

# Situation of the self-employed 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

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**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



# Problem in our law 法律存在的问题

- 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 EII 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



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