

Workers' compensation and the gig economy fact sheet

- The **gig economy** is also called the platform economy, share economy, and on-demand work.
- Participants (**gig workers**) in the gig economy are engaged by or access work through an app or website (the **platform**).
- The app or website is produced and managed by the **platform owner**.
- **Gig workers** undertake a short-term service or provide a product to a customer, called the **end user**.
- The different working arrangements within the gig economy mean that **gig workers** may not be employed by the platform owner.
- **Workers' compensation** is a form of insurance for workers who get sick or are injured at work.
- Workers' compensation coverage for gig workers will depend on the rules of the particular Commonwealth, state or territory workers' compensation jurisdiction you work in.

The gig economy in Australia

- There are over 100 platforms operating in person, remotely or online within Australia.
- They include odd jobs, one-off domestic tasks, ride sharing, food delivery, care services, professional services like web design, graphic design, coding, photography, translation and clerical or administrative work.
- The most common platforms are transport (ride sharing) and food delivery.
- The gig economy is a growing part of Australia's workforce.

What is workers' compensation insurance?

- Workers' compensation is a form of insurance which provides support to workers injured at work. Support may include one-off lump sum payments, income replacement, medical and rehabilitation expenses.
- There are separate workers' compensation schemes for workers in the Commonwealth and workers in each state and territory. Each scheme is established by legislation which sets out the coverage, eligibility criteria, entitlements and obligations.

Can I get workers' compensation if I am hurt while working for a gig platform?

- Coverage for gig workers will depend on the rules of the particular Commonwealth, state or territory workers' compensation jurisdiction you work in.
- Your access to workers' compensation may depend on your work status (whether you are an employee or an independent contractor).
- It may be helpful to contact your platform owner to ask them to confirm your work status in writing. However, the way your relationship with the platform is described is only one factor to consider when determining your work status.
- Many workers in the gig economy are engaged by platforms as 'independent contractors.' Independent contractors are not usually covered by workers' compensation and instead have other types of income and injury insurances available to them.
- Generally, if you have a detailed written contract with the platform owner that sets out your rights and obligations, the contents of the contract will determine if you are an employee or an independent contractor.
- If you don't have this (for example, you just have a verbal contract, it is partly written/partly verbal, or it isn't very detailed), your work status depends on a range of different factors such as:
 - Do you have control over whether to take on work?
 - Can you choose how you perform the work, or are you required to follow particular instructions or processes?
 - Can you choose the hours that you work?
 - Do you need to provide your own tools and equipment?
 - How are you paid income?
 - Are you responsible for the cost of fixing any faults or repairing damage?
 - Are you required to do the work personally or can you delegate the work to someone else?
- If you are unsure whether you are covered by workers' compensation you should consider contacting the relevant workers' compensation authority (details below) or obtaining independent advice to confirm whether you are entitled to workers' compensation coverage if injured.
- If you are not covered for workers' compensation and the platform owner does not have an injury or accident policy, you will need to cover your own costs for medical and rehabilitation expenses.

Other insurance options for gig workers

- Some platform owners provide personal injury and income protection insurance as well as compensation for family or dependents. You should talk to your platform owner/operator to find out if you have coverage. For example, if you are a delivery rider or driver, you may be covered by transport accident insurance.

- If your platform does not cover you for workers' compensation or another type of insurance, you should consider taking out your own personal accident or illness insurance.

Do platform owners need workers' compensation insurance?

- All employers must have workers' compensation insurance for their workers.
- Whether a platform owner is an employer under workers' compensation law will depend on the rules under the relevant workers' compensation scheme, and work status of the gig worker.
- If a scheme finds that a gig worker is in fact employed by a platform owner, the scheme may seek to recover insurance costs from the platform owner.
- For advice and assistance, please contact your relevant workers' compensation authority.

Workers' compensation authorities contact information

NSW - State Insurance Regulatory Authority

Website: www.sira.nsw.gov.au

Website for Languages other than English:

<https://www.sira.nsw.gov.au/languages>

Email: contact@sira.nsw.gov.au

Phone: 13 10 50

Qld - Office of Industrial Relations

Website: www.worksafe.qld.gov.au

Website for Languages other than English:

<https://www.qld.gov.au/help/languages>

Email:

<https://www.worksafe.qld.gov.au/contact/general-enquiries>

Phone: 1300 362 128

Vic – WorkSafe Victoria

Website: www.worksafe.vic.gov.au

Website for Language other than English:

<https://www.worksafe.vic.gov.au/choose-your-language>

Email: info@worksafe.vic.gov.au

Phone: 1800 136 089

ACT - WorkSafe ACT

Website: www.worksafe.act.gov.au Website

for Languages other than English:

<https://www.worksafe.act.gov.au/languages>

Email: worksafe@worksafe.act.gov.au

Phone: 13 22 81

SA – ReturnToWorkSA

Website: www.rtwsa.com

Website for Languages other than English:

<https://www.rtwsa.com/community-languages>

Email: info@rtwsa.com

Phone: 13 18 55

NT – NT WorkSafe

Website: www.worksafe.nt.gov.au

Email: datantworksafe@nt.gov.au

Phone: 1800 250 713

WA – WorkCover WA

Website: www.workcover.wa.gov.au

Website for Languages other than English:

<https://www.workcover.wa.gov.au/languages/>

Phone: 1300 794 744

Tas – WorkSafe Tasmania

Website: www.worksafe.tas.gov.au Website

for Languages other than English:

<https://www.worksafe.tas.gov.au/accessibility>

Email: wstinfo@justice.tas.gov.au

Phone: (03) 6166 4600 (outside Tasmania) or 1300 366 322 (within Tasmania)

Commonwealth - Comcare

Website: www.comcare.gov.au

Website for Languages other than English:

<https://www.comcare.gov.au/about/contact/contact-us>

Phone: 1300 366 979

About Safe Work Australia

We are a tripartite national policy body—we work collaboratively with governments, employers and employees to drive national policy development on WHS and workers' compensation matters.

The Commonwealth, states and territories are responsible for regulating and administering workers' compensation schemes in their jurisdictions. Safe Work Australia does not have a role in administering workers' compensation schemes, determining workers' compensation coverage or managing workers' compensation claims and return to work programs.

For further information about us see the Safe Work Australia website www.swa.gov.au.