

# 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 to protect both the employer and the worker if a worker is 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?

- Your access to workers' compensation may depend on whether you are an employee or an independent contractor. It may be helpful to contact your platform owner to ask them to confirm your employment status in writing.
- 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.
- Coverage for gig workers will depend on the rules of the particular Commonwealth, state or territory workers' compensation jurisdiction you work in.
- Coverage for workers' compensation will depend on the type of work you do and how you are engaged by the platform owner. Workers' compensation schemes may consider certain factors such as:
  - Do you have control over whether to take on work?
  - 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 working arrangements and the rules under the relevant workers' compensation scheme.
- Workers' compensation schemes in Australia will consider a range of factors to decide if a gig worker is employed by the platform and eligible for coverage by workers' compensation insurance. Schemes may consider certain factors such as:
  - Control over whether to take on work
  - Ability to choose working hours
  - Provision of tools and equipment
  - Arrangements for payment of income
  - Who has responsibility for the cost of fixing any faults or repairing damage?
  - Can work be delegated or is a worker required to do the work personally?
- 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](http://www.sira.nsw.gov.au)

Website for Languages other than English:

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

Email: [contact@sira.nsw.gov.au](mailto:contact@sira.nsw.gov.au)

Phone: 13 10 50

### Qld - Office of Industrial Relations

Website: [www.worksafe.qld.gov.au](http://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](http://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](mailto:info@worksafe.vic.gov.au)

Phone: 1800 136 089

### ACT - WorkSafe ACT

Website: [www.worksafe.act.gov.au](http://www.worksafe.act.gov.au) Website

for Languages other than English:

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

Email: [worksafe@worksafe.act.gov.au](mailto:worksafe@worksafe.act.gov.au)

Phone: 13 22 81

### SA – ReturnToWorkSA

Website: [www.rtwsa.com](http://www.rtwsa.com)

Website for Languages other than English:

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

Email: [info@rtwsa.com](mailto:info@rtwsa.com)

Phone: 13 18 55

### NT – NT WorkSafe

Website: [www.worksafe.nt.gov.au](http://www.worksafe.nt.gov.au)

Email: [datantworksafe@nt.gov.au](mailto:datantworksafe@nt.gov.au)

Phone: 1800 250 713

### WA – WorkCover WA

Website: [www.workcover.wa.gov.au](http://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](http://www.worksafe.tas.gov.au) Website

for Languages other than English:

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

Email: [wstinfo@justice.tas.gov.au](mailto:wstinfo@justice.tas.gov.au)

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

### Commonwealth - Comcare

Website: [www.comcare.gov.au](http://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](http://www.swa.gov.au).