

New Regulations For Gig Workers In Ontario And British Columbia



To listen to an audio recording of this article, [click here](#).

Canada's gig economy continues to grow steadily, with [nearly half a million Canadians now engaged in this type of work](#). Many businesses rely on this form of highly flexible labour, prompting policymakers in Ontario and British Columbia to enact laws that protect *some* gig workers.

The Government of Ontario has enacted the *Digital Platform Workers' Rights Act, 2022* (the "**Digital Platform Act**"), which took effect on July 1, 2025. The Government of British Columbia did not enact an entirely new law but instead amended both its *Employment Standards Act* (the "**BC ESA**") and *Workers Compensation Act* (the "**BC WSA**"), amendments that came into force on September 3, 2024.

In both Ontario and British Columbia, the new laws currently apply to a specific form of gig worker, not all business that leverages a digital platform to manage a remote and flexible workforce.

Ontario

The *Digital Platform Act* governs the use of a "digital platform" that allows workers to choose to accept or decline "digital platform work," which includes for-payment ride share, delivery, courier or other prescribed services. Currently, there are no other prescribed services aside from ride share, delivery and courier. However, the scope of this law may expand over time.

British Columbia

The *BC ESA* now provides various statutory protections for "online platform workers" who perform the following forms of prescribed work: picking up and delivering online orders, or transporting one or more passengers through a ride-hail online platform.

Employees vs. Independent Contractors

Many gig workers are classified as independent contractors by the operators of the digital platforms they support. In all matters of worker classification, the actual working relationship will determine if a contractor designation is warranted for employment, workers' compensation and tax purposes. A strong independent contractor

agreement is useful but not determinative.

Interestingly, in British Columbia, both the *BC ESA* and *BC WSA* statutorily deem “online platform workers” as employees for the purpose of the those acts. In other words, regardless of the facts on the ground that typically determine whether a worker is an independent contractor, “online platform workers” in British Columbia are employees for the purpose of employment standards and workers’ compensation coverage. However, recognizing the gig workers are unique, the *BC ESA* does have several important carve outs for “online platform workers.” For example, they are not entitled to regular statutory holidays or vacation entitlements.

In Ontario, the *Digital Platform Act* takes a different approach. A worker that performs “digital platform work” is not deemed to be an employee. Therefore, the current classification analysis, based on the actual working relationship, still applies. Nevertheless, the *Digital Platform Act* does provide specific statutory protections, including a minimum wage, as explained below.

Minimum Wage

Perhaps the most important legal obligation for applicable platform owners in Ontario and British Columbia is minimum wage. In British Columbia, where “online platform workers” are employees under the *BC ESA*, a special rate applies, which at time of publication is \$20.88 per hour. This rate is actually higher than the standard minimum wage in British Columbia. In Ontario, the standard minimum wage under the *Employment Standards Act, 2000* applies for workers performing “digital platform work,” which at the time of this publication is \$17.20 per hour.

In both Ontario and British Columbia, tips/gratuities paid to gig workers are protected and not credited against the minimum wage owed. However, the actual calculation of wages owed by the platform provider is quite technical, given gig work is flexible and intermittent, and varies between the provinces. Unique record-keeping obligations also apply in both provinces, in part to explain the wages calculated to gig workers, which must be disclosed periodically.

In summary, platform operators in Ontario and British Columbia need to carefully consider and comply with new and evolving obligations that may apply to their workforce, depending on the nature of the gig work performed. These new regulations reduce freedom of contract with a workforce and may materially impact business strategy and pricing.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

Authors: [Alex Kagan](#), [Fiona Brown](#), [Victoria Carpenter](#)

Aird & Berlis LLP