

# A PLATFORM ECONOMY STRATEGY FOR CANADA

Supporting place-based governance  
for a more resilient and inclusive  
post-COVID Future of Work





# ABOUT ACTION CANADA

The Action Canada Fellowship is a public policy leadership program that aims to enhance young leaders' understanding of the country and public policy choices for the future.

## ACKNOWLEDGMENTS

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## ABOUT THE ARTISTS

Jérémie Lemarbre and Mélodie Lehoux, known as Jimmy Crockett and Kwartz, are two multidisciplinary Montreal-based artists working in the fields of illustration, 2D animation and graphic arts.

## DISCLAIMER

This project has been undertaken pursuant to an Action Canada Fellowship, which is a national policy engagement and leadership development program delivered in partnership by the PPF and Action Canada. The views, opinions, positions and/or strategies expressed herein are those of the authors alone, and do not necessarily reflect the views, opinions, positions or strategies of PPF, Action Canada, Action Canada Foundation or the Government of Canada.



## ABOUT THE AUTHORS



### Gabrielle Bouchard

is an engineer, educator, advocate for youth social mobility and the creator of the YouTube series "Gabby on Government", based in Toronto, ON.

### Fadi Haddad

is an engineer, project manager and environmental professional who serves as Senior Policy and Programs Analyst at Canada Economic Development for Quebec Regions, based in Montreal, QC.



### Dakota Norris

(B.Comm) is a Programs Manager at Youth Climate Lab and a member of the Gwich'in First Nation, based in Saskatoon, SK.

### Helen Tewolde

is Director of Policy and Programs at The Law Foundation of Ontario and LLM Candidate (Constitutional) at Osgoode Hall Law School based in Toronto, ON.



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# FOREWORD

In recognition of the 2020/21 Action Canada Fellowship theme, the *Place-based dimensions of the post-pandemic Future of Work*, we set forth an aspirational goal for our project:

**“ Our policy proposal is first and foremost a learning experience that aims to be human-centred, practical and scalable to Canada’s diverse regions and populations. Our development process will consider a place-based approach while valuing authenticity, quality methodology, out-of-the-box thinking and future-oriented solutions. ”**

We felt compelled to explore digital platforms that have significantly impacted our communities’ well-being and livelihoods over the past decade, including Montreal, Toronto and Saskatoon. We, the authors, use platforms extensively and believe that they benefit our lives in many ways. We have friends and family members who built “gigs,” jobs, and businesses around platforms, which afforded them new opportunities and meaningful working lives. We are not anti-technology or anti-platform.

However, we recognize platforms have both positive and negative impacts on Canadians. These impacts are neither well understood nor distributed equally. We also believe there is a lack of much needed public participation in decisions made by digital platforms. We aim to provide the federal government with a place-based framework to better address these challenges and contribute to a more inclusive and resilient post-pandemic Future of Work.





# EXECUTIVE SUMMARY

Advances in big data, algorithms and cloud computing over the past decade have contributed to the emergence and widespread use of digital platforms in Canada. Whether it be through Uber, Airbnb, Amazon, Etsy or Shopify, a growing number of Canadian workers and businesses are interacting in these platform-based and controlled markets.

This phenomenon, known as the emergence of the Platform Economy, has significant implications for the Future of Work in Canada. Meanwhile, the COVID-19 pandemic has only accelerated this trend as more Canadians than ever before turn towards digital platforms to support their livelihoods. Given this new reality, we believe there are three imperatives to why the federal government should adopt a Platform Economy Strategy for Canada.



**First:** The Platform Economy in Canada is growing and has significantly accelerated with COVID-19.



**Second:** Digital platforms have disrupted Canadian workers and businesses, most notably in urban centres, but there are signs that rural regions and smaller municipalities, ill-prepared to address the Platform Economy's complexities, are next.



**Third:** Federal, provincial and municipal actions to date on the Platform Economy have been piecemeal, with no co-ordinated or coherent efforts to effectively address the unique challenges and opportunities of digital platforms' use by Canadian workers and businesses.

We identified three major gaps in Canada's governance regarding digital platforms that must be addressed: it is reactive, it is becoming privatized, and it is resulting in asymmetry of power that favour platforms rather than Canadian businesses and workers. Thus, our proposal for a more coherent and co-ordinated Platform Economy Strategy in Canada consists of three recommendations:



**Recommendation 1:** Establish a National Centre for the Platform Economy.



**Recommendation 2:** Enhance the Competition Bureau's oversight of the Platform Economy.



**Recommendation 3:** Initiate federally led regional assessments of digital platform activities.

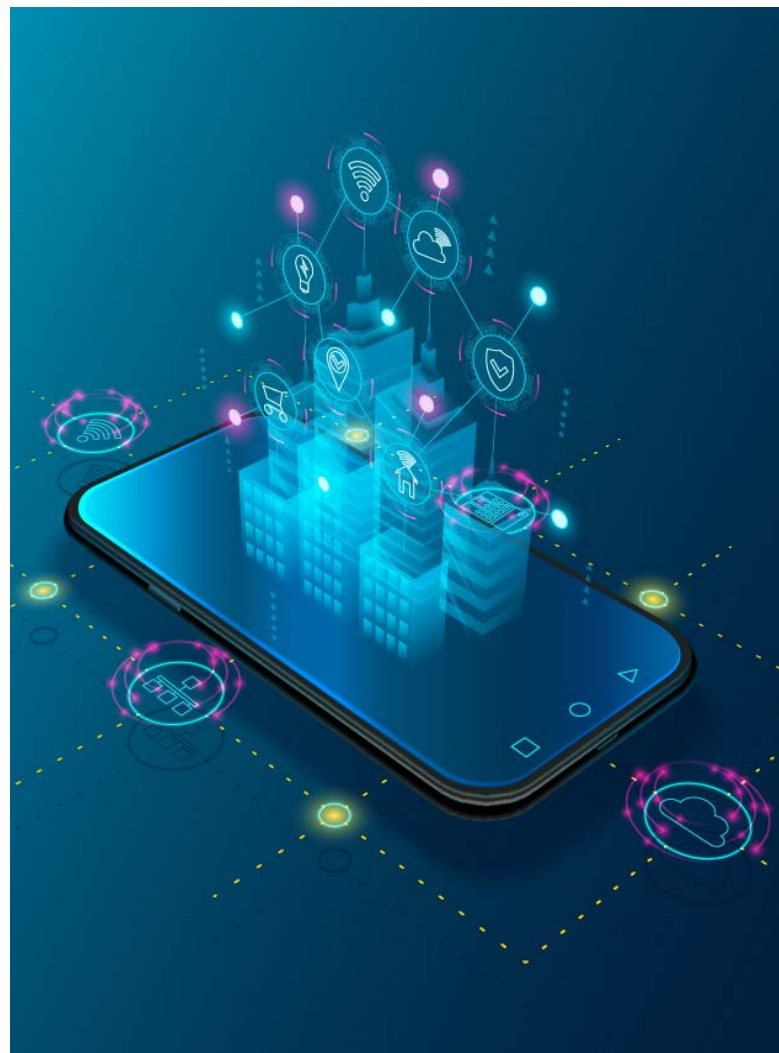
These complementary actions will support enhanced place-based governance on digital platforms in Canada. These ensure that diverse Canadian workers and businesses, in both rural and urban settings, reap the full benefits of the Future of Work—one that is more inclusive and resilient post-pandemic.

# INTRODUCTION

The use of digital platforms to exchange products and services has proliferated in Canada and globally over the past decade. In 2018, 28% of Canadian adults were obtaining income through digital platforms.<sup>1</sup> In 2020, Shopify, a platform that allows businesses to set up an online store, reached a market capitalization of \$120 billion and became the most valuable Canadian company.<sup>2</sup>

**By fundamentally disrupting and reorganizing the structure of the Canadian economy, worker-employer relationships, job security and precarity, work arrangements, and worker compensation, the current concentration of power by digital platforms may be “more formidable than was that of factory owners in the early industrial revolution.”<sup>3</sup>**

Early evidence suggests that the COVID-19 pandemic has triggered significant increases in the use of digital platforms by Canadian businesses and workers, enabling them to continue operating despite restrictive health protocols. Given this new reality, Canadians must have a say in how platforms impact their livelihoods. Public policy responses to the Platform Economy to date have been piecemeal, reactive and undertaken by different levels of government. Without co-ordinated leadership and concerted actions at the federal level on digital platforms, Canadian workers and businesses are vulnerable to the negative disruptions of platforms.



**By increasing the concentration of wealth and power in the hands of a few, the current governance approach to digital platforms risks exacerbating, rather than bridging, existing inequalities in Canada.**

# WHAT IS THE PLATFORM ECONOMY?

**In the context of the Platform Economy, digital platforms are intermediaries that connect buyers and consumers with sellers and service providers.**

Digital platforms have become so prevalent that they have seeped into our language, with the word “uberize” now recognized as to “change the market for a service by introducing a different way of buying or using it, especially using mobile technology.”<sup>4</sup> Of note, the Platform Economy is a smaller subset of the much broader Digital Economy (covering all digitization economic activities, from the manufacturing of smartphones to businesses using e-commerce).

## THE FUTURE OF WORK

Economic activities involving platforms have been referred to as the Sharing Economy, the Gig Economy and the Collaborative Economy. These terms precede digital platforms but increasingly refer to them.

**By adopting the Platform Economy terminology, we recognize the unique policy complexities and challenges associated with digital platforms in the Future of Work, including monopoly ownership, algorithmic management of low-skilled work, deregulation, and increasingly precarious labour practices.<sup>5</sup>**

Digital platforms have impacted or disrupted the livelihoods of Canadian workers and businesses at different levels. This includes: workers who use digital platforms to generate income (e.g., an Uber driver), and businesses and entrepreneurs who use them to facilitate the buying or selling of services and products with customers or other businesses (e.g., Airbnb host, or business using Shopify).

Digital platforms have also affected, displaced or disrupted firms and workers in several industries. For example, taxi drivers in the case of Uber, hotel workers in the case of Airbnb, and restaurants in the case of Uber Eats and SkipTheDishes. The Platform Economy has been described as “destroying long-established competitors, and focusing us to rethink regulation of entire sectors.”<sup>6</sup>



# DIGITAL PLATFORMS

Given our focus on the livelihood of Canadian workers and businesses, the Platform Economy in this report refers broadly to the following types of digital platforms<sup>7</sup>:



1.

## Rent-seeking or sharing economy platforms:

personal assets like housing or cars are used to earn revenue through platforms like Airbnb, Uber, and Lyft.



2.

## Gig economy platforms:

short-term or short contract-based work is performed and facilitated by platforms like Uber Eats, SkipTheDishes, Foodora and Fiverr.



3.

## Social media or content platforms:

Facebook, YouTube, LinkedIn, Spotify and TikTok are used by workers and businesses to generate revenue (e.g., advertising).



4.

## Peer-to-Peer platforms:

products and services are exchanged from one entity to another using platforms like Kijiji, eBay and Etsy.



5.

## Business-to-business platforms:

businesses rely on digital platforms such as Shopify, Square and Jobber to facilitate transactions involving products and services.



6.

## Trading and financial platforms:

workers or businesses can generate revenue or purchase assets in advertising exchanges (Google's DoubleClick Ad Exchange) or financial markets (Wealthsimple).

These six categories of platforms are not meant to be comprehensive, and some platforms do not fit neatly inside definitions. Many digital platforms operate beyond traditional structures and silos (e.g., Google and Amazon), while experts have yet to reach a consensus on evolving platform terminology.

# 64%

**of surveyed Canadian workers and businesses indicated that they need better support or protection when dealing with digital platforms.**



## PLACE-BASED LENS

**Place-based policies are recognized as effective governance models because they are uniquely tailored to consider the particularities of a place.**

To the extent possible, we provide a place-based lens on the Platform Economy, including the growth and impacts of digital platforms in rural and urban communities in Canada, and different governance models and actions adopted at the federal, provincial and municipal levels of government. Thus, our recommendations are national in scope but are intended to improve the capacity of place-based governance in recognition of Canada's decentralized governance structure.

## SCOPE AND LIMITATIONS

Our report focuses on digital platforms widely used by, or that have impacted, Canadian workers and businesses— those we see as most critical to Canada's Future of Work. We do not address or aim to resolve the myriad digital platform issues related to privacy, media, content control, hate speech, censorship, democracy or the other related governance challenges that are often associated

with social media platforms, though we recognize such complex issues are often overlapping. The main limitation of this report relates to the emerging and vast nature of platform governance discussions, lack of clarity in jurisdictional responsibilities of Canadian governments in relation to digital platform activities, evolving definitions, and the broad array of impacts (e.g., the Australia Digital Platforms Inquiry report alone exceeds 600 pages, despite a limited scope of research).



# THREE PLATFORM ECONOMY STRATEGY IMPERATIVES

To support a more inclusive and resilient Future of Work, we identified three imperatives for Canada to adopt a national and coherent approach to the Platform Economy.

## 1. THE PLATFORM ECONOMY IS GROWING AND HAS ACCELERATED WITH COVID-19

Measuring the size of the Platform Economy and digital platforms' prevalence has been a significant challenge to policymakers worldwide, mainly due to the lack of consistent definitions and available data shared by digital platforms.

To bypass this challenge, experts have used Google Trends to measure online platform activity. In the context of COVID-19, it revealed how behavioural changes are shifting economic activity towards digital platforms, particularly those that do not require physical proximity. For instance, Uber Eats revenues rose 170% compared to the previous year,

while visitors to Amazon's worldwide marketplace reached a record of five billion in August 2020.<sup>8</sup> In contrast, platforms that require physical proximity, such as ride and home-sharing, have been negatively affected: Airbnb bookings have dropped by more than 90% compared to the year prior and Uber ride-sharing revenues fell by more than 60%.<sup>9</sup>

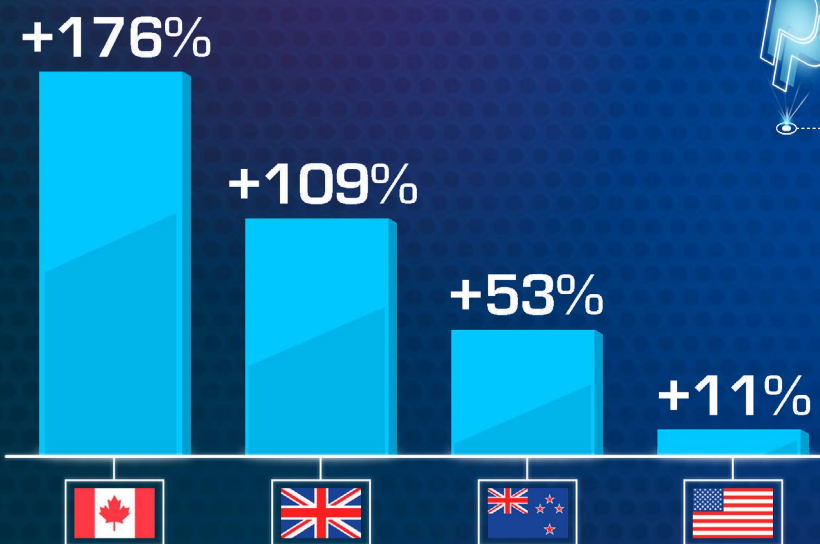
There have been several attempts to measure digital platforms' impacts and reach on Canadian workers and businesses. Before COVID-19, 28% of Canadian adults were obtaining income through digital platforms<sup>10</sup> while 24% and 17% of Canadians were using peer-to-peer platforms for ride-sharing and accommodation-sharing services respectively.<sup>11</sup>

# 78%

of surveyed Canadian workers and businesses indicated they moderately or extensively use digital platforms, or have been impacted by them.

With the pandemic, small businesses have dramatically accelerated the adoption of online payment platforms such as PayPal: 47% of all small businesses currently selling online only started doing so in 2020.<sup>12</sup> Another indicator of digital platforms' proliferation in Canada is the 48% increase in the gig economy's size among all Canadian workers from 2005 to 2016,<sup>13</sup> largely facilitated by digital platforms. Compared to other countries, Canada has witnessed the fastest growth in gig work conducted through digital platforms, rising from about 4.1% to 11.3% since 2016, a 176% increase.<sup>14</sup>

With the pandemic, the size of the gig economy is expected to rise quickly as it did during the Great Recession, as those who lost their employment resorted to self-employment.<sup>15</sup> Canadians are also becoming increasingly dependent on this form of work: 25% of gig workers are doing so to earn their primary income.<sup>16</sup>



## GROWTH IN GIG WORK ON PLATFORMS: 2016-2021

(Source: Oxford Internet Institute, 2021)



# 1 in 4

gig workers earn their main income from this form of work.

(Source: Bank of Canada, 2019)



Low-income and vulnerable Canadians may be disproportionately reliant on gig work (a majority of gig workers in Canada are women), which is carried out without any form of social safety net (e.g. pension funds, health insurance, sick leave and other benefits). Indeed, many are doing so out of necessity rather than choice<sup>17</sup> and there are growing concerns about the safety and well-being of those using digital platforms for gig work during the pandemic, as many are increasingly perceived as being essential workers.

**COVID-19 has already exacerbated existing inequalities and revealed systemic barriers to economic participation. The impact of increased reliance on digital platforms by diverse Canadian workers and entrepreneurs, must be better understood to prevent marginalization.**



## PLACE-BASED LENS

There have been disparate efforts to identify more local-level data on the use of digital platforms in Canada. In 2017, one in 10 residents in the Greater Toronto Area were reportedly working, or worked, on digital platforms while 38% say they have purchased such services with platforms.<sup>18</sup>

Based on our research, there is a lack of granular data available to understand the full extent of platform work by Canadian businesses and workers in diverse rural and urban settings. In developing policy responses for the Future of Work, this lack of data and research must be addressed.

### Lillith Greenbaum

Etobicoke, ON



46-year-old legally blind entrepreneur



Etsy for two years



Algorithms, Compensation, Fairness

“ At first it was **positive**. The fact that I did have a ‘job’ even though it was a pandemic. It’s a boost to your ego and name when you’re getting sales. **I was getting five-star reviews**. I was fine until September 2020, when I got a \$10 sale. For a long time, I was not getting sales in 2019, perhaps got two sales. Then in 2020, I got up to eight sales but I was not happy. They have an algorithm where they take money for site hosting fee and shipping labels.

So, if you don’t make enough sales, you don’t make any money. **When I made \$37, they took 40% (\$15) for the hosting fee then took almost all the rest for the shipping label and taxes. I ended up with \$8.34.** That was for one month of work. It was a hat that I knit by hand. I usually charge \$37. ”

## 2. DIGITAL PLATFORMS HAVE DISRUPTED CANADIANS' LIVELIHOODS

The speed and scale at which disruptions happen in the Platform Economy far exceed historical cases.

A simple example is that “it took radio 38 years to reach 50 million users. It took television 13 years to achieve the same degree of market penetration. But the Internet and Facebook needed ‘only’ 4 and 2 years, respectively, to achieve the same number of users.”<sup>19</sup> Platforms such as Google and Uber can take over and absorb entire markets. As such, even traditional businesses are forced to innovate, or risk being disrupted or displaced. This point is captured in a quote from scholars on the topic: “You either become a platform, or you will be killed by one.”<sup>20</sup> In Canada, these disruptive effects are seen in retail, hotel,<sup>21</sup> taxi,<sup>22</sup> content producing<sup>23</sup> and other

industries. Burgeoning anti-platform movements have emerged, driven by concerned Canadian workers, businesses and citizens in response to the negative impacts of platforms (e.g., Fairbnb, Not Amazon, Justice for Foodora Couriers, and Not Uber Eats).

Platform disruption policy implications include: the disruption and displacement of firms; whether existing regulations are suitable for this new business model; that regulators are unable to keep up with the speed of their development (known as “the pacing problem”); accidents and unintended misuse of the platform (e.g., distribution of illegal content); attribution of responsibility for their impacts; data misuse; tax avoidance; monopolistic practices; and whether those who earn an income from the platform should be considered employees or self-employed entrepreneurs, among others.<sup>24</sup>

# 51%

of surveyed Canadian workers and businesses believe that the impacts of digital platforms have been positive while 31% and 10% believe the impacts to be mixed or negative, respectively.

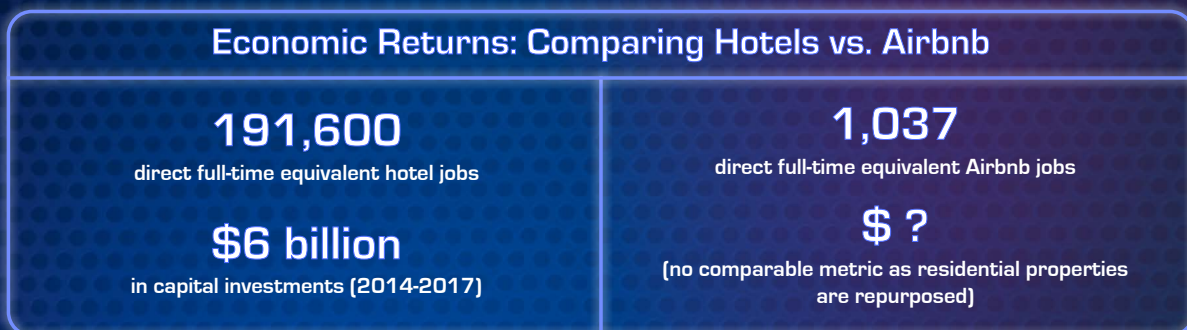
While several of these disruptions may have benefited Canadians (e.g., easier access to entry in some highly regulated industries like the taxi industry) and enabled the resilience of businesses by allowing them to sell their products and services despite COVID-19, the socio-economic impacts of these disruptions are occurring unequally, without being well understood or involving the Canadian public and their governance institutions.



# DISRUPTIVE IMPACTS OF RENT-SEEKING PLATFORMS IN CANADA: THE CASE OF AIRBNB



(Source: Canadian Journal of Urban Research, 2019)



(Source: Hotel Association of Canada, 2017)

## Jonathan Garcia

Montreal, QC



38-year-old entrepreneur and first-generation Canadian in Montreal who rents furnished apartments on a short and long-term basis



Airbnb and Stripe for four years



Dispute resolution, Taxation, Bargaining power

“ Without these platforms, my business would simply not exist; they have allowed me to **innovate by accessing markets and individuals globally**. However, my business is like a drop in the ocean to them. It is hard to get **personalized service** on complicated matters since they use algorithms to answer requests.

I also feel like they have too much of an upper hand when it comes to **dispute negotiations** as they tend to **favour clients rather than hosts**. I have had cases where guests have cancelled last minute for non-legitimate reasons, yet Airbnb still refunded the client and I still had to pay fees and time to have the guest stay. I do not have the capacity, time and effort to go to court against Airbnb to dispute issues even when they act unfairly or unethically against me as a supplier. **Airbnb should be treated like a big company in Canada**. I would like to see these platforms pay their fair share of taxes. ”



## PLACE-BASED LENS

Another distinguishing feature of the emergence of the Platform Economy, when compared to previous technological changes, is how the use, impacts and regulatory changes of digital platforms have been largely felt in urban regions.<sup>25</sup>

**Platforms such as Uber enter large cities to benefit from economies of scale, both in terms of the production and consumption of goods and services.<sup>26</sup>**

In Canada, the share of gig workers among all workers was higher in major urban centres, including Montreal, Toronto and Vancouver.<sup>27</sup> As digital platforms' activities become more mainstream, policymakers will need to closely examine their implications on workers and businesses and whether they risk exacerbating<sup>28</sup> or bridging the rural and urban divide.<sup>29</sup>

In 2019, rent-seeking digital platform activity was highly concentrated in three urban regions, with almost half of all active Airbnb listings in Toronto, Montreal and Vancouver.<sup>30</sup> Even within these cities, 10% of hosts earned most of the revenue, and commercial operators generated 50% of all revenue with multiple listings. Thousands of rentals in those regions are said to have removed 31,000 homes from Canada's rental market, and thus affecting housing affordability.

Yet, there are signs that before COVID-19, Airbnb activity was growing at higher rates in

small towns and rural areas, notably with hosts who have multiple listings.<sup>31</sup> Meanwhile, the hotel sector supports more than 190,000 direct jobs in Canada instead of about one thousand jobs by Airbnb, with hotel investments in three years (2017 to 2019) being around \$6 billion with no comparable metric for Airbnb.<sup>32</sup> These findings highlight that without oversight and a clear understanding of the benefits, risks and cumulative impacts of digital platforms, Canadian jobs risk being displaced and wealth concentrated among few individuals.

**In short, the Future of Work is one where digital platforms activity will involve both urban and rural regions and policy responses must be tailored to both.**



## Jamie Norris

Strathmore, AB



36-year-old Indigenous Canadian who developed a third-party platform delivery service “Rural Eats” and previously had been using digital platforms for businesses and work since 2004



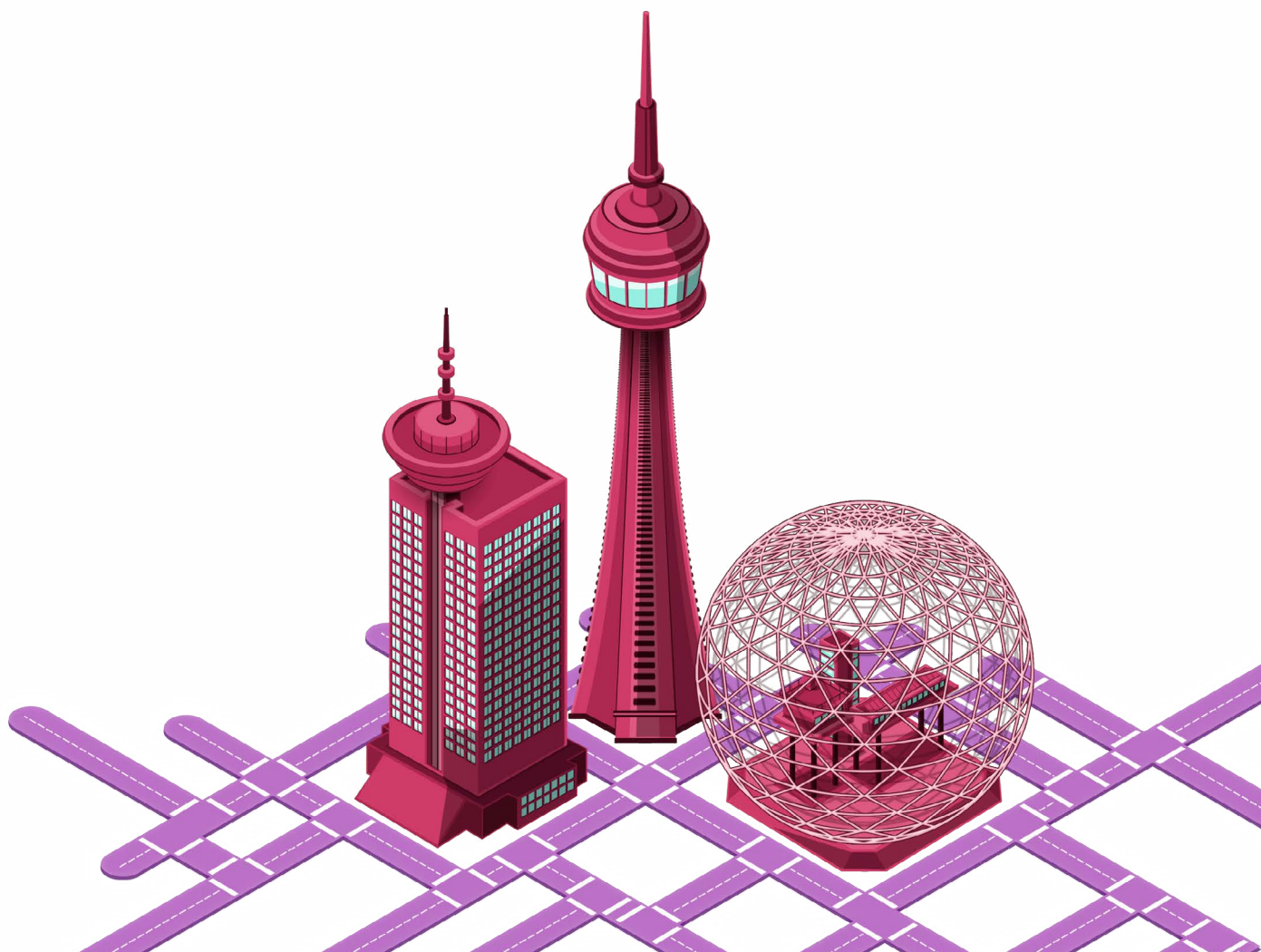
Rural Eats



Business Vulnerability, Fairness

“ As someone who has been **working with digital systems since 2004** to build my business upon or to use as a helpful tool for an existing business, I can't recommend digital platforms enough.

In a post 2020 world and economy **it is not only useful, but it is mandatory.** However, there is a downside of using dominant platforms like Facebook, YouTube, Instagram, Amazon, and Fiverr to build a business around: **you don't actually own any of the content or customer data.** It belongs to the platform. If you are too heavily reliant on these platforms to build your business—**you become extremely vulnerable** if they were to go under or ban you. ”



### 3. GOVERNANCE OF DIGITAL PLATFORMS HAS BEEN PIECEMEAL

Canadian policymakers at all levels have been coming to terms with the fast-paced impacts of the increased use of digital platforms on workers and businesses. However, we find that existing efforts are disparate, piecemeal and lack policy co-ordination and collaboration.

Further complicating matters is a lack of agreement on consistent definitions to enable more effective policy responses. Industry leaders<sup>33</sup> and workers<sup>34</sup> have called for cohesive government actions on digital platforms. For Canada's diverse regions to fully benefit from the opportunities of digital platforms and address their complex challenges, co-ordinated, holistic and comprehensive actions are imperative.

# 53%

of surveyed Canadian workers and businesses believe governments should be doing more to govern how digital platforms operate in Canada.

#### PROVINCIAL AND MUNICIPAL ACTIONS

Given how present digital platforms have been in urban centres, governance leadership has been mainly in urban municipalities<sup>35</sup> and, to some extent, by provincial governments (B.C., Ontario and Quebec).

Actions to date mostly address specific sectors (taxi, hotels, etc.) or platforms' specific operations (licensing, fees, safety, data collection, etc.<sup>36</sup>) but do not cover overarching policy goals, including addressing inequality and wealth creation. Attempts for more cohesive and co-ordinated actions on the Platform Economy were undertaken by both Quebec (Pacte Québec<sup>37</sup>) and Ontario (Sharing Economy Framework<sup>38</sup>). However, both were abandoned due to change in favour of more piecemeal approaches.

In the absence of government leadership, workers and businesses have turned to litigation. For instance, in a 2020 landmark decision, the Ontario Labour Relations Board ruled in favour of Foodora platform workers. The Board found that these workers qualify as employees under the *Canadian Labour Code*, allowing them to unionize and participate in collective bargaining<sup>39</sup> a decision that will likely have implications for other similar platforms in Canada.





## PLACE-BASED LENS

Urban centres have been turning towards each other to share knowledge and address concerns with digital platforms.<sup>40</sup> Meanwhile, rural regions and smaller municipalities do not have the budget and capacity to address governance challenges associated with the Platform Economy.

For example, a small town affected by increased Airbnb prevalence has limited ability to negotiate with a multinational corporation, conduct research and regulate solutions.<sup>41</sup> There has also been no comprehensive research on the state of short-term rentals that use digital platforms in Canada, including their implications on diverse regions.<sup>42</sup> Rather than preparing for a resilient and future-proof economy, the lack of a coherent governance approach on platforms puts the economies of urban and rural regions at risk.

### Ahmad Ali

Montreal, QC



45-year-old first-generation Canadian who worked in the food service industry for 18 years before doing Uber Eats and UberX on a full-time basis



Uber Eats and UberX for three years



Language, Accessibility, Transparency, Compensation fairness, Bargaining power

“ Even though I am an independent contractor, *I’m required to respect everything under the Uber terms and conditions without the ability to negotiate them and propose changes.* I also must maintain a minimum client rating of 4.85 over 5, or I will get restrictions using the platform. This is problematic when clients can leave me a low rating because the restaurant failed to properly pack the order.

*The service fees are high and can go up to 28% per ride.* There is also a *lack of transparency and fairness on tips*: Uber does not let me know if I will be tipped or not when accepting an order, and Uber earns a larger share of the earnings if I deliver to several clients in the same neighbourhood.

*Governments must also facilitate the work of Uber drivers.* In Quebec, the French language is a requirement to become an UberX driver. Quebec requires that Uber drivers complete an online training in French that is not available in English. French is not a requirement for refugees to live in Quebec, yet this can hinder them from entering the labour market. Uber drivers also can’t use the dedicated traffic lanes dedicated for taxis to provide faster, safer and less stressful service for me as a driver. ”

## FEDERAL ACTIONS

To better support platform workers and address governance gaps, Canada and other G20 countries adopted a set of Platform Economy principles in 2018 that cover the promotion of decent work and support workers' rights.<sup>43</sup> Canada's Digital Charter, while focused on the broader Digital Economy, includes principles to guide federal actions relevant to digital platforms, including promoting fair competition to support the growth of Canadian businesses.<sup>44</sup> This commitment is reflected by the 2019 Speech from the Throne: "Web giants are taking Canadians' money while imposing their own priorities. Things must change, and will change." The Fall 2020 fiscal update included changes to level the playing field in taxation fairness between foreign-based digital corporations and Canadian businesses, which will have implications for all digital platforms operating or selling products and services to Canadians.<sup>45</sup> By 2024, the Competition Bureau will establish a Digital Enforcement Office to strengthen its investigative capacity relative to the Digital Economy.<sup>46</sup>

Legislation impacting platforms has recently been announced or tabled by the federal government. Bill C-11 will see an enhanced role for the Privacy Commissioner to oversee data privacy regulations for large digital firms that will encourage fair competition in the digital marketplace, including: data mobility allowing individuals to transfer data among different organizations, plain-language consent available to consumers, increased algorithmic transparency, and improved data sharing between public and private entities to address societal challenges. Other planned federal activities include leveling the playing field between content platforms and traditional broadcasting (Bill C-10), and moderating issues related to content and hate speech on social media platforms.

**Federal actions aimed at the broader Digital Economy are encouraging but will only partially address concerns of workers and businesses associated with digital platforms. They are also highly centralized, are said to potentially face constitutional challenges,<sup>47</sup> and lack place-based considerations.**

**Specifically, we note a lack of associational action, collaborative multi-jurisdictional efforts and federal government-initiated roundtables and discussion on the Platform Economy. These can complement existing efforts and are all opportunities for improved place-based governance of digital platforms in the post-pandemic Future of Work.**



## COMPLEX JURISDICTIONS IN CANADA

**It is clear that overlapping and complex jurisdictional mandates related to digital platforms and their activities complicate questions of governance, thus contributing to the current state of affairs.**

Municipalities lead building use and zoning, accommodations, transportation and other service activities related to platforms. Data privacy, competition, antitrust and related enforcement are primarily federal responsibilities. Labour and employment law establishes mandates for both federal and provincial governments, but provinces have discretion and co-ordinated efforts will be required. There are also significant variations among provinces (Quebec is considerably different, including in labour and municipal governance).

The federal government can demonstrate leadership and bring different jurisdictions together to support Platform Economy governance while respecting Canada's executive and legislative frameworks of devolution and delegated legislation.

# THREE DISRUPTIVE GOVERNANCE GAPS

## 1. REACTIVE GOVERNANCE

**There are gaps in the ability of Canadian governments to govern digital platforms, resulting in ad hoc, reactive responses rather than being guided by an overall vision, framework or strategy.<sup>48</sup>**

A contributing factor is “the pacing problem” where regulators are faced with ever-faster innovation cycles that are outpacing their ability to govern. The other is related to scale: governments cannot keep up with the sheer number of emerging technologies being designed and deployed, not to mention their complex governance challenges that span various Canadian and international jurisdictions. A state of reactive governance is not adequate to protect Canadian workers and businesses. Instead, a combination of more research, co-ordination and

resources dedicated specifically to governing the Platform Economy is required.

### PLACE-BASED GOVERNANCE CAPACITY

A recent example of reactive governance is a 2021 class-action lawsuit brought by Quebec restaurants against digital delivery platforms like Uber Eats, SkipTheDishes and DoorDash, who are asking for increased fairness regarding the service fees paid by restaurants to sell on these platforms in the context of COVID-19 (up to 30%).<sup>49</sup> Quebec acknowledged the complexity of this issue and is looking at other jurisdictions who capped fees and commissions earned by restaurant delivery platforms. This includes Ontario, who introduced the Supporting Local Restaurants Act, 2020 (maximum overall fee of 20%), and British Columbia’s Ministerial Order M480 (maximum fee of 15%).<sup>50</sup>

Provinces and municipalities should review and update business and labour standards or otherwise create guidance with platforms, so that platform issues may be quickly assessed and responded to.

**Canada needs to invest more resources for provinces and municipalities to actively understand and, where appropriate, regulate the Platform Economy. This can happen by funding or undertaking research and public engagement on digital platforms.**



## LACK OF GOVERNMENT BODY AND OVERSIGHT

**Canada is committed to research and co-ordination on issues related to the broader Digital Economy, but there remains a need for an overview of the Platform Economy governance landscape in Canada.**

Canada's "Big Data and Innovation: Implications for competition policy in Canada"<sup>51</sup> report began exploring Digital Economy problems and solutions, but it is relatively limited in scope compared to all platform economy competition issues. Third-party reports have targeted platforms directly but lack a regulation component.<sup>52</sup> In contrast, the U.K.'s Digital Competition Expert Panel Report,<sup>53</sup> Australia's Digital Platforms Inquiry,<sup>54</sup> and the EU's Observatory on the Online Platform Economy<sup>55</sup> all go the next step in creating expert-led bodies, in consultation with many stakeholders, to research, report and propose recommendations on the Platform Economy in great scope and detail. These are complemented with initiatives such as the European Commission's Algorithmic Awareness-Building<sup>56</sup> project, and have resulted in legislation such as the European Union Digital Markets Act.<sup>57</sup>

**Canada needs a dedicated plan to research, report and make recommendations on the Platform Economy. Doing so will enable a co-ordinated, proactive approach to platform governance that protects the interests of Canadian workers and businesses.**

## COMPETITION BUREAU MANDATE

Federally, current thought in Canada is that the Competition Act is mostly adequate for addressing platform competition concerns, but additional tools might help keep up with the speed of development in the Platform Economy and address issues specific to platforms, and we should be wary of stifling innovation.<sup>58</sup> The U.S. appears to take the approach of applying existing anti-competitive regulation, identifying multiple big-tech violations,<sup>59</sup> followed by formal complaints.<sup>60</sup>

An alternative antitrust tool that can provide competition solutions in the digital age is a digital platform Code of Conduct.<sup>61</sup> A Code of Conduct is being developed by the U.K.'s Competition and Markets Authority's new Digital Markets Unit.<sup>62</sup> The Code will be developed in close collaboration with various regulators and is meant to better govern dominant platforms and protect consumers and small businesses. Though Canada is developing the Digital Enforcement Office, it lacks the authority and expansiveness of the U.K.'s Digital Markets Unit, EU's Digital Markets Act,<sup>63</sup> and Australia's Response to their Digital Platforms Inquiry.<sup>64</sup> Canada should investigate and expand its digital competition regulation tools and resources to be proactive in the Platform Economy.

## PRECAUTIONARY PRINCIPLE

Given their size and reach, platform decisions can result in irrevocable negative consequences on Canadian workers and businesses. The precautionary principle is a concept applied in law, science, policy and other fields that says, in such situations, we should extensively exercise precaution. The federal Impact Assessment Act is a legally mandated regulatory process that applies the precautionary principle to ensure negative impacts and externalities are better understood, considered and mitigated. While this applies to traditional Canadian businesses such as the resource sector,

this is not the case for digital platforms, despite their potential for significant socioeconomic and environmental risks to Canadians (for example, ride-sharing platforms in the U.S. reportedly result in 69% more climate pollution on average than the trips they displace).<sup>65</sup>

## 2. PRIVATIZATION OF GOVERNANCE

An argument can be made that digital platforms don't face the pacing problem because they have the in-house expertise to understand governance challenges in a timely manner, and don't face the scale problem because their activities are designed to scale into global markets and they are experienced in navigating multiple jurisdictions.

**Without government direction, co-ordination and regulation of digital platforms, Platform Economy governance is becoming privatized.**

Some have argued that the pacing and scale problems are reasons that corporations should govern emerging technology rather than governments.

# 47%

**of surveyed Canadian workers and businesses believe that governments and digital platforms are equally responsible for the negative impacts of platforms. In contrast, 29% and 24% believe that digital platforms and governments are more responsible, respectively.**

## UNEVEN OUTCOMES

Though platforms may face the pacing and scale problems to a lesser degree, and sometimes conduct environmental, social and governance activities, Canadians cannot rely exclusively on the goodwill of companies to solve platform governance challenges.

While Shopify is leading the way in social initiatives related to climate change, inclusion, skills, fair working conditions and more,<sup>66</sup> Lyft in the U.S. recently announced a "priority program" that offers drivers more rides in exchange for a 10% pay cut<sup>67</sup>—a race to the bottom in already precarious work conditions that may soon find itself in Canada. Canadians have seen that corporations often don't conduct governance activities related to their externalities well, or they avoid it all together when it is not in their benefit.



## Clarence Lachance

Toronto, ON



32-year-old content creator and artist manager who uses platforms to supplement his income



Spotify for more than 5 years



Compensation, Fairness

“ *The platform provides another avenue for income as opposed to simply selling CDs or merchandise, which you would do online or at shows. Monetization happens when people subscribe to and stream your content. Still, the platform gets paid way more and they have a stronghold on the music industry—at the expense of artists.*

*Spotify has a 60% market share where some artists may receive an amount as low \$0.00015 per music stream. That's a lot of zeros... So, **you must earn 10,000 streams before any monetization** and you better be streaming 200-300K streams per song... You do not become a multibillion-dollar company by paying people what they deserve.* ”

Privatization proponents may also argue that companies can be incentivized to govern well because it is in their self-interest to avoid poor government regulation, which they can avoid by self-governing to mitigate their externalities and maximizing their benefits. For example, the Data Transfer Project<sup>68</sup> may partially be an attempt to pre-empt poor data portability regulation. In the absence of platform self-governance, government will be compelled to act, and may enmesh regulation that is detrimental for the company.<sup>69</sup> This argument may be valid in many isolated instances. Still, there are labour disruptions and unfair competitive environments yet to be addressed across the Platform Economy, which calls to question whether corporations are currently incentivized to govern them well.

## GOVERNMENT DIRECTION

Governments in Canada are responsible for putting forth regulation that is timely, clear, fair and adequate to resolve governance challenges, or signaling

their guidance on standards for platforms to meet. Platforms like Facebook have openly called for more standardization, regulation and direction from the government related to social media issues.<sup>70</sup> In a global pandemic, when citizen expectations from governments regarding complex and large-scale matters are high, governments risk a further erosion of privatized governance if platforms and technology firms become the de facto provider of solutions to societal problems.<sup>71</sup>

**Without concerted government action and direction, responsibility and accountability become uncertain, which can negatively disrupt the livelihoods of Canadian workers and businesses or result in them not reaping the full benefits of the Future of Work.**

### 3. ASYMMETRICAL GOVERNANCE

Many traditional businesses in Canada are subjected to review processes that ensure their products and services are safe and equitable, including the resource sector and other large project businesses that may undergo federal, provincial and/or territorial assessments of the social, economic and environmental impacts of their activities to obtain permits. Companies may also undergo their own process of life cycle assessment or pursue certifications to understand the impacts of their products and services while they are designed, before they are deployed, to minimize risks and distribute their costs and benefits fairly. Digital platforms, in contrast, largely do not undergo similar legal, industry or internal processes despite having billions of users reaching markets globally and tens of millions of workers and entrepreneurs on these platforms.<sup>72</sup> This leads to an environment of unilateral decision-making and outsized influence.

#### CANADIAN BUSINESS COMPETITIVENESS

**Asymmetry in business competitiveness can result in platform technology firms, including those that are foreign-owned, easily entering and potentially subverting local and traditional Canadian businesses and processes, with no regard for the impacts and consequences.**

For instance, Uber and Airbnb have entered the Canadian market and avoided oversight by labelling themselves as technology firms. Thus, they existed in a “legal void” while operating in the space of highly regulated industries, thereby disrupting traditional industries like taxis and hotels.<sup>73</sup> An interviewed city councillor for a research examining Uber practices in Canada referred to the activities of this platform as “not a sharing economy, it’s an unregulated, privatized economy that takes away accountability from the public.”<sup>74</sup>

#### Canada’s current governance framework may inadvertently favour digital platforms, rather than public interests.

For instance, privacy impact assessments in Canada must be carried out by the government to identify and mitigate privacy risks arising from data collection, but this is not required by private industry. Meanwhile, the EU’s General Data Protection Regulation requires both government and industry to undergo similar data protection impact assessments.<sup>75</sup> Every business strives for a sustainable competitive advantage, and legitimate competitive practices should not be shunned. However, anti-competitive practices, unilateral decision-making and outsized influence are, if not always illegal, detrimental to Canadians workers and businesses.



## Elias Habte

Gatineau, QC



42-year-old first-generation Canadian entrepreneur who uses Amazon to support his business



Amazon for eight years



Dispute resolution,  
Platform support,  
Fairness

“ I love the opportunity to grow my business on Amazon and was just approved for Amazon Fulfilled by Seller Agent which is **a big step for my business**. Now I get to stock every product in their warehouses and **there is a performance category and rules** that go with it. Still, you need to respect the rules for your business categories, otherwise, **they can suspend your entire business in one click if you don't**. ”

When you submit a complaint, you appeal through a “Seller Support” system, which is a **nightmare**. There is a template response for every issue, and it's never accurate. Even the big brands have to fight to get a person to respond to them and they operate in the billions. ”

## NETWORK EFFECTS

**Dominant digital platforms also leverage “network effects” to create a dependence from consumers, micro, small and medium businesses through the use of their Terms of Service, information asymmetries, their transnational nature, and concentration of power. In some cases, this may lead to monopolistic or anti-competitive situations.**

This also leads to superior bargaining power for the platforms, and their ability to make unilateral decisions that are not beneficial for the businesses or consumers that use the platform.<sup>76</sup> Similarly, because workers and businesses operate almost exclusively independently and don't interact with each other, they face a steep challenge to co-ordinate amongst themselves, meaning they have little lobbying power against platforms. It's already a significant challenge in an urban area like Toronto to co-ordinate and lobby, which makes this issue especially concerning for rural communities that may have fewer platform workers to organize.

# THREE RECOMMENDATIONS

The current reactive, privatized and asymmetrical approach to the governance of digital platforms in Canada risks negatively affecting Canadian businesses and workers.

**To support a more inclusive and resilient Future of Work in all of Canada's regions, we urge the federal government to adopt a Canadian Platform Economy Strategy consisting of three complementary recommendations that build on actions announced at the federal level on the broader Digital Economy.**

## RECOMMENDATION 1: ESTABLISH A NATIONAL CENTRE FOR THE PLATFORM ECONOMY

Fund and establish a National Centre to facilitate public participation, intergovernmental and multi-stakeholder co-ordination, research and oversight of decisions involving the Platform Economy.

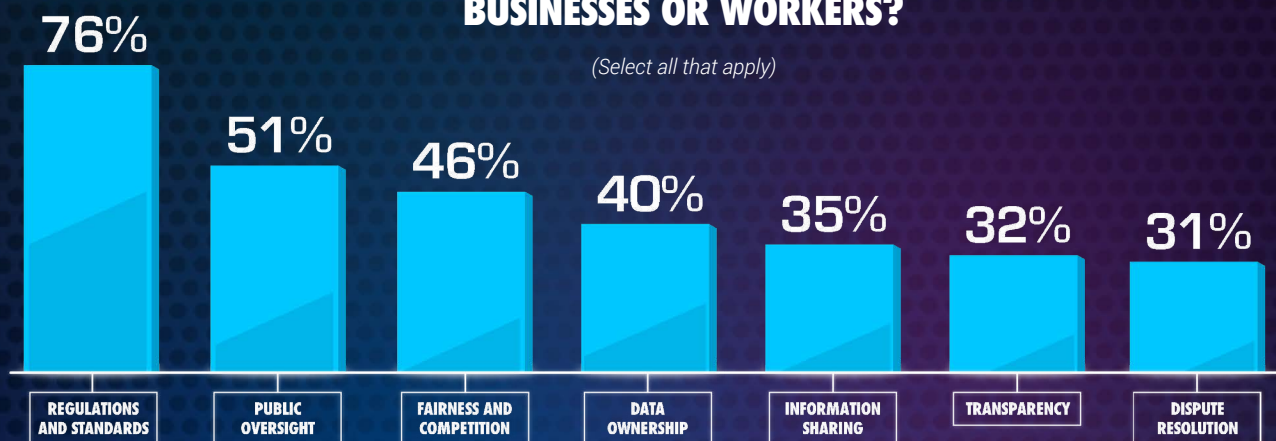
The Centre will support public engagement and accountability, with yearly public progress reports on the state of the Platform Economy in Canada.

**To facilitate the activities of the Centre, federal leadership and multi-jurisdictional collaboration, we recommend a federal minister responsible for the Platform Economy be named.**

The National Centre can complement the work envisioned by the Privacy Commissioner in Bill C-11's and provide independent analysis to Parliament and the public on the state of the Platform Economy. The Centre can take inspiration from the model developed by the EU's Observatory on the Online Platform Economy, comprising of a group of 15 independent experts, research organizations and administered by government officials.<sup>77</sup>

As part of its mandate, the Centre will review, inform and facilitate a more transparent, comprehensive and place-based governance to the Platform Economy in Canada on several fronts:

## WHAT ACTIONS SHOULD THE GOVERNMENT TAKE TO MAKE DIGITAL PLATFORMS BETTER FOR CANADIAN BUSINESSES OR WORKERS?



(Source: Understanding the impacts of digital platforms on workers and businesses in Canada Survey, 2021)

### 1

#### GOVERNANCE ROADMAP



Develop a comprehensive and consensus-based platform governance roadmap with strong public and stakeholder engagement. It should describe the current and desired Platform Economy governance landscape, jurisdictional responsibilities, rights, lobbying power, governance capabilities and resources, and propose recommendations to address existing gaps that impact Canadian businesses and workers.

The roadmap should include a comprehensive gender-based analysis plus (GBA+) to assess implications on diverse workers and entrepreneurs in Canada, including but not limited to youth, women, Indigenous peoples, people with disabilities, French and minority language communities, immigrants, racialized communities, rural and urban communities and LGBTQ2 communities.

### 2

#### PLACE-BASED CAPACITY



Enhance federal, provincial, territorial and municipal capabilities and collaborations in the Platform Economy through co-ordinated research, sharing of information and best practices (e.g., crash course on the Platform Economy), skills training, consultations or other means to empower Canadian policymakers at all levels in implementing governance strategies that support an inclusive and resilient Future of Work.

For instance, the Centre can inform policymakers on jurisdictional rights and responsibilities, collect data and investigate both rural and urban dimensions of platform governance (including implications on the rural and urban divide). This is especially important to jurisdictions who lack the capacity or resources to effectively challenge major digital platforms in the public interest or to govern such issues.



### 3 WORK STANDARDS



Review and report on existing platform work practices and laws in support of fair working standards that address the increasing levels of precariousness and vulnerability of platform workers.<sup>78</sup> Building from OECD<sup>79</sup> and CSA Group<sup>80</sup> recommendations, these actions will inform the public and policymakers, including on taxation (i.e., as part of Canada's work with the OECD member countries on governing labour), while (dis)incentivizing harmful platform behaviours.

A particular focus on platforms' Terms of Service (including rights to data portability), transparency (to file complaints and raise issues with the platform and receive a response in a reasonable time) and dispute resolution mechanisms should be addressed.

### 4 TECHNOLOGY POLICY



Ensure that Canada is at the forefront of emerging digital platform technology policies by researching, reporting on, and funding technology and systems that enhance the competitiveness of Canadian businesses and workers.

For instance, web decentralization is an important emerging technological concept that will allow users to have full control and ownership of their data (which they can transfer and revoke access from any app they choose). This will enable start-ups to compete with existing platform giants on a level playing field (a leading web decentralization technology is Solid<sup>81</sup> at MIT).

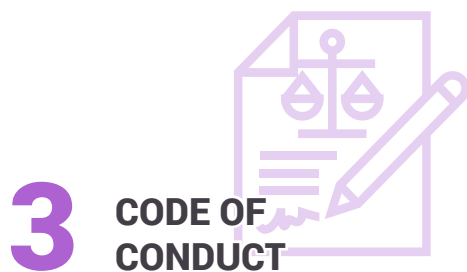
## RECOMMENDATION 2: IMPROVE COMPETITION BUREAU OVERSIGHT OF THE PLATFORM ECONOMY

In 2019, the new Commissioner of Competition received the mandate to consider "the impact of digital transformation on competition; the emerging issues for competition in data accumulation, transparency, and control; the effectiveness of current competition policy tools and marketplace frameworks; and the effectiveness of current investigative and judicial processes."<sup>82</sup> To meet this mandate and support the competitiveness of Canadian businesses, we recommend the following measures:



## 1 ENHANCED ROLE

The Competition Act be amended to increase the market study powers and autonomy of the Bureau, including the ability to compel data and information from platform businesses and self-initiate market studies.<sup>83</sup> These market studies can support place-based responses by provincial, municipal and local governments.



## 3 CODE OF CONDUCT

Legislate a new Code of Conduct as part of the Bureau's expanded Platform Economy mandate, with various regulations aimed at promoting fairness and transparency for business users of platforms, stronger enforcement, ensuring a level playing field including fair competition and transparency, data portability and interoperability, and fostering new entry in the Platform Economy. This takes inspiration from the EU and their Digital Markets Act<sup>84</sup> and the U.K. Code of Conduct for digital competition.<sup>85</sup>



## 5 ENHANCED BUDGET

To support these oversight activities, enhance the Competition Bureau's financial budget as necessary to increase its oversight ability, recognizing the speed and scale of digital platforms disruption.



## 2 MARKET STUDY

Immediately initiate a market study focused on competition in the Platform Economy that describes and provides evidence where competition issues exist, where existing competition frameworks are adequate for the digital age, and where they are not. This work can enhance or complement activities of the National Centre. When specific issues need specific solutions not currently available, develop activity-based regulation recommendations.



## 4 VOLUNTARY RULES AND NORMS

Propose voluntary rules of ethics and norms for industry (like similar AI Principles already developed<sup>86</sup>), where industry adherence to these rules can avoid the need for regulation and enforcement. These rules may be applied in trade agreements and standards and otherwise allow flexible approaches to meeting good competition conduct.

## Annie St-Germain

Montreal, QC



51-year-old freelance graphics designer using digital platforms



Upwork and similar platforms for 10 years



High fees, Global competition

“ I have been on **freelancing platforms** for a decade now, and they have become my **main source of income**. I have been fortunate enough to partner with clients spanning five continents.

As a Canadian, competing in a **global marketplace** does have its **challenges and drawbacks**. With vast differences in cost of living, a freelancer who has relatively the same talent and experience as I do but who is from a country with a lower cost of living has an advantage in pricing.

Also, **the cost of using the service is quite high**. That said, the more a client spends with the freelancer, the lower the fee becomes. For me, the benefits outweigh the costs. ”

## RECOMMENDATION 3: INITIATE FEDERALLY LED REGIONAL ASSESSMENTS OF DIGITAL PLATFORM ACTIVITIES

As we view increased reliance on platforms as carrying significant risk with complex factors and poor data for analysis, we recommend the government explore applying the precautionary principle to digital platforms governance in Canada.

For instance, while the federal Impact Assessment Act may not have originally envisioned the socio-economic and environmental impacts of digital platforms on Canadians, it provides the federal government with an existing precautionary-principle framework that can be adapted to digital platforms activities in specific regions (while platforms are digital, their activities involve physical assets, including in accommodation and transportation, that result in cumulative impacts).

Under the Act, the federal government can establish a committee to conduct regional assessments of planned physical activities to inform regional planning and decision-making processes to protect the environmental, health, cultural, social and economic conditions of Canadians.<sup>87</sup> This is a place-based model that allows for regional adaptation, promotes multi-jurisdictional collaborations and provides opportunities for public, Indigenous, stakeholder and industry participation. We therefore recommend that the federal government make use of the Act, or a similar mechanism to:





## 1 PILOT REGIONAL ASSESSMENT

Launch a pilot federal regional assessment for an urban region in Canada disproportionately impacted by platforms and likely to continue to be impacted by them. Results will inform public debate, support improved regional, long-term and cumulative impacts planning, and inform decision-making tools of provinces, municipalities and regions.



## 2 URBAN AND RURAL ASSESSMENTS

Apply the lessons learned of the pilot regional assessment to launch similar digital platforms' assessments, both in rural and urban regions.



## 3 LEGISLATION AND REGULATION

Explore other legislative or regulatory mechanisms that can support a precautionary approach to assessing the net or cumulative impacts of digital platforms to Canada, including but not limited to the Net benefit assessment under the Investment Canada Act.



# CONCLUSION

**We recognize that digital disruptions are unavoidable. However, their negative consequences on Canadian businesses and workers are not; more robust and informed place-based governance of digital platforms can mitigate the negative impacts of these disruptions to support an inclusive and resilient economy post-pandemic.**

With a Platform Economy Strategy, the federal government can address major governance gaps of digital platforms and ensure Canadians reap the full benefits of digital platforms. We hope our findings contribute to more informed public debate and co-ordinated actions on this critical issue to Canadian workers and businesses.

## FURTHER RESEARCH

Moving forward, policymakers in Canada may also explore other areas related to the Platform Economy that would benefit further study:

- Policies to incentivize corporate and market-led solutions may be beneficial in the context of COVID-19 (when legislation may take years to implement, these may be researched and deployed within months if necessary);
- Increasing skills training to promote access to the Platform Economy in rural areas to reduce the digital divide;
- Promoting third-party made-in-Canada corporate platform governance actions, including setting principles and value statements, industry standards setting, oversight boards, certification, diversifying leadership, ethics training and other initiatives may support a more nuanced approach to platform governance challenges; and
- Developing a funding program led by Canada's regional development agencies, which could provide place-based support to Canadian platform businesses, including supporting regional ecosystems that promote platform business development in the Future of Work.

# APPENDIX: METHODOLOGY

**Research:** Research involved available online literature search from various sources both in Canada and internationally (e.g., OECD). For example, we examined practices in the EU, U.K. and Australia when seeking examples of platform governance, and we reviewed Canada's Digital Charter for relevant reading. Google Scholar and other search engines were used to help our team understand the Platform Economy and sub-topics of interest (regional impacts, workers, etc.).

**Engagements:** Based on our research, we engaged with experts from industry, government and academia on platform governance, in unstructured interviews. At first, we received feedback on our initial research proposal and recommendations; these provided us with new perspectives on platform governance and uncovered new insights for our report. We then updated our report and received a second round of feedback from new stakeholders and finalized our recommendations.

**Stories from Canadians:** We called for stories on social media platforms (LinkedIn, Facebook and Instagram) and asked friends and colleagues who use platforms for their work or business to describe their experiences. These stories are reflected here and have been shortened for conciseness. In some cases, pseudonyms were also used to protect those who generously shared their time and experiences with us.

**Survey:** In January 2021, 163 paid SurveyMonkey respondents in Canada were invited to complete a survey called: Understanding the impacts of digital platforms on workers and businesses in Canada. Of those invited, 73 respondents fit the criteria relevant to our research and completed the full survey: they are digital platform workers, businesses using platforms and/or workers/businesses impacted by platforms. This survey is not meant to be a rigorous research tool; our goal was to gauge public opinion as a point of interest to complement and adjust our findings. Results reflected in our report can support more structured and in-depth surveys on the Platform Economy.



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