

Ontario Proposes Minimum Wage And Other Entitlements For “Digital Platform Workers” With Introduction Of New Legislation



On February 28, the Ontario government introduced the *Working for Workers Act, 2022* (the Act). If passed, the Act will create new entitlements for “digital platform” workers, including a minimum wage. The Act also proposes amendments to existing employment standards legislation, including a requirement for large employers to develop electronic monitoring policies (discussed [here](#)).

What you need to know

- If passed, the Act will enact the *Digital Platform Workers’ Rights Act, 2022* (the DPWRA), which will provide certain rights for individuals who provide ride-share, delivery, courier or “other prescribed services” through platforms that allow workers to accept or decline digital platform work. These include rights to:
 - guaranteed minimum wage;
 - protection of tips;
 - entitlement to certain information about the calculation of pay;
 - notice before cut-off of access to a digital platform; and
 - dispute resolution in Ontario.

Digital Platform Workers’ Rights Act, 2022

The proposed DPWRA applies broadly to workers who provide services through digital platforms that allow them to accept or decline work. Digital platform work means “the provision for payment of ride share, delivery, courier or other prescribed services by workers who are offered work assignments by an operator through the use of a digital platform”. A summary of the most significant provisions follows.

Minimum wage

The DPWRA mandates that digital platform workers be paid at least the minimum wage payable under subsection 1(iv) of section 23.1(1) of the *Employment Standards Act, 2000*, which is currently \$15.00 per hour.

Information rights

The DPWRA stipulates that digital platform workers be provided with specific types of information, including the following:

- Information about how pay is calculated for services performed using the digital platform
- Information about whether tips or other gratuities are collected by the platform (and if so, when and how)
- Information relating to the timing of the recurring pay period and pay days
- Any factors used to determine “whether work assignments are offered to workers” and how those factors are applied
- Whether the digital platform uses a performance rating system and any consequences that may result from the performance rating or a worker’s failure to “perform a work assignment”

Notice of removal

The DPWRA requires digital platforms to: 1) provide digital platform workers with a written explanation of why access to the digital platform is being removed; and 2) provide digital platform workers with two weeks’ written notice if access is removed for 24 hours or longer.

Other notable provisions

In addition to the provisions discussed in detail above, the DPWRA also stipulates that digital platforms must:

- establish recurring pay periods and pay days;
- not withhold, or cause the worker to return, any amounts earned or tips or other gratuities; and
- resolve all disputes between the digital platform and digital platform workers in Ontario.

Ontario’s recent activities relating to digital platform workers

Ontario’s proposed introduction of the DPWRA follows the release in November 2021 of a report from Ontario’s Workforce Recovery Advisory Committee, which included a recommendation for increased transparency to digital platform workers regarding pay calculation, suspension of access to the platform, and “work allocation”. The report also recommended that the province consider a “portable benefits” strategy for workers without benefits coverage such as digital platform workers. In February 2022, Ontario announced the establishment of a panel to recommend a design for such a “portable benefits” system.

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.

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