

Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2024

Submission No: 6
Submitted by: DoorDash Australia
Publication:
Attachments:
Submitter Comments:



13 May 2024

Committee Secretary
Education, Employment, Training and Skills Committee
Parliament House
George Street
Brisbane Qld 4000

Via email: EETSC@parliament.qld.gov.au

Introduction

On behalf of DoorDash Australia, I would like to thank the Committee for the opportunity to provide a written submission on the Committee's inquiry into the Workers Compensation and Rehabilitation and Other Legislation Amendment Bill 2024 (the Bill). DoorDash is firmly committed to contributing positively to any reforms that protect independent contractors while supporting small businesses, consumers, and the economy.

DoorDash cannot support the Bill in its current form for the reasons outlined in this letter which are:

- Implementing any legislated changes to workers compensation now with respect to platform workers is premature, liable to confusion and could have unintended negative consequences.
- Extending Queensland's workers compensation scheme to platform workers is extremely complex and could have far reaching implications for consumers, businesses and the broader economy. In our respectful submission, these implications have not been adequately explored before the Bill was introduced.

DoorDash supports the Queensland Government requiring platforms to provide personal accident insurance, as this would be well suited for the on-demand platform economy. We firmly believe that this should be explored as an option *first* prior to implementing any changes to the *Workers Compensation and Rehabilitation Act 2003* (WCR Act) as set out in the Bill.

About DoorDash

DoorDash (NASDAQ: DASH) is a technology company that connects consumers with their favourite local businesses in more than 30 countries across the globe. Founded in 2013, DoorDash builds products and services to help businesses innovate, grow, and reach more customers. DoorDash is your door to more: the local commerce platform dedicated to enabling merchants to thrive in the convenience economy, giving consumers access to more of their communities, and providing work that empowers.

In 2023, DoorDash empowered over 125,000 Australians from all walks of life to earn money when, where, and how they choose by delivering meals and other essentials to their communities. We refer to these individuals as 'Dashers'. Dashers consistently express that their driving motivation for delivering with DoorDash is the pursuit of independence, choice, and flexibility, setting it apart from conventional employment.

Implementing any legislated changes to workers compensation now with respect to platform workers is premature, liable to confusion and could have unintended negative consequences



The Bill proposes an amendment to the WCR Act which gives the Government power, through regulation, to prescribe certain platform workers as a 'worker' and certain platforms as an 'employer'. Importantly, these changes to the Act are being made *now* prior to the finalisation of two important and major pieces of policy work happening at a national level, namely the implementation of the Fair Work Legislation Amendment (Closing Loopholes No 2) Bill 2024 (Cth) and Safe Work Australia's examination of the operation and scope of the primary duty of care model in the context of modern work arrangements (including platform work).

We are concerned that the Bill is being rushed, without considering the end result of both of these policy processes. This could lead to subsequent amendments to the WCR Act, causing confusion for businesses and workers. We are also concerned that the Bill grants the Queensland government power to regulate without any legislated requirements for further industry or public consultation. This lack of certainty could undermine the legitimacy of any future changes and prevent a thorough understanding of their potential consequences.

Finally, we are also concerned that the Summary Impact Analysis Statement (Summary IAS)¹ and the Decision Impact Analysis Statement² (Decision IAS) on which the Bill is based hasn't properly considered that many of the platforms in the on-demand delivery industry already provide personal accidental insurance for workers (including DoorDash, Menulog and Uber Eats). We also don't consider that the Summary IAS or Decision IAS thoroughly considers alternatives to extending workers compensation coverage, such as mandating personal accident insurance across the industry. This is particularly important given the complexities of introducing a workers compensation scheme for gig workers. We also consider it *critical* that the Bill require the Government to conduct public consultation (including consultation with industry) prior to exercising a power with such significant ramifications.

Extending QLD's workers compensation scheme to platform workers is extremely complex and could have far reaching implications for consumers, businesses and the broader economy.

DoorDash is concerned that extending workers' compensation to platform workers is extremely complex and could have far-reaching implications for consumers, businesses and the broader economy including:

- 1. It will be very difficult to precisely define when platform workers are "working" which will likely create complex rules and decisions about the applicability of workers compensation:** Platform workers are *very commonly* engaged in other forms of traditional employment, and/or choose to work on multiple apps at one time. There will be very difficult questions of applicability for example where a worker is injured while choosing to work on a platform while commuting to a traditional job, or while on their lunch break. Another example might be where a worker injures themselves but is not actively on a delivery (for example, they may have finished a delivery and are waiting for another one) and logged onto multiple apps at the same time.
- 2. Return to work programs that occur through workers compensation can be problematic as platforms like DoorDash have no control over when and how workers choose to work -** in particular, return to work programs could be very difficult for certain platform workers who might not actually want to keep working (because, for example, they are only working temporarily to pay for a holiday or who are in Australia to study). These workers could be statutorily obligated to participate in these programs if they want to make a claim for compensation, even if they don't actually want to continue working.

¹ Summary Impact Analysis Statement - Queensland Government's decision in relation to regulatory proposals to extend workers' compensation coverage to gig workers and bailee taxi and limousine drivers.

² Decision Impact Analysis Statement - gig workers and bailee taxi and limousine drivers.



3. **Workers compensation is costly and not fit for the gig sector. Introducing workers compensation could needlessly increase costs for consumers:** The proposed extension of workers' compensation to gig workers raises concerns about the potential financial burdens it may impose on businesses. These costs may be passed on to consumers in the form of higher prices for goods and services. Moreover, platform workers themselves may face reduced earning opportunities as platforms may need to introduce significant changes to the way they operate to accommodate increased costs of doing business.

DoorDash supports the Queensland government mandating on-demand platforms to provide personal accident insurance free of charge for workers.

DoorDash submits that requiring companies to provide personal accident insurance free of charge is well suited and convenient for on-demand platform delivery workers and should be explored as an option *first* prior to implementing any changes to the WRC Act.

All Queensland-based Dashers are automatically eligible for personal accident insurance coverage (subject to policy terms) at no cost to them. We support Dashers by providing personal accident insurance for covered incidents should they occur while making a delivery with DoorDash. We do not charge Dashers for this coverage, which covers every Dasher starting with their very first delivery and regardless of how many deliveries they make. Dashers do not need to sign up or enrol and there are no associated premiums, excesses, or co-payments. All Dashers in Australia are eligible subject to policy terms, conditions, limitations and exclusions. More details of our personal accidental insurance can be found on our [website](#).

DoorDash provides more and more Australians a flexible and safe way to earn valuable extra income. Dashers can earn extra income when, where and for however long they want.

Dashers spend relatively little time delivering with DoorDash. In the last quarter of 2023, for example, **Australian Dashers spent less than three and a half hours per week on delivery, on average**, and many regularly exercise the option to pause work on the platform for weeks or months at a time. The rising cost of living and decline in wage inflation has led to a significant boom in the demand for supplemental income. This has meant that many Australians have turned to working several jobs to capitalise on their earning potential, driving the growth of the on-demand platform economy as a convenient, flexible option with very few barriers to supplementary income. In the first quarter of 2024, we saw the number of Dashers in Australia increase by around 24% compared to the same quarter in 2023.

This unique, flexible work is highly valued by those who choose to dash. 3,128 Dashers across Australia participated anonymously in a survey conducted by Quantum Market Research, and commissioned by Didi, DoorDash, Menulog and Uber Eats. The research showed that Dashers value independence and flexibility above all, but also choose to engage with on-demand platform work for the low barrier to entry, the ability to work dashing around their personal and family commitments and to support their mental health:

- 84% agree that app-based work gives them more flexibility around their personal needs, commitments and lifestyle than a traditional job.
- 88% agree app-based platform work enables them to choose how many hours they work.
- 87% agree app-based platform work enables them to be able to pause work or take a break whenever they want.
- 78% agree app-based platform work enables them to take a holiday whenever they want.



DoorDash takes the safety of the Dashers who use our platform seriously.

DoorDash is a signatory to the [National Safety Principles for Food Delivery Platforms](#) (the National Safety Principles) which reflect the work health and safety (WHS) duties that apply across Australia to protect workers and other persons from harm. The National Safety Principles require DoorDash as signatory to eliminate or minimise risk however we operate our businesses.

We believe Dashers should have access to affordable safety equipment to help reduce distraction, prevent injury, and enhance visibility while on the road. For example, we make Hi-Vis delivery bags free of charge for every dasher activated on our platform who uses a scooter, bike or motorbike, and we continue to promote the availability of this safety gear to Dashers. We also continue to evaluate ways we can make safety gear more accessible to Dashers and we work with the Dasher community and external partners to understand the most effective ways we can expand our safety gear suite to help Dashers get the equipment they want to increase safety while on the road. DoorDash also provides Dasher induction training, which covers topics such as hazard and fatigue management, general road safety, the use and maintenance of PPE and information about work, health and safety duties.

DoorDash strives to create a safe space where Dashers can provide feedback directly to us to contribute to shaping our platform and improving the delivery experience. Our Dasher Community Council provides feedback to DoorDash on important Dasher topics like app functionality, new features, and a broad range of other issues affecting Dashers including issues of safety and safeguarding the future of flexible and independent work. Since launching in 2021, the DCC has acted as a sounding board for ideas, ensured ongoing engagement in the Dasher community, and helped brainstorm solutions to common Dasher challenges.

DoorDash Safety Features in action:

At DoorDash, we are constantly innovating and rolling out new platform features that support the safety of Dashers, including:

- Emergency Contact Details, means someone Dashers' trust will be contacted if there is an emergency.
- Report a Customer, allowing Dashers to report abuse as it happens, using a new SafechatAI feature which monitors for abuse.
- Driver safety features such as Driver Insights and Harsh Break.
- 24/7 real-time monitoring and alerts that showcase if there is an unsafe situation nearby.
- Notification reminding customers to turn on their porch lights, so Dashers can easily find their way to the home.

Conclusion

Platforms like DoorDash provide a critical source of supplemental income to workers in Queensland, allowing them access to flexible work when and how they need it. We believe it is vitally important to protect the unique benefits of this work while also ensuring workers receive the safety protections they deserve, including insurance coverage for injuries. While we cannot support the Bill in its current form due to the concerns outlined in this letter, we are strongly supportive of working with the Queensland Government to achieve a balanced and sustainable regulatory framework that benefits both workers,



businesses and the Australian economy as a whole.

Please let us know if you have any questions.

Sincerely,



Rachel Murphy

Director
Head of Policy and Government Relations, Australia and New Zealand

