Ai GROUP SUBMISSION

Victorian Government
Consultation Paper

Fair Conduct and Accountability Standards for the Victorian On-Demand Workforce

18 February 2022

Introduction

This submission is made in response to the Victorian Government's *Fair Conduct and Accountability Standards for the Victorian On-Demand Workforce Consultation Paper* (**Consultation Paper**). The Consultation Paper has been issued by the Government in response to the Inquiry into the Victorian On Demand Workforce (**Victorian Inquiry**). The final report of the Inquiry was released in July 2020 (**Inquiry Report**).

Ai Group made a number of submissions to the Inquiry. In addition, Ai Group made a submission to the Victorian Government in October 2020 setting out our views on the Inquiry's Recommendations (**Ai Group's October 2020 Submission**).

In this submission we identify some issues of concern relating to the Government's proposal to introduce the Fair Conduct and Accountability Standards for the Victorian On-Demand Workforce (**Standards**) as well as identifying some concerns about particular aspects of the draft Standards that are included in the Consultation Paper.

In summary, Ai Group's views on the proposed Standards are:

- Consistent with Recommendation 1 in the Inquiry Report, any Standards should be developed at the national level, rather than just for Victorian workers.
- Only a very small proportion of the workforce are platform workers and for most platform workers, their work on platforms is not their main source of income.
- The Standards do not adequately define the meaning of a 'Non-Employee On-Demand Worker'. The conception of an 'on-demand worker' adopted by the Inquiry is not workable for the purposes of defining the coverage of the proposed Standards.
- The imposition of overlapping or duplicate requirements would be unfair to Platforms and would create confusion, uncertainty and compliance problems.
- Businesses that are covered by the *Owner Drivers and Forestry Contractors Act 2005* (Vic) or the *Labour Hire Licensing Act 2018* (Vic) should be excluded from the Standards.
- It is important that any Standards are voluntary. Mandatory Standards are not appropriate.
- It appears that the Victorian Government does not have the power to implement legally binding Standards, given the *Fair Work Act 2009* (Cth) (**FW Act**), the *Independent Contractors Act 2006* (Cth) (**IC Act**) and other relevant Commonwealth laws.
- The Consultation Paper states that a "broader impact assessment will be undertaken for the Standards including consideration of the expected cost and benefit impacts of the proposed standards….". It is essential that there is thorough consultation with the major Platform businesses and with industry representatives such as Ai Group, when the Impact

Assessment is being prepared by whichever Government Department or external organisation is commissioned to prepare the Assessment. It is also important that relevant research is commissioned by the Victorian Government to inform the Impact Assessment, given that the existing data sources are inadequate.

- Ai Group has concerns about some particular elements of Proposed Standards 1, 3 and 4.
- Standards 2 and 5 are not appropriate and should not be proceeded with.
- Standard 6 has many elements in common with the Food Delivery Platform Safety Principles which were developed by Deliveroo, DoorDash, Menulog and Uber Eats in consultation with Ai Group. The Principles aim to minimise risk for all delivery workers, whether they are driving a car or riding a bicycle, e-Bike, scooter or motorbike.

Issues of concern about the Government's proposal to introduce the Standards

Any Standards should be developed and implemented at the National level

Recommendation 1 in the Inquiry Report was:

> *The Inquiry recommends that the Commonwealth Government, in collaboration with state governments and other key stakeholders, lead the delivery of the recommendations in this report regarding the national workplace system.*

In Ai Group's October 2020 Submission, we expressed strong support for the above Recommendation and stated:

> *It would not be in anyone's interests for legislative or other changes to be introduced in Victoria when all the major platform businesses operate nationally and when Australia has a national workplace relations system.*
>
> *Consistent with the Inquiry's recommended approach, the Victorian Government should request that the Federal Government commence a consultation process, in collaboration with State Governments, industry groups and other stakeholders, to work through what reforms would be worthwhile.*

We maintain the above view and accordingly we do not support the implementation of a set of Standards in Victoria. Any Standards should be developed at the national level.

Only a very small proportion of the workforce are platform workers

In a Message included in the Consultation Paper, the Minister for Industrial Relations, the Hon Tim Pallas MP, stated:

> *In June 2019, the Inquiry released the results of independent research which found that in Victoria, 13.8 per cent of those surveyed had undertaken platform work at some time, with 7.4 per cent doing so at the time of the survey or in the previous 12 months. We discovered that the size of this workforce is far larger than previous Australian estimates had suggested. The research was also conducted prior to the impacts of the pandemic, and it is quite possible that the size of the platform workforce has since expanded, in areas such as transport of goods and healthcare.*

It is important that the limitations of the survey that was carried out during the Victorian Inquiry, as referred to in the Minister's Message, are understood, and that the results are not assumed to be a valid estimate of the proportion of the Victorian workforce who are platform workers.

The proportion of the workforce who are platform workers is very small. The Grattan Institute reported[1] in 2016 that fewer than 0.5% of the workforce earned income from digital platform work based on an assessment of figures published by a selection of digital platform information, bank transaction data, and other research reports. This figure remains a reliable estimate of the proportion of the workforce who are platform workers.

Between 2016 and 2021, the proportion of the workforce who were independent contractors fell from approximately 9% in August 2016[2] to 7.8% in August 2021[3]. The industries which have the highest percentage of independent contractors are Construction (25%) and Administrative and support services (18%).[4] Any increase in the proportion of the workforce who were platform workers over the period from 2016 to 2021 could be expected to show up as an increase in the proportion of the workforce who were independent contractors, but this has not occurred as pointed out in the 2018 HILDA report. The report's authors said that the "evidence indicates that, if the gig economy is growing as rapidly as is commonly believed, then either it involves the substitution of one type of self-employed worker for another (as might be happening in the taxi industry) or it is largely consigned to second jobs".[5]

The Victorian Inquiry Survey derived its results from a survey of respondents self-selecting to participate in a survey branded as a university research project. Due to its nature as a survey inviting responses from a self-selecting unrepresentative sample, it is not a reliable data source for

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[1] Minifie J, Grattin Institute, *Peer-to-Peer pressure, Policy for the sharing economy*, April 2016.

[2] ABS, *Characteristics of Employment*, August 2016, published on 2 May 2017.

[3] ABS, *Characteristics of Employment*, August 2021, published on 14 December 2021.

[4] ABS, *Characteristics of Employment*, August 2021, published on 14 December 2021.

[5] Wilkins, R. and Lass I (2018) *The Household, Income and Labour Dynamics in Australia Survey: Selected Findings from Waves 1 to 16*, Melbourne Institute: Applied Economic & Social Research, University of Melbourne.

the purpose of demonstrating the prevalence of digital platform work as a proportion of the broader Australian (or Victorian) workforce.

The researchers who conducted the Victorian Inquiry Survey acknowledged the overrepresentation in the survey sample of persons holding university qualifications and the underrepresentation of persons with no post-school qualifications.[6] The sample also overrepresented respondents living in major cities and underrepresented respondents living in more remote areas.

Despite the significant limitations of the Victorian Inquiry Survey, multiple findings from the survey support the conclusion that platforms are commonly used by workers to generate additional or supplemental income to that earned through other activities. The Survey reported that:

- Roughly 80% of participants indicated that the income earned from working through platforms was non-essential.
- Only 2.6% of respondents reported working more than 35 hours per week on digital platforms.
- Only 2.7% of respondents derived 100% of their total annual income from platform work.
- Four in five current platform workers (80.7%), reported that digital platform work made up less than half of their total annual income.
- Engagement with digital platforms varied between a few times per week (27.5% of current platform workers) and less than once per month (28.3%).
- Only a very small percentage of people in Australia were spending a large number of hours undertaking digital platform work. Almost half (47.2%) of current platform workers report spending less than 5 hours per week working or offering services through all digital platforms with which they engage, whereas only 5.4% of current platform workers reported spending 26+ hours per week.
- Only 19.2% of current platform workers derived half or more of their income from platform work.

The Standards do not adequately define the meaning of a Non-Employee On-Demand Worker

The Consultation Paper indicates that the Standards will apply to 'Non-Employee On-Demand Workers'. However, no definition is included for such workers.

[6] See the section on the research methodology in the National Survey Report.

The Inquiry Report characterised 'on-demand work' in the following extremely board manner:

> *44 In this report, we use the following characterisations/terms:*
>
> ***'Platform work'** is work accessed through or organised by digital platforms which match workers and clients via internet platforms or 'apps'. Platform work is a sub-set of **'on-demand work'**, by which we mean any work in the labour market being procured 'on-demand' (including casual employment and self-employed workers/independent contractors).*

If the above excessively broad conception is adopted for the Standards, a 'Non-Employee On Demand Worker' would appear to include a very large number of independent contractors who are not legitimately regarded as platform workers, such as:

- Plumbers, electricians and other self-employed tradespeople who are referred work through the many websites that consumers use to source local tradespeople.
- Engineers, designers, architects, surveyors, doctors, dentists, chiropractors and numerous other self-employed professional employees who are referred work through websites that they choose to advertise their services upon.

The conception of an 'on-demand worker' adopted by the Victorian Inquiry is obviously not workable for the purposes of defining the coverage of the proposed Standards.

For any valid assessment to be made of the implications of introducing the proposed Standards, the coverage of the Standards needs to be defined in a clear and workable manner. The definition needs to ensure that only gig/platform workers (as these workers are commonly understood) are included. These are the only workers that the Victorian Inquiry focused upon.

It is important that Platforms are not exposed to overlapping or duplicate legislation

The imposition of overlapping or duplicate requirements would be unfair to Platforms and would create confusion, uncertainty and compliance problems.

The *Owner Drivers and Forestry Contractors Act 2005* (Vic) imposes detailed minimum standards and requirements on businesses covered by the Act, in respect of their contract workers. Businesses that are covered by this Act should be excluded from the Standards.

Similarly, the *Labour Hire Licensing Act 2018* (Vic) imposes detailed minimum standards and requirements on businesses , including for certain contract workers. Businesses that are covered by this Act should be excluded from the Standards.

Any Standards should be voluntary

The Consultation Paper states that:[7]

> *Input is sought on:*
>
> - *the proposed subject matter and content of the Standards*
> - *approaches that may be adopted to assess, encourage and incentivize compliance with the principles (including audits or possible benchmarks that could assist with evaluation of compliance with the principles)*
> - *the benefits of the Standards, coupled with incentives to encourage their take-up*
> - *the potential impact of the Standards, such as the transferred costs to workers or consumers caused by continued uncertainty about work status for all participants, and whether the Standards impose a level of regulation on platform businesses that is proportionate to the harms they are intended to diminish*
> - *whether the Standards will have an impact on competition between businesses and/or assist to level the playing field.*

The above comments indicate that the proposed Standards could be voluntary, with incentives provided to encourage their take-up. It is important that any Standards are voluntary. Mandatory Standards are not appropriate.

In any event, it appears that the Victorian Government does not have the power to implement legally binding Standards, given the FW Act, the IC Act and other relevant Commonwealth laws.

Due to the multiple relevant laws and regulations that presently exist at both State and Commonwealth level, it is important that any Standards provide for minimum entitlements in a way that is consistent with those existing rights and obligations, rather than potentially creating additional and inconsistent layers of regulation. Consistency would assist Platforms and their workers to understand how the Standards interact with the existing legal frameworks and create more certainty for all parties.

Notably, the Victorian Inquiry did not recommend that the Victorian Government implement its own Standards. Rather it recommended that:

[7] Page 12, paragraph 20.

RECOMMENDATION 14

The Inquiry recommends that governments lead a process to establish Fair Conduct and Accountability Standards or principles, to underpin arrangements established by platforms with non-employed on-demand workforces.

The Inquiry Report expressed a preference for the Commonwealth taking the lead in the development of the Standards. In the event that the Commonwealth was not prepared to do so, the Inquiry recommended that: (Emphasis added)

Victoria should:

V9. Encourage and collaborate with the Commonwealth to lead the development of Fair Conduct and Accountability Standards for platforms organising significant, nonemployee, on-demand workforces.

V10. In the absence of Commonwealth action, work with other states, businesses and stakeholders to develop principles based Fair Conduct and Accountability Standards for platforms.

- *The process should be consultative and consider options for the substance of the standards and their scope/ application, including whether they're voluntary.*
- *The process may be led by the body carrying out the Streamlined Support Agency functions.*
- *In framing the standards and considering their application, Victoria would need to consider the constitutional limitations and intersection with, Commonwealth legislation.*

Importance of a thorough Impact Assessment being prepared before any decision is made on whether to proceed with the Standards

The Consultation Paper states that "broader impact assessment will be undertaken for the Standards including consideration of the expected cost and benefit impacts of the proposed standards…".

It is essential that there is thorough consultation with the major Platform businesses, and with industry representatives such as Ai Group, when the Impact Assessment is being prepared by whichever Government Department or external organisation is commissioned to prepare the Assessment.

It is also important that relevant research is commissioned by the Victorian Government to inform the Impact Assessment, given that the existing data sources are inadequate. This inadequacy was recognised by the Victorian Inquiry which recommended:

RECOMMENDATION 5

The Inquiry recommends appropriate government funded surveys and evidence-based research to ensure policy makers are aware of critical developments in platform work.

The Standards

Standard 1: Consultation about work status and arrangements

In the Consultation Paper, the elements of this proposed Standard are:

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.

The words *'and negotiate'* in Standard 1.1 are not appropriate. They imply a potentially adversarial environment. Platforms work hard to preserve good relationships with their workers. Consultation and negotiation are not the same.

Also, it is not appropriate to include a formal obligation to negotiate or consult about a worker's existing *'work-status'*. A person's existing work-status is not open to negotiation. The High Court has recently confirmed the appropriate test for assessing the work status of independent contractors.[8]

Standards 1.1, 1.2 and 1.3 refer to *"work-related matters".* Unlike the consultation provisions in modern awards that require consultation where 'major changes' are proposed, there would be a formal obligation under the Standards to consult on an extremely wide range of matters that are related in some way to the work which is carried out in the business. This is not appropriate or practicable.

Standard 1.1 indicates that workers will always have a representative. This is not appropriate because usually contract workers prefer to represent their own interests in dealings with the Platforms they are working for. Unlike paragraph 1.1 in Standard 1, the model consultation clause in modern awards does not assume that employees will always have a representative:

[8] *CFMMEU v Personnel Contracting Pty Ltd* [2022] HCA 1; *ZG Operations Australia Pty Ltd v Jamsek* [2022] HCA 2.

"The employer must discuss with the employees affected and their representatives, if any, the introduction of the changes….".

Any Standard requiring consultation needs to incorporate flexibility and practicality, given the unique challenges that major Platforms face in consulting with a very large number of workers in a large number of geographic locations, many of whom also work for competitor Platforms.

Any such Standard needs to expressly state that a Platform is not required to disclose confidential information. The consultation clauses in modern awards provide that a business is not required to disclose confidential information, the disclosure of which would be contrary to the business's interests.

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

In the Consultation Paper, the elements of this proposed Standard are:

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.

This Standard is not appropriate and should not be proceeded with.

Standard 2 addresses issues relating to allegations that a contract is unfair. This issue is addressed in relevant Commonwealth legislation and is not appropriately addressed in a Victorian Standard.

The unfair contract provisions in the IC Act give contract workers the right to take action if they believe their contract is unfair. These laws provide sufficient protections and strike the right balance between protecting parties from inappropriate conduct while also not interfering with freedom of contract.

Contract workers are able to obtain assistance from relevant regulators if they are concerned about the fairness of their contract.

The Australian Competition and Consumer Commission (**ACCC**) is a very active and effective regulator. As stated in the Inquiry Report, independent contractors and other small businesses with minimal bargaining power are able to call on the ACCC to provide support when dealing with larger businesses:

> *The ACCC also plays an important role supporting small businesses, with mechanisms in Competition and Consumer Law designed to protect small businesses who may have minimal leverage or bargaining power when dealing with much larger businesses.*[9]

The Commonwealth Small Business and Family Enterprise Ombudsman is also able to assist with a range of different kinds of business disputes, including about contract terms.

In addition, the Fair Work Ombudsman can assist contract workers with any concerns regarding sham contracting.

At the State level, the Victorian Small Business Commission provides various services to small businesses.

In addition to the above rights and processes, Standards 1 and 4 deal with related matters. Standard 1 would require that Platforms establish consultation processes and mechanisms, and Standard 4 would require that workers have access to a dispute resolution process. Standard 2 is not necessary.

Standard 3: Fair conditions and pay

In the Consultation Paper, the elements of this proposed Standard are:

> *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.*

[9] Page 161, paragraph 1131.

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.

Standard 3.2 refers to *'fair and decent remuneration and conditions'*. This is a vague and subjective term that should not be included in the Standards.

There is no equivalent standard for employees or for contractors that would impose a '*fairness*' requirement on work conditions or remuneration. This would be an entirely new way of assessing whether conditions are lawful or not, which would create significant uncertainty for all concerned.

It is unclear what is intended by the term '*decent*'. If the remuneration and conditions are '*fair*', what is also needed for them to be '*decent*'?

Also, a requirement to publish payments made to contractors would be anti-competitive and could lead to breaches of the CC Act.

In the reporting system under the *Workplace Gender Equality Act 2012*, salary information is not generally included in the public reports for organisations. There are good reasons for this. The publishing of salary information can lead to other organisations poaching the staff of the business that publishes the information and can also breach the privacy of workers. For similar reasons, it would not be fair or appropriate to require Platforms to publish remuneration details for their workers.

Further, there are major complexities associated with determining hourly remuneration for contract workers in the platform industry because often workers are logged on to multiple platforms at the same time.

A more acceptable approach would be to adopt the approach in the *Owner Drivers and Forestry Contractors Act 2005* (Vic) – i.e. publishing a set of indicative, non-mandatory rates. Any such published guidelines should be set following extensive consultation with industry.

With regard to Standard 3.4, it is important to recognise that a disparity of earnings outcomes in the gig/platform sector may not be associated with any "*discriminatory"* conduct. Rather, it could be the result of patterns in decision-making about use of Platforms by people of different genders.[10]

Standard 4: Fair and transparent independent dispute resolution

In the Consultation Paper, the elements of this proposed Standard are:

> *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.*

[10] See for example: https://web.stanford.edu/~diamondr/UberPayGap.pdf.

Paragraph 4.2 is unworkable and inappropriate. If a Platform receives a serious complaint about a worker (e.g. an allegation of assault or sexual assault) it is essential that the Platform is able to immediately restrict the worker's access to the Platform until the matter has been investigated.

Restricting access to a Platform is also appropriate in various other circumstances where public safety may be compromised or in order to comply with legal requirements, including where:

- The worker loses their driver's licence;
- The worker has failed to register their vehicle;
- The worker has failed to adequately maintain their vehicle;
- The worker has failed to adhere to directions aimed at ensuring their own safety or public safety (e.g. a failure to wear personal protective equipment); or
- The worker has failed to undertake mandatory safety training.

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

In the Consultation Paper, the elements of this proposed Standard are:

> *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.*

This Standard is not appropriate and should not be proceeded with.

Standard 5 is likely to lead to conduct that breaches the CC Act and would expose contract workers and Platforms to hefty penalties. Under the CC Act, contract workers are only permitted to jointly negotiate improvements to wages and conditions if granted an exemption by the ACCC under relevant provisions in that Act.

In June 2021, an ACCC Collective Bargaining Class Exemption for small businesses came into operation. However, groups wishing to use the class exemption are required to give notice to the ACCC when the group is formed and give notice to each target business when the group seeks to negotiate with the target business.

Standard 6: Safety

In the Consultation Paper, the elements of this proposed Standard are:

> *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.*

This Standard has many elements in common with the Food Delivery Platform Safety Principles. which were developed by Deliveroo, DoorDash, Menulog and Uber Eats in consultation with Ai Group. The Principles aim to minimise risk for all delivery workers, whether they are driving a car or riding a bicycle, e-Bike, scooter or motorbike.

Generally, it would be preferable for the language of any Standards to reflect existing WHS laws, rather than potentially giving rise to inconsistent obligations.

Standard 6.5 imposes requirements on Platforms to obtain insurance to compensate workers for work-related injuries and let workers know how to apply. This raises the risk of duplicate insurance, e.g., if a worker carries their own insurance this will not necessarily change the obligation of the Platform to provide additional insurance.

ABOUT THE AUSTRALIAN INDUSTRY GROUP

The Australian Industry Group (Ai Group®) is a peak employer organisation representing traditional, innovative and emerging industry sectors. We are a truly national organisation which has been supporting businesses across Australia for nearly 150 years.

Ai Group is genuinely representative of Australian industry. Together with partner organisations we represent the interests of more than 60,000 businesses employing more than 1 million staff. Our members are small and large businesses in sectors including manufacturing, construction, ICT, transport & logistics, engineering, food, labour hire, mining services, the defence industry, civil airlines and the gig/platform sector.

Our vision is for thriving industries and a prosperous community. We offer our membership strong advocacy and an effective voice at all levels of government underpinned by our respected position of policy leadership and political non-partisanship.

With more than 250 staff and networks of relationships that extend beyond borders (domestic and international) we have the resources and the expertise to meet the changing needs of our membership. Our deep experience of industrial relations and workplace law positions Ai Group as Australia's leading industrial advocate.

We listen and support our members in facing their challenges by remaining at the cutting edge of policy debate and legislative change. We provide solution-driven advice to address business opportunities and risks.

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