

COVID-19 RISKS FACED BY ONTARIO DIGITAL PLATFORM COURIERS AND RECOMMENDATIONS FOR ENABLING SAFER WORK

RESEARCH BRIEF

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I. INTRODUCTION

Digital platform courier workers, such as Uber Eats, Amazon Flex, and Lyft drivers have been busier than ever during the COVID-19 pandemic as the public attempts to avoid infection by ordering take-away food, shopping online and taking ride-hails rather than public transportation. This has placed platform courier workers in a position to become exposed to other people, infected with COVID-19, and to transmit it to others as they move people, food, and packages from one location to another. Although digital platform couriers are key frontline workers who operate between where people live (e.g., homes, care facilities) and wider communities, occupational or public health guidelines to protect these couriers (often referred to as

By digital platform courier workers, we refer to any workers who transport people, food or packages between places using app-company mediated digital platforms (currently classified as self-employed/independent operator).

‘gig’ workers) from exposure and to mitigate their role in disease transmission are limited¹. Essentially, digital platform couriers are highly exposed, frontline, low-wage, non-unionised workers who lack occupational health guidance and support in the context of COVID-19 (Moulds, 2020; Watters, 2020). A key goal of this study is ensuring that couriers have health and safety standards that reduce exposure and transmission to infectious disease. In this brief, we lay out our research methods and summary findings about three layers of COVID-19 related risk faced by digital platform courier workers as they navigated their day-to-day work. We then present our evidence-informed recommendations for ways to better protect digital platform couriers.

II. METHODS USED IN OUR STUDY

This Ontario-based study used qualitative methodologies to capture work and health experiences of digital courier workers as they occurred in day-to-day, organisational, and policy contexts. We conducted in-depth interviews with 30 digital platform courier workers who delivered food, packages and people, as well as three digital platform managers. We also conducted interviews with six managers in parallel firms (e.g., restaurants offering delivery, package delivery companies, and taxi companies). The latter were included in our sample to compare risk-management and mitigation strategies between digital platform companies and firms that provide similar services using conventional business models. To be eligible, all participants needed to have worked during the COVID-19 pandemic, and worker participants needed to have been engaged in digital platform work for at least 10 hours per week for at least one month. Interviews

¹ For existing resources, see: <https://d1ow5xpphy0w2p.cloudfront.net/common/covid-19-taxi-ride-share-health-and-safety-guidance.pdf?mtime=20200608105159&focal=none>; <https://www.ihsa.ca/pdfs/alerts/COVID19/guidance-on-handling-and-receiving-packages-during-covid-19.pdf>; <https://www.ihsa.ca/pdfs/alerts/COVID19/guidance-on-cleaning-sanitizing-inside-your-vehicle-during-covid-19.pdf>; <https://www.ihsa.ca/pdfs/alerts/COVID19/guidance-on-fuelling-of-vehicles-during-covid-19.pdf>

took place between September 2020 and February 2021. This was during Wave 2 of the pandemic and prior to the appearance of variants of concern.

The study also included document review of publicly available and participant-supplied information such as worker payment systems and contracts and digital platform communication, practices and policies.

A demographic survey was administered in interviews with worker participants. Most workers who participated (80%) were male; approximately half (52%) were members of racialized groups; and the average age was 31 (range 21-54). A 2019 study by Statistics Canada found similar age trends, and also that slightly more women than men worked in the gig economy (Jeon, Liu, & Ostrevsky, 2019). However, unlike ours, their study did not limit to courier workers which is a terrain that may have higher representation from male workers. Digital platform work was the primary source of employment income for 57% of workers in our sample, and the sole source for 27%. On average, they engaged in digital platform work for 23 hours per week and earned an average of \$23,790 annually from this work.

Detailed fieldnotes were made for each interview, and verbatim transcripts were coded by the research team using NVivo software. Data were then analysed thematically to focus on key issues pertaining to digital platform work and COVID-19-related risks. The analysis encompassed relevant policies at the organisational and governmental levels, as well issues pertaining to gender, racialization, and economic precariousness.

A Stakeholder Advisory Committee composed of worker advocates, legal experts, and public health and government officials played an instrumental role in guiding our interpretation of the data and in formulating recommendations.

III. KEY FINDINGS RELATED TO COVID-19 RISK

A key goal of this study is ensuring that couriers have health and safety standards that reduce exposure and transmission to infectious disease. Below, we detail our findings about the COVID-19 related risks faced by platform couriers, beginning with risks related to how digital platform companies controlled and pressured their platform couriers. As risks always arise out of particular contexts that prompt or create space for them to develop, we then contextualise these app-company mediated health risks within the broader government policy context of employment (mis)classification.

a. App-company mediated health risks

With no worker employment standards or job security through misclassification of workers as self-employed, a key tool for control used by platform companies was their threat of worker app deactivation if the worker's algorithmic scores fell below a certain threshold. Algorithmic scores

Digital platforms included in our study:

Food Delivery

- DoorDash
- Foodora*
- SkipTheDishes
- UberEats

Package Delivery

- Amazon Flex
- Cornershop by Uber
- InstaCart

Ride-Hail

- Lyft
- Uber

** Experiences before Foodora ceased Canadian operations in May 2020.*

were based on issues such as courier cancellation rate and customer ratings. In our study, this form of platform control over workers led to the following three COVID-19 exposure domains: app company business model, time pressures, and work environment pressures.

App company business model's pressure-related COVID-19 exposures

- Couriers faced exposure to customers who would not wear masks, would not keep the car windows open (for ride hail services), and did not choose contactless delivery. App company pressure to maintain high customer approval ratings led to workers' tolerance of this risk.
- Food and parcel couriers faced COVID-19 exposure in crowded restaurants and warehouses that did not allow for physical distancing. Pressure to meet app company requirements or delivery within a certain time frame prompted this risk acceptance.
- With low incomes and no app company funded paid sick days, platform workers worked even when they had COVID-19 symptoms as they could not risk going without income to buy food or pay rent. This placed workers' health at risk and endangered the public. Workers also described that some companies logged workers off the app platform for 14 days if they declared having symptoms or being ill with COVID-19 but did so without providing sick leave payments. Although some platform companies claimed to provide payments to workers with positive COVID-19 test results, no workers in this study described actually receiving these payments or knowing anyone who had received them. A member of our Stakeholder Advisory Committee who works with platform delivery workers noted that workers they met with were not aware of any successful claims for COVID-19 payouts by platform companies.

Time pressure exposures

- Time pressures induced by app algorithms prompted food-shopper couriers prompted food-shopper couriers (e.g., Instacart, Cornershop) to shop in a hurry. This meant exposure to COVID-19 risks as they were not able to wait for physical distancing space to open in store aisles before reaching for food.
- The pressure to deliver to apartment and condominium customers' doors on time led couriers to take crowded elevators in lieu of waiting for another elevator, enhancing their COVID-19 exposure risk. A challenge was that empty elevators were rarely available.

Work environment exposures

- Digital platform ride-hail workers were not provided with plexiglass barriers to enhance protection from customer exposure.
- While some platform companies provided workers with hand sanitizers and masks, some masks were seen by workers as low quality (leading to non-use) and masks and sanitizers were often difficult for workers to access (again prompting worker non-use).
- The pandemic closures led to a lack of indoor washroom access (e.g., in restaurants) to couriers, leaving them unable to wash their hands and occasionally having to resort to unsanitary and socially risky urination outdoors.

b. Employment misclassification

In this section, we explain how employment misclassification is a core context for understanding the app- company mediated health risks outlined above. This classification removes or weakens workers access to many aspects of our social security system. We also discuss the societal implications of digital platform firms being “free riders” by not contributing to Canada’s broader social security net and the income insecurity for workers that accompanies precarious employment conditions.

Misclassification

We suggest that being (mis)classified as “self-employed” is the most systemic driver of the risks (described above) that platform workers face during COVID-19. The self-employment classification for digital platform workers is highly contested (Vallas & Schor, 2020). The “employer” status of a digital platform company was recently established in Ontario in the CUPW vs Foodora decision on April 27, 2020, which when ruling on the right to unionized also determined that couriers’ relationships with Foodora most closely resembled an employment relationship (Richards, Radojcic, & Seal, 2020). Indeed, a review of conditions required for employee status suggests that most platform company workers should be considered as employees (Mandryk, 2020). In Mandryk’s (2020) review, a worker is considered to have employee status unless the hiring entity satisfies all three of the following conditions:

- The worker is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact;
- The worker performs work that is outside the usual course of the hiring entity’s business; and,
- The worker is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed (Mandryk 2020).

A challenge is that the current classification of digital platform workers as “self-employed” or as “independent operators” places workers outside of employment standards protections, including minimum wage, overtime and vacation pay. It also weakens their access to benefits from Employment Insurance in the event of unemployment. Being classified as “self-employed” also removes workers from many occupational health and safety protections, such as workplace inspections and the right to refuse unsafe work. The classification of many digital platform workers by the Workplace Safety and Insurance Board as “independent operators” exempt from mandatory coverage (Mojtehdzadeh, 2021) leaves them without protection in the event of work-related injury or illness. While the Workplace Safety and Insurance Board allows independent operators to “opt in” to coverage, it is unclear that digital platform workers know of this option. Further, with no minimum wage protections it is unlikely that workers would have sufficient income to pay for opt-in coverage. Essentially, the classification of digital platform workers as self-employed releases digital platform companies from financial, insurance, occupational injury and re-employment costs that other employers are mandated to contribute. This creates leeway for these companies to pressure workers to perform – even under unhealthy conditions, as outlined above. This is not just a Canadian problem. The US Labour secretary recently described gig work as a major economic issue that “undermines [US] economy”. He noted that

“misclassified employees often are denied access to critical benefits and protections like overtime, minimum wage, paid leave, unemployment insurance” (Dmitrieva, 2021).

“Free rider” companies

It is important to note that, by classifying platform workers as non-employees, digital platform companies are released from making employer contributions to Canadian social institutions that protect the health and security of workers, such as the Canadian Pension Plan, Employment Insurance, and workers’ compensation. This effectively creates a subsidy for digital platform companies and results in taxpayers having to pick up the tab for workers who classified as non-employees. For instance, when platform workers are injured on the job, their healthcare will be funded by the Canadian Medicare system rather than by (employer-funded) workers’ compensation insurance, with is a requirement under the Workplace Safety and Insurance Act for most Ontario businesses. When digital platform workers are without income, they must turn to taxpayer-funded Ontario Works instead of drawing on (employer-funded) Employment Insurance.

Income insecurity of precarious employment

Despite rhetoric by platform firms about digital platform workers enjoying employment that is flexible and on-demand entrepreneurialism, the reality of their work is that it is inconsistent and low-wage. This creates economic insecurity for many workers, particularly those doing this work as their sole income. The pandemic has aggravated the overall vulnerability of precariously-employed platform workers, who are disproportionately racialized workers (Côté et al., 2021).

IV. RECOMMENDATIONS FOR ADDRESSING COVID-19 RISKS

The recommendations that follow are tailored to the digital platform courier COVID-19 exposure risks identified in our study. We provide specific recommendations for how to protect the health and safety of digital platform couriers at the workplace level and then at the level of social protections provided by governments.

Workplace-level recommendations

This section includes basic recommendations to protect digital platform workers from COVID-19. These are measures that should be implemented by any employer during a pandemic:

Reduce risky contact:

- Mandate contactless delivery
- Without penalty, allow workers to deny service to customers who do not follow public health as well as the app company’s safety rules, such as wearing a mask and, in a ride-hail, winding down the window and sitting in the back seat.
- Without penalty, allow food delivery drivers leeway to not collect food from restaurants that do not observe physical distancing.

Reduce organizational pressures:

- Remove time pressures on personal shoppers/food deliverers, without reducing payment rates, to allow them sufficient time to complete their tasks safely and earn a wage without having to cut corners.

Provide physical infrastructure:

- Provide plexiglass barriers to ride-hail drivers. Provide workers with easily accessible hand sanitizers that are approved by Health Canada (Health Canada, 2021) and good quality surgical or non-medical masks (NCCEH, 2021).
- Provide washroom access (e.g. at the partner restaurants) as a basic right for platform workers.

[Social protection-level recommendations](#)

This section includes protections that can be provided by governments in laws, policies and surveillance and enforcement activities, and protections that can be provided by unions.

Classification as employees: Classification of platform workers as employees would provide vulnerable online platform workers with basic protections under the Workplace Safety and Insurance Act, 1997 (e.g., income replacement when injured), the Employment Standards Act (e.g. minimum wage), and the Occupational Health and Safety Act (e.g. workplace inspections). In Canada, the Supreme Court ruled in June 2020 in favour of a driver in a ‘gig economy’ case that paved the way for a class action suit calling for Uber to recognize drivers in Canada as company employees (Scherer, 2020). We recommend that governments take notice of this decision and act pre-emptively to classify digital platform workers as employees.

Collective organisation: Unionisation is an important way of protecting the health and safety of platform workers. Unions have historically played a role in initiating legal and social security changes that protect the health and safety of workers (Rosner & Markowitz, 2020) and they played a key role in Canada’s 2020 CUPW v. Foodora decision that determined that Foodora workers had the legal right to organize and certify a union. Our recommendation to classify platform workers as employees would give them the basic right to unionise.

Minimum wage: Platform workers’ low employment earnings and financial insecurity create poor health and stress and prompt couriers to take and create COVID-19 exposure risks (e.g., working while ill) to earn enough money for their needs. As per an earlier study of Uber drivers (MacEachen et al., 2019) by two of the current authors, we suggest that, with reasonable effort, all workers should be able to earn at least a minimum wage. In the short-term, we recommend extending existing minimum wage standards to self-employed digital platform workers, just as these standards currently exist in Ontario for commission-only workers (Smith, 2019).

Paid sick days: All workers, including digital platform workers, should have at least 10 permanent employer-funded sick days, plus an additional 14 during public health outbreaks such as COVID-19. Ensuring all workers have access to adequate paid sick days allows them the time and financial support that they need to: take time off work when ill, quarantine, get vaccinated,

take care of dependents, and manage both short and long-term side effects of COVID-19 illness or vaccination.

Supplemental insurance coverage: Digital platform workers should have access to benefits, such as employer-supplemented health and disability insurance, to get the coverage needed for basic medical needs, such prescription medication and mental health support.

V. WHAT IS NEW IN THIS RESEARCH

While previous researchers have described the pressures placed on digital platform workers to maintain a rapid pace and to work long hours (Bartel et al., 2019; MacEachen et al., 2019; Reid-Musson, MacEachen, & Bartel, 2020; Veen, Barratt, & Goods, 2019; Wood, Graham, Lehdonvirta, & Hjorth, 2019), to the best of our knowledge, this is the first empirical study of the specific COVID-19 related health and safety needs of digital platform couriers in Ontario, Canada. Over the last year, there have been many calls for employer-paid sick days (Mastroianni, 2021; Ontario Medical Association, 2020; Workers' Action Centre, 2020). While our recommendations include this, we also see the self-employment classification of these workers as a key driver of digital platform risks that courier workers faced during COVID-19. We expect that most of the pandemic risks and many of our recommendations will also be relevant in other advanced economy jurisdictions.

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