

WORKING GROUP ON THE COLLABORATIVE ECONOMY REPORT
JUNE 2018

UNDERSTAND.
REGULATE.
SUPPORT.

Updating and Strengthening Public Policies To Make a Success of

THE COLLABORATIVE ECONOMY

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Québec 

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Message from the Working Group on the Collaborative Economy

The Working Group on the Collaborative Economy (WGCE)¹ was formed in the winter of 2018, an initiative of Québec Premier Philippe Couillard and Dominique Anglade, Deputy Premier, Minister of the Economy, Science and Innovation, and Minister responsible for the Digital Strategy. Its mandate was to improve understanding of the issues raised by the collaborative economy and to spark open reflection by citizens and the government.

To fulfill this mandate, we held a consultation and it featured prominently in our work. We had less than four months to complete the exercise, draw conclusions, and report back. It was not a lot of time to engage in a real public debate, but we were able to determine guidelines and establish priorities. The main aim of this report is to outline those guidelines and priorities. The consultation process helped us get people engaged and raise awareness among a greater number of citizens and public and private organizations—a prerequisite for organizing a constructive public debate.

First off, we would like to state that we cannot wait any longer for a commitment from public authorities. Québec has so far been slow to think and act on this issue, but it is just as susceptible as the rest of the world to the upheavals caused by the rapid growth of the collaborative economy. Our mandate has therefore come at the right time. Almost all the stakeholders we met with called for a strong commitment to take action immediately and create a climate where we can capitalize on the collaborative economy.

We have therefore come up with twelve recommendations based mainly on collaborative economy literature, ideas and proposals brought up at the consultation, and promising experiences and models in the province of Ontario as well as in France, the United Kingdom, the Netherlands, and other countries that figure prominently in the collaborative economy.

We strove to balance innovation, public interest, fairness, and efficiency in our work. We believe in an open economy, the need for sustainable development, and corporate social responsibility. As such, we believe it is essential to foster a better understanding of collaborative practices and create a climate of trust so Québec can implement initiatives that contribute to our collective wealth. Québec has a strong history of working together towards a common goal, as evidenced by the cooperative movement and the social economy.

The aim of this report is to guide reflection and spur constructive public debate in order to modernize and strengthen our public policies. To achieve collective success in the collaborative economy, we must understand it, regulate it, and support it.

President



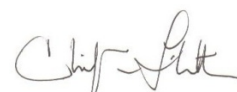
Guillaume Lavoie

Vice-President



Nolywé Delannon

Vice-President



Christine Fréchette

1. See Appendix 1 for WGCE member biographies and mandate.

Advisory Committee Members

The WGCE is grateful for the insights of leaders in various fields.² We would like to thank them for their personal and voluntary contribution and for guiding the working group with their sound advice and comments:

- Laurence Audette-Lagueux, Corporate Finance Expert and Campaign Director, FrontFundr;
- Julie Bouchard, Business Analyst, Dixons Carphone;
- Daniel Bourcier, Development Officer, Labor Relations Services, Investment, QFL Solidarity Fund;
- Fabien Durif, Full Professor, School of Management Sciences, Université du Québec à Montréal (ESG-UQAM) and Director, Observatoire de la consommation responsable (OCR);
- Robert Dutton, Associate Professor, École des hautes études commerciales (HEC Montréal);
- Vincent Dussault, Strategic Transport Advisor, Coop Carbone;
- Julie Favreau, Lawyer and Property Development Consultant;
- Karel Mayrand, Director General, Quebec and Atlantic Canada, David Suzuki Foundation;
- Audrey Murray, Lawyer, Vice President, Customer Service and Development, Commission de la construction du Québec;
- Jonathan Plamondon, Industrial Relations Officer (Mediator), Canada Industrial Relations Board;
- Mélissa Stoia, Growth and Innovation Advisor, PME MTL Est-de-l'Île; and
- Jean-Patrick Toussaint, Capacity Building Advisor, Federation of Canadian Municipalities.

2. See Appendix 2 for Advisory Committee member biographies.

Acknowledgements

The WGCE was given an ambitious mandate to accomplish in only four months, which required ongoing efforts to ensure a successful outcome. The process was made possible thanks to many individuals, organizations, and government departments, whose contributions we would like to acknowledge here.

We would first like to thank Dominique Anglade, Minister of the Economy, Science and Innovation and Minister responsible for the Digital Strategy, for her confidence in entrusting us with this mandate on a social issue that is still very polarizing in Québec.

The secretariat supporting the work of the WGCE

Throughout our work, we enjoyed the outstanding support of economic policy consultant Julie Paré and economist Pierre Bisson at Direction des politiques et de l'analyse économique at Ministère de l'Économie, de la Science et de l'Innovation (MESI). They were present at each of our special consultations, contributed to our discussions and, above all, were able to accurately reflect the evolution of our thoughts in the report. They also took the initiative to propose working meetings with specific MESI departments that could hone our recommendations and potential solutions. In particular, we would like to thank Ms. Paré for her exceptional work in drafting the report and Mr. Bisson for his detailed analysis of the consultation results and careful selection of relevant points for the report. Their skills and professionalism helped us complete all our work within the mandate's tight deadline. We would like to express our deep gratitude to them for their continued support.

We would also like to thank Mawana Pongo, Director of Economic Policies and Analysis, for his valuable support at key stages of the process. We would like to thank Gisèle Lapointe for her ongoing work to coordinate the working meeting and special consultation agenda, as well as for handling logistical issues in Québec City and Montréal. Finally, we would like to thank the MESI employees who helped us carry out specific oversight and communications tasks.

The WGCE advisory committee

An advisory committee was established to refine our thinking and diversify our analytical perspectives. The committee was entirely voluntary and was composed of twelve members from different labor, environmental, academic, and economic backgrounds as well as from various public, private, and community sectors. In addition to participating in working meetings, committee members continually enriched our work with their expertise, sending us briefing notes and providing feedback on sections of the report as it was written. We are fully aware of the constraints that hampered their contributions, including their deep involvement in their respective communities. We extend our heartfelt thanks to them.

Government departments and agencies

Part of the WGCE's mandate was to reflect on how best to support public authorities in their efforts to meet the challenges posed by the collaborative economy. We would like to thank the departments and agencies we met with, sometimes on several occasions, to better understand their challenges, reflect on solutions, and learn more about some of their inspiring ongoing initiatives.

Public consultation

The public consultation was conducted online over only four weeks, including the time the consultation information document was available. Given this, it is remarkable that nearly 200 online questionnaires were filled out, most by private citizens. This shows the space the collaborative economy holds in Québec's public consciousness, a fact that is reinforced by the number of questionnaires we received. We would like to thank everyone who took the time to read the documents and share their concerns and suggestions. With the ongoing support of our secretariat, we have worked carefully to learn as much as possible from the results of the consultation.

Special consultations

We met with over 75 organizations and groups from a wide variety of backgrounds for our special consultations. The purpose of the consultations was to help us better understand the concerns of stakeholders already involved in the collaborative economy and those that were concerned or potentially affected by the collaborative economy. We met with stakeholders and representatives from the traditional and collaborative economies, from the public and private sectors, and from the social economy and the cooperative sector. We also met with stakeholders from the provincial and municipal levels of government as well as from the labor, legal, academic, community, and environmental sectors. Our work has been considerably enriched by the openness of these stakeholders and the challenges, thoughts, and suggestions they shared. We thank them for their time and for the quality of their contributions.

Experts from outside Québec

The collaborative economy is booming internationally, and some jurisdictions have developed initiatives we can learn a lot from. We took the time to consult with experts who are at the forefront of these changes. They generously shared their experiences and, more broadly, provided insights on collaborative economy that have been extremely valuable to our work. In particular, we would like to sincerely thank the Government of Ontario and its eight representatives; Tracey Cook, Executive Director of Municipal Licensing and Standards for the City of Toronto; Harmen Van Sprang, Co-founder of ShareNL and the Sharing Cities Alliance; Sunil Johal of the Mowat Center; and Pascal Terrasse, Inspector General of Conseil général de l'Environnement et du Développement durable, former member of the French National Assembly and author of the report to the French government on the development of the collaborative economy.



1. BACKGROUND

**Varied Practices and Changes
in All Sectors**

1. BACKGROUND

Varied Practices and Changes in All Sectors

1.1 What's New

The collaborative economy—and peer-to-peer exchange—is not new. But the scope of the collaborative economy is larger than ever before. Although it has existed for a long time, particularly in rural communities, its scale and growth potential have recently become apparent, particularly in urban centers. The collaborative economy creates new opportunities for everyone, and its growth has been phenomenal. According to a study by PricewaterhouseCoopers, the collaborative economy is projected to hit nearly \$335 billion by 2025, compared to \$15 billion in 2014³.

Digital technologies⁴ facilitate and increase transactions between individuals and organizations offering goods, services, or resources such as knowledge and ideas. Digital platforms operate on a larger scale by making any asset available and connecting individuals and organizations instantly and simultaneously in a planned manner.

Digital networking platforms create an ecosystem based on meeting needs through relationships of trust and low transaction costs. These trends are on the rise in Québec and around the world.

The collaborative economy has different facets, practices, and methods of exchange⁵ that generally have one of the following four basic characteristics:

- i **Use of excess capacity** — The temporary pooling or permanent redistribution of a good or resource's capacity beyond its usual use, in order to get more out of existing assets.
- ii **Use rather than ownership** — Easier access to a good or expertise, without having to own it or be an employer. For example, rather than buying and owning property, people opt to rent it or use it on a timeshare basis.
- iii **Multiplicity of functions** — Challenging the idea that a good or service is intended for only one predetermined or reserved use or function⁶.

3. <http://www.pwc.fr/fr/espace-presse/communiqués-de-presse/2015/mai/le-marche-mondial-de-economie-collaborative-devrait-atteindre-pres-de-335-milliards-de-dollars-ici-a-2025-contre-15-milliards-en-2014.html>.

4. Platforms and applications.

5. See Appendix 3 for the different facets, practices, and methods of exchange of the collaborative economy. From the WGCE consultation document, 2018: https://www.economie.gouv.qc.ca/objectifs/informer/entrepreneuriat/page/economie-collaborative-23233/?no_cache=1&tx_igaffichagepages_pi1%5Bmode%5D=single&tx_igaffichagepages_pi1%5BbackPid%5D=72&tx_igaffichagepages_pi1%5BcurrentCat%5D=&cHash=6eb817a58bb043488c32f46017300608.

6. This is the opposite of segregation of duties.

- iv **Dematerialization of intermediaries** — Often, substituting digital platforms for intermediaries in the traditional economy makes it possible for individuals, companies, and organizations to connect directly (peer-to-peer exchanges).

The collaborative economy poses challenges that go far beyond technological issues because it disrupts many of the established practices and sociocultural benchmarks that have historically been the basis for regulation. Public authorities must therefore take action in the public's best interest and rethink the rules of the game in an open, fair, effective, and efficient manner. These general principles to guide public action are presented in more detail in Section 2 of the report.

1.2 Ongoing Changes

The collaborative economy blurs the boundaries between personal and professional. That means people can be both consumers and producers of the same service.

The collaborative economy helps meet environmental, social, economic, and local and regional development needs and aspirations by offering greater flexibility and autonomy in exchange relationships. It also provides new sources of income, often through atypical kinds of work.

The collaborative economy is constantly evolving, making it difficult to determine exactly where it begins and ends, and the changes it has brought are profound. These changes are often described as “disruptions” in terms of organization and public policy development⁷.

Among other things, the consultation conducted by the WGCE helped it assess the challenges posed by:

- Citizen information and awareness;
- Equity between companies and organizations in the collaborative economy and those in the traditional economy;
- The integrity of the tax system and how it is applied to foreign companies based on a new type of business model;
- Healthy competition and market access, particularly by local actors;
- The enforcement of employment law, particularly labor law;
- The duties and responsibilities of individuals, such as companies and organizations, associated with collaborative practices;
- Seller identification and consumer protection;
- Environmental and social impacts;
- The legal status of users (peer versus professional);
- The governance of peer review systems; and
- Access, disclosure, and valuation of data collected by digital platforms.

Québec has everything it needs to succeed in this changing world and, more importantly, it will have to. Collaborative practices are spreading like wildfire in Québec and around the world, and the Government of Québec—and Québec public authorities⁸—must find the means and capacity to adapt needed to meet the challenges posed by the collaborative economy and capitalize on opportunities to develop it.

7. Conseil d'État. Puissance publique et plateformes numériques : Accompagner « l'ubérisation », annual study, France, July 2017, 190 p.

8. The terms “government” and “public authority” are broadly understood to be related to political power and public services at different levels. They are used as synonyms for public and local government and refer to provincial, local, and supra-local departments and agencies (e.g., boroughs, municipalities, and regional county municipalities). The term “public authority” may also refer to public organizations composed of elected individuals, such as school boards.

1.3 The Québec Experience

So far, Québec's reactions and responses to the collaborative economy have been sectoral and reactive. The province has adopted two bills relating to the short-term accommodation and paid passenger transport sectors (particularly the taxi industry).⁹ Upon closer examination, these responses were deemed incomplete or in need of improvement. A third bill was tabled in October 2017 to introduce changes to property and casualty insurance¹⁰.

Work on adapting Québec's tax system to the new realities of the collaborative economy and networking platforms began in 2016. Two tax compliance agreements have been signed between Revenu Québec and two current major players of the collaborative economy.¹¹ According to Revenu Québec, these agreements have achieved their objectives. They were each the first agreement of their kind in Canada.

Other regulatory responses or innovations have been implemented at the local and municipal levels, including updating the zoning rules of the Rosemont-La-Petite-Patrie borough in Montréal to regulate the sharing of private spaces for parking, storage, or urban agriculture purposes. As part of the SAUVÉR program, Plessisville now allows its residents to share municipal vehicles.

Models in Ontario, France, and the United Kingdom—known for their leadership in the collaborative economy—point to the need for a comprehensive approach involving all levels of government and all areas of action. The establishment of high-level interdepartmental committees under the direction of a central authority or an independent organization has made it possible to conceive of and implement the necessary changes while accounting for how they will impact the different sectors and the province's social, environmental, and economic priorities. This has also made it possible to overcome coordination issues and potential future challenges through oversight task forces.

The collaborative economy around the world and in Québec will only continue to grow and involve more citizens and organizations. As a result, the challenges facing public authorities will become more complex. Québec must therefore continue the general reflection started by the WGCE and maintain an ongoing dialogue with stakeholders.

9. Bill 67 (An Act mainly to improve the regulation of tourist accommodation and to define a new system of governance as regards international promotion) governing tourist accommodation activities and Bill 100 (An Act to amend various legislative provisions respecting mainly transportation services by taxi).

10. In October 2017, Bill 150 was also tabled in the National Assembly. It mainly concerns the implementation of certain provisions of the budget speeches on March 17, 2016, and March 28, 2017. The bill suggests changes to our property and casualty insurance practices.

11. L'Entente relative aux exigences de conformité fiscale au Québec à l'égard des chauffeurs utilisant les plateformes « UberX », « UberXL » ou « UberSELECT »; l'Entente de conformité fiscale relative à la taxe sur l'hébergement à l'égard des hôtes utilisant la plateforme « Airbnb ».

1.4 Actors and Practices in Québec

Collaborative practices are becoming more widespread in all sectors,¹² from accommodation to transportation, finance, catering, storage, parking, professional services, and construction. If we look closely at the changes taking place in the private sector, no company or organization, regardless of size or industry, will not be affected by the growth of collaborative practices. The same is true for the public sector, from the smallest school boards to the largest government departments, municipalities, and RCMs. All public authorities are likely to be deeply affected by the growth of collaborative practices. This is true in metropolitan areas and less-populated regions, in both urban and rural contexts.

In Québec, Ouishare and Observatoire de la consommation responsable carried out an initial mapping of collaborative economy initiatives in the fall of 2015.¹³ The first draft, published in *Protégez-Vous* magazine, identified nearly 170 initiatives. The map was updated in November 2016 and again in the spring of 2018.

According to the latest census, there are just over 210 collaborative economy initiatives in Québec operating in 16 different sectors. The most active sectors include goods (31% of initiatives), space (19%), food (13%), services (8%), business and organizations (6%), and finance¹⁴ (6%). These initiatives are largely carried out in urban areas, and nearly half are located in Montréal.

The growth of the collaborative economy in Québec is rooted in a history marked by the cooperative and social movement. The collaborative economy includes many social economy enterprises and cooperatives. Examples include initiatives such as the Accorderies network, La Remise, Espace Fabrique, Zap/Une île sans fils, and Akcelos.

The *Social Economy Act* (CQLR, c. E-1.1.1) contextualizes the natural links between the social economy and the collaborative economy as follows: “Social economy enterprises are the result of the commitment and entrepreneurial drive of people who grouped together to produce goods and services, thus furthering the aspirations and contributing to the well-being of their members and the community”¹⁵.

The desire to play an active role in delivering goods or services by pooling resources through an open structure is a common characteristic among actors in the collaborative and cooperative sectors.

During the consultation, the WGCE noted the desire and ambition of Québec’s social economy and cooperative communities to play an active role in the collaborative economy. These skilled and dynamic ecosystems show great potential for developing the collaborative economy in Québec.

With a turnover rate¹⁶ of nearly 30% per year, compared to an average of nearly 20% for other sectors, the Québec collaborative community clearly has a lot of momentum. However, it is worth asking who benefits from that momentum. The failure rate of initiatives is high, especially for local initiatives. This fact is of great interest to us when considering how to position Québec within the global collaborative economy.

12. See Appendix 4 for versions 1.0, 2.0, and 3.0 of *Honeycomb* by Jeremiah Owyang, which shows how the collaborative economy has expanded to different environments and sectors.

13. *Protégez-Vous*, Plus de 180 façons d’échanger des biens ou services, July 2016.

14. For a detailed description of the sectors, visit the *Protégez-Vous* website.

15. *Social Economy Act*, second recital.

16. The turnover rate reflects the startup of new initiatives and the shuttering of initiatives that have ceased operations.



2. GUIDELINES FOR A GLOBAL APPROACH

Asking the right questions

2. GUIDELINES FOR A GLOBAL APPROACH

Asking the right questions

Public consultation has been a major focus of our work.¹⁷ The citizens, groups, associations, and organizations that participated in the consultations provided important insights into Québec's models, needs, and concerns surrounding the collaborative economy.

Through an online consultation—organized using a consultation document, a questionnaire, an invitation to submit briefs, and face-to-face meetings—the WGCE has equipped itself to fulfill the commitments it made when it was created¹⁸.

- Invite a significant number of citizens and actors from the public and private sectors to provide feedback on the practices of the collaborative economy and their societal repercussions; and
- Take into consideration all the opinions and proposals brought forward during the consultation.

This approach based on consultation, dialogue, transparency, and respect for the general principles mentioned above must be maintained. This is only the beginning of a broader reflection for all Québec society. The collaborative economy and all its repercussions must be considered in their entirety. To do so, we need to ask the right questions.

17. See Appendix 1 for the mandate.

18. For the sake of transparency, the list of experts and organizations the working group met with is attached as an appendix, and the briefs received have been posted on the WGCE's webpage.

2.1 The Consultation

The consultation marked the beginning of a broader reflection on a new legislative and regulatory framework to guide public practices and government involvement in the collaborative economy.

As part of the consultation and in addition to the Advisory Committee's regular contributions, the WGCE benefited from the involvement and input of many experts and public and private organizations from Québec and abroad during in-person meetings and through an online questionnaire¹⁹.

- 200 questionnaires and briefs were submitted²⁰.
- The working group met with over 75 different organizations and experts for a total of 115 hours of in-person consultations.

Apart from collaborative economy stakeholders and certain participants interested in the issues raised by the collaborative economy, most of the WGCE consultation participants and organizations were engaging with these issues for the first time. The consultation showed that the public still does not know a lot about the collaborative economy and has only a general understanding of it. Few individuals or organizations have a clear idea of what it is, its scope and impact, and the challenges it presents in the short to medium term. Apart from a few exceptions, this also applies to Québec public authorities, the majority of whom have no structured oversight or resources dedicated to improving their knowledge of the collaborative economy and increasing their readiness.

Fairness, mentioned at the outset by most participants, is by far the most pressing concern. The following comment from our online questionnaire, reflects this:

"It is absolutely necessary to standardize the regulatory practices of the collaborative and traditional economies (either deregulation for all or standard regulation for all). Otherwise, a perceived conflict of interest or favoritism would greatly harm companies operating in the collaborative industry with respect and fairness to other companies in the traditional economy."

The fairness participants called for has to do mainly with taxes. They want collaborative practices to be better regulated through public policies and a modernized and—when necessary—more flexible legal and regulatory framework. The business environment needs to be defined and transparent.

Numerous actors in Québec's collaborative ecosystem also cited the need for public authorities to evolve. All the more so because the regulatory environment can seem complex—even daunting—to those who want to help develop the collaborative economy. The following comment illustrates this:

"The first step for public authorities should be to accept that platforms play an essential role in our economy. Working with these platforms will foster the emergence and growth of entrepreneurship, increase purchasing power, and democratize new consumer practices. The collaborative economy must be developed as part of a comprehensive political, economic, and social framework."

19. See Appendix 5 for the organizations and experts that took part in the consultation and those that submitted briefs. The questionnaire was online from March 19 to April 20.

20. A number of consultation participants tabled discussion papers on the collaborative economy. The submissions received can be found on the WGCE webpage.

The consultation also revealed that the collaborative economy is still not well known or utilized, especially the further one is from large cities. However, rural areas are where it can be the most useful. As one respondent noted:

“Small communities often do not have access to information and have little knowledge of new business models, which limits their ability to participate and grow. Efforts should be made to prioritize small communities and strengthen their ability to participate, their autonomy, and their contributions to Québec’s economy.”

Finally, the WGCE noted two important and related points mentioned by nearly all respondents:

- The legal framework for the traditional economy is poorly adapted or cannot be applied to the collaborative sector.
- There is an urgent need to create a legal framework to regulate the collaborative sector.

The WGCE views this as a solid and promising basis for addressing the challenges posed by the emergence of collaborative practices.

2.2 The Four General Principles

While collaborative practices all have the same basic characteristics mentioned above, they take very different forms. They employ a variety of business models and logic, and can pursue very different goals. As in the traditional economy, there is a wide variety of practices, driven by economic and social actors with diverse motivations in multiple organizational forms. Such coexistence is the hallmark of a resilient ecosystem, and this logic should be applied to the collaborative economy. This also means that there is no single solution (such as a general law) for how to regulate the collaborative economy. Only a detailed examination of the various practices and their positive and negative effects can determine the appropriate solution and framework to adopt.

As such, the WGCE has put forward four general principles to guide the analysis. These principles will help Québec's public authorities develop the right reflexes and the agility necessary to adapt quickly and properly to new practices in order to implement effective and sustainable solutions.

The four general principles below are set out²¹ in Appendix 6 in the form of specific questions to guide the actions of public authorities.

1) Openness

In order to intervene in a regulatory manner or otherwise, we must first understand what is to be regulated. To fully understand a situation, we must be curious and open.

Being open to new ideas, practices, and business models makes them easier to understand and encourages people to explore new ideas and how they might be integrated.

We can be proactive and develop a higher tolerance for risks and disruptions through oversight and by researching and studying how various practices and solutions have evolved in other areas of the world.

2) General Welfare

Upholding the general welfare means balancing a wide range of individual interests to ensure the well-being of the community as a whole, i.e., Québec society. To do so, public authorities need to consider the concerns and aspirations of as many stakeholders as possible when making decisions, especially the most vulnerable and those that cannot advocate for themselves, such as the environment. They must also strive for transparency in consultations, decision-making, and policy implementation.

21. See Appendix 6 for the reference framework.

The desire to act in the general welfare must guide public decision-making at all times, in particular with regard to:

- Public safety
- Improving public services
- Improving environmental performance
- Data security and privacy protection
- Consumer protection
- Worker protection
- Improving productivity

3) Fairness

The third general principle is to guarantee fairness, particularly regarding taxation, market access, government processing and control, and labor regulations.

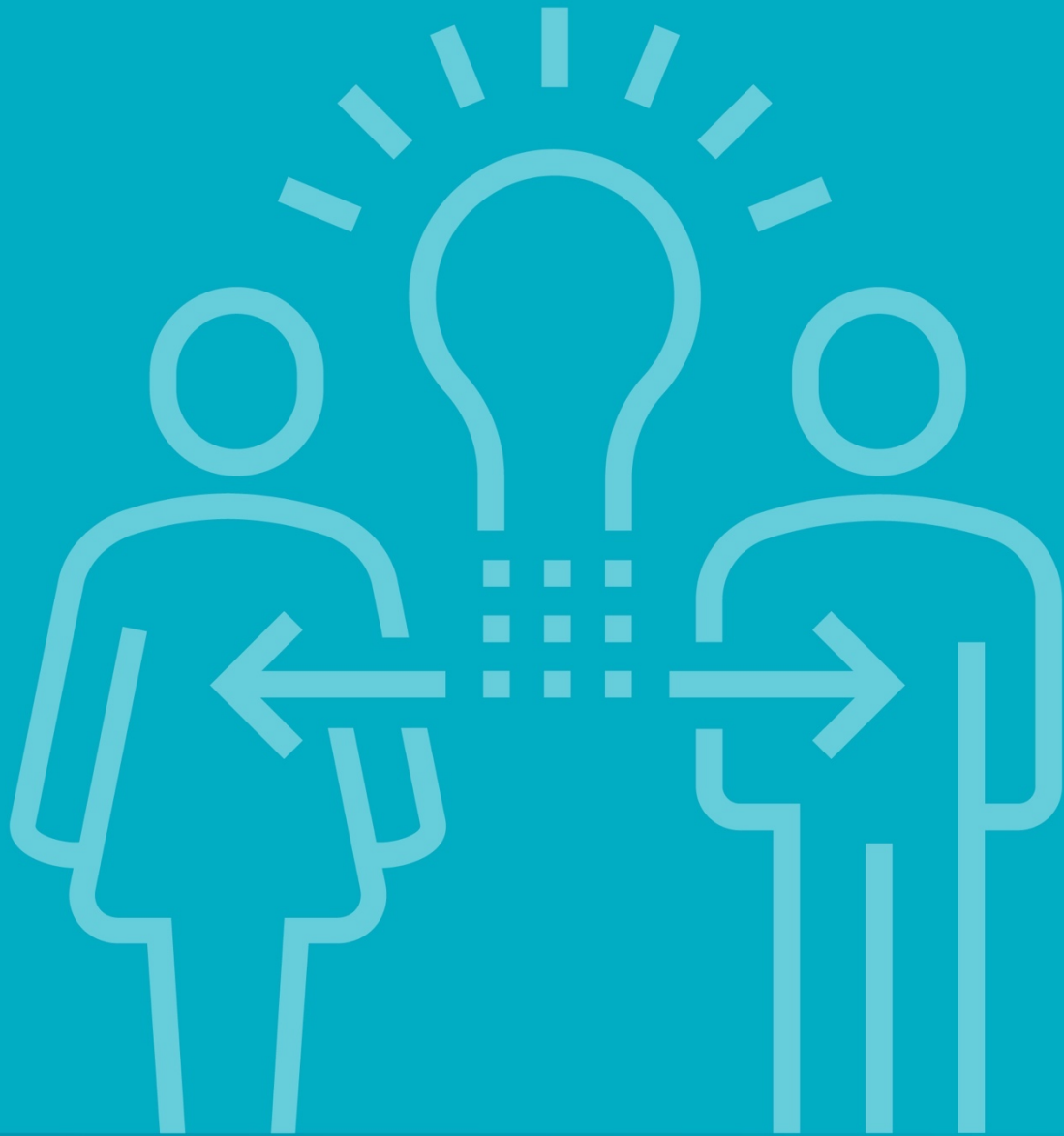
However, fairness does not mean that all actors must be treated the same way. There can be no fairness without considering the broader context for enforcing regulations. It is also important to look at fairness between collaborative and traditional practices, and among collaborative practices themselves.

4) Efficiency

Finally, public authorities should keep in mind that the framework must be able to achieve the expected results (effectiveness) in an optimal way (efficiency). The real value of a legal framework or regulation lies not in how it is received, but in how easily it can be enforced.

To be more effective, the proposed solutions must achieve key public objectives under the responsibility of the relevant public or private organization. The means of intervention—from implementation to control—must be streamlined, justified, and adapted to the situation.

Public authorities must have the flexibility needed to make better decisions and ensure their interventions are appropriate and effective. In coming up with solutions, they must examine current public priorities and the anticipated results.



3. RECOMMENDATIONS

Tailored solutions for complex issues

3. RECOMMENDATIONS

Tailored solutions for complex issues

Given the results of the consultation and the inspiring models in Ontario, France, the United Kingdom, and the Netherlands, Québec public authorities must establish and immediately publicize a clear position on the major issues raised by the collaborative economy.

The WGCE has come up with twelve recommendations to ensure everyone can enjoy the benefits of the collaborative economy and help it evolve in an informed, accountable, and transparent manner. Gaining a better understanding of the changes underway will allow us to effectively assess the existing framework, adapt it to the new needs of citizens and economic actors, and help local actors grow, prosper, and even consider developing internationally. The recommendations fall under the following three priority objectives, which form the cornerstone of the report:

3.1 Better **understanding**

3.2 Better **regulations**

3.3 Better **support**

Given the rapid change in the collaborative economy, the WGCE's recommendations are meant to be understood as the first step in an ongoing process. They reflect a rough and fragmented understanding of the changes that are occurring. Some recommendations are very detailed and include concrete measures or structures to put in place, while others are meant to encourage reflection or monitoring of anticipated trends. Some sectors and practices of the traditional economy are more strongly affected by concrete manifestations of the collaborative economy and have therefore been given more attention in the report. However, the WGCE would like to stress that this is only the tip of the iceberg—public authorities and all civil society actors must actively prepare for the changes ahead.

3.1 Better understanding

Our consultations revealed the extent of the work to be done to educate citizens, government departments and agencies, and economic actors on the collaborative economy. We found that most people only have a very rough and often incorrect understanding of the characteristics of collaborative economy initiatives and how they impact society.

Uber and Airbnb are just the tip of the iceberg

If we want to have a constructive public debate, we must do a better job of documenting the collaborative economy and educating people.

Recommendation 1: Systematically document the collaborative economy

A number of recent studies and surveys have been conducted on the collaborative economy, but none have looked at the situation in Québec. Discussions and research conducted as part of the consultation revealed that the data we have on Québec's collaborative economy does not provide a clear or complete picture. Getting a good sense of the phenomenon is therefore a crucial first step.

The WGCE recommends that the methods used to study the collaborative economy and assess its impacts be better organized, systematically applied, and widely shared in order to gain an accurate picture of the situation.

To this end, we need to collect and share more data. Administrative data is incredibly useful. Revenu Québec, in its role as tax administrator and as an online service provider, is already a major partner for collaborative platforms (see Recommendation 5) and plays an indispensable role in the effort to collect and document information. In dealing with a variety of tax issues related to the digital economy and the collaborative economy, Revenu Québec has acquired extensive knowledge and a nuanced understanding of the collaborative economy. The agency has significant technological skills and resources, which is why it plays a central role in the implementation of certain WGCE recommendations.

The data Revenu Québec collects from collaborative platforms should be distributed to any departments or agencies that request it to help them understand the impact of targeted collaborative practices and develop public policies in their respective areas of intervention. The data shared should under no circumstances include personal information. Examples of strategic, non-personal data public authorities can use to their advantage include the number of suppliers and users, the number of kilometers traveled and trips taken, periods of activity, average income, the number of overnight stays, and tax revenues.

New surveys could be conducted, existing ones improved, and new tools developed together with Institut de la statistique du Québec and Statistics Canada to create a set of official statistics on the collaborative economy.

Sharing data with government departments and agencies as well as other public authorities in Québec and publishing official data from statistical agencies will help people understand the extent of collaborative practices and provide insight into how traditional industries operate with respect to these practices. This will fuel reflection, spur a constructive debate on the collaborative economy, and lead to more relevant public policies. The data may also be extremely useful to municipalities, the research community, and public, private, and non-profit organizations.

Recommendation 2: Create a flagship organization for the collaborative economy

In addition to documenting the ins and outs of the collaborative economy in Québec, the ecosystem itself would benefit from better organization. During the consultation, a wide variety of stakeholders from the collaborative economy mentioned their difficulty educating the public on their reality, obtaining information on their rights and responsibilities, and even meeting the criteria of financial support programs. The consultations also revealed that the collaborative economy community is fragmented, which explains why it is not fully understood or well represented in the public sphere.

In addition, the Government of Québec would like to be well-positioned in the collaborative economy to ensure that local actors have room to grow, both nationally and internationally.

Given the above, the WGCE recommends creating a flagship organization for the collaborative economy, Chantier de l'économie collaborative.

Forming a flagship organization will create favorable conditions for further development of the sector. Establishing a representative structure composed of actors from the collaborative economy will unite the community and address the problem of fragmentation, while helping to develop regulations that are better suited to the realities of the collaborative economy.

In other circumstances, local actors would have assumed this responsibility, but since urgent action is required, public authorities must give the initial push and ensure that the structure created is entirely independent from the government.

The mission of the new organization, which would bring together the driving forces behind the collaborative economy, would be to encourage actors within Québec's collaborative economy to work together, promote the collaborative economy, educate people about it, and help develop appropriate support measures. Although created by the government, it would be directed and structured by local actors selected through an open and transparent process.

More specifically, the new organization would have the following mandates:

- Bring together and promote dialogue among the wide variety of actors involved and interested in the collaborative economy. This would include practices within the public, private, and non-profit sectors so that everyone has access to the same resources.
- Educate people on the collaborative economy in Québec by organizing training and communication activities (including conferences, training sessions, workshops, and pilot projects) and by sharing concrete examples of local initiatives and experiences.
- Help create critical development tools (financial tools, marketing tools, mentorship programs, publications, etc.) and recommend measures to support entrepreneurship in a collaborative economy.
- Play an advisory role for Secrétariat de l'économie collaborative and other government actors and act as an advocate for political, economic, and social actors.

Drawing on the Québec experience

As its name suggests, Chantier de l'économie collaborative is directly inspired by Québec's successful Chantier de l'économie sociale, created following the 1998 socio-economic summit.

Chantier de l'économie sociale has, among other things: 1) spurred the development of expertise that has made Québec a recognized leader in the social economy; 2) created an expert advisory center for the government to better plan and guide its actions; 3) made it possible to focus on long-term challenges and issues over the years while maintaining momentum.

Creating Chantier de l'économie collaborative and keeping it “an arm's length” from the government means Québec's entire collaborative economy ecosystem will take on a consultation and consensus-building role, drawing on the expertise of a variety of dynamic sectors ranging from research, financial, and social sectors to non-profit organizations, start-ups, large companies, municipalities, and schools. This structure will allow the organization to enter into numerous partnerships and support agreements that will sustain it over the years beyond the initial government support.

Drawing on international experience

During our work and consultations with foreign experts, we observed a promising model in organizations that draw on their expertise to work closely both with the community and with public authorities. In this regard, Collaborative economy UK and especially Share NL in the Netherlands are great sources of inspiration for Québec.

Recommendation 3: Explore the potential of collaborative finance

Collaborative finance is a set of collaborative practices that allow individuals, groups, and organizations to finance themselves without the need for a traditional financial institution. The most popular form of collaborative finance is crowdfunding. Crowdfunding is a way of accessing capital quickly by raising small amounts of money from a large number of lenders or investors. Collaborative finance is often used to finance innovative projects with perceived positive social or environmental impacts that are difficult to finance using traditional financing tools.

Although the first use of the term “crowdfunding” dates back only to 2006, the act of pooling financial resources to support a project is not new. For example, almsgiving in churches made it possible to finance charitable causes as well as artistic projects. In the late 19th century, the emergence of penny newspapers popularized one of the most emblematic fundraising events in history: a campaign to fund the pedestal for the Statue of Liberty. Billionaires and companies refused to finance the pedestal, so ordinary citizens all pitched in and covered the entire cost. Closer to home, many of the statues and monuments in Québec were also funded through public fundraising campaigns. And in many developing countries, revolving savings and credit associations known as “tontines” have long enabled citizens to finance collective or individual projects through an informal financial system²².

While comprehensive studies on collaborative finance in Europe have been conducted, notably through organizations such as the European Crowdfunding Network, there is very little data on collaborative finance in Canada. The available data focuses on participatory fundraising campaigns on English-speaking platforms such as Kickstarter, Indiegogo, GoFundMe, Crowdfunder, and FundRazr. According to the site The Crowd Data Center, over 5,500 projects in Canada have been funded through platforms, a total of Can\$36 million. Canada represents around 4.9% of the international market, with about 400 online projects per month.

This data does not include French-language platforms popular in Québec, such as La Ruche, Ulule, and Haricot, or participatory investment (share purchase) platforms such as FrontFundr, SVX, and GoTroo. It also does not include peer-to-peer lending and insurance, since such services are not available in Québec or the rest of Canada. The lack of data on Québec makes it difficult to determine the size of its participatory financing market and to evaluate business opportunities available to platforms and citizens.

Around the world and especially in the US, the UK, and France, cities and communities are increasingly interested in participatory financing as an alternative means of financing and for specific projects. Often, this now takes the form of urban co-develop initiatives. For example, specialized platforms are creating partnerships with municipalities—Spacehive in the UK works with the cities of London, Brighton, Manchester, and many others—to encourage citizens to fund projects that would not otherwise be possible. These initiatives are referred to as “participatory financing,” “citizen financing,” or “civic crowdfunding.”

In Québec, there are also organizations like La Pépinière, a company that specializes in developing group spaces, which used participatory financing to erect a temporary village on the shores of the St. Lawrence River in the summer.

22. Tello-Rozas and Gauthier, 2012. <https://www.cairn.info/revue-d-economie-du-developpement-2012-1-page-5.htm>.

The WGCE encourages communities to consider collaborative financing as a viable way to finance their projects.

This perspective could shift collaborative financing from a limited audience of insiders to a critical mass of informed and proactive citizens who feel involved in public decisions that affect them. Although this approach fosters innovation and democratizes collective deliberation, it can also create several democratic governance and public policy issues.

For example, if citizens band together during a fundraising campaign to purchase equipment (e.g., a swing, park bench, or soccer net), do they have the right to install it on public property? Who is responsible in case it breaks or someone gets injured? Who owns the equipment? Can everyone use it or only people who paid for it?

This isn't meant to deter these practices, but to illustrate the need to regulate and clarify the conditions for implementing collaborative financing. Public authorities, particularly cities and school boards, need to address these questions. The WGCE therefore encourages them to proactively set up a general framework so citizens and platforms can familiarize themselves with the conditions surrounding such practices. This will allow public authorities to navigate collaborative finance platforms and help citizens find common ground for creating initiatives that serve the entire population and not just the people who financed them.

It is also important to consider the scope of citizen participatory financing. Citizens already pay taxes and expect to receive services in return. Participatory financing must be used in addition to public financing and not as a substitute for it.

Guidelines also need to be put in place for when a co-financing approach is used to encourage public spending, for example, by awarding grants for projects that have raised enough funds (e.g., a funding commitment to contribute \$1 for every dollar raised). If pushed to the limit, this approach could backfire and cause chronic underfunding of causes or issues that are less popular but no less essential for the public good.

Recommendation 4: Closely monitor peer review systems

Collaborative platforms generally offer peer review systems that allow both consumers and suppliers (hosts, drivers, vendors, etc.) to rate their experience after each transaction. Individual reviews factor into the overall rating, which is a combination of all past transactions. Since maintaining a good rating (or reputation) is vital to continuing to do business, these systems encourage the parties to provide high quality services and to be accountable, courteous, and safe²³. For suppliers of goods and services, a good rating helps increase the number of transactions. For consumers, a good rating means they can continue to participate in the sharing community and have access to those goods or services.

While peer review systems offer undeniable advantages, it is also important to understand the associated risks in order to analyze and reduce them. These systems can be exploited and turned into tools of discrimination. This is all the more worrying when ratings are used in a way other than they were originally intended. For example, a landlord could ask a potential renter to provide their Airbnb rating to help the landlord decide whether to rent an apartment to them or not. The WGCE believes that it is the government's responsibility to prevent such potential abuses by closely monitoring the operation and use of peer review systems.

The governance rules for peer review systems vary from one platform to another²⁴. These rules include the number of transactions used to establish the average rating, if certain ratings are excluded from the average calculation and why, if users must maintain a minimum rating to remain on the platform, or the process for banning a user whose rating is too low²⁵.

Governance rules can have a big positive or negative impact on ratings. Given the large number of existing—and future—platforms and systems, it would be risky to suggest implementing a single set of standardized rules. That being said, certain principles should be put in place, particularly with regard to the information available to platform members, in order to ensure accuracy and concision. To ensure that consumer protection efforts are effective, it is important to avoid overwhelming users with information on collaborative platforms.

For example:

- Make users aware of the system's specific rules of governance;
- Explain how the rating is calculated (number of transactions, if certain ratings are excluded from the average calculation and why, etc.);
- Inform users if a minimum rating is required to remain on the platform. If so, users and suppliers must be able to check their rating quickly and easily at all times;
- Make it easy for users to access their own rating; and
- Notify users of any changes to these policies.

²³. This is why the collaborative economy is sometimes referred to as the “reputation economy.”

²⁴. These systems differ in many respects, including format, content, evaluation type, flexibility, and effect on the service provider. One platform may rate users on a scale of 1 to 5, while another may have a section for written comments in addition to a numerical score. One platform may take all user ratings into account, while another may use only the most recent ones.

²⁵. The Chinese Social Credit System, which rates citizens and then determine what kinds of access and treatment they receive, is a good example of the type of abuses that can occur if these ratings are misused. <http://www.wired.co.uk/article/chinese-government-social-credit-score-privacy-invasion>.

In summary, **the WGCE believes that public authorities should study and oversee the implementation, operation, and effects of peer review systems in order to understand them and manage their use over the long term.**

3.2 Better regulations

Current laws and regulations and the scope of the administrative, political, and financial framework must be reviewed so Québec public authorities and citizens can seize the opportunities offered by the collaborative economy while keeping citizens safe, upholding the public interest, and ensuring a fair business environment, particularly in terms of taxes and social protections.

To create the right conditions for collaborative practices, all public authorities must share ideas with one another and work closely with their partners. They must also be agile and proactive in identifying gray areas in laws and regulations or markets and thinking about ways to strengthen the regulatory framework while also reducing and simplifying it where necessary.

Like all WGCE recommendations, the ones in this section vary according to past experience and urgency. The specific recommendations in this section address tax fairness, paid passenger transportation, and short-term accommodation and include detailed suggestions for intervention.

Finally, one general principle guided the development of all the recommendations: fairness between actors of the traditional and collaborative economies, and among actors within the collaborative economy itself. Regarding this principle, the WGCE urges public authorities to ensure they do not unintentionally create barriers for new actors—particularly local ones—to enter the market when updating the legal framework. To illustrate this, the lessons learned from the Uber pilot project are presented in a box accompanying Recommendation 8 on mobility.

The WGCE used the following premises to guide its thinking: It is impossible to regulate something that we are not ready to allow. It would also be irresponsible to allow something we cannot regulate. We should regulate in order to allow action, i.e., action in the public's best interest, taking into account the positive and negative repercussions of each practice.

Recommendation 5: Create Pacte Québec, an alliance for collaborative platforms

In addition to the mechanisms announced by the Government of Québec in its last budget²⁶ and its Tax Fairness Action Plan²⁷, Québec must establish a general and clear framework for a collaborative economy.

Following the example of collaborative economy laws adopted by Belgium and other EU countries, **the WGCE recommends creating a framework agreement to clarify and delineate the obligations of collaborative economy platforms and participants.**

Why Pacte Québec?

Pacte Québec, an alliance for collaborative platforms, aims to systematize the relationship between the government and platforms and to keep collaborative economy participants better informed. Based on tax, economic, and social concerns, Pacte Québec has three main objectives:

- First, to establish in advance a general framework of obligations and responsibilities that apply to collaborative practices and platforms. This approach will establish a better framework for current practices in Québec and practices that do not yet exist.
- Second, require the platforms to provide more information to citizens and consumers, as well as actors interested in using collaborative platforms to sell their goods, time, or skills.
- Third, clarify the framework and scope of the minimum obligations for individuals and companies operating in Québec's collaborative economy sector. Having such information available upfront for everyone farther downstream will improve the flow of information and processing, reducing the learning curve so the smallest actors, particularly current and future local actors, can comply more quickly.

In practice, Pacte Québec would become the gateway to legally operate such infrastructures in Québec. It would set out two main types of requirements for collaborative platforms: tax requirements and requirements related to the information being shared²⁸.

The tax compliance requirement

The tax compliance requirement can be summed up in three words: collect, remit, and inform. Based on a prior agreement with Revenu Québec, collaborative platforms would be required to comply with the tax obligations imposed by Revenu Québec in collaboration with Ministère des finances. The platforms would also be required to share any personal data deemed necessary by Revenu Québec for processing and verification. The WGCE believes that this personal information—which is protected, like all data processed by Revenu Québec—should be complete and provided directly, without the need for a formal request. Although some platforms already comply with this requirement, they do so on a voluntary basis, and not all platforms share their information. The WGCE believes that legislation is the best way to ensure widespread compliance with this requirement.

26. http://www.budget.finances.gouv.qc.ca/budget/2018-2019/fr/documents/RenseignementsAdd_1819.pdf.

27. http://www.finances.gouv.qc.ca/documents/Autres/en/AUTEN_ParadisFiscaux.pdf.

28. Digital economy or collaborative economy platforms.

The scope of the tax compliance requirement

- i. Platforms and suppliers are required to obtain an identifier and register for the tax.
- ii. Platforms are required to transmit data to Revenu Québec so it can check to ensure tax compliance (name, income, taxes, etc.).
- iii. Platforms are required to collect consumption taxes and remit them to Revenu Québec for its suppliers, with a few exceptions (e.g., self-employed workers with annual revenues of \$30,000 or less).
- iv. Hold platforms that do not comply with the requirement accountable by applying appropriate criminal and financial penalties.

The information requirement

The requirement to provide information applies to three groups: current or future service providers (hosts, drivers, cooks, workers, landlords, etc.), service consumers and citizens (passengers, users, clients, etc.), and the government.

The requirement is intended to better inform participants of the regulations governing their participation, their obligations to the platform, and their level of liability or risk coverage. The WGCE urges platforms to inform current and potential users of their level of compliance with Revenu Québec and Pacte Québec. This would help consumers make informed decisions when choosing between platforms.

The scope of the information requirement

- Information to be provided to service providers:
 - i. Tax requirements (income tax return, deductions, collection and payment of taxes, credits and expenses, etc.)²⁹.
 - ii. Internet links to sites of administrations they must also comply with (requirement to comply with all other legal and regulatory conditions such as obtaining a license, certification, classification, etc.).
 - iii. The cumulative amount collected (specific notice³⁰ when it is close to \$30,000).
 - iv. The guarantees (insurance) and protections offered (sharing of responsibilities and operation).
 - v. The rights and responsibilities towards users, including the duty to inform users of their tax obligation and to provide them periodically with an account statement.
 - vi. How the peer review system works (including the rehabilitation process³¹).
 - vii. Compliance rules to protect the personal data that is collected.
- Information to provide to current and potential consumers:
 - i. The tax framework and/or type of agreement entered into with Revenu Québec to govern the platform and service in question.
 - ii. The tax and social requirements.
 - iii. The amount spent on the platform as of January 1.
 - iv. Compliance rules to protect the personal data that is collected.
 - v. The guarantees (assurances) and protections offered (sharing of responsibilities and operation) by the platform and by service providers³².
 - vi. Rights and responsibilities towards service providers.
- Information sent to the government:
 - i. Compliance rules to protect the personal data that is collected.
 - ii. Information concerning platform users (right to share non-personal data with the relevant public authorities).
 - iii. Non-personal data (standard regulation that applies to data and aggregates allowing them to be shared with other government departments).

29. Revenu Québec must play a dual role here: that of informing and supporting participants.

30. See Appendix 7 on the small supplier rule.

31. A rehabilitation process exists to allow users with a poor past rating to rejoin the community after being banned. The idea is not to force rehabilitation at any cost, but to ensure the option exists. For example, this could include a minimum ban period or provisional and conditional readmission. Having such a process in place acknowledges that a user's reputation can be a potential social and economic impediment and that there is a need for a specific and clearly defined process to allow people to rejoin the community.

32. The WGCE recommends that this information be provided as a memo that can be accessed and viewed by everyone. The information includes the identity and reputation of suppliers/providers, the tax framework governing the platform, the assurances offered and the platform's own assurances, user remedies, peer review systems, and data collected and shared with Revenu Québec (name, income, taxes, etc.) and other public authorities.

More specifically, the WGCE suggests requiring platforms to disclose the amount users have spent to date, on an annual basis. Users often have less awareness of the costs involved in conducting a transaction since transactions are online and automatic. **Pacte Québec must therefore promote ways to help users to stay informed and be aware of how much they spend on these platforms.**

Finally, as specified in Recommendation 4, given the major consequences of peer review systems, providers and users must be able to quickly and easily access their ratings and information about how the system works. In addition, platforms must inform providers and users of governance rules and data processing methods that concern them.

Pacte Québec should be developed and administered by Revenu Québec, in collaboration with Ministère des Finances, as the competent Québec public authority to enter into any agreements with digital platforms on behalf of the Government of Québec³³ and to exercise the additional powers entrusted to it. This responsibility and authority would be entrusted to it by law (*Bill to amend the Act respecting the Agence du revenu du Québec [A-7.0003]*)³⁴.

In principle, any citizen must report all their income, including any income earned through a collaborative platform. In practice, there is still a lot of work to be done to ensure that everyone complies with their tax obligations. Québec must continue its commitment to platforms in an effort to automate tax and administrative procedures, as mentioned in the government's 2018–2019 budget, by using all available means to make sure service providers fulfill their requirements and claim the amounts due from such providers. Québec can look to the models in Ontario, France, Belgium, and the US as examples.

The main objectives of intervention by global tax authorities in the collaborative economy

The initiatives implemented by the various global tax administrations have the following three main objectives:

1. Inform stakeholders of their tax obligations (lack of awareness of tax obligations)– e.g., France, Ontario, Australia, Québec.
2. Establish a specific tax regime (inadequacy of tax laws)– e.g., US, France, UK, Belgium, Italy.
3. Obtain stakeholder information from third parties and platforms (anonymity)– e.g., US, France, UK, Belgium, Ireland, Estonia.

33. [L'Entente relative aux exigences de conformité fiscale au Québec à l'égard des chauffeurs utilisant les plateformes « UberX », « UberXL » ou « UberSELECT »; l'Entente de conformité fiscale relative à la taxe sur l'hébergement à l'égard des hôtes utilisant la plateforme « Airbnb ».](#)

34. <http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/A-7.003>.

Recommendation 6: Modernize labor and social laws

The labor market has undergone profound changes over the past twenty years, particularly in relation to atypical work,³⁵ which has seen a marked increase, especially in certain sectors of activity or for certain categories of workers, and which raises major public policy issues. In 2003, the Bernier report³⁶ studied the issue and made recommendations regarding the insurance and social protection needs of people who perform these atypical forms of work. Over 15 years later, there are still concerns regarding labor and social laws.

The collaborative economy is therefore developing in a context that makes it difficult to apply labor and social laws to new forms of atypical work, which either limits their application or undermines their foundations.

Collaborative practices vary widely. Some involve sharing assets in exchange for compensation (e.g., Sharebee, Turo, Airbnb, HomeAway), others involve sharing assets and providing a service (e.g., Uber, Lyft), and some involve only providing a service for pay (e.g., TaskRabbit, Fiverr). The last two practices pose particular challenges to labor and social laws. In both cases, collaborative practices serve to reveal or amplify trends that have been going on for a while and that go beyond such practices.³⁷ For example, collaborative platforms that bring together producers and users of a labor service and impose binding rules on them raise questions about the employment relationship and client responsibility. One situation that has been the subject of legal disputes is that of workers who are subject collaborative platform rules and whose status is very similar to that of dependent contractors³⁸ or “workers party to a contract” already covered by the *Act respecting labour standards*.

The consultation conducted by the WGCE and the review of the literature on the situation in Québec and the European Union highlighted the need for public authorities to take labor and social laws into consideration in order to preserve the spirit of existing laws. If Québec wants to take full advantage of the collaborative economy’s benefits while protecting its most vulnerable workers, it will need to consider updating its current regulations. Given the rapid growth of the collaborative economy, it seems reasonable to expect a growing need to regulate atypical work as the practice of pooling companies’ human resources through collaborative platforms continues to develop.³⁹ The question then becomes how best to combine the need for consultation with a desire for efficiency in order to provide adequate regulation as soon as possible.

The WGCE believes that taking a sector-specific approach is a constructive way to think about labor laws. That way, Québec innovations such as the professional status of the artist can serve as inspiration for other countries.⁴⁰ Such an approach would help to narrow the debate in a way that would encourage consensus building and position Québec as an innovative leader that could inspire others in Canada and internationally. The progress made could then provide valuable input for broader—and certainly longer—discussions on how to regulate atypical work.

35. According to the Bernier report’s definition, atypical work includes part-time work, fixed-term or temporary work, telework or remote work, and freelance work.

36. <http://collections.banq.qc.ca/ark:/52327/bs52142>.

37. VALENDUC, Gérard and Patricia VENDRAMIN. *Le travail dans l’économie digitale : continuités et ruptures*, European Trade Union Institute, March 2016, 58 p.

38. See the 2017 ruling in the UK by the Employment Appeal Tribunal concerning Uber drivers.

39. For example, in March 2018, Conseil patronal de l’environnement du Québec launched an online platform where companies can trade equipment, labor, and scrap materials.

40. *Act respecting the professional status and conditions of engagement of performing, recording and film artists* (CQLR, C. S-32.1).

The WGCE also notes that self-employed workers have taken the initiative and formed groups to improve their working conditions, such as the Freelancers Union in the US and the SMart Cooperative in Europe.

Like with any other economic actor, the duties and responsibilities of platforms will vary depending on whether they act as intermediaries, brokerage firms, service providers, or retailers⁴¹. In fact, some platforms avoid guarantees and limit their liability by restricting their role to simply bringing people together. However, they often have significant control over who can access the platform, what mechanisms are in place (online reputation, dispute resolution, etc.), what training providers receive, and what advice is provided. They require users to sign a membership contract and play an active role by facilitating transactions and collecting income from them. In addition, some provide assurances and guarantees, or even set prices. It will only be possible to properly regulate these platforms by conducting an in-depth analysis of their practices, based on pre-defined criteria.

41. To determine the status of online platforms, criteria such as volume, hours worked or income generated, whether or not there is a commercial intent, and how often the service is provided must be considered.

Recommendation 7: Regulate short-term accommodation more effectively

Providing short-term rentals through platforms is one of the most well-known practices in the collaborative economy. The practice is widespread throughout Québec, particularly in Montréal and Québec City.

Among the many rental platforms operating there are Airbnb, Luxury Retreats, Sonder, onefinestay, and Vrbo. In addition to these, individuals can also list short-term rental units on platforms such as Cottagesrental.com, Kijiji, Mon adresse à louer, Craigslist, and Facebook Marketplace.

There are a number of advantages to offering short-term rentals, such as:

- A temporary increase in a community's accommodation capacity during the high season or high volume periods around festivals and major events.
- An uptick in customers for local businesses because these types of accommodation do not provide related services.
- Enrichment and diversification of the tourism offer throughout Québec, beyond city centers and tourism hotspots.
- The opportunity for hosts to supplement their income.

Nevertheless, short-term rentals involve risks that need to be properly assessed and understood in order to appropriately and effectively regulate them. The two main types of risks are:

- A decrease in the stock of housing units when residential units start being used exclusively for short-term rentals. This is the risk with the most serious consequences.
- Various issues with nuisances and deterioration of living environments (noise, waste left out on the wrong day, etc.).

Québec is not the only region navigating this new reality and working to develop an appropriate and effective legal framework. Public authorities all over the world are facing this issue. The main challenge is to develop a legal framework that amplifies the benefits and minimizes the risks. Over the past few years, authorities in Canada and around the world have tried different approaches, with varying results. This is an opportunity for Québec to learn from these initiatives so it can avoid making the same mistakes and implement the best practices.

There are a number of great examples of public authorities that have implemented well-thought-out and effective regulations for short-term accommodations. Internationally, Amsterdam is probably among the cities with the most experience in this field and is an excellent model for how to approach issues related to collaborative practices. In Canada, the City of Vancouver has recently implemented a particularly innovative legal framework. Although Québec is in the early stages of the process, the approach taken by the City of Québec and Québec City Tourism is another positive example.

In all three of these cases, the approaches are based on a meaningful and evidence-based consultation process, an effort to understand practices, and a sincere desire for constructive exchanges among actors in the traditional and collaborative economies. In addition, the public authorities sought to develop regulations that would be effective and efficient.

Given this, the WGCE recommends that the practices of short-term accommodation platforms be regulated in a way that preserves housing units for residential use.

Limit short-term rentals to primary residences

Public intervention and regulations should prevent individuals or companies from buying up a number of residential housing units and using them mainly for short-term rental purposes⁴².

Given this, the most appropriate regulatory response would be to limit short-term rentals to primary residences⁴³. In other words, the WGCE sees this as a professional and commercial practice and believes that the regulatory and fiscal framework should be similar to that for operating tourist accommodations as provided for by law⁴⁴.

A large number of jurisdictions have used either the primary residence rule or have limited short-term rentals to a single housing unit as part of their short-term rental regulations, including Amsterdam, London, Paris, New York City, Toronto, and Vancouver. That way housing units can maintain their primary function⁴⁵.

Ensure authorities have the capacity to implement and enforce regulations

To make it easier to enforce the single residence rule, the WGCE recommends establishing a process to create and register a unique ID number for rental units. To be successful, this process must be online, simple, fast, and inexpensive. The unique ID number would make it possible to identify offers made across various platforms. The ID number must also be displayed on any ad, regardless of the platform or medium.

To be effective, the requirement to register must be accompanied by significant reforms on the part of public authorities.

- The certification process must be simple, easy, and fast. People won't do it if they feel the process is too long or complicated. The objective should be to create an online registration process that only takes about five minutes. To achieve this, public authorities should look to the recent model implemented by the City of Vancouver for inspiration.
- It is also important to consider the current certification process and how it is unsuited to the nature of short-term rentals. In Québec, certification comes with a classification process (e.g., a 2-, 3-, or 4-star hotel). This classification is linked to an evaluation grid, which CITQ uses to inspect various elements for compliance (number of bedside tables, etc.). It is inapplicable and unnecessary to classify the houses, condos, and cottages of people wishing to rent their homes on a collaborative platform. The link between "classification" and "certification" seems to come from a bygone era and is a barrier for citizens and platforms trying to comply with a certification requirement.

42. This can happen, for example, when someone buys a duplex across the street from their principal residence and prevents tenants from renting the units. It could also take the form of a person who rents five apartments and puts four on a digital hosting platform that then uses them for short-term rentals. Over the long term, this practice can create or amplify housing market shortages and drive up the price of rent. However, it does not include cases where such use is explicitly permitted by regulation or where the main objective of such use is not short-term rentals.

43. A simple way to explain it is with the "toothbrush test." If the property is the place where you normally keep your toothbrush, then you can use it as a short-term rental. If not, using it as a short-term rental is strongly discouraged and regulations must be developed to that effect.

44. Act respecting tourist accommodation establishments (CQLR, c. E-14.2).

45. Without imposing an absolute ban, the primary residence rule reduces nuisances by creating an incentive for landlords who use their property for short-term rentals to maintain good relations with their neighbors.

There are many possible options for preserving the quality of living environments and reducing the risk of nuisances. They range from better educating users and platforms to creating a formal regulatory framework to limit the volume of rentals, for example, to a certain number of days per year.

The WGCE has examined these approaches and will provide its analysis below. Imposing a limit on the number of days is a major challenge because it is difficult to monitor and enforce. It often requires public authorities to develop an agreement with a platform. The example of Amsterdam and its agreement with Airbnb is relevant here. In the same way that newspaper websites such as *Le Devoir* or the *New York Times* allow site visitors to consult a limited number of articles per month free of charge, platforms can restrict rentals to a certain number of days per calendar year. Once rentals have reached this number, the platform prevents them from adding more rental days until the end of the prescribed period. This approach may seem promising, but implementing the restriction mechanism is more complicated than it seems.

Limiting the number of rental days is not a perfect solution. It presents a number of challenges that can be counterproductive. Limiting the number of rental days throughout Québec may not serve the specific realities of the different regions and urban environments. Furthermore, even if authorities try to regulate the short-term rental market through an agreement with a single platform, it will be difficult, if not impossible, to control usage on other platforms that have no agreement. There is a significant risk of “platform hopping,” where individuals max out the limit on one platform before hopping to another, and so on. This is a major concern for the WGCE, given that numerous platforms are already in operation in Québec and the number is sure to increase.

While the WGCE believes that a range of 90 to 120 days per calendar year is appropriate, it does not recommend limiting rental days as the first step in regulation for the reasons mentioned above.

That being said, the WGCE believes authorities should continue to document this approach, particularly how it is implemented and enforced, because it could be considered at a later date if experience with the proposed regulations suggests it would be effective.

Educate citizens

The WGCE suggests that public authorities set up informational websites for citizens looking to host short-term rentals. A dedicated webpage, YouTube videos, and other online resources should be developed to educate citizens about the required procedures and best practices to improve the experience for the entire neighborhood⁴⁶. The WGCE also suggests that public authorities develop relationships with the various platforms so they can relay information to hosts and visitors alike. For this, authorities should look to the promising example in Vancouver for inspiration^{47, 48}.

46. Reminder of the day and time of garbage, recycling, and composting collection, by-law on noise after a certain hour, parking rules, etc.

47. http://vancouver.ca/doing-business/short-term-rentals.aspx?utm_campaign=short-term-rentals&utm_medium=Vanity&utm_source=short-term-rentals_Vanity.

48. https://www.youtube.com/watch?time_continue=18&v=SL8NSKdqUmY.

Gaining a better understanding of this new reality

Due to their popularity, collaborative platforms have become the go-to way to reach a large customer base. Although the platforms were initially designed for individuals, many traditional accommodation establishments—especially smaller ones such as boutique hotels and cottages—use them to advertise their offerings. Although this practice improves the visibility and profitability of traditional players, it distorts the data by increasing the average incomes or the number of days per unit. These cottages and boutique hotels are commercial units and are registered as such. They do not negatively impact the use of residential units as short-term accommodations.

This practice does not affect the existence and nature of short-term rental issues, but it does affect our collective ability to measure the extent of such issues. To have a thoughtful debate, we need reliable data that distinguishes between the type of units (residential or commercial) available. We cannot base our decisions solely on the fact that a unit is listed on a platform—we need to know what type of unit it is.

As more and more sites like Airbnb allow traditional players such as hotels to list rooms on their platforms, it is crucial to distinguish between the types of units listed and organized the data gathered accordingly. After reviewing the situation, the WGCE is of the opinion that platforms wishing to do business in Québec have a responsibility to provide data that makes this distinction and that the government has a responsibility to require platforms to provide this organized data.

Equity with traditional economy actors

Practices that are essentially professional or commercial—such as using housing units or second homes primarily for short-term rentals—are still part of the collaborative economy, but fall under the category of professional and commercial activity.

In these cases, the legal and regulatory environment should be similar to the one that applies to actors in the traditional economy, for example:

- Requiring hosts to obtain permits similar to those required for actors in the traditional economy or for tourist accommodations; and;
- Applying the taxes in force.

Treating collaborative economy actors fairly

The government must ensure that all actors in the collaborative economy are treated fairly and regulated equally. The integrity of the government's authority and its ability to ensure a healthy and competitive economy are at stake. For example, if conditions are imposed and enforced on one platform and not on another, it will discourage platforms from entering into binding agreements with public authorities.

What's more, if users are treated differently on different platforms, users operating in bad faith will simply move to unregulated platforms that have fewer restrictions. Public authorities that would like to establish agreements with platforms and implement regulations must keep in mind how crucial it is to apply standards equally to all actors in the region.

The Vancouver example

- Principle: limit short-term rentals to primary residences.
- Registration and permit (registration number) required.
- Registration number must be included in ads on all platforms and media.
- Must register with the City. Registration is quick and easy (takes 5 to 10 minutes, online, administrative fees: initial fee of \$54 plus an annual fee of \$49).
- Tenants can rent out their homes if the landlord authorizes it.
- A posteriori enforcement (through complaint and inspection processes).
- Penalty of \$1,000 per day for non-compliance and possible legal action.
- Dedicated webpage and online video provided by the City to inform residents of procedures and etiquette to ensure respectful rentals that do not disrupt the neighborhood.

Recommendation 8: Use the collaborative economy to facilitate mobility

Mobility is one of the main challenges of modern urbanization and is key to helping regions thrive. It is even more of a priority given that automobile transportation produces 40% of greenhouse gas emissions in Québec and congestion costs the Québec economy over \$3 billion per year. In addition, transportation costs are the second largest budget item for Québec families, after housing and before food. This means that it is more expensive for Québec families to get around than to feed themselves.

In addition, the increase in the number of cars⁴⁹ negatively affects sustainable urban planning because single-occupancy vehicles lead to massive road infrastructure and parking lots, which take up a lot of space and make it difficult to develop active and public transportation. Existing and emerging alternative public transit solutions are still insufficient or unsuitable in many parts of Québec.

The collaborative economy has the potential to meet Québec's mobility challenges, particularly through carpooling,⁵⁰ ridesharing⁵¹, car-sharing, peer-to-peer auto loans, and commercial fleet rentals. It can significantly improve access to mobility solutions, optimize existing public transportation networks, increase productivity, and reduce traffic and harmful emissions.

The collaborative economy could be a big leg up in achieving several targets in Québec's Sustainable Mobility Policy⁵².

25 million empty seats in vehicles per day⁵³

Every day in Québec, there are 25 million unoccupied seats in cars on the road, 15 million of which in the Montréal area alone. That is a huge untapped capacity for transportation in Québec.

Therefore, the WGCE recommends that public authorities promote carpooling and ridesharing, according to separate guidelines, to facilitate mobility. To do this, the current legal framework for these practices must be reviewed.

49. According to SAAQ, the number of passenger vehicles increased from 4,105,208 in 2008 to 4,671,968 in 2016. http://www.bdso.gouv.qc.ca/pls/ken/ken213_afich_tabl.page_tabl?p_iden_tran=REPER911A922589460861143'O-1&p_lang=1&p_m_o=SAAQ&p_id_ss_domn=718&p_id_raprt=3372.

50. Individuals who offer rides in their personal vehicle.

51. The term "ridesharing" is used as it is understood in federal tax legislation. Typically, the term refers to the industry of transit network companies such as Uber and Lyft. <https://www.canada.ca/fr/agence-revenu/services/impot/entreprises/sujets/tps-tvh-entreprises/renseignements-tps-tvh-exploitants-taxis-limousines.html>.

52. It is estimated that 70% of the Québec population has access to at least four sustainable mobility services. This is accompanied by a 20% reduction in average commute time, a 20% reduction of solo car trips throughout Québec, a 40% reduction of petroleum consumption in the transportation sector below the 2013 level, a 37.5% reduction of GHG emissions in the transportation sector below the 1990 level, a reduction of the costs associated with congestion for businesses in the Montréal and Québec City metropolitan areas, and a 20% reduction in gross expenditures allocated to transportation (in constant 2017 dollars). For more information, go to <https://www.transports.gouv.qc.ca/en/Pages/sustainable-mobility-policy.aspx>.

53. According to data from origin/destination surveys conducted in the five largest cities in Québec, there are 24,900,000 empty seats in cars making daily trips from Monday to Friday (24-hour base). For the Montréal area, excluding transporting children age 5 and under and trips whose origin or destination is outside the region analyzed, the number of empty seats is estimated at 14,312,000. http://wiki.lafabriquesdesmobilités.fr/wiki/Covoiturage_au_Qu%C3%A9bec.

Carpooling to facilitate mobility

The Québec legal framework allows carpooling, but the conditions greatly limit its scope and scale. According to the *Transport Act* (CQLR, c. T-12), “carpooling” means transporting individuals along a route determined by the driver where only the cost of transportation is shared and no remuneration is required [...]. The transportation of passengers is therefore incidental to the journey and not its primary purpose. Passengers may compensate the driver for the use of the car, for example by sharing the cost of gas⁵⁴.

This perspective does not take into account other constraints related to carpooling, such as the need to make detours, the planning required, the loss of flexibility, and the sharing of personal space.

Therefore, despite mobility objectives, the current legal framework is considerably limiting Québec’s access to the benefits of the collaborative economy. Sharing the cost of gas and other expenses when carpooling does not cover the actual cost of owning and operating a car.

CAA and other studies estimate the annual cost of owning a car at between \$6,000 and \$9,000⁵⁵, and some recent studies suggest it may be even higher^{56, 57}.

The lack of financial incentives to cover all the costs of owning and operating a vehicle is an effective barrier to increased supply. The lack of benefits this practice provides limits the development and success of technological solutions based on the carpooling model—like the French company BlaBlaCar and the Québec companies Netlift, Amigo Express, and Caribook—and ultimately increases the dependence on individual car ownership and encourages solo trips.

The WGCE therefore recommends that the legal framework be revised to encourage carpooling and innovations that contribute to it.

More specifically, the WGCE recommends the following:

- **Allow financial compensation above and beyond covering the cost of gas and maintenance alone. The actual annual cost of owning and operating a vehicle would be the new calculation standard⁵⁸.**
- **Revise the Transport Act in order to create financial, regulatory, and/or fiscal incentives that encourage people to take fewer solo trips.**
- **Consider using the Green Fund to encourage or facilitate carpooling through initiatives, practices, and startups.**
- **Require companies that connect suppliers with users of carpooling services to share non-personal travel data with public authorities.**

54. <https://www.transports.gouv.qc.ca/fr/modes-transport-utilises/vehicules-promenade-recreatifs/covoiturage-transp-remunere/Pages/covoiturage-et-transport-remunere-de-personnes-par-automobile.aspx>.

55. https://www.caaquebec.com/fileadmin/documents/PDF/Sur_la_route/Couts_utilisation/2013_CAA_Driving_Costs_French.pdf.

56. <https://trajectoire.quebec/etude-couttransport>.

57. In addition, since the legal framework is based on the cost per kilometer, it is not well-suited to car-sharing pricing models that have per-minute rates (e.g., car2go and Auto-Mobile).

58. It is therefore necessary to consider all the expenses of owning and operating a vehicle (gas, insurance, maintenance, registration, winter and summer tires, depreciation, parking, etc.).

Ridesharing to facilitate mobility

Ridesharing through transit network companies (TNC) is one of the most popular collaborative practices thanks to major players including Uber, Lyft, DiDi, and Ola. These companies all operate according to the same general model, whether they're for profit, not for profit, local, multinational, or cooperative.

Their business models are based on an open and unplanned offer that varies in real time (the number of cars on the road constantly varies according to supply and demand). They also rely on a fleet of personal vehicles that can be used for other purposes. To date, only Uber operates in Québec. Lyft and other companies operate in other Canadian provinces, including Ontario.

During the consultation, Uber's arrival in Québec was often cited as the event that revealed the need to conduct a broad assessment of mobility issues in Québec and to modernize public policies. The decision to assess the situation was not necessarily based on a positive or negative impression of Uber, but rather on the need to understand the fundamentals of the collaborative economy in general, and the ridesharing industry in particular. Uber has attracted a lot of attention since it arrived in Montréal in 2014, making it difficult to have a constructive debate on all the manifestations and repercussions of collaborative practices in Québec.

After examining the issues related to the collaborative economy and mobility, in addition to the comments received during the consultation, we recommend placing the analysis in a broader context. Above all, we need to ensure that local actors, particularly from the cooperative sector, can enter the market and thrive. The consultation showed there is movement in this direction, but is hampered by the current legal framework, as illustrated in detail in the box on the Uber pilot project.

Lessons learned from the pilot project on how best to regulate Uber's activities

In September 2016, the Government of Québec and Uber entered into an agreement for a one-year pilot project to launch the company in certain regions of Québec (mainly in Montréal, Québec City, and Gatineau). The pilot project allowed the government to test a number of requirements while the company operated in Québec. A review of the company's experiences as well as the consultation comments showed that certain conditions of the pilot project, set out in the Act respecting transportation services by taxi (CQLR, c. S-6.01), were real barriers to entry.

The transit network companies model, which works for both for profit and nonprofit companies, is based on drivers' ability to enter and exit the platform at will, with no fixed schedule. Studies differ regarding the exact numbers, but it seems reasonable to assume that a significant number of drivers are part-time or casual workers.⁵⁹ The ability to get on the platform quickly and easily is central to the model. The longer it takes or the harder it is to get on the platform, the less effective the model—and the more difficult it will be to mobilize excess capacity during peak periods. The need for preliminary training is therefore a major barrier. While this condition is difficult for even the largest companies already in operation to meet, it is a major obstacle for new companies looking to get into the market, particularly local actors.

59. A survey conducted by Lyft indicates that 82% of its drivers work less than 20 hours per week. <http://fortune.com/2016/12/12/lyft-economic-impact-survey-2016/>.

From barriers to entry to adverse effects

The initial—and greatest—barrier to entry for new actors is the requirement that drivers complete a certain number of training hours before making their first trip. This requirement is difficult to justify since driving a passenger vehicle (a standard car) already requires previous training.⁶⁰ Drivers use the same type of vehicles on these platforms and drive them on the same public roads. Our analysis and consultation did not reveal any relevance or link between such training and the public interest, excluding the offer of paratransit services.— It is also odd that the number of training hours required for service quality and public safety varies from one city to another across the province. For example, the requirement is 150 hours in Montréal (but 35 hours for Téo and Uber), 110 hours in Québec City, 60 hours in Laval and Longueuil, and 7 hours in Lévis. Several jurisdictions, including Toronto and Ottawa, have eliminated such requirements.

The WGCE also has reservations about requiring a Class 4C license, which has not been demonstrated to improve public safety.

The analysis of Uber's competition seems to establish quite clearly that the current pilot project is a barrier to other foreign or local competitors entering the market, a finding that emerged during the consultation.

- After assessing the situation, foreign competitors have chosen not to enter the Québec market. These same players have entered neighboring markets such as Toronto and Ottawa.
- In addition, potential Québec competitors looking to launch their services clearly saw the conditions of the pilot project as a barrier to market entry. The WGCE therefore finds, based in particular on feedback from the consultation, that the **current conditions and legal framework for ridesharing negatively affect industry competition and create a de facto monopoly for one company, in this case Uber.**

The pilot project hasn't been successful, but that doesn't mean it is a failure. It can inspire authorities to establish an effective and efficient legal framework that corrects the project's shortcomings. The most important takeaway—one that should inform the entire regulatory approach to the collaborative economy—is that overly restrictive conditions hinder competition and adversely affect new or smaller players, that are often local.

How long it takes public authorities to transform these lessons into concrete measures will be the real test of how effective the pilot project was at capitalizing on the potential of collaborative practices in mobility.

60. The training and test drivers in Québec must take and pass to obtain their Class 5 driver's license.

Other considerations

Allow access to ridesharing innovations

New service offers are currently emerging in ridesharing. Through ridesharing and carpooling, different customers traveling along similar routes can share a ride. These services reduce the number of cars for each trip and cost less for users. However, the current pilot project prevents these services, which are available in many other cities around the world, from being offered in Québec. Ridesharing innovations have the potential to make alternatives to driving more affordable and increase access to mobility for individuals who do not have access to a car or quality public transportation services. This is the case in many urban and rural areas in municipalities throughout Québec.

Leveraging the potential of big data to better plan and organize public action on mobility

The WGCE believes the untapped potential of data could be a boon for public policy planning and the deployment of existing public assets with respect to mobility. The City of Boston is an excellent example of how public authorities can negotiate with ridesharing platforms to obtain non-personal travel data. Boston made the sharing of this data central to its negotiations with ridesharing companies on their right to operate within the city. Such data directly affects the analysis, design, and impact of mobility-related public policies, investments, and operations.

Ensure equity with the traditional transportation sector (taxi industry)

Given the particular characteristics of the taxi industry, which operates on a supply management model, the WGCE believes that the principle of compensation is justified. There is currently not enough data to estimate the losses ridesharing causes to the taxi industry. Definitive information is therefore needed to establish the value of compensation. Another thing to consider in assessing compensation is the exclusive access taxi drivers still have to certain market shares ⁶¹ and the level of tax compliance.

The WGCE also urges public authorities to view the current situation as an opportunity to modernize the scope of the traditional industry and how it functions, particularly through technological innovations and regulations, and by encouraging transit authorities to enter into partnerships with stakeholders who can serve clients whose needs are not currently being met.

The WGCE recommends modifying the current ridesharing pilot project or setting up a new project with the general objective of making it easier to break into the market, enhancing the ridesharing offer, and encouraging competition in the industry.

61. This includes ride hailing, access to regular and paratransit public transit contracts (which represented approximately \$53 million in 2017 in Montréal alone), access to reserved lanes (an advantage in terms of faster travel, particularly during peak periods), access to waiting stations (an advantage in terms of positioning), customers wishing (or not having the choice) to pay in cash, and options for customers who do not have smartphones.

More specifically, the WGCE recommends:

- Allowing ridesharing throughout Québec;
- Eliminating the requirement for preliminary training for both the taxi industry and the ridesharing industry, except for paratransit services;
- Allowing ridesharing innovations;
- Revising conditions and requirements to make it easier for new players to enter the market, in particular smaller, local, or cooperative businesses with more limited financial means; and
- Requiring actors in the ridesharing industry to share non-personal information and travel data with public authorities.

Recommendation 9: **Launch four special mandates for regulatory review and administrative simplification**

Based on the information gathered at the consultation, the WGCE believes that specific research and analysis should be conducted on various important issues, although it is still too early to make specific recommendations. These special mandates should be assigned to departments, agencies, and other government organizations whose areas of work correspond to the issues raised. Under the direction of Secrétariat de l'économie collaborative (Recommendation 11), representatives would be tasked with carrying out this work together with all stakeholders in coordination with the action plans and working groups underway.

Remember that the WGCE has identified three priority areas that have already been heavily affected by the collaborative economy and require immediate intervention by public authorities. These are labor and social law, short-term rentals, and paid passenger transport, which were discussed in the three previous recommendations. In addition to these three areas, the consultations helped us identify four other priorities where the government should review existing regulations to make them more flexible and better adapted to the changing business environment.

1) Consumer protection

In general, the legal framework for consumer protection governs trade between retailers and consumers. It is not intended to regulate exchanges between individuals. With collaborative practices, it is not always clear whether an activity is being carried out by a retailer through a digital platform or whether that platform instead connects two individuals. Given this, the definition of “retailer” must be clarified to strengthen the scope and effectiveness of consumer protection. This clarification will also determine the nature and extent of the regulatory or legislative changes that should be made, as well as the measures that should be put in place to ensure user safety, prevent associated risks, and determine how much of the practice is covered by insurance.

2) Develop the collaborative potential of infrastructure

Public buildings (schools, hospitals, community centers, etc.) and private buildings are strategic infrastructure for social and economic development. The collaborative economy, which makes use of excess capacity, can significantly increase the profitability or social and economic utility of such infrastructure, provided it was built with this in mind and is zoned for mixed use.

The WGCE believes that it is essential to revise the building code. The building code should be viewed and used as a means of transforming infrastructure, in this case as a catalyst for the collaborative potential of buildings. A similar approach had been adopted to encourage the construction of more energy-efficient buildings. It can play a similar role in fulfilling the collaborative potential of our buildings. A general principle of functionalist architecture is that “form follows function.” However, to allow the collaborative economy to develop, function must follow form.

The function of a building can evolve and change greatly over time, so it must be designed to offer plenty of flexibility. This means that the building’s fundamental properties (shape, access roads, internal divisions, etc.) must promote or discourage multiple users from using the space in a variety of ways. We should rethink how we build schools, community centers, and commercial buildings with this in mind.

The same applies to the rules for building use. Relaxing the rules governing how public and private infrastructure can be used could help optimize our built heritage. Temporarily allowing a space to be used for another purpose, expanding access to new clientele, and extending opening hours are examples of measures that could increase the use of a building and reduce its excess capacity.

3) Simplifying administrative procedures for self-employment income

The collaborative economy creates multiple income opportunities, largely through self-employment, i.e., income is not earned as an employee or through a traditional employment relationship. This is not new, but it is amplified by the emergence and multiplication of collaborative practices. A growing share of Quebecers' income is from self-employment, whether earned by self-employed workers or by individuals with employee status for most of their other income.

For tax purposes, this income must be declared and the applicable taxes must be invoiced, collected, and remitted to Revenu Québec. While these transactions are common and systematic for employees and businesses, they can be a significant administrative burden for self-employed workers. As a result, the WGCE believes that existing administrative procedures should be simplified so that self-employed workers can comply more easily and quickly with income tax regulations. The WGCE suggests looking at establishing a pre-filled tax return system, the option to submit information in real time, and extending the principle of withholding tax or direct payment of applicable taxes for collaborative economy actors through agreements with the platforms. Such simplifications would benefit all self-employed workers and act as a catalyst for entrepreneurship.

4) Collaborative practices in the food industry

Of all the collaborative practices out there, those involving food can be particularly difficult to understand because of the real and perceived issues surrounding food safety and food hygiene.

In practice, these activities are carried out primarily according to two models. The first involves an individual preparing food at home to be sold and consumed off premises. The person cooking connects with customers via a collaborative platform (e.g., Cuisine Voisine). The second model is similar to the popular reality TV show, *Come Dine with Me*. Here, an individual uses a collaborative platform to invite guests to their home for a meal or a culinary experience.

In terms of use, the mechanics are similar to those of short-term rental platforms. These models also include a peer review system that plays an important role in creating incentives for quality and safety. These platforms (e.g., Feastly, VizEat, Eatwith) are growing rapidly and are part of a broader trend to enrich the tourism offer.

The current provincial and municipal legal frameworks are not particularly compatible with this practice. Given that such collaborative practices are on the rise worldwide, it would be unrealistic to believe that Québec won't soon also experience this trend. Banning such practices would amount to burying our heads in the sand. The WGCE encourages public authorities to take an early interest in this issue in order to develop legislative and regulatory measures that promote innovation, fairness, and safety.

Recommendation 10: Recognize group property and casualty insurance

Insurance allows a group of people exposed to the same risks to receive compensation for any damage they may suffer in exchange for paying premiums. Insurance limits or eliminates certain risks insured people incur, whether financial or otherwise. It therefore improves the protection and consequently the confidence of both suppliers and consumers. It also encourages people to adopt and spread practices.

Insurance is central to the collaborative economy. The cost of and ease of access to insurance coverage are key to new actors entering the market.

However, group (property or liability) insurance is not currently available for peer-to-peer exchanges through a platform. In fact, the collaborative economy represents a major paradigm shift for the insurance industry. Insurance companies attempt to accurately quantify the risks they assume so they can determine the premium, based on an analysis of how an owner uses their property. In the collaborative economy, this analysis must take into account the fact that property can be used by multiple users. When assessing insureds' risks, companies must now consider that the same property may be used for both personal and professional or commercial use.

The WGCE recommends that group property and casualty insurance be enshrined in the *Act respecting insurance* (CQLR, c. A-32) so that it can be widely offered by online collaborative platforms to their participants, suppliers, and users. Specifically, the WGCE recommends the following changes:

- Reform the Québec insurance system by amending the *Act respecting insurance* to specify that group property and casualty insurance is permitted and specify its parameters. To do so, public authorities can draw inspiration from the recommendations put forward in the first drafts of Bill 150.
- The regulatory sandbox process should also be simplified and accelerated for other elements that require it (see Recommendation 11 for information on the regulatory sandbox). The multiplication of collaborative practices will lead to an increase in the types of platforms and the number of cases insurance companies and regulatory authorities will have to analyze.

We are familiar with group plans for life and health insurance. However, group property and casualty insurance plans do not exist in law. Such plans may provide greater access to insurance, even for low-income consumers. Implementing group property and casualty insurance plans could therefore prove advantageous and in principle improve access to insurance, thereby increasing user confidence.

Platform participants have a common insurance interest, which could be covered by group property and casualty insurance. This type of insurance would provide coverage for the risks associated with transactions conducted through the platform, reducing the concerns of potential participants and helping the platform develop its business model.

To this end, the group property and casualty insurance offered by the platforms must be enshrined in the existing legal and regulatory framework. This currently requires regulatory adjustments that the platforms themselves must often initiate, as was the case for the Uber pilot project and other collaborative platforms in Québec and abroad. A review of the facts and the feedback gathered during the consultation confirmed that these steps lead to delays as well as significant product development and legal costs. Such delays and costs can prevent local platforms from being developed and launched, and are also preventing Québec insurers from entering the collaborative economy market.

The example of MAIF, the activist insurer

MAIF⁶², a French mutual insurance company founded in 1934, was one of the first major insurers in the world to enter the collaborative economy market.

When faced with the paradigm shift that the collaborative economy represents for insurance, MAIF sought to better understand the fundamentals of the collaborative economy, how it works, and the platforms that facilitate it in order to gain the necessary expertise to develop and provide insurance products to this market.

MAIF has put time and resources into developing new products and supporting new collaborative economy platforms. It set up the MAIF Social Club, a coworking space where actors in the collaborative economy can meet their peers and learn from each other to gain a better understanding of their practices. MAIF also set up a €125 million investment fund to invest in collaborative platforms, providing direct access to the operational reality of the platforms and enriching its own expertise in this area.

62. <https://entreprise.maif.fr/entreprise/accueil>.

3.3 Better support

It's important to keep pace with collaborative platforms and the increasing number of transactions between individuals.

But more importantly, it is essential to get public authorities interested in the collaborative economy so they become engaged in this unprecedented market of innovation and sharing. The collaborative economy transcends the current structures of government departments and public agencies.

To get public authorities involved, we must first determine which public authority is responsible for handling the file. Then, we must support players and organizations in our regulatory environment in a new manner by developing solutions internally. Above all, we need to change the organizational culture of public authorities.

We must develop the tools to continue this work of prioritizing innovation and collaboration within public organizations so we can bring about change and support promising Québec initiatives.

Recommendation 11: Create Secrétariat de l'économie collaborative (SEC)

All public authorities have a duty to inform, raise awareness, and share information with their partners and customers. They also have a responsibility to inform the various collaborative economy actors of their rights and responsibilities. This includes service providers, users, and citizens as well as platforms.

We recommend that Secrétariat de l'économie collaborative (SEC) be created under Ministère du Conseil exécutif to ensure the effective and coherent integration of the collaborative economy in Québec.

The SEC should fulfil the following mandates for departments and agencies as well as any other public authority:

- Coordinate and monitor actions to improve coordination among all stakeholders and make Québec public policies more efficient⁶³.
- Systematically monitor how various collaborative initiatives and practices are regulated and supported in Québec and elsewhere in the world (both the most successful and less effective ones)⁶⁴.
- Get feedback from all economic actors and citizens by setting up a communication system that is accessible to the general public.
- Educate public authorities on the collaborative economy and provide expertise and support, particularly for Québec municipalities.
- Standardize actions at all three levels of government (federal, provincial, and municipal).
- Help position Québec within the collaborative economy by involving social economy and cooperative movement stakeholders.

Helping social economy and cooperative businesses get more involved in the collaborative economy

The WGCE recognizes that Québec's economy is known internationally for the strength of its social economy and cooperative sector, organizational models that are increasingly proven to withstand major economic fluctuations.

Given the speed at which the collaborative economy is growing, Québec has the opportunity to develop a distinct approach that incorporates the social economy, the cooperative movement, the circular economy, and digital innovations.

63. As part of this coordination and monitoring role, the SEC could help public authorities enrich and simplify the information they provide and help make it more accessible. Public authorities would also be encouraged to develop guides in their respective fields of intervention and to set up a dedicated information hotline as well as online resources.

64. Through its work and consultation, the WGCE found that strategic intelligence and prospecting activities are not very widespread within government administration. We believe that this is partly why Québec public authorities have delayed acting on the collaborative economy. The WGCE believes that strategic intelligence and prospecting are essential to meeting the modern challenges of government administration. Québec could draw inspiration from the federal government organization Policy Horizons Canada.

Many Québec organizations that are part of the social economy and the cooperative movement have already invested in the collaborative economy, but they face specific challenges because of their organizational models. We should think about how we can help them start up and grow to become local, regional, or international companies. Québec has a real chance to position itself well in this market by ensuring that the criteria for access to existing funding and support programs reflect the specificities of these organizational models. This special mandate would not exclude any business models, but rather include more diverse types of organizations, such as those based on collective entrepreneurship.

Encouraging innovation in public administration

To carry out its mandate, the SEC would be supported by an advisory committee composed of representatives from a variety of communities involved in the collaborative economy. The advisory committee would be established through a call for nominations. The SEC would also work closely with Revenu Québec, designated as the government lead for negotiating with collaborative platforms.

To carry out the SEC's mandate, a number of interested Government of Québec employees can be included in the network as a matrix team and granted leave from their department to devote time to the mandate.

It is important to seize every opportunity for the Government of Québec to instill a culture of innovation in its departments and agencies. Such opportunities may be new initiatives or existing programs that can be popularized and expanded, such as innovation cells.

Creating innovation cells within government departments and public agencies

Innovation cells are a measure implemented as part of the government IT strategy by Secrétariat du Conseil du trésor and continued as part of the Digital Economy Action Plan.⁶⁵ They involve turning public agencies into incubators for young companies. For example, departments can make their premises, information resources, and staff expertise available to startups working on an innovative project or developing a product or technology. Innovation cells have short lifespans.

Innovation cells benefit both parties. They boost operations and encourage public agencies to incorporate modern technologies and new practices. For companies, the cells are an opportunity to develop in government environments. This approach also has the advantage of not requiring new resources. It is based on osmosis, which creates real opportunities for innovation through informal and unplanned exchanges.

In terms of the collaborative economy, a data use innovation cell could be created for departments and agencies obtaining a large amount of data from collaborative platforms through Revenu Québec (Recommendation 1).

As mentioned above, other initiatives such as pilot projects could be developed and gradual adjustments could be made. For example, government employees could be given the option of using collaborative services to meet their needs in the course of their duties, particularly in the areas of housing and mobility.

65. Rénover l'État par les technologies de l'information, 2015. See Measure 28: Promote the creation of innovation cells, p. 32. MESI, Digital Economy Action Plan, 2016, Measure 25, p. 60.

The WGCE believes that to foster a culture of innovation within the public system, authorities must focus on dialogue and experimentation. Regulatory sandboxes are an inspiring and promising avenue that could help us achieve this.

Québec's Autorité des marchés financiers is a pioneer in this regard, having set up sandboxes to support companies looking to offer products or services based on new financial technologies (fintech).

Definition and description of regulatory sandboxes

A regulatory sandbox is a mechanism that exempts companies from complying with a regulation for a specified period of time. There are as many sandbox models as there are regulators. The length of time a company can remain in the sandbox varies. Candidate companies can be given guidance with or without financial support. Theoretically, sandboxes do not need restrictions as to the size or age of companies that would like to participate. Companies can be added individually or based on common characteristics. As a general rule, sandboxes are open to all companies. In the same vein, when a sandbox has ended, the regulatory adjustments that come out of it ultimately benefit everyone.

For example, consider an industry with a highly regulated product offering. Imagine being able to launch a new product in that industry without any licensing, permit, or certification requirements and instead letting the market prove the product's worth and economic viability. For a period of six months, the regulator will refrain from prohibiting that company from producing, marketing, and selling the new product. During this period, the regulator collects information on the product and assesses whether or not the requirements on which the current regulations are based are still necessary.

Sandboxes are an opportunity for legislators to anticipate future changes in their respective fields of intervention by better understanding the ecosystem they regulate. They are also an opportunity for developers and innovators to reduce the uncertainty inherent in their business and improve their chances of success. Regulatory sandboxes are also likely to reassure investors.

The WGCE believes that public authorities should know more about sandboxes. Part of the mandate of the SEC will therefore be to ensure that more sandboxes are implemented and popularized.

For the sandboxes to operate effectively, they should be monitored by the authority responsible for applying the regulations that companies in the sandbox are being exempted from, i.e., the authority that is closest to the current operations.

It will also be important for the SEC, with the help of sandbox representatives, to document the main lessons learned from each experiment, in order to consolidate and share them with all public authorities.

The possibility of establishing sandboxes on a regional or municipal scale should be assessed.

The WGCE recommends that the expertise acquired by Autorité des marchés financiers be used to help develop sandboxes in the short term.

Recommendation 12: Support and engage the municipal world

The municipal world is directly affected by the collaborative economy. The effects of collaborative practices are most strongly felt at this level. The benefits of the collaborative economy can also be harnessed the fastest at this level for the sake of citizens and municipalities.

The collaborative economy strongly challenges the segregation of functions, the idea that the uses of assets are predefined by what they are supposed to serve. At the municipal level, the segregation of functions is most evident in zoning policies.

The collaborative economy and the segregation of functions

Collaborative practices are carried out independently of this requirement. They are in line with the use of assets based on their primary functions. For example, the primary function of a parking space is to provide parking for a car. It does not take into account the fact that the car belongs to the property owner or the reason why the car is there. The regulatory function associated with it is foreign to its intrinsic function. In the collaborative economy, however, assets can be shared independently of whether they are for residential, commercial, industrial, or institutional use (e.g., church, school, community center). The same applies to lots used for urban gardening and to storage spaces.

Beyond the upheaval caused by the collaborative economy, the WGCE believes this economy can provide clear opportunities for municipal operations, for example by:

- Maximizing the use of buildings and premises such as meeting and conference rooms by making them available to citizens (including community groups), as does the City of Amsterdam, for example.
- Establishing libraries of tools and materials through municipal libraries or common areas, as does the City of Seoul with the Sharing Center, or by encouraging the creation of special NPOs such as the Ottawa Tool Library or Toronto's Library of Things.
- Sharing roadway equipment, of which the MuniRent initiative in Ann Arbor, Michigan, is an example.
- Sharing municipal spaces and assets such as land, parking lots, storage facilities, rolling stock, tools, etc.

Of course, this is not about abolishing the concept of zoning to make way for the collaborative economy. Zoning is key to the organization of urban life. It's about exploring—within the legal and regulatory framework, including zoning—approaches to development and modernization that allow for collaborative practices. Moreover, the stakes of these new practices must also be analyzed in the context of compliance with collective agreements in force.

Current funding challenges for municipalities

Municipalities currently face significant funding challenges, a main one being to have a budget that will grow as municipal needs increase.

In Québec, municipal revenues are largely based on the revenues generated by the collection of property taxes (about three-quarters of revenues). However, property taxes are based more on the value of real estate infrastructure than on the vitality or scale of economic trade. As such, the value created by the digital or dematerialized economy does not directly impact municipal revenues. Using the same logic, the value created by the collaborative economy through increased productivity and the optimization of existing assets does not directly lead to an increase in municipal revenues. In fact, the collaborative economy does not address the causes of the funding difficulties faced by municipalities. Rather, it confirms the existing situation.

As mentioned earlier, our consultations revealed that the municipal world has done little to analyze and document the potential and scope of the issues raised by the collaborative economy. It has difficulty measuring the collaborative economy's effects on both operations and their regulatory framework. Few cities have looked into this subject. Fewer still have regulations in place⁶⁶

In light of these findings, the WGCE sees the importance of supporting municipalities in regulating the collaborative economy. We are convinced that municipalities are called upon to play a major role in its development. However, this will not be possible without an adequate legal and regulatory framework.

We have seen that municipal laws and regulations have a decisive effect on the success of local initiatives and the odds of success of young companies that promote them. We also believe that municipalities have a real interest in supporting local businesses operating within their borders, particularly start-ups. In general, local companies are more sensitive to the concerns of the environment in which they operate than companies from elsewhere.

In short, the WGCE recommends that the Government of Québec consider municipal authorities as partners in the implementation of legal frameworks for collaborative practices. Secrétariat de l'économie collaborative could be given the task of assuming this role of partner (Recommendation 11)⁶⁷. To contemplate such a dynamic, it's important for the municipal world to have the expertise required to fully take part in the collaborative economy.

With this in mind, the WGCE recommends:

- **The development of a guide to best municipal practices for the collaborative economy, similar to what the Large Urban Mayor's Caucus of Ontario produced⁶⁸;**
- **Support from experts on how to take advantage of the collaborative economy for municipal operations and how to set up a framework for collaborative practices;**
- **Active consultation with municipalities in the development of provincial and federal legislation to regulate collaborative practices;**
- **The development of expertise on the subject within municipal administrations themselves; and;**
- **Prioritizing the collaborative economy as a theme within their municipal programs and authorities.**

66. Interesting examples can be cited, such as that of the Borough of Rosemont, which has developed bylaws to regulate the sharing of private parking spaces, storage areas, and lots (for gardening), or the process initiated by the City of Québec to consider a framework for shared housing.

67. This concern should guide the actions of the Secrétariat de l'économie collaborative (Recommendation 11).

68. LARGE URBAN MAYOR'S CAUCUS OF ONTARIO. Navigating the sharing economy: A 6-decision guide for municipalities, Ontario 2016, August 2017, 32 p.



4. CONCLUSION

A recipe for success

4. CONCLUSION

A recipe for success

Throughout our consultation, we were able to see the extent of the work required to improve understanding of the issues and identify the actions needed to position Québec as a leader in the collaborative economy. The exercise conducted by the WGCE is certainly a first step in this direction. The real work has only just begun, and concrete steps must be taken immediately to continue the dialogue with interested individuals, groups, and public authorities. A wide range of consultation participants expressed interest in pursuing these efforts, and the conditions now need to be created for this initiative to take shape and be put into action.

The challenge of modernizing government in view of the emergence of new practices and technology is not a new one. Advances in transport and communications, the internationalization of trade, and the arrival of the Internet come to mind. Each time, these innovations have profoundly transformed the organization and role of public authorities. The same is true for the collaborative economy. As such, the fact that we have collectively succeeded in meeting these challenges in the past gives us confidence in our ability to succeed in the transformations that need to be made.

In response to these new practices, we must also fully gauge the challenges raised by the tremendous changes that the collaborative economy has brought and will bring. Public authorities must remain alert to be able to respond to or even anticipate these changes. To name but a few, emerging revolutions inspired by the democratization and distribution of energy production (a particularly important issue in Québec), blockchain technology, and autonomous, decentralized organizations are just as (if not more) likely to profoundly impact public authorities and the way public policies are designed and implemented. The same will apply to public and private companies and organizations alike.

In the end, it's important to remember that the real test of openness to innovation is not in discourse, but in our ability to cope with current and future upheavals, particularly through renewed public policies. The work carried out by the WGCE is laying the groundwork to modernize and strengthen our public policies, drawing in particular on the experiences of a variety of jurisdictions in Canada and around the world. Given this state of affairs, Québec now has the responsibility to take the steps needed to choose the most promising approaches to position itself as an established player in the collaborative economy and maximize the benefits for communities.

Appendix 1

Biographies of WGCE Members

Guillaume Lavoie

Guillaume Lavoie is a public policy entrepreneur, lecturer, and speaker with an interest in urban affairs, bikeconomics, mobility, the collaborative economy, and the role of urban art.

He is a leading expert on the collaborative economy and the author of the first municipal bylaw in Canada on the sharing of private spaces. He has given over 185 talks on this theme in Canada and abroad. He also developed the first course in Canada on the collaborative economy and public policy, which he teaches at École nationale d'administration publique (ÉNAP).

Mr. Lavoie previously had a career in public diplomacy, public policy, international relations, and, more recently, as a city councilor for the City of Montréal in urban affairs. He has lived and worked abroad, has visited some 30 countries, and has been a consultant to the public, private, and voluntary sectors in Canada and abroad.

He is a lecturer at ÉNAP, a member of the Raoul Dandurand Chair, an international observer, and an associate at Voilà Information Design. A talented popularizer, he first became known to the general public as a media analyst on international news and U.S. politics. He is a committed social entrepreneur and co-founder of Collège néo-classique.

Mr. Lavoie holds a master's degree in public administration from ÉNAP, a bachelor's degree in industrial relations, and certificates in administration and law from Université Laval. He also completed executive training at the London School of Economics and the Harvard Kennedy School of Government. Mr. Lavoie was appointed Public Policy Scholar at the Woodrow Wilson Center in Washington, D.C., and is a fellow of the Forum of Federations, Action Canada, the Jeanne Sauvé Foundation, and Next City. He is fluent in French, English, and Spanish. Mr. Lavoie hails from the Saguenay–Lac-St-Jean region.

Nolywé Delannon

Nolywé Delannon (Ph.D., HEC Montréal) is an assistant professor in the Faculty of Business Administration at Université Laval. Her research focuses on the relationships between companies, government, and civil society regarding social responsibility issues.

After working on the European space industry, she now focuses on the collaborative economy in the Québec transportation sector. She received a three-year grant (2018–2021) from FRQSC to conduct research on how the collaborative economy disrupts the relationships between companies, government, and civil society.

Outside the academic world, Ms. Delannon has been involved in public policy issues on various occasions, including on parliamentary committees and in government consultations. She has also used her experience as president of Force Jeunesse (2015–2017), a non-partisan political organization, to demonstrate her ability to participate in the design and improvement of public policies in a spirit of contributing to the common good.

Christine Fréchette

Christine Fréchette is president and CEO of the Montréal East Chamber of Commerce, which numbers 1,200 members. Previously, she was director of external and institutional relations at Montréal International, an organization dedicated to attracting foreign investment to Greater Montréal.

She worked for several years as a director of a North American NGO, at an international studies center at Université de Montréal, and as a U.S. policy analyst for various Québec media.

She holds a bachelor's degree in business administration from École des HEC and a master's degree in international relations from Université Laval.

WGCE Mandate

On February 9, 2018, the Québec government announced the creation of the WGCE. Its mandate was to answer the following four questions:

- 1) How can we foster a better understanding of the collaborative economy and its impact on society, particularly through the participation of citizens and organizations in a public debate?
- 2) What approaches and actions should be used to seamlessly integrate this economy into our ecosystem, especially in relation to traditional economic practices?
- 3) How should Québec public authorities adjust their structures, procedures, and regulations to better meet the challenges of collaborative practices while preserving a healthy and equitable business environment, quality of life in communities, citizen safety, and the public interest?
- 4) What approaches and initiatives should Québec public authorities take to ensure that Québec is recognized as a leader in the collaborative economy, in particular by promoting the development of local champions in this area?

Appendix 2

Biographies of Advisory Committee Members

Laurence Audette-Lagueux

Ms. Audette-Lagueux is a specialist in and strong advocate of crowdfunding in Montréal. She has worked for KissKissBankBank (a European crowdfunding leader) and is currently with FrontFundr, Canada's leading investment crowdfunding platform. She was also involved in creating Canada's largest investment crowdfunding campaign. She is president of the Montréal chapter of the international organization OuiShare. Ms. Audette-Lagueux is frequently invited to speak at conferences and roundtables on the collaborative economy and crowdfunding.

Julie Bouchard

Ms. Bouchard holds a bachelor's degree in economics from Université de Montréal and a master's degree in public management from the London School of Economics. She has worked in both the public and private sectors, specializing in performance management of public contracts. After a stint at Ministère des Finances du Québec, she continued her career in Great Britain, where she worked for the National Audit Office and a number of private organizations administering public contracts.

Daniel Bourcier

Mr. Bourcier has served as development officer in the Labor Relations Department of Fonds de solidarité FTQ for over twenty years. He has also served as savings market development coordinator and training coordinator for local and regional development. Before joining Fonds de solidarité FTQ, he headed the union representing Air Transat flight attendants. In addition to chairing the Labor Council for the Laurentides and Lanaudière regions, he was a member of the CUPE-Québec Executive Office and the FTQ General Council. Before working in the union sector, Mr. Bourcier was a cooperant in Peru for five years and a social worker for the homeless population of Montréal.

Fabien Durif

Mr. Durif is a professor in the Department of Marketing and associate dean of research at École des sciences de la gestion at Université du Québec à Montréal and heads Observatoire de la consommation responsable, a research and strategic intelligence unit focused on research, innovation, and knowledge transfer in the field of responsible consumption.

He also manages GreenUXlab, a research laboratory for new user experience and eco-responsibility. Specializing in new consumer trends, he has published 40 articles in international peer-reviewed journals and reference tools such as the Baromètre de la consommation responsable in Québec and the Kijiji Second-Hand Economy Index.

Robert Dutton

From 1992 to 2012, Mr. Dutton was president and CEO of RONA. From the start of his term, he oversaw a variety of operational and structural changes. Under his leadership, RONA experienced sustained growth and became Canada's biggest distributor and retailer of hardware, renovation, and gardening products. Mr. Dutton developed and introduced new concepts for household goods big-box stores. He strengthened the distribution network by investing heavily in new state-of-the-art facilities at a number of strategic locations in Canada. He also played a key role in consolidating the Canadian renovation and construction market through major acquisitions. Mr. Dutton is currently an adjunct professor at HEC Montréal. He also sits on a number of boards of directors.

Vincent Dussault

Mr. Dussault is responsible for the development of mobility initiatives at Coop Carbone and is first and foremost an expert in data analysis and digital technologies. After managing one of the largest websites in Canada—the French-language component of The Weather Network/MétéoMédia—he now identifies and examines the opportunities created by technology in the field of mobility, such as data analysis, the adoption of new approaches, accessibility and the digital divide in transportation, shared mobility, electrification, smart vehicles, and mobility optimization using mobile apps.

Julie Favreau

Ms. Favreau is a specialist in urban revitalization and real estate development, implementing projects that create economic and social value as a development consultant and project manager. She uses her cross-cutting view of projects and her multidisciplinary approach to effectively advise partners and clients on governance, project management, and business models. In particular, she has worked with Société de développement Angus and Société d'habitation et de développement de Montréal. Having studied strategic management at Harvard University, this lawyer is actively involved in the community as a member of a number of boards of directors, including those of Esplanade Montréal and Régie des installations olympiques.

Karel Mayrand

Mr. Mayrand is director general of the David Suzuki Foundation, Québec and Atlantic Canada, and president of The Climate Reality Project Canada, an organization founded by Al Gore. He is the author of the book *Une voix pour la Terre* (Boréal, 2012) and co-author of *Demain, le Québec* (Éditions La Presse, 2018) and *Ne renonçons à rien* (Lux, 2017) with the Faut qu'on se parle collective. Before joining the Foundation in 2008, for over a decade he advised a number of international agencies and former Québec premier Pierre Marc Johnson on globalization and environmental issues.

Audrey Murray

Ms. Murray has been active as a lawyer for over 15 years at Commission de la construction du Québec and at several organizations whose mission is to make Québec innovative, prosperous, and inclusive. As vice president of this organization, she is committed to transforming Québec society through social acceptability approaches and non-complacent conversations between decision-making partners to guide the reform of standards, programs, and services.

She is a member of Conseil du statut de la femme and Conseil de presse du Québec as well as a board member of *Liberté* magazine and Usine C.

Jonathan Plamondon

Mr. Plamondon is a labor relations mediator with the Canada Industrial Relations Board. He holds a European master's degree in labor studies from Université catholique de Louvain and the Warwick Business School as well as a bachelor's degree in industrial relations from Université de Montréal. He has served as vice president of Fédération étudiante collégiale du Québec, president of Fédération des associations étudiantes du campus de l'Université de Montréal, president of Force Jeunesse, and chair of the Youth Advisory Committee of Commission des partenaires du marché du travail. He was also a fellow of the Action Canada national leadership program.

Melissa Stoia

Ms. Stoia specializes in spatial and territorial analysis and holds a bachelor's and a master's degree in geography from the University of Paris 1 Panthéon-Sorbonne and the University of Reunion Island respectively. She is currently a growth and innovation consultant with the PME MTL network and has been involved in the economic development of East Montréal for nearly seven years. Since 2016, she has been coordinating Synergie Montréal, a circular economy initiative that enables SMEs to complete the loop by reintegrating their by-products into the value chain and sharing their skills and expertise.

Jean-Patrick Toussaint

Mr. Toussaint is a capacity building advisor for the Municipalities for Climate Innovation Program at the Federation of Canadian Municipalities and has 20 years of experience in environmental science. He previously worked at the David Suzuki Foundation as science project manager on environmental awareness and policies as well as on urbanization issues with Future Earth. He has served as a board member of Conseil régional de l'environnement de Montréal and sits on the Executive Committee of Avant Garde@CIRANO. Mr. Toussaint holds a Ph.D. in environmental science from the University of Adelaide in Australia.

Appendix 3

Different Aspects of the Collaborative economy

Collaborative practices can be broken down into the following aspects, each linked to a particular sphere of activity. A single initiative can involve several aspects at the same time.

1) Shared consumption

- *Redistribution system*: Organization of passing on goods from someone who has them to someone who wants them (transfer of ownership) in the form of resale, barter, or donation (e.g., Kijiji, Craigslist)⁶⁹.
- *Product-service system*: Organization of an exchange (loan, lease, sharing) allowing the user to use a good (e.g., parking space, vehicle, land, warehouse, housing) without transferring ownership (e.g., Loue1Robe, Turo, ShareBee, Airbnb, Sonder).
- *On-demand service*: Organization of an exchange of services (e.g., transportation, cleaning, odd jobs, parking), most often through a digital platform or mobile app (e.g., Amigo Express, Netlift, UberX, Cooks from home, HomeAway, ParkMoi!, Copilote).
- *Local cooperative system*: Group of local practices based on cooperation or networking (e.g., La Remise, Les Urbainculteurs).

2) Education and knowledge

- *Peer-to-peer learning*: A learning strategy where individuals learn from their peers and via digital tools (e.g., E-180).
- *Open courses*: A learning strategy where individuals study a topic from home through online videos, forums, blogs, or social networks of organizations (e.g., ChallengeU, EDUlib, edX).
- *Digital content sharing*: Participation of individuals in the creation, modification, or redistribution of digital content (e.g., Wikipedia).

3) Production

- *Peer-to-peer production*: Distributed manufacturing or design, creation, and modification of collaborative content or goods (e.g., Wikipedia, FabLabs, Sensorica).
- *Asset or resource sharing*: Sharing of business assets (industrial equipment, high tech tools, etc.) and human resources in order to reduce the purchase of equipment, make dormant assets profitable, and promote a continuum of employment for the workforce (e.g., BizBiz Share, Pairing Automation of Resources in a Community [PARC]).

69. Initiatives are cited for information purposes only.

4) Financing

- *Crowdfunding*: Financial transactions involving a large number of people in support of projects, including donations and equity investments (e.g., La Ruche, Ulule, GoTrop, FrontFundr).
- *Peer-to-peer financing*: Financial transactions that occur directly between individuals without the intermediary of a traditional financial institution, including payment, lending, and borrowing⁷⁰.
- *Peer-to-peer insurance*: Life and health insurance between individuals whereby the latter pay into a single insurance pool and themselves define the conditions for granting compensation and the management of surpluses (e.g., Besure).

Various Practices and Exchange Methods

To support the consultation, and considering the issues at stake, the exercise will include an analysis of the collaborative economy based on the practices (loan, exchange, barter, donation, rental, purchase and sale of second-hand items, free access, paid access) and exchange methods.

- Types of considerations used to carry out exchanges between intermediaries and users:
 - *Without compensation*: Without any consideration, e.g., donation.
 - *Financial compensation*: With a monetary consideration, e.g., purchase and sale of second-hand items.
 - *Other compensation*: With a real consideration other than financial, e.g., goods, points, and services.
- Types of transfers of use and ownership during exchanges:
 - *Mutualization* (transfer of use only): Making a private resource (tangible or intangible) temporarily accessible to others through a loan or lease⁷¹.
 - *Redistribution* (transfer of use and ownership): Transfer of use and ownership of previously acquired (mainly tangible) goods.

70. There is no example of this type of collaborative practice in Québec at this time because of the legal difficulties involved.

71. Philip, H. E., Ozanne, L. K., and Ballantine, P. W., "Examining Temporary Disposition and Acquisition in Peer-to-Peer Renting," *Journal of Marketing Management*, 31,11-12 (2015), 1310–1332.

Appendix 4

Collaborative Economy Honeycomb



Source: www.web-strategist.com/blog/wp-content/uploads/2014/05/honeycomb_collab_econ.jpg, May 2014.

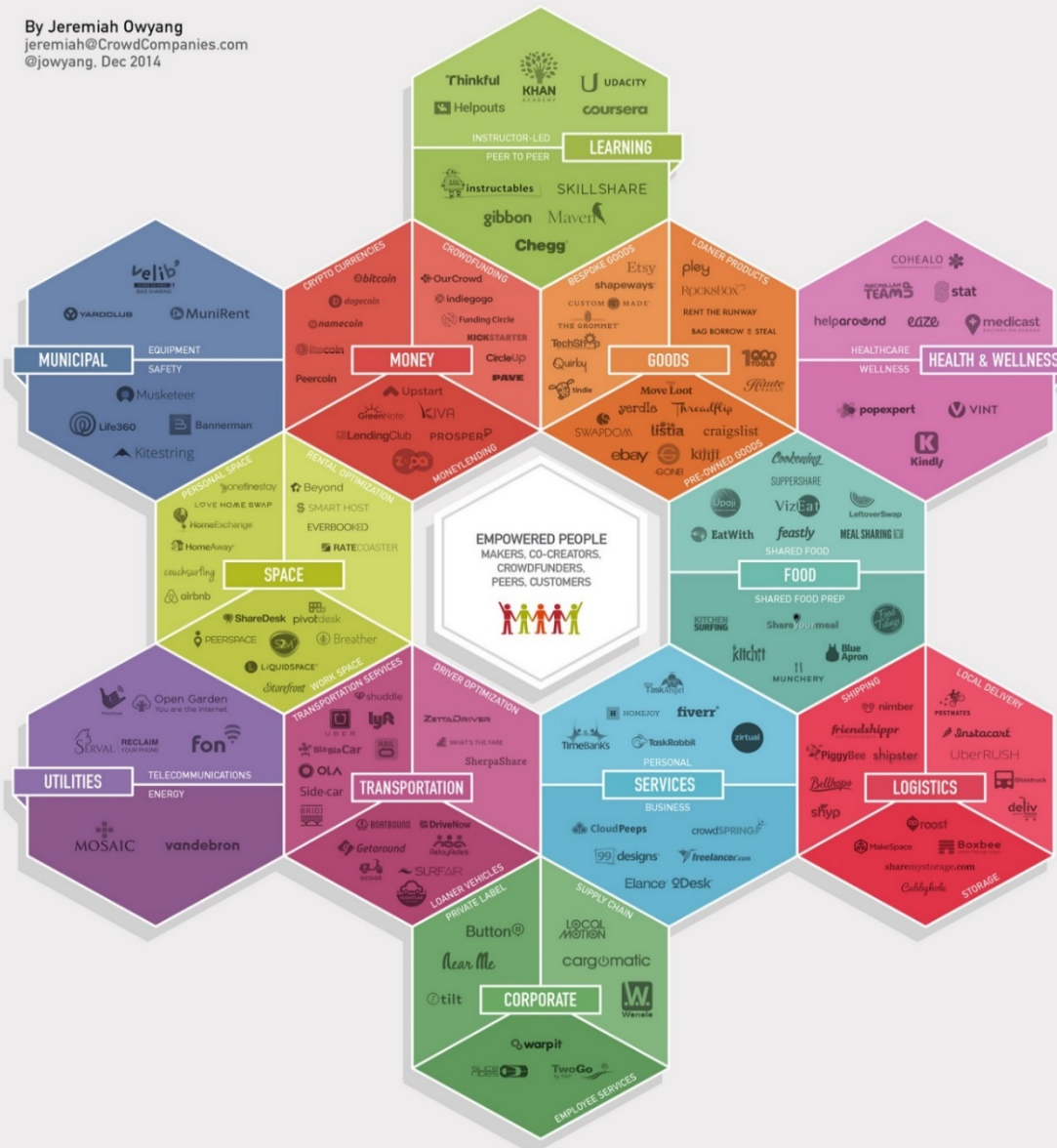
Collaborative Economy Honeycomb Version 2.0

The Collaborative Economy enables people to get what they need from their community. Similarly, in nature, honeycombs are resilient structures that enable many individuals to access, share, and grow resources among a common group.

In the original Honeycomb graphic, six distinct families of startup types were represented by the inner track of hexes. In a very short period of time, this movement has expanded, as reflected in the six additional hexes on the outer perimeter.

This visual representation of the movement is organized into families, classes, and startup examples. To access a complete directory of over 9,000 startups worldwide, advance to the Mesh Directory, managed by Mesh Labs: <http://meshing.it/>

By Jeremiah Owyang
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With input from:
Lisa Gansky (@lisingsting), Neal Gorenflo (@gorenflo), Shervin Pishevar (@sherp), Mike Walsh (@mwals), Brian Solis (@briansolis), Alexandra Samuel (@awsamuel), Bill Johnston (@billjohnston), Angus Nelson (@angusnelson), Augie Ray (@augieray), Jeff Rodman (@jeffreyrodman), John Sheldon (@jsheldon), Jamie Sandford (@jsandford), Arun Sundararajan (@digitarun), Jonathan Wichmann (@JonathanWich) and Vision Critic (@visioncritic).
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Source: <http://web-strategist.com/blog/2014/12/07/collaborative-economy-honeycomb-2-watch-it-grow/>, December 2014.

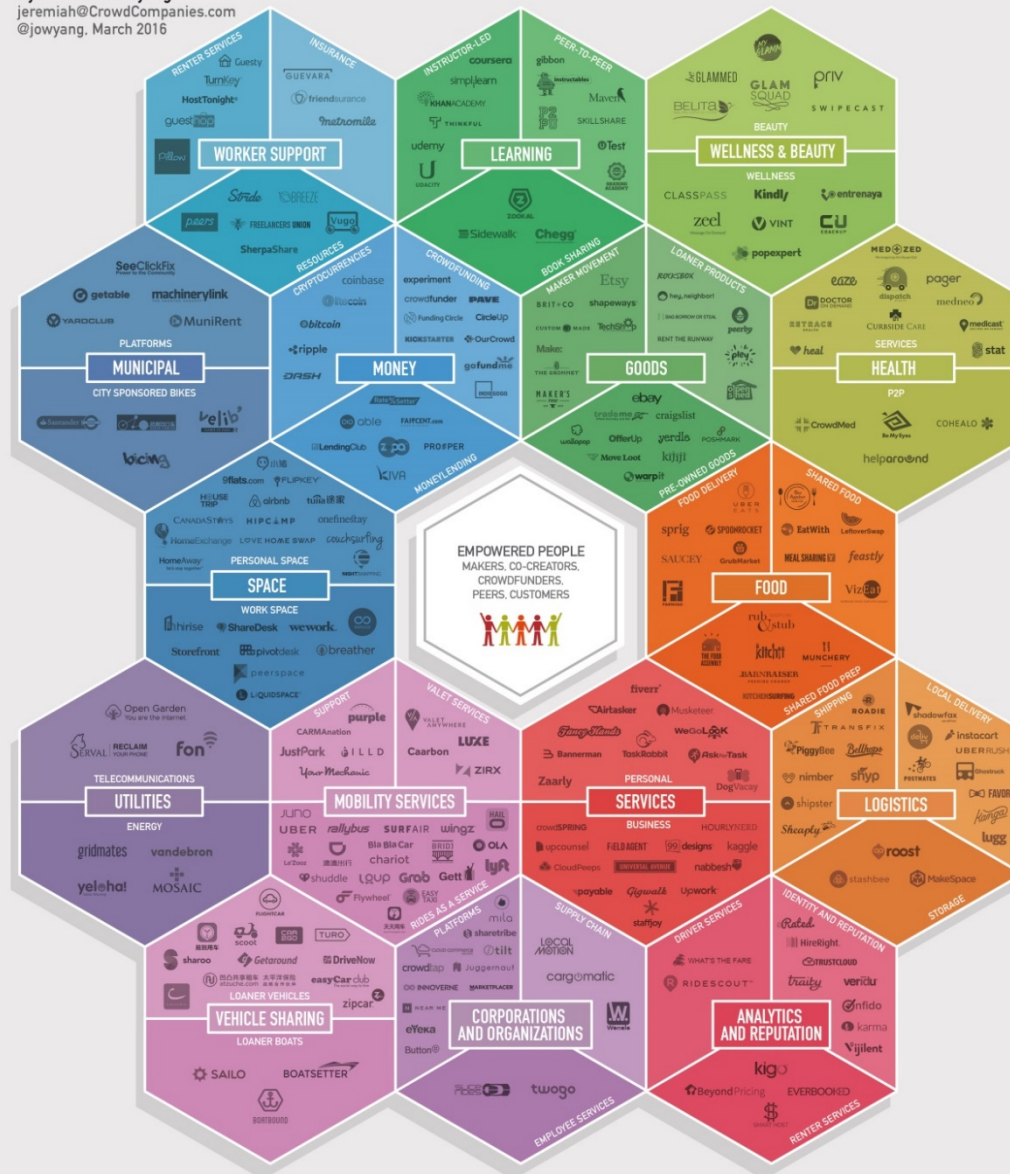
Collaborative Economy Honeycomb Version 3.0

The Collaborative Economy enables people to get what they need from each other. Similarly, in nature, honeycombs are resilient structures that enable access, sharing, and growth of resources among a common group.

In the original Honeycomb 1.0, six distinct categories of startups were represented by the inner track of hexes. After a short period of time, Honeycomb 2.0 expanded to include six additional categories, placed on the outer perimeter.

In the new Honeycomb 3.0, four hexes are added on the corners of the graphic for a total of sixteen: Beauty, Analytics & Reputation, Worker Support, and the large Transportation hex is split into two distinct hexes.

By Jeremiah Owyang
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@jowyang, March 2016



With input from:
Carl Bohlin, Matt Case, John Cass, Emily Castor, Shelby Clark, Lisa Gansky, Julie George, Neal Gorenflo, Greg Hedges, Bill Johnston, Karen Khounthavong, Alex Lassar, Gregory Leproux, Angus Nelson, Andreas Pages, Shervin Pishevar, Augie Ray, April Rinne, Jeff Rodman, Alexandra Samuel, Jamie Sandford, John Sheldon, Arun Sundararajan, Brian Solis, Julie Viola, Mike Walsh, Jonathan Wichmann, and Vision Critical.

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Source: <http://www.web-strategist.com/blog/2016/03/10/honeycomb-3-0-the-collaborative-economy-market-expansion-sxsw/>, March 2016.

Appendix 5

Throughout its work, the WGCE received input from many organizations, experts, and leaders from Québec and elsewhere. We would like to thank them.

Below is a list of those who participated in the consultation in person and those who submitted a brief.

Face-to-Face Meetings

- 2PS
- Autorité des marchés financiers (AMF)
- Airbnb
- Andiman
- Association de l'hôtellerie du Québec (AHQ)
- Hotel Association of Greater Montréal (AHGM)
- BizBiz Share
- Insurance Bureau of Canada
- Car2go
- Chantier de l'économie sociale
- CityParking
- Coalition Avenir Québec
- Co-Lab Coop
- Communauto
- Confédération des syndicats nationaux (CSN)
- Conseil du patronat du Québec
- Conseil québécois de la coopération et de la mutualisation (CQCM)
- Eva Coop
- Cooks from home
- Fédération des chambres de commerce du Québec (FCCQ)
- Fédération québécoise des municipalités (FQM)
- Ministère des Transports, de la Mobilité durable et de l'Électrification des transports (MTMDDET)
- Ministère du Tourisme (MTO)
- Ministère du Travail, de l'Emploi et de la Solidarité sociale (MTESS)
- Desjardins Group
- Mowat Center
- Netlift
- Office de la protection du consommateur (OPC)
- Office des professions du Québec (OPQ)
- Option consommateurs
- OuiHop
- OuiShare
- Partenariat pour la modernisation du taxi au Québec (PMTQ)
- Québec Liberal Party
- Parti Québécois
- Pierre-André Bouchard St-Amand, Professor, ÉNAP
- Québec Solidaire
- Régie du bâtiment (RBQ)
- Revenu Québec
- Secrétariat du Conseil du Trésor (SCT)
- Sensorica
- ShareBee

- Gérard Divay, Professor, ÉNAP
- Government of Ontario
- Institut de l'environnement, du développement durable et de l'économie circulaire (EDDEC)
- Intact Insurance
- Jean-François Barsoum, Consultant
- John Dunn, Consultant
- La Ruche
- Living Lab
- Marie-Chantal Chassé, President and CEO, MJM Aéronautique
- McCarthy Tétrault
- Ministère de l'Économie, de la Science et de l'Innovation (MESI)
- Ministère de la Justice (MJQ)
- Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (MAPAQ)
- Ministère des Affaires municipales et de l'occupation du territoire (MAMOT)
- Ministère des Finances (MFQ)
- ShareNL
- Société d'habitation du Québec (SHQ)
- Sonder
- Stéphanie Guico, Consultant
- Trajectoire Québec
- Turo
- Uber
- Ulule Canada
- Union des municipalités du Québec (UMQ)
- City of Montréal
- City of Québec
- City of Toronto
- Welquest
- Youri Chassin, Economist

Briefs Submitted

- Airbnb
- Association de l'hôtellerie du Québec (AHQ)
- Chantier de l'économie sociale
- CoLab Coop
- Confédération des syndicats nationaux (CSN)
- Conseil québécois de la coopération et de la mutualisation (CQCM)
- Eva Coop
- Fédération des travailleurs et travailleuses du Québec (FTQ)
- Force Jeunesse & Aile jeunesse du Chantier de l'économie sociale
- Institut de l'environnement, du développement durable et de l'économie circulaire (EDDEC)
- La Ruche
- OuiHop
- Québec Solidaire
- Sensorica

Appendix 6

A Framework for Modernizing Public Policy for the Collaborative economy

The following questions are intended to determine whether the collaborative practice in question complies with the four general principles suggested by the WGCE for analyzing collaborative practices and seeking public policy options.

1) Openness

- a) What is the nature of the practice and how does it operate (its business model, participants, etc.)?
- b) How does this practice differ from traditional models?
- c) What is the current legal and regulatory framework that the practice relates to?
- d) To what extent is the practice compatible with this framework? Can it be done?
- e) How have other jurisdictions responded to the introduction of this practice? What are the best responses?

2) General welfare

- a) What are the objectives of all public policies related to the practice?
- b) Does the current legal framework achieve these objectives?
- c) Does the practice meet a need and the expectations of citizens? What are these needs, motivations, and expectations?
- d) Does this practice generate positive and negative externalities⁷²? What are these externalities?

3) Fairness

- a) Are the objectives of the tax system being met (do new players pay taxes)?
- b) Does the current legal framework favor one practice over another (collaborative practices versus traditional practices and the collaborative practices between them)?
- c) Does the current legal framework create barriers to entry, i.e., obstacles, established by existing players in a sector or by regulation, that companies wishing to enter a new market must overcome?
- d) Are barriers to entry established by existing players or by regulation?

⁷² Externalities refer to the intended or unintended effects that an economic activity may have on people or things not directly involved in the activity. For example, these effects can range from an increase in neighborhood disturbances to greater road congestion, less air pollution, higher rent costs in a neighborhood, an increase in parking spaces available in a city, or more social cohesion in a community.

- e) Does the current legal framework allow for healthy competition (between local and foreign suppliers, large and small suppliers, traditional and collaborative suppliers in all sectors)?

4) Efficiency

- a) Is government intervention necessary? If so, in what respects?
- b) What are the objectives and expected results of public intervention (regulatory change or modernization, consistency between public priorities)?
- c) What are the best means of intervention, regulatory or otherwise, to achieve these objectives and expected results?
- d) Are the means (time, money, control measures) justified or appropriate in relation to the objectives?
- e) Which public authorities are in the best position to develop and implement the intervention?

Appendix 7

Small Supplier Rule

1. What is the “small supplier rule?”

In general, anyone who makes taxable sales⁷³ in Québec must be registered for the GST⁷⁴ and QST. They must then collect and remit to Revenu Québec the taxes payable on their taxable sales made in Québec in the course of a commercial activity. They can normally claim input tax credits (ITCs) and input tax rebates (ITRs) to recover taxes paid or payable on goods and services acquired in the course of commercial activities, provided certain requirements are met.

Anyone who qualifies as a “small supplier” is not required to register for the GST and QST or to collect taxes on taxable sales made in Québec in the course of a commercial activity. Those who are not registered will not be able to claim ITCs or ITRs.

A person is considered a small supplier if the total of their taxable sales and those of their partners worldwide does not exceed \$30,000⁷⁵ in any calendar quarter or for all four preceding calendar quarters. This measure has been in place since 1991 under the GST system and since July 1, 1992, under the QST system.

2. Why was this rule implemented?

The “small supplier rule” was introduced by the federal government to ensure that very small businesses are not overburdened, given their limited administrative resources. At the time, this measure was intended to exempt 750,000 businesses.

It is also driven by a concern for efficiency. The requirement to collect and remit the GST/QST also implies the right to deduct the GST/QST that was paid on inputs. The amounts collected, less the amounts deducted, may ultimately represent small amounts in relation to the administrative efforts required to collect, remit, cash, and recover them.

73. This rule generally applies to all supplies of goods or services (sale, lease, barter, etc.). The word “sale” is used to simplify the text.

74. Anyone who is registered for the GST must also collect the HST, if applicable.

75. The sales limit is \$50,000 instead of \$30,000 if a party is a public service body. A charity or public institution that exceeds the \$50,000 threshold can still qualify as a small supplier if it meets certain other conditions. These measures were introduced by Bill C-70 and came into force on April 23, 1996.

3. Are there any exceptions to this rule?

Yes, in some regulated sectors. For example, someone who operates a taxi business is required to register for the GST and QST, while someone who retails in tobacco or sells alcoholic beverages is required to register for the QST.

4. Does the “small supplier rule” apply to income tax?

No. The “small supplier rule” applies for GST and QST purposes only.

Even if someone qualifies as a “small supplier” for GST and QST purposes, they must report all their income for tax purposes.

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