

Fair Conduct and Accountability Standards Consultation Paper

Summary

Are you involved with, or have an interest in the on-demand workforce?

You might operate a digital platform, drive a car providing rideshare services, deliver food, provide care, or do odd jobs.

Use of on-demand work in Victoria

Digital platforms allow non-employee on-demand workers and clients to be matched via apps, being a tool through which work is accessed and allocated. Typically, digital platforms engage their workers as non-employees (or independent contractors).

Research released by the Victorian Government in June 2019 found that 7.4% of Victorians were working (or offering services) through a platform or had done so in the 12 months before they were surveyed.

There are good commercial reasons for Victorian businesses to use on-demand workers. We know that businesses can improve productivity when they are able to scale their workforce up and down to meet changing demand and circumstances. Individuals may also be attracted to non-employee work arrangements which can offer increased flexibility and the opportunity to generate profit.

However, non-employee on-demand workers do not receive many benefits and protections under work laws that employees do. Non-employee on-demand work arrangements can be problematic when the risks assumed by those workers are not adequately rewarded by genuine benefits and where insecure arrangements are used to undermine or replace more secure forms of employment.

Background: the Inquiry into the Victorian On-Demand Workforce

The Victorian Government established the Inquiry into the Victorian On-Demand Workforce in September 2018. It considered and reported to the Minister for Industrial Relations, Tim Pallas MP, on the conditions and status of workers working with or for on-demand platforms. The Report of the Inquiry was published in July 2020, and it included 20 recommendations for change. On 13 May 2021, the Minister for Industrial Relations announced the Victorian Government's support for all 20 recommendations of the report in full or in principle. The 2021-22 Victorian Budget included funding of \$5.25 million and work is under way to implement the Government's response to the Inquiry's recommendations.

Fair Conduct and Accountability Standards

Recommendations 13 and 14 of the Inquiry's Report relate to the development of Standards to underpin arrangements established by platforms with non-employee on-demand workers. The Report noted that the Standards could establish principles for:

- consultation about work status and arrangements
- consideration of parties' leverage or bargaining power
- fair conditions and pay

- fair and transparent independent dispute resolution
- worker representation, including the ability to seek better work arrangements; and
- safety.

The Victorian Government is proposing to introduce the Standards, shaped in consultation with stakeholders. The Standards will be developed to promote transparency and fair conduct by platforms to improve outcomes for non-employee on-demand workers, while not compromising on fairness or stifling innovation and entrepreneurship. They aim to assist non-employee on-demand workers who often have little or no bargaining power, and sometimes limited options to earn income in a precarious work environment. The content of the proposed standards is set out in the Consultation Paper.

Platforms will be expected to put them into practice. It is anticipated that the Standards will set out high level requirements. The Victorian Government will also consider options to assure compliance with the Standards, as well as measures to increase take up across platforms, subject to constitutional limits.

This consultation process will inform the final form and substance of the Standards as they are developed by the Victorian Government. There will be further targeted consultation in early 2022.

The Victorian Government will develop the Standards over the next six months in consultation with platforms, the broader business community and employer and industry associations, unions and workers, academics, and other interested members of the Victorian community.

How to make a submission and have your say

The Victorian Government is inviting submissions on the Standards. The Consultation Paper sets out questions that you may wish to respond to and other issues to consider. You may wish to address each of the key areas to be covered by the Standards or just those of most interest to you. You may also provide other feedback, examples, case studies or experiences.

Written submissions may be provided **by 4 February 2022**. You can upload your own written submission or provide a short response by using the [online form](#).

Submissions will be published unless there is a request for partial or full confidentiality. Text may be redacted in some submissions before publishing them to remove personally identifying details, to comply with the *Privacy and Data Protection Act 2014* (Vic), or to remove potentially offensive or defamatory material.

The Victorian Government looks forward to consulting with all interested parties in establishing the Standards.