

Submission form

Proposed Fair Conduct and Accountability Standards for on-demand platforms

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Do you consent to your name being published?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Do you consent to your submission being published?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

In which industry or sector is your involvement in the on-demand economy (for example, ride share, hospitality, care services)?

Industry association

Which best describes you?

- (a) I am an on-demand worker
- (b) I represent an on-demand platform
- (c) I represent workers (e.g. a union)
- (d) I represent businesses (industry association or organisation)
- (e) I use on-demand services (either through a business or personally)
- (f) I own or work in a business which competes with on-demand platforms
- (g) I am an academic or researcher
- (h) Other

Click or tap here to enter text.

Standard 1: Consultation about work status and arrangements

Proposed standards on consultation

Platforms should apply the following standards:

1.1: Platforms and their representatives should consult and negotiate with non-employee on-demand workers and their representatives on work-related matters, including major changes to work arrangements, work status or contractual terms.

1.2: Platforms should provide consultation processes, forums or committees to allow for discussions on work-related matters to occur.

1.3: Non-employee on-demand workers should not be penalised for raising concerns regarding work-related matters.

- 1 The proposed standards on consultation set out best practices and processes for consultation with non-employee on-demand workers, do you agree?

Yes No

Add any further comments below:

It is difficult to assess the standard as 'best practice and process' as this style of non-employee on-demand worker standards are novel. Our view is that so far as consultation is regarded, the three elements of the proposed standard 1 are appropriate.

- 2 Should anything else be included or altered in the standards on consultation?

Yes No

Add any further comments below:

Many non-employee on-demand workers will not be aware of the health and safety consultation obligations under the OHS Act (2004) as cited in paragraph 44. We propose explicitly including OHS matters under standard 1.1, for example "... on work-related matters, including major changes to work arrangements, work status or contractual terms, or other changes that may affect the health or safety of non-employee on-demand workers".

Standard 2: Consideration of parties' relative ability to change outcomes or bargaining power

Proposed standards on parties' bargaining power

Platforms should apply the following standards:

2.1: Platforms should ensure that the terms and conditions of the applicable contract are clear and able to be understood by non-employee on-demand workers. Platforms should also ensure that the terms and conditions are consistent with the nature of the actual engagement.

2.2: Platforms should establish a process with non-employee on-demand workers to assess whether a work contract is fair, for example:

- are the risks associated with platform work distributed fairly between the platform and non-employee on-demand workers?
- is liability for damage arising in the course of the performance of work for platforms treated or distributed fairly?

2.3: After consulting with non-employee on-demand workers on the fairness of existing work arrangements, platforms should consider amending the work contract or consider other ways to mitigate risk for both parties.

2.4: Platforms should set up processes so that non-employee on-demand workers may challenge decisions made by platforms which affect their terms and conditions of work.

2.5: Non-employee on-demand workers should be provided a process for responding to an allegation or finding that a worker has breached terms and conditions of their contract.

- 3** The proposed standards on bargaining power set out best practice processes to minimise power imbalances between a platform and its non-employee on-demand workers, do you agree?

Yes No

Add any further comments below:

[Click or tap here to enter text.](#)

- 4** Should anything else be included or altered in the standards on bargaining power?

Yes No

Add any further comments below:

[Click or tap here to enter text.](#)

Standard 3: Fair conditions and pay

Proposed standards on fair conditions and pay

Platforms should apply the following standards:

3.1: Platforms should provide non-employee on-demand workers with key information in writing about what they will earn and their conditions of work, so that they can make an informed decision about whether to accept work.

3.2: Platforms should commit to providing fair and decent remuneration and conditions for the performance of work. This might be implemented by, for instance, publishing typical average take home earnings, which are benchmarked against the minimum wage.

3.3: Platforms that apply penalties where non-employee on-demand workers accept work but do not complete the job or gig, should provide these workers with clear and accessible information about when such measures might be taken.

3.4: Platforms should proactively review algorithms and work practices to ensure that they operate in a gender non-discriminatory way. This might be implemented by, for instance:

- reviewing women’s and men’s average hourly take home earnings or earnings per assignment (where the assignment is comparable) to identify if there is a gender pay gap, and if it is found, taking steps to close it
- reporting publicly on the gender earnings gap for non-employee on-demand workers.

3.5: Platforms should: implement policies and procedures to prevent discrimination (for example, on the basis of race, sex, disability); take reasonable and proportionate measures to eliminate such discrimination, sexual harassment and victimisation; and provide clear support and complaints processes for non-employee on-demand workers who experience any such matters.

5 Do you agree that the proposed standards set out measures to be taken to improve the pay and conditions of non-employee on-demand workers, including by providing clear benchmarks for fair earnings?

Yes No

Add any further comments below:

[Click or tap here to enter text.](#)

8 Should anything else be included or altered in the standards on fair conditions and pay?

Yes No

Add any further comments below:

[Click or tap here to enter text.](#)

Standard 4: Fair and transparent independent dispute resolution

Proposed standards on fair and transparent dispute resolution

Platforms should apply the following standards:

4.1: Platforms should provide non-employee on-demand workers with access to a clear and accessible procedure or mechanism for resolving performance management concerns or disputes and to be represented in those processes.

4.2: Platforms should afford non-employee on-demand workers procedural fairness and the opportunity to respond to complaints made about them before action is taken to restrict a worker’s access to work on the platform (including for example by suspension or deactivation of their account).

4.3: Platforms should set up processes so that non-employee on-demand workers may challenge decisions which affect their earnings or access to the platform, for example:

- when the platform or customer refuses to pay these workers for services performed

- where a platform wishes to suspend or deactivate these workers from gaining work from the platform.

4.4: Platforms should not treat non-employee on-demand workers detrimentally if they choose to raise a concern via the dispute resolution process or challenge a decision made by the platform.

4.5: Platforms should keep confidential matters raised in dispute resolution processes.

4.6: Platforms should deal with disputes in a reasonable time frame.

- 7** Do you agree that the proposed standards provide best practices and processes for resolving disputes between platforms and non-employee on-demand workers in a fair, transparent and independent manner?

Yes No

Add any further comments below:

[Click or tap here to enter text.](#)

- 8** Should anything else be included or altered in the standards on fair and transparent dispute resolution?

Yes No

Add any further comments below:

[Click or tap here to enter text.](#)

Standard 5: Non-employee on-demand worker representation, including the ability to seek better work arrangements

Proposed standards on representation for workers

Platforms should apply the following standards:

5.1: Platforms should allow non-employee on-demand workers to freely associate to pursue improved terms and conditions relating to their work arrangements.

5.2: Platforms should allow non-employee on-demand workers to collectively discuss and advocate for changes or improvements to work arrangements, where such action is permitted by law.

5.3: Platforms should recognise and engage with non-employee on-demand workers and their representatives collectively, where permitted by law.

- 9** The proposed standards should enable non-employee on-demand workers to be represented and freely associate with one another, do you agree?

Yes No

Add any further comments below:

Click or tap here to enter text.

- 10** Should anything else be included or altered in the standards on representation for non-employee on-demand workers?

Yes No

Add any further comments below:

Click or tap here to enter text.

Standard 6: Safety

Proposed standards on workers' safety

Platforms should apply the following standards:

6.1: Platforms must, so far as is reasonably practicable, provide and maintain a working environment that is safe and without risks to health of non-employee on-demand workers, to the extent that the platform has control over those matters and also that persons are not exposed to health and safety risks arising from the conduct of the business.

6.2: Platforms must have policies in place to eliminate or minimise health and safety risks including:

- managing accidents and injuries
- taking action to prevent gender-based violence.

6.3: Platforms should promote health and safety objectives, and must provide information, instruction and training to their non-employee on-demand workers about health and safety policies and best practices to enable those workers to perform their work in a way that is safe and without risks to health, so far as is reasonably practicable.

6.4: Platforms must consult their non-employee on-demand workers on safety matters over which the platform has control so far as is reasonably practicable.

6.5: Where non-employee on-demand workers do not have access to statutory workers' compensation schemes, platforms should have insurance policies in place to compensate workers for loss of income if they are unable to work due to a work-related injury and should provide clear information about the coverage of these insurance policies.

6.6: Platforms should have clear guidance for non-employee on-demand workers about how to apply for compensation if injured while working.

- 11** Do you agree that the proposed standards assist platforms and non-employee on-demand workers to understand and comply with their workplace health and safety obligations?

Yes No

Add any further comments below:

[Click or tap here to enter text.](#)

- 12** Should anything else be included or altered in the standards on non-employee on-demand workers' safety?

Yes No

Add any further comments below:

Suggest splitting standard 6.1 into two separate standards, one focusing on providing a safe working environment for non-employee on-demand workers, and secondly a separate one stating that platforms are to ensure persons are not exposed to health and safety risks arising from the conduct of the business. The term 'business' here may also benefit from further definition, to confirm it includes activities of non-employee on-demand workers relating to the platform's revenue-generating activities. Splitting them may sharpen platforms' focus on each of these cohorts. Standard 6.2: other beneficial policies to include are reporting accidents and injuries (if this is not included within the 'managing accidents' requirement), and references to consultation processes as referred to in Standards 1 and 6.4. Standard 6.3: What value does the term 'best practice' provide here? What does this really mean? And will platforms' interpretation of this term align with policy-makers? We would like to see more explicit reference to the hierarchy of controls here. Reasonably practicable means eliminating risks where possible, and if not implementing isolation/substitution/engineering controls, administrative controls, and finally personal protective equipment. It may be more suitable for guidance still to come, but we would like to eventually see more rigid requirements around transportation being required, such as meeting minimum mechanical/servicing standards, reflection and high visibility/flags provided, and other tangible measures that will reduce on-demand worker risk. Standard 6.5: Confirm work-related injury 'incurred through the performance of that platform's revenue generating activities'?

Final Comments

- 15** Are there any other issues that should be considered in developing the Standards? Have you had any other experiences or examples you would like to describe to us? Please add further information below:

We are supportive of and endorse this approach, and believe the proposed standards to be a positive development. We encourage occupational health and safety to be embedded as a key driver in enacting meaningful change. The on-demand economy will continue to grow; the decisions taken today will affect thousands of workers for years to come.

