

British Columbia's NDP follows hard-right Ford government in denying basic rights to gig workers

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Following in the footsteps of Ontario's hard-right Progressive Conservative government, British Columbia's union-backed New Democratic Party government is working to push through legislation to codify the status of gig workers as low-paid and highly-exploited casual labourers with no rights. Bill 48, presented by the NDP at a press conference last November, will ensure that workers on ride-hailing and food delivery apps continue to earn well below the minimum wage, have no benefits, and are denied most rights available to workers employed in other sectors.

The proposed legislation has provoked protests among ride-hailing and delivery drivers. On January 23, dozens of drivers gathered outside the constituency office of British Columbia's Minister of Labour, Harry Bains, to challenge their declining working conditions and income. The workers insisted all gig drivers need reliable work and at a living-wage. That this protest happened just two months after Bains unveiled what he claimed was legislation to address drivers' complaints constitutes a searing indictment of the NDP government's pro-employer character.

Under Bill 48, a minimum hourly wage for app drivers would be set at 120 percent of BC's minimum wage of \$16.75. However, this is more than meets the eye, since it only applies to drivers' time "engaged" or on assignment—that is, after they accept an order or ride request. They will still not be paid a penny for their time between work assignments. According to researchers Jim Stanford and J.J. Fueser, this unpaid time "waiting for work" represents about 40 percent of the time gig drivers and deliverers spend on the platforms trying to earn a living.

The NDP government has touted its intention to make gig workers "employees," but this is another case of false marketing. The government's press release declared, "Amendments will be made to the Employment Standards Act (ESA) and the Workers Compensation Act (WCA) to define online platform workers and to ensure that ride-hail and food-delivery workers will be considered employees,

specifically for the purposes of the ESA and WCA." However, in the next breath, the NDP announced that gig workers would be added to a list of some 100 occupations in which employees do not have to provide the rights extended to most workers, like sick pay and vacation pay. These occupations include caregivers and farm workers. In other words, drivers for Uber, Lyft, DoorDash, and others transport and delivery apps will be "employees" on paper and in NDP election campaign speeches, but precariously employed "contractors" in reality.

The NDP is attempting to sell Bill 48 as a bold step to protect precarious workers. The press release has the audacity to insist that in BC, drivers will be considered as employees with all the protections and standards such a designation implies. The document then proceeds to acknowledge that the legislation is in fact crafted to ensure that employee rights do not apply in practice: "To protect the flexibility that workers value and address their top priorities, alternate standards for this industry will be created within the ESA while some of the Act's existing provisions will not apply at this time."

At the very bottom, the press release admits that "Standards in the following areas will not be established at this time under the ESA for ride-hailing and food-delivery workers: hours of work or overtime, statutory holidays, paid leaves, or vacation."

The NDP's November press conference was a stage-managed affair designed to delude the workers and general public that they were taking action to tackle the increasingly well-known exploitation and desperation of gig drivers and delivery workers. Simultaneously, it was a signal to the companies that despite the cosmetic changes, their revenues will continue to grow as they siphon increasing amounts of each ride and delivery away from their drivers.

Despite the insistence that the proposed changes are the result of thorough consultations with gig app drivers who highlighted their poor wages and the precarious nature of

their employment, the press release— as if cut and pasted from an Uber tweet—goes on to herald the “flexibility” these app-based driving jobs supposedly provide workers. And, in a bow to the identity politics so beloved by the privileged layers of the middle class, the government again follows the companies’ PR in pointing out how they offer newcomers to Canada a great “job opportunity.”

The BC government’s proposed changes differ little from those previously legislated in Ontario. Ontario has mandated a gig drivers’ minimum wage that is 120 percent of the provincial minimum wage, but it only applies during drivers’ “engaged time.”

One cosmetic difference does exist between the Ontario legislation and that now before the BC legislature. In a slight change to Uber’s declaration that its drivers were not employees, but entrepreneurial “independent contractors,” the Ontario legislation set gig-app drivers aside in a category akin to dependent contractors. The Ford Conservative government thereby acquiesced to Uber’s insistence that they were not employees even more explicitly and openly than the NDP government is doing.

The reality of course is that these companies’ revenues are entirely dependent upon their flexibility to exploit large numbers of desperate people. The federal Liberal government, backed by the trade unions and NDP, has supported a high interest-rate policy by the Bank of Canada to drive up unemployment and impose massive real-terms income losses on the working class. The Trudeau government has also spearheaded austerity for public services, while handing billions in subsidies to big business. The resulting growth of social inequality and impoverished workers creates ideal conditions for precarious jobs to flourish.

The trade unions are allies of the ride-hailing and food delivery companies, and the governments’ pro-corporate legislation. As an article on the *World Socialist Web Site* documented last year, the United Food and Commercial Workers union and Unifor competed in Ontario for the favour of Uber in order to acquire the “right” to charge dues from its gig workers. The UFCW ultimately secured a sweetheart agreement with Uber that saw the union lobby the Ford government alongside the company to ensure massive loopholes in Ontario’s gig worker legislation. For the UFCW’s efforts on its behalf, Uber granted the union exclusive rights to “organize” its workers.

Anyone still in doubt about the character of BC’s Bill 48 only needs to consider the reaction of Uber, which is notorious for ruthlessly exploiting its “independent contractors.” A spokeswoman for Uber Canada, Keerthana Rang, stated of the new legislation, “Uber is supportive of government policies that protect the flexibility and

independence of app-based workers, while offering benefits and protections tailored to the work they do.” This is exactly what the bourgeois parties governing in BC and Ontario have done at the expense of the workers.

The protest at the BC Minister of Labour’s office by Vancouver-area drivers shows these workers have not fallen for the PR campaign hatched by the companies and the NDP governments. The workers, some of whom describe working 14-hour days to make ends meet, know that the promised minimum wage will be insufficient to provide them a living wage, let alone a comfortable life.

A recent report published by the Toronto-based advocacy group RideFairTO demonstrated that that city’s ride-hail drivers earned wages averaging a mere \$6.37 an hour once their vehicle costs were included. This was echoed by one of the drivers, Kuljeet Singh, leading the protest at Minister Bains’ office: “I deduct [vehicle] depreciation, then gas, then tax. ... I don’t have any benefits, I don’t have any vacation, I don’t have anything. So do you think it’s fair?”

It is not fair. It is the ruthless extraction of surplus value from the workers that feeds the capitalist system.

Drivers in Vancouver have organized protests largely on their own initiative, including through a WhatsApp group with hundreds of members. However, critical questions of political perspective are urgently posed. If they turn to unions like the UFCW, they will continue to be strung along as these bureaucrats farm them for dues while they partner with the exploiters.

Therefore, it is essential that the gig-app drivers organize through the formation of rank-and-file committees. In 2021, the International Committee of the Fourth International established the International Workers Alliance of Rank-and-File Committees, which aims to unite workers from all sectors across national borders in a global struggle against capitalist exploitation and for the socialist reorganization of economic and social life.



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