

SIRA responses to Questions taken on Notice at the Future of Work hearing

Tab A - Gig Economy Reference Group documents:

- **Gig Economy Roundtable Participants November 2017**
- **Gig Economy Stakeholder Reference Group (GESRG)**

Terms of Reference

- **Meeting Minutes:**
 - o **1st March 2018**
 - o **20th July 2018**
 - o **8th November 2018**
- **GESRG List of Members**

Name	Title	Organisation	Email
Martin Stewart-Weeks (Facilitator)	Consultant	The Public Purpose	
Dr Jim Stanford (Presenter)	Director, Centre for Future Work	The Australia Institute	
Dr Jim Minifie (Presenter)	Productivity Growth Program Director	Grattan Institute	
CJ Foo	Chief Operations Officer	Airtasker Pty Ltd	
Dr Ian Oppermann	CEO & Chief Data Scientist	NSW Data Analytics Centre	
Elizabeth Greenwood	Policy Manager for Workers Compensation, WHS and Regulation	NSW Business Chamber	
Fiona Cameron	General Manager Policy, Consumer Outcomes	Insurance Council of Australia	
Harriet Dwyer	Operations Manager	Hireup	
Jessica Hudswell	Head of Corporate Affairs, Australia	Deliveroo	
Kerry-Anne Baxter	Manager Commercial Engagement and Performance	icare	
Lockie Cooke	Head of Policy and Job Creation	Splend	
Louise Peters	Director, Community Engagement	Fair Work Ombudsman	
Matt Barrie	CEO	Freelancer.com	
Maureen Ball	Director	Roobyx	
Michael Rosenbaum	Representative	The Sharing Hub	
Natasha Flores	Industrial Officer	Unions NSW	
Naushee Rahman	Principal Advisor, Advocacy and Strategic Projects	Office of the Small Business Commissioner	
Noel Nosworthy	Director	Roobyx	
Peter Scutt	Executive Director	Better Caring	
Rosalie Kariotakis	President	Ride-share Drivers's Association Australia	
Simon Robinson	Director	GoBuggy Australia	
Skye Theodorou	Adviser	Office of the Small Business Commissioner	
Steve Orenstein	CEO	Zoom2U	

Gig Economy Stakeholder Reference Group



Terms of reference

Purpose

The Gig Economy Stakeholder Reference Group (GESRG) will facilitate ongoing discussions around issues concerning the gig economy including investigating the effect of the gig economy on the workers compensation system, the individual and stakeholders and may assist in determining future regulatory government focus areas.

Background

The establishment of the GESRG was a recommendation of the Gig Economy Roundtable hosted by the State Insurance Regulatory Authority (SIRA) in November 2017.

These terms of reference set out the key roles, purpose and administrative arrangements for the group.

Role

The role of the GESRG is to:

- facilitate wider and shared stakeholder understanding of existing and emerging workforce trends associated with the gig economy and their real or potential impacts upon the workers compensation system
- explore possible short and medium-term policy and regulatory responses to these trends
- initiate stakeholder discussion about how workers compensation frameworks could evolve to meet the needs of the future workforce
- provide ongoing advice to SIRA on the continuing needs of the 'on-demand' industry and how these can be best met.

Chair and membership

The GESRG will be chaired by the Chief Executive, SIRA, or their nominated delegate.

An external facilitator may be appointed to guide and lead the group's discussion.

Membership of the GESRG will comprise of gig economy representatives, advocates and interested stakeholders.

Requests for membership of the group and notices of resignation from the group must be provided in writing to the Chair. Membership will be at the discretion of the Chair.

Participation in the group is voluntary and members are not remunerated for their participation. Members are individually responsible for all costs associated with their participation.

Meetings

The GESRG will meet every three months, with additional meetings held as required.

Meetings will be held in Sydney and will generally not exceed two hours in duration. Where possible, meetings will be held at the Vibe Hotel Sydney, 111 Goulburn Street, Sydney.

Secretariat

Secretariat support for the GESRG will be provided by SIRA. All administrative and secretarial support will be coordinated consisting of:

- arranging appropriate meeting times and locations and issuing invitations
- compilation and distribution of working papers
- preparation and distribution of minutes and maintenance of action lists.

Meeting format

Each meeting will have a fixed agenda, which will include:

- minutes of previous meeting
- action arising from previous meeting
- overview of key projects/initiatives (with major project milestone deliverables, risks and mitigation strategies, issues, actions and decisions required to be presented as required)
- general business.

Termination

The Chair will review these terms of reference and the continued role of the group annually.

The Chair may revoke the group at any time by giving written notice to all current members.

Gig Economy Stakeholder Reference Group

Meeting minutes - 1 March 2018

**State Insurance
Regulatory
Authority**

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1. Attendees

The following representatives of the Gig Economy Stakeholder Reference Group (GESRG) members attended the first meeting held on 1 March 2018:

Organisation	Representative
Airtasker Pty Ltd	CJ Foo Tim Fung
Better Caring	Tony Charara
DFSI	Louise Wattus
Employers Mutual Limited (EML) <i>as representative of the Insurance Council of Australia</i>	Jude Whiteman
Freelancer.com	Sarah Tang
Hireup	Harriet Dwyer Kate Elliott
Icare	Peter Meighan Kerry-Anne Baxter
NSW Business Chamber	Elizabeth Greenwood
NSW Data Analytics Centre	Samantha Lucia
Ride-share Drivers' Association Australia	Rosalina Kariotakis
Roobyx	Maureen Ball Noel Nosworthy
SIRA	Carmel Donnelly, Chairperson <u>Dr Rhys Bollen</u> Dr Petrina Casey
Splend	Lockie Cooke
The Australia Institute - Centre for Future Work	Dr Jim Stanford Tanya Carney
Zoom2U	Steve Orenstein

Apologies were received from:

Organisation	Representative
Better Caring	Peter Scutt
Deliveroo	Jessica Hudswell
Fair Work Ombudsman	Louise Peters
Freelancer	Matt Barrie
GoBuggy	Simon Robinson
Grattan Institute	Dr Jim Minifie
Office of the Small Business Commissioner	Jeremy Tripp
The Sharing Hub	Michael Rosenbaum
Unions NSW	Natasha Flores

Also in attendance was Martin Stewart-Weekes (Public Purpose) as facilitator and Sonya Jenkins, Tanya Briggs and Mark Haslam (SIRA) as observers.

2. Opening and welcome

Martin Stewart-Weekes, Facilitator opened the meeting at 2 pm and welcomed attendees. He acknowledged the traditional owners of the land.

Martin stated the gig economy roundtable discussion held in November 2017 helped set the scene and territory for future activity of the GESRG. The presentation by Matthew Taylor provided both a global and a UK perspective on the current trends in labour markets and possible recommendations to the challenges posed. Other presentations provided by Dr Jim Stanton and Dr Jim Minifie at the roundtable gave a local context posing questions whether it is a new or old conversation on how labour markets work and what role regulation has to play.

The GESRG meetings will continue this dialogue and analysis of the gig economy.

3. Draft terms of reference

Carmel Donnelly, Chairperson presented the draft terms of reference previously circulated to GESRG members. She stressed the importance to establish a stronger understanding of the gig economy in order for SIRA to best advise government. The terms of reference formally outline the objectives and organisation of the meetings.

The Terms of Reference were endorsed.

4. Case Studies

(a) Splend

Overview

Vehicle solution for the sharing economy.

Opportunity

Addressing unemployment and underemployment

Challenges

Lack of research and understanding around the social benefits of the sharing economy

Regulatory concerns and possible options

Definition of work and workers' rights in the sharing economy.

There are inconsistent messages in the public eye about the sharing economy which needs to be addressed. Splend does not have a direct solution, however believes it comes through more consistent discussion and engagement amongst regulators and the array of marketplaces. Splend looks forward to engaging with this process and developing best practices to ensure workers and consumers are not being exploited.

Speaker

Lockie Cooke, Head of Policy & Job Creation, Splend spoke on the above case study.

Splend employs a holistic approach to supporting micro businesses. It has supported over 4,000 members to get into work including 34% of drivers that were unemployed. Many of Splend's drivers are refugees or migrants and Splend assists with overcoming with the drivers' language and cultural barriers to obtain work.

One of the key issues for Splend are media reports about contractors being exploited within the gig economy even though Splend has very strong relationships with its drivers.

Discussion of Splend's case study involved:

- the ability of drivers to work for different platforms through Splend which is an enabler to work
- measurement of the drivers' experiences and feedback to improve customer/contractor services.

(b) Ride-share Drivers' Association Australia

Overview

Established in March 2016, the RSDAA exists to represent the interests of drivers in the ride share industry. The association was created in response to the increasingly evident disregard for the welfare and livelihood of drivers by the largest rideshare operator in Australia in its quest for market domination.

Opportunity

The RDSAA represents ride share drivers across Australia. We will support ride share drivers from all available platforms as and when they develop, and we strongly encourage competition from new entrants to the market challenging Uber's monopoly and giving drivers a choice. We also represent our members' interests in discussions with state and federal government as ride share legislation and regulation develops and changes.

The nature of the ride-sharing industry means that drivers work independently from each other, and unlike taxi drivers who stop at ranks, our drivers seldom get the opportunity to meet or engage with their colleagues. By forming an association, we are bringing drivers together to have a collective voice.

Challenges

Sustainability, exploitation of drivers, drivers' lack of knowledge of on road expenses and ATO requirements, and fatigue management.

Regulatory concerns and possible options

Fatigue management, police checks, travelling with minors and the fact that rideshare drivers do not fall under any current category of employment.

Retention rates of rideshare drivers are the lowest of any known industry in Australia.

A cap on the number of rideshare drivers in each state is the only viable solution.

Speaker

Rosalina Kariotakis, President – Ride-Share Drivers' Association of Australia (RSDAA) spoke on the above case study. Overall, Rosalina estimated the number of drivers in the gig economy was increasing (12,000 to 26,000 over the past 12 months). The rapid increase was making it increasingly difficult for drivers to earn a viable income as more people competed for a static customer base. Potentially, this could lead to conflict and other issues within the industry and lower retention rates.

Many drivers entered the industry with little or no understanding of the legal, financial or taxation aspects of working within the gig economy. They appreciated the idea of working for themselves but lacked awareness of what it entailed and the net amount that would be earned. The RSDAA is trying to address this issue by raising awareness. This problem could be addressed by the NSW Point-to-Point Commissioner.

Discussion of RSDAA's case study involved:

- whether accident rates for ride-share drivers were different to average
- ability of drivers to opt in or out of different contracts
- impact of over-supply or under-supply of drivers particularly with little regulation of driver hours
- whether there was any vehicle monitoring and fatigue management (only known in Western Australia)
- impact of GST legislation as ride share drivers were required to pay GST which is then applied to all income earned (whether as a driver or not).

(c) Roobyx

Overview

Roobyx is technically a gig economy platform that provides support to other gig economy platforms and their on-demand workers by providing:

- *on-demand workers with personal, portable insurance benefits and protections, as well as other financial products*
- *gig economy platforms with the ability to purchase bespoke enterprise products for their workers*
- *information and educational material to educate gig economy participants*
- *useful tools to protect and navigate their way through the gig economy*
- *developing analytics and behaviour profiles of users across multiple platforms.*

Opportunity

Traditional workers receive:

- *workers compensation (through their employer)*
- *superannuation (employer contributions of 9.5%)*
- *holiday and sick pay (through their employer)*
- *public liability coverage (through their employer's insurance).*

On-demand workers need:

- *workers compensation - risk management and income protection insurance that works like they do*
- *superannuation - flexible contributions to existing or new fund that works like they do*
- *holiday and sick pay - flexible funding mechanisms to enable them to manage this necessity*
- *public liability - cover against liability arising from a situation deemed to have resulted from their negligence while performing work from various sources.*

Challenges

A major challenge for industry (and regulators) is understanding the working patterns of on-demand workers. Many believe on-demand workers only work for one or maybe more than one platform and they do it full time. It is our observation that on-demand workers earn their income from many combinations, such as:

- *working full-time as an employee, whilst engaged with one or more platforms*
- *self-employed, using platforms to plug gaps in work cycles using one or several platforms*
- *self-employed, using platforms as the marketing arm of their business to obtain job tasks and build a direct customer base*
- *platform work only from one or more platforms either regularly or randomly*
- *combinations of the above*

The biggest challenge by far is highlighting and educating on-demand workers about:

- *understanding their personal risks and exposures*
- *minimising those risks and exposures*
- *how to go about establishing portable benefits and protections to cover these risks and exposures.*

Additionally, gig platforms should be encouraged and supported in providing basic enterprise cover for their on-demand workers without feeling legally compromised.

Regulatory concerns and possible options

Our primary concern is that while regulators and other interested parties try to reach a consensus on how to deal with the exposures being faced by gig-economy workers, these workers remain exposed.

- *Most if not all platform contracts with their ‘workers’ mention that they are self-employed and should purchase insurance protection. This needs to be effectively communicated to all existing and intending gig workers to ensure ignorance of the risks does not compound the risk.*
- *We believe that at least in the short term having in place a personal, portable benefits package designed specifically for on-demand workers is a good start.*

Speaker

Noel Nosworthy, Director – Roobyx spoke on the above case study. He said Roobyx provided flexible cover to gig economy participants that varied with the income earned. Roobyx found that many contractors were not aware they were not covered when working within the gig economy and there was not enough information freely available to gig economy workers to alert them to the dangers and requirements of working in the industry. The problem was exacerbated by the number of new people entering the gig economy workforce.

Some platforms were addressing the knowledge problem. Airtasker engaged H&R Block to provide ‘onboarding’ talks about running your own business and managing tax requirements.

The Roobyx case study generated discussion about:

- *accident and injury rates for gig economy participants versus other arrangements for work. (The CTP scheme may have evidence to understand the risks of an UBER driver in the next 12 – 24 months.)*
- *There is no single government department that provides all information for gig economy businesses and participants which start-up every week.*

5. Future state

Attendees considered how regulation could evolve to meet the needs of the future workforce and the gig economy and made the following suggestions.

Provide education and build knowledge

A government website for gig economy could contain all relevant information for start-ups and independent contractors (similar to the small business commissioner website).

Define gig economy participants consistently

Government agencies may assist by clarifying the definition of a worker and contractor and applying the definitions consistently between jurisdictions.

Develop workplace safety awareness

Regulators may assist with gig economy workplace safety as the workplace has changed becoming more mobile (cars, cafes or people's homes). The intersection between common law/ liability/ safety regulation may be considered.

Develop anticipatory regulation

Governments may become increasingly agile and anticipate risks while not distorting the market. Governments may obtain real time data to inform policy.

6. Subsequent meetings

Suggestions for future meetings included:

- structure for common issues/ themes/ risks (i.e. employees versus contractors/ legal obligations/ individual experience versus employee rights)
- understand user experiences
- include presentations
- invite different regulators (symposium)

The next meeting to agree on a possible outcome of the 2018 GESRG meetings such as statement of principles and/ or common issues.

7. Concluding remarks

Carmel Donnelly, Chairperson thanked everyone for attending and for their important contribution to analysing and better understanding the gig economy.

The meeting closed at 4 pm.

Gig Economy Stakeholder Reference Group Membership

Organisation	Name	Title
Airtasker Pty Ltd	CJ Foo	Chief Operations Officer
	Tim Fung	Chief Executive Officer
Better Caring	Tony Charara	Founder
	Peter Scutt	Executive Director
Deliveroo	Jessica Hudswell	Head of Corporate Affairs, Australia
DFSI	Louise Wattus	Managing Lawyer, Advisory
Employers Mutual Limited representing Insurance Council of Australia	Jude Whiteman	Talent Manager
Fair Work Ombudsman	Louise Peters	Director, Community Engagement
Freelancer.com	Sarah Tang	Head of Global Operations
	Matt Barrie	CEO
GoBuggy Australia	Simon Robinson	Director
Grattan Institute	Dr Jim Minifie	Productivity Growth Program Director
Hireup	Harriet Dwyer	Operations Manager
	Kate Elliott	Government Relations and Legal Affairs Manager
icare	Peter Meighan	Injury Prevention and Pricing
	Kerry-Anne Baxter	Head of Regulatory and Affinity Partners
Insurance Council of Australia	Fiona Cameron	General Manager, Policy Consumer Outcomes
NSW Business Chamber	Elizabeth Greenwood	Policy Manager for Workers Compensation, WHS and Regulation

Organisation	Name	Title
NSW Data Analytics Centre	Samantha Lucia	Director
	Dr Ian Oppermann	CEO & Chief Data Scientist
Office of the Small Business Commissioner	Naushee Rahman	Principal Advisor, Advocacy and Strategic Projects
Office of the Small Business Commissioner	Jeremy Tripp	Adviser
Ride-share Drivers' Association Australia	Rosalina Kariotakis	President
Roobyx	Maureen Ball	Director
	Noel Nosworthy	Director
SafeWork NSW	Peter Dunphy	Executive Director
SIRA	Carmel Donnelly	Chief Executive and Chair
	Rhys Bollen	Executive Director
	Petrina Casey	Director Policy & Design
Splend	Lockie Cooke	Head of Policy and Job Creation
The Australia Institute	Dr Jim Stanford	Director, Centre for Future Work
	Tanya Carney	
The Public Purpose	Martin Stewart-Weeks (Facilitator)	Consultant
The Sharing Hub	Michael Rosenbaum	Representative
Unions NSW	Natasha Flores	Industrial Officer
Zoom2U	Steve Orenstein	CEO

Disclaimer

This publication may contain information that relates to the regulation of workers compensation insurance, motor accident third party (CTP) insurance and home building compensation in NSW. It may include details of some of your obligations under the various schemes that the State Insurance Regulatory Authority (SIRA) administers.

However to ensure you comply with your legal obligations you must refer to the appropriate legislation as currently in force. Up to date legislation can be found at the NSW Legislation website legislation.nsw.gov.au

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Meeting minutes



State Insurance
Regulatory Authority

Gig Economy Stakeholder Reference Group

Details			
Meeting purpose: Meeting Number 2 of the Gig Economy Stakeholder Reference Group			
Date:	Monday 2 July 2018	Time:	3:00pm - 5:00pm
Location:	Vibe Hotel Sydney, 111 Goulburn St, Sydney		
Attendees:	Carmel Donnelly (SIRA), Darren Parker (SIRA), Sonya Jenkins (SIRA), Helen Eves (SIRA), Kristen O'Brien (SIRA), Martin Stewart-Weeks (The Public Purpose) Maureen Ball (Roobyx), Lockie Cooke (Splend), Natasha Flores (Unions NSW), Jack Boutros (Unions NSW), Elizabeth Greenwood (NSW Business Chamber), Peter Meighan (icare), Rosalina Kariotakis (Rideshare Drivers Association of Australia), Dr Ian Oppermann (NSW Data Analytics Centre).		
Apologies:	Petrina Casey (SIRA), Kerry-Anne Baxter (icare), Kate Elliott (Hireup), Sarah Tang (Freelancer), Steve Orenstein (Zoom2u), CJ foo (Airtasker), Michael Rosenbaum (The Sharing Hub), Harriet Platt-Hepworth (OSBC), Alex Ferreira (OSBC), Louise Wattus (DFSI)		
Chairperson:	Carmel Donnelly	Minute taker:	Kristen O'Brien

Brief summary

No	Item	Outcome
1.	Welcome	<p>Carmel welcomed attendees to the meeting.</p> <p>Carmel recognised diary challenges of the group and advised that when SIRA are planning the next meeting it will take into consideration a mutually agreed date for members.</p> <p>The value of hearing case studies during the meeting was also acknowledged. Carmel noted that the purpose of the meeting is to discuss what do people think is a good outcome for the Gig Economy and what would success look like.</p> <p><u>Previous Minutes</u></p> <p>The minutes of the last meeting were noted and accepted.</p>
3.	Gig Economy Case Studies	<p><u>On-Demand Food Delivery Riders Survey</u></p> <p>Jack Boutros (Unions NSW) shared survey results from on-demand food delivery riders with the group (survey snapshot attached).</p>

No	Item	Outcome
		<p>Issues were discussed around riders having increases in their delivery radius without increases in remuneration. Issues around performance metrics were also discussed for drivers and riders and the impact that a sick day or day off due to a workplace injury has on their ranking which may affect the amount of income that could possibly be receive.</p> <p>It was also noted that many riders/driver’s work across multiple platforms and if they have a workplace injury they are only remunerated for the platform that the injury occurred in.</p> <p>Discussions surrounded other statutory worker entitlements. The group acknowledged incidents that result in a worker’s compensation claim will likely be tested under legislation.</p> <p><u>Classification of Driver/Riders as Contractors or Employee’s</u></p> <p>Discussions surrounded issues relating to the preference of the drivers/rider’s to be perceived as independent contractors or employees.</p> <p>Members discussed that historically the Gig Industry did not have any regulation but over time regulation had increased in some areas. However generally people working in the Gig industry preferred to be treated as independent contractors and tend to work across multiple platforms.</p> <p>Discussion also surrounded the vulnerability of the workers that are often attracted to the ‘Gig Economy’.</p> <p><u>Potential Models</u></p> <p>The Long Service Payment Scheme was noted as a potential model for the Gig Economy. The Long Service Scheme allows eligible workers in the building and construction industry to work for different employers or as subcontractors and qualify for a long service benefit that is paid for by a levy on building and construction work in NSW. The levy is collected until required to fund long service payments.</p> <p><u>Work Health and Safety</u></p> <p>Unions NSW noted Workplace Health and Safety (WH&S) as a concern in the Gig Economy. Discussion took place around the introduction of some type of guidance material for people working in the Gig Industry around WH&S by some platforms.</p>
5.	Workshop: What do people think is a good outcome for effective regulation of the Gig Economy?	<p>The group workshopped: “Good outcomes for effective regulation of the Gig Economy.” The group was divided up to determine risks and opportunities for Workers, Providers and Regulators. The following was noted by the Group.</p> <p>Workers</p> <ul style="list-style-type: none"> • Being heard/consultation • Regulating through data • Data Analytics • People place, platforms, projects = effective settings • Workplace safety regulation to fit the ‘Gig Economy’ • Some level of protection

No	Item	Outcome
		<ul style="list-style-type: none"> • Basic minimal requirements • Not stopping someone who wants to work. <p>Providers</p> <ul style="list-style-type: none"> • Increase regulation increases costs therefore reduces demand. • Can they provide some benefits without being seen as an employer? • Providing benefits may increase relevance and longer relationships. <p>Regulators</p> <ul style="list-style-type: none"> • Impacts on the economy • Positive impact on worker and community safety • Greater regulation not adding to red tape • Data driven analytics • Deeper understanding of worker/work relationship • Simple as possible • Innovation. <p>The reference group was asked to consider the case study presented and what is the minimum level of standard required by workers. The group noted safety and remuneration as the biggest concerns.</p>
6.	General Business	<p><u>Communications Approach</u></p> <p>The Communications Strategy was noted. Members were asked to provide any feedback to SIRA. The group was also advised that the document would be published on the SIRA Website.</p> <p>Action - Reference Group Members to provide any feedback to SIRA Action - SIRA to publish the Communications approach</p> <p><u>Next Meeting</u></p> <p>The next meeting was discussed as an opportunity to bring in some other key regulators. SafeWork NSW and the Point to Point Commissioner were noted as key stakeholders for the Gig Economy.</p> <p>Action - SIRA to coordinate the next meeting and invite key regulators</p> <p>Carmel thanked everyone for their contribution and valuable conversation.</p>

Actions arising from meeting

Agreed actions	Status	Responsibility
1. Reference Group Members to provide feedback on Communications approach	In progress	All
2. SIRA to publish the Communications approach	In progress	SIRA

Agreed actions	Status	Responsibility
3. SIRA to coordinate the next meeting and invite key regulators	In Progress	SIRA

Meeting minutes



State Insurance
Regulatory Authority

Gig Economy Stakeholder Reference Group

Details		
Meeting purpose: Meeting Number 3 of the Gig Economy Stakeholder Reference Group		
Date:	Thursday 8 November 2018	Time: 1:30pm - 4:30pm
Location:	Rendezvous Hotel, Sydney Central, 803 - 813 George Street, Haymarket	
Attendees:	Carmel Donnelly (SIRA), Darren Parker (SIRA), Nicholas Cobb (SIRA), Simone Rich (SIRA), Deidre Rodwell (SIRA) Martin Stewart-Weeks (The Public Purpose) Maureen Ball (Roobyx), Natasha Flores (Unions NSW), Jack Boutros (Unions NSW), Louise Wattus (DFSI), Kerry-Anne Baxter (icare), David Allan (Revenue NSW), Skye Buatava (SafeWork), Ian Galvin (NSW Industrial Relations), Tara McCarthy (Point to Point Transport Commission), Jennifer Petersen (Point to Point Transport Commission), Blair Davidson (Australian Taxation Office), Tamara Searant (HireUp), Ian Fleck (Data Analytics Centre)	
Apologies:	Kate Elliott (Hireup), Simon Robinson (GoBuggy Australia), Emma Curtis (ASIC), Sarah Tang (Freelancer), Andrew Gavrielatos (SafeWork NSW), Noel Nosworthy (Roobyx), Harriet Platt-Hepworth (OSBC), Alex Ferreira (OSBC), Elizabeth Greenwood (NSW Business Chamber), Petrina Casey (SIRA), Peter Meighan (icare), Steve Orenstein (Zoom2u)	
Chairperson:	Carmel Donnelly	Minute taker: Simone Rich

Brief summary

No	Item	Outcome
1.	Welcome	<p>Carmel welcomed attendees to the meeting and noted the reference group has continued to meet throughout the year to consider the potential impacts of the gig economy. Members have provided valuable insights which will inform SIRA on future regulatory responses in workers compensation and compulsory third party schemes.</p> <p>Carmel noted there have been strong conversations amongst regulators about the need for a change with the growing gig economy. Legislation and regulation is requiring constant monitoring and adapting. Work health and safety legislation is being reviewed nationally and personal injury schemes are discussing convergence and the importance of consistency.</p>

No	Item	Outcome
2.	GESRG recap and meeting formalities	<p><u>Previous Minutes</u></p> <p>The minutes of the last meeting were noted and accepted.</p> <p>As requested by members in the previous meeting, the following regulators are represented today:</p> <ul style="list-style-type: none"> • Revenue NSW • SafeWork NSW • NSW Industrial Relations • Point to Point Transport Commission • Australian Taxation Office
3.	Workshop: workers compensation challenges in the gig economy and the intersect with other regulators	<p>The workshop commenced with the regulators providing an update on the key issues/challenges they are facing with the gig economy.</p> <p><u>NSW Industrial Relations</u></p> <ul style="list-style-type: none"> • The determination of employee or contractor is the main challenge • The nature of the relationship is currently determined on a case by case basis • A number of legal cases have resulted in the gig worker determined not to be an employee • The moment workers are determined to be employees the gig economy becomes unattractive due to the loss of flexibility • Potential barrier for change in NSW is the national legislation <p><u>SafeWork NSW</u></p> <ul style="list-style-type: none"> • WHS legislation is under review and will incorporate the sectors in the gig economy • The SafeWork NSW Roadmap has a focus on vulnerable workers and violence at work • Education of gig economy participants is a priority to make sure people understand their WHS obligations <p><u>Point to Point Transport Commission</u></p> <ul style="list-style-type: none"> • Safety is the Point to Point Transport Commission's top priority • The safety of drivers is regulated through the chain of responsibility eg. authorised booking service provider is responsible for the condition of the vehicle and is required to manage risks such as fatigue • The highest safety risk is physical and sexual assaults • Compliance is conducted by Authorised Officers who have powers similar to WHS inspectors. Police are also Authorised Officers. • 1700 on the spot fines have been issued this year (majority of fines were issued to operators not showing the required ID) • No interest in gig economy from an employment or remuneration perspective • Food delivery services don't fall within legislation as there is no passenger <p><u>Revenue NSW</u></p> <ul style="list-style-type: none"> • Determination of a worker or contractor is challenging as the business models of platform operators are constantly changing

No	Item	Outcome
		<ul style="list-style-type: none"> • Primarily focusing on rideshare and food delivery services • Engaging with accounting firms who manage large international platform operators to understand business models and nature of employment relationship <p><u>Australian Taxation Office</u></p> <ul style="list-style-type: none"> • Determination of worker or contractor status is challenging. A person may work on different platforms each day and can be a worker for one and a contractor for the other (depending on contracts) • Focus has been on food delivery services and ride sourcing/sharing • Recent GST decision deemed ridesharing to be classified as taxi services • Commencing investigations on asset sharing and tasking sectors • Engage with new platform operators as soon as they come on line and provide education on their taxation obligations • Identify potential noncompliance through GST reporting <p>The group were asked to consider whether there were areas where regulators could align. The following was noted:</p> <ul style="list-style-type: none"> • Determination of a worker – chain of responsibility may be more robust in the future • Development of Code of Practice/Charter with penalties for non-compliance eg. loss of licence. Reputation is crucial in the success of platform operators. <p>The following suggestions were discussed for future reform:</p> <ul style="list-style-type: none"> • No fault compensation scheme where a pathway to rehabilitation is provided regardless of where the injury was sustained. • Minimum standards for gig economy wages and superannuation to reduce the risk of exploitation. <p><u>NSW Data Analytics Centre</u></p> <p>DAC offered to provide the reference group statistics and trends of the gig economy. It was agreed SIRA would work with the DAC to obtain data analytics and present the findings at the next meeting.</p> <p>Discussions surrounded how the gig economy is increasing the amount of data collected with the use of telematics and platforms. Data will assist insurers/regulators to identify segments most at risk and in the future may also be used as evidence in determining claims liability.</p> <p>Action 1: SIRA to liaise with DAC to obtain data analytics of the gig economy and present the findings at the next meeting.</p>
4.	Workshop: Priority actions moving forward	The next meeting will be held in April 2019. It was recommended the following stakeholders be invited to future meetings:

No	Item	Outcome
	for the reference group	<ul style="list-style-type: none"> • Taxi Council • 13CABS • Police • Local Government • Transport Workers Union • Department of Jobs and Small Business <p>Moving forward SIRA will engage the Department of Finance, Services and Innovation's Accelerator Lab to research the 'gig economy' and understand the platform operator, worker and customer perspectives. It was agreed the development of a timeline to identify every regulatory touchpoint over a 12 month period would be valuable.</p> <p>Members will have the opportunity to contribute and participate in workshops convened by the Accelerator Lab. SIRA will provide an update to members in December 2018.</p> <p>A concern was raised about managing expectations when engaging with gig economy participants. Carmel noted as a regulator it is vital to have as many viewpoints as possible. The purpose of engagement currently is focused on information gathering and learning.</p> <p>Action 2: SIRA will engage the Department of Finance, Services and Innovation's Accelerator Lab to research the 'gig economy' from the perspective of a platform operator, worker and customer.</p> <p>Action 3: SIRA will provide an update to members in December 2018</p>
5.	General Business	<p>The Gig Economy Stakeholder Reference Group purpose and list of members has been published on the SIRA website.</p> <p>Carmel sincerely thanked everyone for their attendance and noted it has been a great opportunity for members to network and share experiences.</p>

Actions arising from meeting

Agreed actions	Status	Responsibility
1. SIRA to liaise with DAC to obtain data analytics of the gig economy and present the findings at the next meeting.		SIRA
2. SIRA will engage the Department of Finance, Services and Innovation's Accelerator Lab to research the 'gig economy' from the perspective of a platform operator, worker and customer.		SIRA
3. SIRA will provide an update to members in December 2018.		SIRA

Gig Economy Stakeholder R

Name	Title	Organisation
Martin Stewart-Weeks (Facilitator)	Consultant	The Public Purpose
Dr Jim Stanford (Presenter)	Director, Centre for Future Work	The Australia Institute
Dr Jim Minifie (Presenter)	Productivity Growth Program Director	Grattan Institute
Dr Ian Oppermann	CEO & Chief Data Scientist	NSW Data Analytics Centre
Kerry-Anne Baxter	Manager Commercial Engagement and Performance	icare
Elizabeth Greenwood	Policy Manager for Workers Compensation, WHS and Regulation	NSW Business Chamber
Louise Peters	Director, Community Engagement	Fair Work Ombudsman
Harriet Dwyer	Operations Manager	Hireup
Naushee Rahman	Principal Advisor, Advocacy and Strategic Projects	Office of the Small Business Commi
Simon Robinson	Director	GoBuggy Australia
Jessica Hudswell	Head of Corporate Affairs, Australia	Deliveroo
Matt Barrie	CEO	Freelancer.com
Rosalie Kariotakis	President	Ride-share Drivers's Association Au:
Fiona Cameron	General Manager Policy, Consumer Outcomes	Insurance Council of Australia
CJ Foo	Chief Operations Officer	Airtasker Pty Ltd
Natasha Flores	Industrial Officer	Unions NSW
Maureen Ball	Director	Roobyx
Michael Rosenbaum	Representative	The Sharing Hub
Peter Scutt	Executive Director	Better Caring
Noel Nosworthy	Director	Roobyx
Skye Theodorou	Adviser	Office of the Small Business Commi
Steve Orenstein	CEO	Zoom2U
Lockie Cooke	Head of Policy and Job Creation	Splend
Jude Whiteman	Talent Manager	Employers Mutural Limited (EML)
Sarah Tang	Head of Global Operations	Freelancer.com
Tanya		Centre for Future Work
SIRA		
Carmel Donnelly	Chief Executive	SIRA
Rhys Bollen	Executive Director	SIRA
Petrina Casey	Director Policy & Design	SIRA
Sonya Jenkins	Manager Risk and Regulatory Strategy	SIRA
Mark Haslam	Senior Policy Officer, Risk and Regulatory Strategy	SIRA

Reference Group

Email	Invited to mtg on 1/3/2018	Response	Business Case
	Yes	Accepted	No
	Yes	Accepted	No
	Yes	None	No
	Yes	None	No
	Yes	None	No
	Yes	Accepted	No
	Yes	Declined	No
	Yes	None	No
	Yes	None	No
	Yes	None	No
	Yes	None	No
	Yes	Declined	No
	Yes	Accepted	No
	Yes	Accepted	No
	Yes	None	No
	Yes	Declined	No
	Yes	Accepted	No
	Yes	Declined	No
	Yes	None	No
	Yes	Accepted	No
	Yes	None	No
	Yes	Accepted	No
	Yes	Accepted	Yes
		Accepted	No
	Invited by other invitees.	Accepted	No
		Accepted	No
		Attending	
		Attending	
		Attending	
		Attending	
		Attending	

Name of organisation:	Business overview and description:	Business/ industry opportunities (customer demand):	Business / industry challenges:
Splend	Vehicle solution for the sharing economy	Addressing unemployment and underemployment	Lack of research and understanding around the social benefits of the sharing economy

Roobyx Pty Ltd	<p>ROOBYX is technically a gig economy platform itself providing support to the gig economy platforms and their on-demand workers. We are focused on providing:</p> <ul style="list-style-type: none"> • On-demand workers with personal, portable insurance benefits and protections, as well as other financial products; • Gig economy platforms with the ability to purchase bespoke enterprise products for their workers; • Information and educational material to educate gig economy participants; • Useful tools to protect and navigate their way through the gig economy; and • Developing analytics and behaviour profiles of users across multiple platforms. 	<p>Traditional Workers get:</p> <p>Workers Compensation Covered by the employer</p> <p>Superannuation Employer contributions of 9.5%</p> <p>Holiday and Sick Pay Covered by the employer</p> <p>Public Liability Covered by employer/s company insurance policy/s</p> <p>On-Demand Workers need:</p> <p>Workers Compensation Risk management and Income Protection Insurance that works like they do</p> <p>Superannuation Flexible contributions to existing or new fund that works like they do</p> <p>Holiday and Sick Pay Flexible funding mechanisms to enable them to manage this necessity</p> <p>Public Liability Cover against liability arising from a situation deemed to have resulted from their negligence while performing work from various sources</p>	<p>A major challenge for industry (and regulators) is understanding the working patterns of ondemand workers. Many believe on-demand workers only work for one or maybe more than one platform and they do it full time. It is our observation, on-demand workers earn their income from many combinations:</p> <ul style="list-style-type: none"> • Working full-time as an employee, whilst engaged with one or more platforms; • Self-employed, using platforms to plug gaps in work cycles using one or several platforms; • Self-employed, using platforms as the marketing arm of their business to obtain job tasks and build a direct customer base; • Platform work only from one or more platforms either regularly or randomly; • Combinations of the above. <p>The biggest challenge by far is highlighting and educating on-demand workers about:</p> <ul style="list-style-type: none"> • understanding their personal risks and exposures; • minimising those risks and exposures; and • how to go about establishing portable benefits and protections to cover these risks and exposures.

Regulatory concerns of the business/ industry and possible options to address the concerns:

Definition of Work and workers rights in the sharing economy.

There are inconsistent messages in the public eye about the sharing economy which needs to be addressed, I don't have a direct solution, however I believe it comes up through more consistent discussion and engagement amongst regulators and the array of marketplaces. I look forward to engaging with this process and developing the best practices to ensure workers and consumers are not being exploited.

