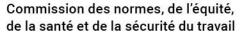
## Situation of the selfemployed workers and platform workers 自雇者和平台从业人员的现状

By Étienne Vaillancourt, insurance contribution and coverage advisor

标准、公平、职业健康与安全委员会

参保缴费顾问









What is the CNESST? 标准、公平、职业健康与安全委员会是什么?



#### Occupational health and safety 职业健康安全



- Entrusted by the Government of Quebec 受魁北克政府委托
- Public insurance company. 公共保险公司
- Clienteles: wage workers, employers, self-employed workers and partners. 客户: 领薪工人、雇主、自雇者和合作方
- Three principal mandates: prevention, compensation and financing. 三项主要任务: 预防、补偿和筹资
- 3.8 millions covered workers on a population of 8.3 millions!
   830万人口中覆盖了380万劳动者!







# How the CNESST is financed? CNESST的资金从哪来?



#### The Fund 基金

- No-fault system since 1931 自1931年起建立无过失制度
- 100 % financed by the employers 资金全部来自雇主缴费
- A society's choice 社会选择







What is the status of court litigation and jurisprudence with regard to the classification of platform workers as either wage workers or self-employed in your country? 将平台从业者归类为领薪工人还是自雇者,有哪些法院判例?



#### Jurisprudence 法理



- Only one court decision: employees of a local platform. 目前只有一个法院判决: 属于地方平台的员工
- No court decisions yet regarding big platforms such as Uber Eat and Door Dash. 尚无针对大型平台企业(如Uber Eat、Door Dash)的判决
- There is a problem that we must resolve before taking the cases at the court. 我们必须在法院讼案发生之前解决一个问题







- The Act respecting industrial accidents and occupational diseases 关于工业事故和职业病的法律
- Written in 1985. 1985年的法律
- Didn't take into account the progress in technology that we see since 2010. 无法体现2010年以来我们所经历的技术发展
- Requirement to have an establishment in Quebec to be an employer. 要求在魁北克必须有一家企业才能成为雇主
- Without an employer, there is no employee. 没有雇主就没有雇员



## Only one way to cover the platform workers 将平台从业人员纳入保障的唯一方法



- Voluntary coverage 自愿加入
- As self-employed workers 作为自雇者
- At their expense 自费







How are insurable earnings determined for the self-employed? Any different/special rule for any economic sector (for example agriculture, construction work...)?
如何确定自雇者的缴费收入?是否针对不同行业(如农业、建筑业等)设立不同的规则?



#### Insurable earnings and contributions 缴费收入和缴费

- Tax returns 纳税申报
- Last contracts 最近的合同
- Minimum and maximum yearly insurable earnings

年缴费收入上下限







What are requirements for eligibility to Ell medical benefits in case of self-employed workers? 对于自雇者,享受工伤保险医疗待遇的条件是什么?



#### The requirements 要求

- Same as for wage workers 与领薪工人一样
- Presumption 推定
- File a single form with explanations of the work accident 提交一张表,说明工伤事故情况







Are the benefits (list of diseases/accidents) the same for self-employed as for wage workers? Are medical benefits paid directly from the occurrence of the event?

自雇者的待遇 (疾病/事故清单) 与领薪工人相同吗? 疾病/事故发生后是否直接支付医疗待遇?



#### The benefits 待遇

- Same as for wage workers 与领薪工人一样
- Only the self-employed workers that subscribed
   仅限于参保的自雇者
- Universal healthcare of our country 全民医疗保健
- Income replacement indemnities by the CNESST CNESST给予收入替代补偿



#### Duration and periodicity 期限和周期

- Same as for wage workers 与领薪工人相同
- Only the self-employed workers that subscribed

只面向参保的自雇者



### Situation of the selfemployed workers and platform workers 自雇者和平台从业人员的现状

By Étienne Vaillancourt, insurance contribution and coverage advisor

标准、公平、职业健康与安全委员会

参保缴费顾问



