Fast food delivery...
Are drivers covered?

Are you in the restaurant, catering, or fast food business? Or, do you deliver food? If so, read on.

Who are fast food delivery drivers?
A fast food delivery driver is a person who delivers food prepared by restaurant/fast food/catering businesses. This includes pizza, chicken and a variety of other foods. Drivers may work full or part-time, as permanent, contract, temporary or casual workers.

Delivery drivers in the restaurant/fast food/catering businesses are considered workers as described by this fact sheet. By law, the company they deliver for must provide them with workplace insurance coverage from the Workplace Safety and Insurance Board.

It doesn’t matter what a person’s status is with the Canada Customs and Revenue Agency (CCRA). Delivery drivers hired on contract may continue to invoice their employer as sole proprietors or as incorporated companies. This does not affect their status as workers for WSIB purposes.

What are the benefits of WSIB insurance coverage?
The coverage offers:
• no-fault insurance protection from lawsuits for work-related injuries
• comprehensive benefits at a very competitive price (plus premiums are tax deductible and you don’t pay PST or GST)
• access to information and training on how to work safely and avoid costly workplace injuries
• personal service from trained staff in communities across Ontario
• service in a wide variety of languages.

What makes the business owner the driver’s employer?
The business:
▪ identifies the hours the driver works
▪ establishes when and where the driver makes deliveries
▪ arranges for the driver to deliver the food and collect payment (cash/credit card) from customers
▪ requires driving records to verify that the drivers are licensed and insured.

What makes delivery drivers workers?
There are several reasons:
▪ when and where the driver works depends on instructions from the restaurant/fast food/catering business owner
▪ the driver usually wears a uniform (hat and/or shirt) and has a sign with the name of the business on their vehicle, indicating that they work for the business
▪ the business, not the driver, that offers delivery services to the public in a variety of ways, such as advertising, on menus and in mailings.
It is the business, not the driver that takes the risk of running the business for profit.
The business:
- delivers food as an integral part of the services they offer
- takes customers’ orders
- sets the price the customer pays
- pays the driver to deliver the food (for example flat rate, cash, or cheque); this includes situations where drivers pay the businesses in advance for the cost of the food delivered
- takes and resolves complaints about the delivery or quality of the food.

Even though drivers often use their own vehicles and pay all associated vehicle expenses, it does not mean they are entrepreneurs who assume the risk of running a business for profit.

What does this mean for the business?
- Fast food delivery drivers are considered workers.
- The business must include the earnings (including cash) of all their drivers when reporting and paying premiums to the WSIB.

What obligations does a business owner have for covering its delivery drivers?
The business owner must:
- register with the WSIB as an employer within 10 days of employing the first worker (full-time, part-time, contract, temporary or casual worker), including family members who get paid
- report and pay premiums to the WSIB on total gross earnings, from any type of payment (such as cash) or from earnings that would appear on T4s, T4-As, T5018s or other records
- keep employee records that are available for WSIB staff to verify if requested
- report work-related injuries.

What if a business owner does not register and pay premiums?
Businesses who do not meet their obligations under the Workplace Safety and Insurance Act may be fined or prosecuted. This can include fines up to $100,000 and/or imprisonment, and paying the full costs of the injury.

Workplace Safety and Insurance Board
The Workplace Safety and Insurance Board (WSIB) oversees Ontario's workplace safety education and training system and runs the province's no-fault workplace insurance for employers and their workers. As part of this system, the WSIB provides disability benefits, monitors the quality of health care, and assists in early and safe return to work for workers who are injured on the job or contract an occupational disease. The WSIB is funded entirely by employer premiums and receives no funding from the Ontario provincial government.

This information is available in several languages by calling our hotline at 416-344-4999
Toll-free 1-800-465-5606 or Telephone Service for the Deaf – TTY: 1-800-387-0050