

Employment

MOM Consults on Definitions of Platform Operators and Platform Workers, Sub-Contracting Scenarios and Platform Operators' Safety & Health Duties

On 14 August 2023, the Ministry of Manpower ("**MOM**") launched a public consultation from 14 August 2023 to 4 September 2023 inviting feedback on the proposed definitions of Platform Operators and Platform Workers, the treatment of a subcontracting scenario, and Platform Operators' safety and health duties to Platform Workers ("**Consultation Paper**").

The public consultation follows the Government's acceptance of all 12 recommendations made by the Advisory Committee on Platform Workers ("**Advisory Committee**") in its report titled "Strengthening Protections for Platform Workers" ("**Report**"). For more information, please see our article titled "Government Accepts 12 Recommendations to Strengthen Protections for Platform Workers" in our November 2022 NewsBytes [here](#) (page 17).

Following the public consultation, the Government intends to introduce new legislation to implement the Advisory Committee's recommendations for Platform Workers. This is intended to commence in the second half of 2024.

In its Report, the Advisory Committee emphasised that clarity on the definition of "Platform Operator", "Platform Worker" and "subcontracting Platform Operator" will assist with the implementation of the proposed recommendations. Further, the definitions must be sufficiently flexible so they remain relevant in light of the evolving platform ecosystem. Platform Operators who meet the definition will be required to provide the protections listed in the Advisory Committee's Report and take reasonably practicable measures to ensure the safety and health of the Platform Workers that they contract with.

Feedback was sought on the following:

- (a) **Definition of "Platform Operator"**. The proposed definition of a Platform Operator is any undertaking that:
- as a critical part of its business model: (i) collects data from service providers and service consumers; and (ii) uses the data to automate the matching of a service provider to a service consumer;
 - receives payment from the service consumer and/or the service provider, for the service provided; and

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- exerts control over how the service is performed by, among others, requiring the service provider to comply with rules relating to his conduct with the service consumer or limiting the service provider's ability to negotiate his service fee with the service consumer.

The proposed definition is based on the Advisory Committee's recommendations and international developments in defining Platform Operators.

- (b) **Definition of a "Platform Worker"**. The proposed definition of a Platform Worker is a contract for service worker who contracts with a Platform Operator and experiences control from the Platform Operator regarding how the Platform Worker performs the platform service. It is proposed that the category of Platform Worker be designated as a new worker category that is distinct from employees and self-employed persons.
- (c) **Subcontracting scenarios**. It is proposed that the forthcoming legislation covers Platform Workers in a subcontracting scenario. The preliminary proposal is that a worker who has a direct contract with the subcontractor, but who may not have a direct contract with the Platform Operator, is covered by the protections. In addition to the public consultation, MOM is also consulting the industry on this issue.
- (d) **Safety and health duties**. MOM intends to clarify Platform Operators' duties, under the Workplace Safety and Health Act (WSHA), to ensure the safety and health of the Platform Workers with whom they contract.

Click on the following links for more information:

- [Public Consultation on the Definitions of Platform Operator and Platform Worker, Treatment of a Subcontracting Scenario, and Platform Operators' Duties Towards Platform Workers' Safety and Health](#) (available on the REACH website at www.reach.gov.sg)
- [MOM Press Release titled "Public Consultation on the Definitions of Platform Operator and Platform Worker, Treatment of a Subcontracting Scenario, and Platform Operators' Duties Towards Platform Workers' Safety and Health"](#) (available on the MOM website at www.mom.gov.sg)
- [Report by Advisory Committee on Platform Workers titled "Strengthening Protections for Platform Workers"](#) (available on the MOM website at www.mom.gov.sg)

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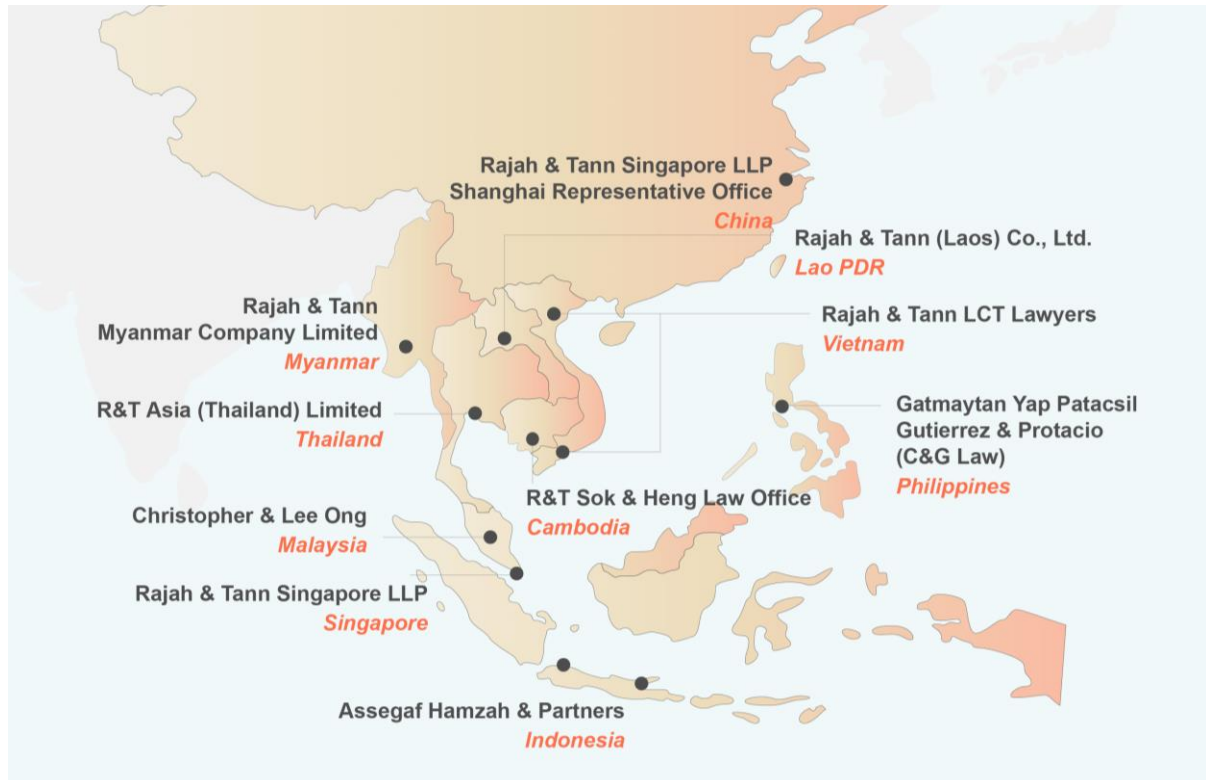
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