

**1. Do you have any statistics regarding injuries to gig workers? Where does their risk profile sit compared to other industries?**

We refer Committee members to the report: *Tough Gig: Worker Perspectives on the Gig Economy*,<sup>1</sup> released April 2023 by the McKell Institute in Queensland.

Through interviews with more than a thousand gig workers, the report establishes that:

*Over half of the respondents have experienced work related stress, anxiety, and mental health issues. One in seven experienced sexual harassment, while over a third have been physically injured while working. Workers in the gig economy do not receive sick leave or workers' compensation, with 62 per cent saying they've lost income while sick or injured.*<sup>2</sup>

The Queensland Government's 2019 Regulatory Impact Statement (RIS)<sup>3</sup> estimated that, at the time the report was written, around 25,000 Queenslanders were engaged in work via the gig economy. If McKell's finding that 62% of surveyed workers have lost income due to sickness and injury can be extrapolated, that would equate to 15,500 injuries, over time, not being picked up in workers' compensation statistics.

In terms of relative risk, Safe Work Australia data tells us that:<sup>4</sup>

*The majority of the gig worker fatalities identified in the Traumatic Injuries Fatalities dataset to date relate to food delivery.*

*Over the past 3 years, Safe Work Australia has identified 9 gig workers that have died working for food delivery platforms and one that died working for a ride-share platform (Table 15). Most workers were using a two wheeled vehicle and all fatalities involved a collision with another vehicle (e.g. truck, car, bus).*

Safe Work Australia also provides the following table, highlighting the dangers for these workers.

**Table 15: Worker fatalities: gig workers and vehicle type, 2019 to 2021 (total)**

Worker vehicle type	No. of fatalities	% of fatalities
Scooter	4	40%
Pushbike	3	30%
Motorbike	2	20%
Car	1	10%
<b>Total</b>	<b>10</b>	<b>100%</b>

Note: The percentages shown in this table have been rounded to the nearest whole number; therefore the sum of percentage figures for each column may not equal the total.

These gig workers primarily worked in Transport, postal and warehousing, were male and between the ages of 25 and 44.

<sup>1</sup> Ref: <https://mckellinstitute.org.au/wp-content/uploads/2023/03/McKell-Tough-Gig-Report.pdf>

<sup>2</sup> Ibid; p.21 (emphasis added)

<sup>3</sup> [https://www.worksafe.qld.gov.au/data/assets/pdf\\_file/0026/19277/ris-gig-taxi-limo-industries.pdf](https://www.worksafe.qld.gov.au/data/assets/pdf_file/0026/19277/ris-gig-taxi-limo-industries.pdf): p.30.

<sup>4</sup> <https://www.safeworkaustralia.gov.au/sites/default/files/2022-11/work-related-traumatic-injury-fatalities-australia-2021.pdf>: P.22

Victorian research<sup>5</sup> tells us that this is a growing problem:

- *Victoria Police attended 92 crashes involving a delivery rider on a motorbike or bicycle in 2016, this jumped to 143 in 2022.*
- *Between 2016 and 2022, Victoria Police recorded 917 riders involved in accidents attended.*

Worksafe Queensland statistics<sup>6</sup> confirm that the main industries in which gig workers are engaged have comparatively high claim rates compared to other industries. This includes transport and warehousing, as well as healthcare and social assistance. The latter is of particular concern given the increases in reliance on platform-based work in sectors such as support services for people with disability.

As alluded to above, statistics such as these are likely to understate the issue. Injuries sustained by those engaged by platforms are not captured in workers' compensation data. As Safe Work Australia notes:<sup>7</sup>

*There are limitations to this data. Information about whether a worker had been performing work obtained via a digital platform at the time of an injury fatality is often not available. A worker may operate their own business as an independent contractor obtaining work both through traditional arrangements as well as via one or more digital platforms. Given the sources from which work-related injury fatality data are collated (e.g. policy reports, coronial data), this level of detail is often not readily available.*

**2. Can you please expand on your recommendation that the government should undertake a fresh and targeted regulatory impact statement process on the provisions of the bill regardless of the final terminology adopted.**

The website of the Department of Justice and Attorney-General<sup>8</sup> tells us that:

*Under the Queensland Government Better regulation policy (the policy) agencies are required to publish impact analysis statements (the statements) for regulatory proposals following final approval by the relevant decision-making body.*

*The policy outlines the Queensland Government requirements for the development and review of regulations and a statement is an assessment of a regulatory proposal under the policy.*

A Regulatory Impact Statement (RIS) provides an opportunity for departments to document the costs and benefits of the various policy options available to address an identified public policy issue, and nominate a preferred option based on their analysis.

To our knowledge, the last time a RIS was conducted on the issues associated with extending access to the statutory workers' compensation scheme in Queensland was in 2019.<sup>9</sup>

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<sup>5</sup> <https://mckellinstitute.org.au/urgent-need-for-worker-protections-in-surging-gig-economy/>

<sup>6</sup> See for example: [https://www.worksafe.qld.gov.au/data/assets/pdf\\_file/0022/127183/workers-compensation-scheme-statistics-2022-2023-full-report.pdf](https://www.worksafe.qld.gov.au/data/assets/pdf_file/0022/127183/workers-compensation-scheme-statistics-2022-2023-full-report.pdf): p.10

<sup>7</sup> [https://www.safeworkaustralia.gov.au/sites/default/files/2022-11/work-related-traumatic-injury-fatalities-australia\\_2021.pdf](https://www.safeworkaustralia.gov.au/sites/default/files/2022-11/work-related-traumatic-injury-fatalities-australia_2021.pdf): p.22

<sup>8</sup> Ref: <https://www.justice.qld.gov.au/publications-policies/reports/impact-analysis-statements>

That consultation process heard that in order to achieve the key objectives of Queensland's workers' compensation and rehabilitation scheme, the scheme must be extended to include those workers who currently sit outside its coverage.

The RIS contained two options for action, namely:

Option 1: Status-quo - Gig workers rely on voluntary private personal accident insurance and are not covered by Queensland's workers' compensation scheme.

Option 2: Amend the *Workers' Compensation and Rehabilitation Act 2003* to extend workers' compensation coverage to gig workers and require intermediary businesses to pay premiums.

The RIS nominated Option 2 as its preferred option.

Option 2 was nominated as the preferred course of action on the basis that it would:

- *protect gig workers who are particularly vulnerable by providing fair and equal access to workers' compensation rights and entitlements in Queensland;*
- *improve injured workers' chances of achieving a durable return to work following injury;*
- *support the flexibility offered by the gig economy (which is a strong driver of participation and job satisfaction of many gig workers), by not altering or limiting the way in which Intermediaries operate;*
- *provide a level playing field by ensuring gig businesses pay the same proportion of costs on workers' compensation as current employers pay in the industry that the intermediary is working in;*
- *reduce cost-shifting to the community - in particular, to the public health system or a worker's private medical insurance (if any) to recover from the injury; and*
- *result in improved work health and safety outcomes due to the incentivisation of workers' compensation insurance premiums to improve performance.*

24 submissions were received from stakeholders. The inquiry heard that any costs to business resulting from implementing the above would be relatively small, and that the imposition of those costs merely places intermediaries in line with businesses who are actually employing staff, thereby producing a market more conducive to competition.

Since the consultation period for the 2019 RIS expired, Maurice Blackburn has been unable to find documented outcomes from that process – there does not seem to be an official report from the inquiry, nor any publicised analysis of whether Option 2 was supported by most stakeholders.

With this in mind, alongside recent changes in employment law at the federal level, we believe it would be appropriate and timely to conduct an updated cost/benefit analysis based around the provisions of the Bill as soon as possible. Rather than waiting for the outcomes of decisions at the federal level before commencing a RIS, our recommendation is that the Committee advocate for that action to commence now. In that way, when definitional decisions are made clear at the federal level, Queensland will have the analysis it needs to make the required changes immediately.

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<sup>9</sup> Ref: <https://www.oir.qld.gov.au/public-consultation/possible-extension-workers-compensation-coverage-certain-gig-economy>

We note that the recommendation to move quickly on this is also noted in the submission by the Queensland Council of Unions to this inquiry.<sup>10</sup>

Please do not hesitate to contact me and my colleagues on [REDACTED] or at [REDACTED] if we can further assist with the Committee's important work.

Yours faithfully,

[REDACTED]

**Patrick Turner**  
**Principal Lawyer**  
**Employment and Industrial Law**  
**Maurice Blackburn**

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<sup>10</sup> Ref: <https://documents.parliament.qld.gov.au/com/EETSC-5CF2/WCROLAB202-5385/submissions/00000013.pdf>; paras 58-59, p.20