
Fourth Session, Forty-second Parliament
2 Charles III, 2023
Legislative Assembly of British Columbia

BILL 48

**LABOUR STATUTES
AMENDMENT ACT, 2023**

Honourable Harry Bains
Minister of Labour

Explanatory Notes

CLAUSE 1: *[Employment Standards Act, section 1]* adds the definition of “online platform worker”.

CLAUSE 2: *[Employment Standards Act, section 3.1]* provides that online platform workers are to be considered employees for purposes of the Act, and that the operators of online platforms are to be considered employers for purposes of the Act.

CLAUSE 3: *[Employment Standards Act, section 76]*

- clarifies the circumstances in which the director may take specified steps respecting investigations, and
- adds a new circumstance in which the director may take those steps.

BILL 48 – 2023

**LABOUR STATUTES
AMENDMENT ACT, 2023**

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Employment Standards Act

1 *Section 1 (1) of the Employment Standards Act, R.S.B.C. 1996, c. 113, is amended by adding the following definition:*

“online platform worker” means a person who performs prescribed work that the person accepts through an online platform; .

2 *The following section is added:*

Online platform workers

3.1 For the purposes of this Act,

- (a) an online platform worker is to be considered an employee, whether or not the online platform worker is an employee under any law, and
- (b) the operator of the online platform through which an online platform worker accepts prescribed work is to be considered the employer of the online platform worker.

3 *Section 76 (3) is amended*

(a) by adding “the director is satisfied that” after “if”,

(b) by adding the following paragraph:

(e.1) despite the director’s attempt to arrange for the complainant’s participation in a review or investigation or to obtain information from the complainant, the complainant failed to participate in the review or investigation or to provide information, , **and**

(c) in paragraph (i) by striking out “the dispute that caused the complaint is” and substituting “the complaint has been”.

CLAUSE 4: *[Employment Standards Act, section 112]* provides that the appeal period under this section ends 30 days after the date a determination was served.

CLAUSE 5: *[Employment Standards Act, section 127]* adds regulation-making authorities.

CLAUSE 6: *[Temporary Foreign Worker Protection Act, section 28]* expands the requirement to maintain records to all employers.

CLAUSE 7: *[Temporary Foreign Worker Protection Act, section 51]* amends dates that apply in relation to the obligation to pay interest on amounts owing under a determination or order.

CLAUSE 8: *[Workers Compensation Act, section 1]* adds the definition of “online platform worker”.

4 Section 112 (3) is repealed and the following substituted:

- (3) The appeal period referred to in subsection (2) is the period that starts on the date the determination was served under section 122 and ends 30 days after that date.

5 Section 127 (2) is amended by adding the following paragraphs:

- (b.01) prescribing work for the purposes of the definition of “online platform worker” and section 3.1 (b);
- (b.02) respecting online platforms and work accepted through online platforms; .

Temporary Foreign Worker Protection Act

6 Section 28 of the Temporary Foreign Worker Protection Act, S.B.C. 2018, c. 45, is amended

(a) in subsection (2) by striking out “A registered employer” and substituting “An employer”, and

(b) in subsections (2) and (3) by striking out “registered” wherever it appears.

7 Section 51 (1) is repealed and the following substituted:

- (1) If a person owes an amount to another person under a determination or an order of the tribunal, the person owing the amount must pay interest at the prescribed rate on the amount owed from
 - (a) in the case of an investigation commenced by the director under section 32, the date on which the director commenced the investigation, or
 - (b) the date on which the complaint was delivered to an office of the Employment Standards Branch under section 33 (2)to the date of payment.

Workers Compensation Act

8 Section 1 of the Workers Compensation Act, R.S.B.C. 2019, c. 1, is amended by adding the following definition:

“online platform worker” means a person who performs prescribed work that the person accepts through an online platform; .

CLAUSE 9: *[Workers Compensation Act, section 1.1]* provides that online platform workers are to be considered workers for purposes of the Act, and that the operators of online platforms are to be considered employers for purposes of the Act.

CLAUSE 10: *[Workers Compensation Act, section 109]* adds regulation-making authorities.

9 *The following section is added to Division 1 of Part 1:*

Online platform workers

1.1 For the purposes of this Act,

- (a) an online platform worker is to be considered a worker, whether or not the online platform worker is a worker or employee under any law, and
- (b) the operator of the online platform through which an online platform worker accepts prescribed work is to be considered the employer of the online platform worker.

10 *Section 109 (2) is amended*

(a) by renumbering paragraph (a) as paragraph (a.2), and

(b) by adding the following paragraphs:

- (a) prescribing work for the purposes of the definition of “online platform worker” and section 1.1 (b);
- (a.1) respecting online platforms and work accepted through online platforms; .

Commencement

11 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 1 and 2	By regulation of the Lieutenant Governor in Council
3	Section 5	By regulation of the Lieutenant Governor in Council
4	Sections 8 to 10	By regulation of the Lieutenant Governor in Council