc.) or choose to take time away from work for vacations or other personal reasons when needed. This flexibility also means workers can opt for different schedules from week to week and be flexible to last minute changes in their personal circumstances that might conflict with a more traditional working schedule.

This level of flexibility is seldom, if ever, offered in other industries and is often considered one of the greatest benefits of working in the gig economy. According to a study in Europe⁸, flexibility was the main reason for working in the gig economy for two-thirds of respondents, and over half would seek flexible work elsewhere or start their own business if their current gig work was not an option. Almost 70% of respondents reported that they would not give up this level of flexibility in favour of a fixed schedule, even if it hypothetically meant 15% more income.

Opportunities to Earn Supplementary Income

Many who engage in gig work do so for a supplementary earning opportunity, or a 'side hustle'. This provides a unique opportunity for British Columbians to meet their financial goals without taking on an additional job as a traditional employee. In Europe⁹, a survey found that for 72% of couriers, delivery work was a complementary (and not primary) work activity besides studies or other full or part-time jobs. ¹⁰ A report from 2019¹¹ suggested that most Uber drivers drive to earn a supplementary income, with almost half working less than 10 hours a week. Similarly, we have seen the rise of individuals creating and selling their own wares on online stores such as Etsy, Shopify, Wix, and Squarespace.

Independence

Gig economy work also provides a great deal of independence for workers. As independent workers, they have the freedom to choose projects and work that fit their schedule. Independent workers are free to engage in different contracts or working relationships with other firms and individuals as desired.

For those who have faced barriers to accessing traditional employment in Canada, gig work could be an accessible option for making an income. Gig work has lower barriers to entry than employment, as the worker can take breaks or decide on some days not to work, and, without needing to interview for and get hired into an employment job, any biases that can taint the interview and hiring process are mitigated. There are significant benefits from this low-barrier work to individuals with a variety of circumstances.

Gig work has also proven popular for those looking to temporarily supplement their income without having to commit to a long-term employment contract. Roughly one-half of those who engaged in gig work in a given year had no gig income the next year.¹²

EMPLOYEE CLASSIFICATION CONCERNS

Gig workers are considered independent contractors and not employees, which comes with numerous benefits (as noted above), but also some challenges that could be addressed with updated standards.

We believe mandatory employee classification would lead to significant undesirable outcomes and could even take away these flexible earning opportunities from workers. Instead, the preferred policy solution to challenges associated with gig work is to develop working standards tailored to how these workers choose to work.

Some of the consequences of employee classification would include:

Fewer People Working and Lost Income

The true picture of the gig economy is not as clear-cut as the public narrative would suggest. Still, it is interesting to understand the prevalence of workers in the ridesharing or food delivery services sector in the province. We provide an estimate utilizing a variety of sources.

The BC Federation of Labour utilizes the March 2022 Labour Force Survey data and data from BC Stats to estimate a 9.7% prevalence rate or about 265,500 gig workers in B.C.¹³ The Board of Trade utilized BC Federation of Labour data, coupled with Statistics Canada industry-specific data as well as company-provided data, to estimate the number of workers performing work using ridesharing or food delivery platforms in the province. We also considered the more recent data released by Statistics Canada in January 2023 which estimates that 286,000 Canadians provided taxi or rideshare or delivery services for food or other goods services through an application.¹⁴

Using a blend of these estimates, we suggest that there are between 26,000 and 60,000 individuals performing work using ridesharing or food delivery platforms in the province.¹⁵

To understand the impact a change in employee classification would have, many factors would need to be considered. We consulted publicly available literature and studies conducted in other markets to assess the impact on B.C. The Berkeley Research Group estimated that a change in employment model would reduce the number of drivers by between 80 and 90%. Beacon Economics has estimated a range of 58 and 87% of app-based jobs would be lost. We estimate a 70% reduction in app-based jobs in B.C., a midway point between these estimates. We then applied Statistics Canada data on median income of gig workers, inflation adjusted to 2021.

Impact of Employee Classification

	Estimated Impact Range
# of workers/app-based jobs affected	18,200 - 42,000
Median income	\$5,207
Total income lost	\$95M - \$219M

Overall, it is estimated that a change in employment status could have the potential to impact 18,200 to 42,000 workers and result in total lost income of up to \$219 million.¹⁹

These figures are only for ridesharing and food delivery services. If other sectors are impacted by classification or other changes that impose less flexibility and additional costs, the impact could be much greater.

Higher Costs for Services

Not only would current gig workers lose opportunities and an important source of income, but prices would rise for transportation services and food delivery. With less efficient and competitive app-based services, the cost for services would increase for customers. For ridesharing services, estimates in comparable markets have suggested rider price increases of 20 – 30% and overall trip reductions of the same magnitude, resulting in fewer options and higher costs to get around, especially in Metro Vancouver.

Any legislative or regulatory changes, including but certainly not limited to employee classification, bear a risk of adding significant costs during a period of already heightened inflation. A particular concern would be how employee classification and other changes contemplated would negatively impact restaurants

and retailers, especially small businesses which are independently owned and operated. A less efficient delivery network facilitated by app-based services would result in restaurants and retailers potentially losing out on a key revenue stream that supports their operations and investment.

Food delivery services would be similarly affected by higher prices for delivery services. This would particularly add to the burden already experienced by consumers experiencing double-digit annual food inflation. It could also result in individuals who are unable to get their own groceries or important personal items facing increased costs or less service. We urge the government to undertake an assessment of the inflationary effects of legislative or regulatory changes that may come forward.

To lessen the impact and ensure the right balance is found, we urge the government to take a cautious approach to changes. We believe that prior to any legislative change there should be a white paper released which outlines the government's intended approach to allow for workers and industry to assess the impact to them with greater clarity and certainty.

Reduction of the Value of the Gig Economy

As stated above, there are a number of benefits associated with working in the gig economy that workers would miss out on if they were no longer considered independent contractors. According to the 2017 Contingent Worker Survey (U.S.)²⁰, 79.1% of independent contractors preferred their alternative work arrangements, while only 8.8% of respondents expressed dissatisfaction with their status as independent contractors, stating a preference for traditional work arrangements. An Ipsos survey in Australia revealed that flexibility was crucial to drivers and delivery people, suggesting that more than 9 in 10 drivers and delivery people say they would not continue driving or delivering if it did not offer flexibility.²¹

The suggestions we provide in this report outline some practical ways that working standards can be adapted to this type of work, while enabling app-based workers to maintain the independent contractor status that provides them with the unique benefits associated with the gig economy. A poll²² in Australia revealed that 82% of drivers and delivery partners would support a proposal that combines the flexibility of being an independent contractor with some of the benefits and protections typically associated with an employee. We believe such a balance can be reached here in British Columbia.

ENSURE POLICY SOLUTIONS CONSIDER ENTIRE GIG WORK ECOSYSTEM

We understand that the government is looking specifically at app-based ridesharing and food delivery workers at this time. As detailed earlier in this report, that is just one segment of gig workers in B.C. and across Canada. The gig work ecosystem in B.C. is complex with many kinds of workers, companies, platforms and partners. Data released by Statistics Canada in January 2023 suggests that 286,000 Canadians provided taxi or rideshare or delivery services for food or other goods services through an application.²³ Earlier in this paper, we suggested that there are between 26,000 and 60,000 British Columbians performing this work. The BC Federation of Labour, however, utilizes the March 2022 Labour Force Survey data and data from BC Stats to estimate a 9.7% prevalence rate or about 265,500 gig workers in B.C. This suggests that fewer than one-in-five workers in the gig economy are performing services using an app-based ridesharing platform or in food delivery.

We have some significant concerns regarding changes made that could have negative or unintended repercussions for other gig workers or independent contractors in general. Gig work is prevalent across the entire spectrum of work, including professional, scientific, and technical services, waste management, and myriad other sectors. In fact, the Statistics Canada data suggests that over 20% of all women gig workers are in health care. Great care must be taken to ensure that changes to working standards targeting gig workers in the burgeoning app-based service sector avoid disrupting the traditional gig economy.

It is vital, therefore, that the provincial government takes a measured, cautious, and precise approach. If it is the government's will to make changes to ridesharing and food-delivery services, we believe that should be explicit in legislative or regulatory mechanisms. Given the different nature of all forms of gig work, applying a solution that suits one form of work, or platform, could significantly disrupt many other forms of work, including the health care of British Columbians. This risk of unintended consequences is high and individuals' income, and indeed small businesses' revenues, hang in the balance.

That said, there are some opportunities to explore policies specific to ridesharing and food-delivery services that merit change or further discussion. The recommendations put forward in this report are not meant to be an exhaustive list of the only things that should be changed or left unchanged but some areas for consideration, as we chart a collective path forward. This section outlines a number of these, specific to ridesharing and food-delivery services, for consideration.

Injury Protection

As B.C. examines app-based work, the Board of Trade recommends that the government collaborate with industry and workers and the restaurants and businesses that these changes would impact, to find a path forward so individuals are provided occupational accident insurance for on-the-job injuries.

This could take place through an extension of B.C.'s workers compensation system or an alternative approach that provides a standard of protection. We encourage the government to work with industry and workers on the right approach for B.C. and for each sector.

Portable Benefits

Portable benefits models – where workers receive contributions toward benefits from each of their sources of work, no matter how classified, and pool them together to access benefits – are being studied in Ontario, as well as in several US states.

These models have several key advantages. They enable workers to receive benefit contributions from various sources of work, and they're scalable: the more workers choose to work, the more benefits contributions they can accrue, in proportion to how much they choose to work.

Portable benefits models also give workers more control over their benefits. We encourage the B.C. government to study portable benefit models proposed in other jurisdictions, and, in a thorough consultation with all relevant stakeholders, consider what a portable benefits model for B.C. could look like.

Minimum Earnings

A notable difference between app-based work in these industries is that app-based workers are generally paid by job, rather than by the hour. Because they are paid only for the work they choose to do, they can choose when to open an app and look for work (rather than be scheduled into shifts that they may not want). Unlike traditional employees, who are required to work shifts that can be readily measured, app-based workers can choose when to start and stop working. When app-based workers are not engaged on a particular assignment, they are free to use that time as they please. They may also be using multiple platforms simultaneously to receive requests for work to maximize their earning opportunities and have more options, so they can choose they work they want to do.

For those reasons, directly applying the minimum wage to gig workers in rideshare or food delivery can inadvertently force changes to the way app-based workers work. That said, it is critical that app-based work be economically rewarding and provide protections to workers to ensure they are being fairly compensated and know clearly what their earnings are and why. One option would be to impose a minimum wage for the time spent making a delivery or completing a trip on app-based platforms. Ontario has taken this approach. Other approaches include considering a percentage of the minimum wage, for example 120%, for "engaged hours" on the platform.

Termination and Dispute Resolution

One of the benefits of app-based work is that it serves as an earning opportunity for workers who have lost their job or may be between jobs. Compared to traditional employees, app-based workers rarely lose their ability to access a platform – they simply log on and decide whether to accept jobs or not. This is quite different than employees who either maintain their status as an employee or are terminated/laid off based on a variety of factors.

However, there are instances when an app-based worker may permanently lose access to one or more platforms on which they work. That generally happens in two types of scenarios: a drop in service quality so severe that accidents or other safety issues become potential risk factors, or a more serious breach of a platform's terms of access or violation of law, such as engaging in fraud or posing a risk to others.

Where an app-based worker permanently loses access to a platform because of quality-related issues, it should be required that app-based platforms provide app-based workers with notice of termination or "pay in lieu" in a fair manner for app-based workers. In a more serious violation of terms of access or law, any rules should be crafted in a way that does not prevent platforms from suspending or removing a worker from the platform because of fraud or a safety-related reason, or if the loss of access is required by law.

The government is also encouraged to work with platforms to ensure there are good mechanisms in place for dispute resolution that treats workers fairly and prioritizes safety.

Harassment and Discrimination

One significant risk in the gig economy is the potential for workers to be exposed to discrimination. According to a survey by the Independent Workers' Union of Great Britain, nine in ten workers had reported being harassed, and two-thirds said they had been physically assaulted while working. Six in ten couriers from racialized groups reported weekly verbal abuse, and physical violence at least once a month. Almost half (44%) of respondents reported experiencing harassment and verbal abuse at least once every week, revealing endemic abuse of gig workers.²⁴

While there are not similar statistics available for B.C., we recommend the provincial government continue to work with workers, companies, and the public, to reduce instances of racism and discrimination in the workplace.

Education

With the rise of technology as an integral part of everyday life, there have been a multitude of changes in the economy and the way we work in the past decade. The rise of remote and hybrid work throughout the pandemic is an example of how fast a shift can happen in our economy and labour market.

As discussed earlier in this paper, gig work is broad-based across various industries and sectors in B.C. Gig work has been around for a long time. App-based work is relatively new and has only really taken off in the last decade. Consumers and workers are quick to see the benefits of interacting with these new services.

We recommend that the government continue to work collaboratively with industry and workers on an ongoing basis to ensure that legislative and regulatory schemes are up to date and in-line with the needs of a modern economy.

CONCLUSION

In a dynamic world with ever-changing technology, we need to ensure that we are keeping pace. Appbased work has become an important source of income for British Columbians and many people and businesses rely on their services.

We believe the rules governing app-based ridesharing and delivery services should be updated in a manner that works for workers and also fits the unique businesses and benefits these apps provide. We believe a collaborative approach that benefits B.C. is possible.

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