



Regulate delivery companies and e-bike sales, not gig workers

November 20, 2024

Dear TTC Board members and City Councillors,

The undersigned organizations (Workers Action Centre, Justice 4 Workers, TTCriders, Migrant Workers Alliance for Change, and Cycle Toronto) are writing to urge against a blanket or seasonal ban of lithium-ion-powered micromobility devices from TTC vehicles and stations, including e-bikes and e-scooters, which was proposed in a October 29, 2024 TTC staff report.¹ This letter outlines alternative regulations and TTC policy considerations.

Toronto residents have a higher chance of experiencing a lithium-ion battery fire in their homes than on the TTC. Lithium-ion battery fires pose a safety risk that should be addressed, but a blanket ban on public transit is impractical and does not address the underlying problem of a regulatory vacuum that allows unsafe lithium batteries to be sold and that allows app-based companies to outsource procurement of equipment like e-bikes to precarious gig workers.

Regulate the sale and rental of unsafe batteries and micromobility devices

The sale and rental of unsafe batteries creates fire risks everywhere, particularly in apartment buildings.² Batteries from electric bikes, scooters, vehicles, and household devices sparked 33 fires in Toronto in the first half of 2023, compared to 29 incidents in 2022.

To reduce the risk to all residents, the City of Toronto should explore regulating the sale and rental of uncertified devices, similar to measures that New York City Council has passed,³ and continue advocating for more stringent regulations around the sale and use of e-mobility devices at both provincial and federal level beyond toothless “public advisories” and “recommendations”⁴. Toronto could also consider something like propane gas canister trading programs,⁵ where lithium-ion batteries would be traded in to ensure safe, affordable batteries are available.

Better regulatory clarity benefits industry, retail, and end-users. It should not be left up to consumers to determine whether or not a battery or e-bike is unsafe, or inconsistent rules where it is or isn't allowed. The regulatory vacuum regarding lithium-ion batteries must be addressed

¹https://cdn.ttc.ca/-/media/Project/TTC/DevProto/Documents/Home/Public-Meetings/Board/2024/October-29/6_Seasonal_Prohibition_on_Lithium_Ion_Battery_Powered_E-Bikes_and_E-Scooters.pdf

²<https://toronto.citynews.ca/2024/10/21/toronto-underground-parking-garage-e-bikes-fire/>;
<https://toronto.citynews.ca/2023/07/04/fires-connected-to-e-bike-batteries-spike-in-toronto-amid-increased-use/>

³ <https://council.nyc.gov/press/2024/02/28/2564/>

⁴<https://recalls-rappels.canada.ca/en/alert-recall/misuse-or-modification-lithium-ion-batteries-e-mobility-devices-can-be-extremely>

⁵ <https://tanktraders.com/>

by all levels of government. It is both unfair and impractical to regulate the end users of lithium-ion batteries. Checking individual bikes on the TTC is impractical, will result in racial discrimination, and will not reduce the risk of fires where they are most likely to happen: peoples' homes. Furthermore, provincial Bill 197, currently in third reading,⁶ may affect the regulatory environment for e-bikes.

Regulate app-based companies that exploit gig workers

Currently, delivery workers are not classified as employees. This allows app-based delivery companies to outsource the procurement of vehicles and equipment to workers. If the provincial government were to regulate these companies and bring gig workers under the Employment Standards Act, companies like Uber would be responsible for providing the tools that workers use to generate profits. While the City of Toronto is not responsible for the Employment Standards Act, Toronto has an opportunity to improve the safety of transit users as well as workers by exploring regulations for app-based companies, instead of downloading all of the responsibility on precarious workers who are already at risk. Beyond the impact of unfair wages, lack of job security, job safety and the economic-well being of gig workers themselves, the payment model used by delivery by demand companies incentivises couriers to take dangerous risks. The delivery on-demand premise paired with the promise of receiving goods as quickly as possible has impacted the speed and behaviour of gig workers as they aim to make as many deliveries as quickly as possible.

Accounting for e-bike rental policies

Bicycle lockers and bicycle parking near subway station entrances are inadequate solutions, because e-bike companies that rent to gig workers may require rented e-bikes to be parked or stored in particular conditions, such as sheds or garages. For example, Zyggy's rental agreement requires that e-bikes be stored overnight in "a secure, indoor location."⁷

Blanket and seasonal bans are not an industry standard

The policy being proposed by TTC is at odds with similar winter cities, like Montreal and Ottawa, and with Metrolinx's region-wide policy, which sets requirements of UL or CE standards for the types of batteries allowed on trains and buses, and requires that batteries are removed from bikes while on buses.⁸ The jurisdictional scan in the October 29, 2024 TTC staff report notes a wide variety of approaches to e-bikes; a blanket seasonal ban is not an industry standard.

Adequate staffing on TTC subways and in stations

The October 29, 2024 TTC staff report notes that "considering the volatile and short-lived nature of lithium-ion fires in relation to the size of the batteries that can be brought onto the system, it has been concluded that prioritizing the evacuation from the area rather than attempting to extinguish the fire is the safest approach." This raises questions about the TTC's plan to shift to single-person train operation, and whether this accounts for lithium-ion fire risk. TTC must adequately staff subway stations and trains to enable evacuation.

⁶ <https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-197>

⁷ <https://www.ridezygg.com/subscription-agreement>

⁸ <https://www.gotransit.com/en/your-commute-to-go/biking-and-go-transit>

Adequate TTC service levels and elevator access

The TTC staff report notes that bicycles can be brought on board TTC streetcars and subway trains outside of peak hours, “when the TTC plans for fewer standees aboard vehicles.” Yet the 2023 TTC Operating Budget⁹ changed the crowding standard from the TTC’s official Service Standards. Today’s TTC’s loading standard, which is applied as an average and calculated based on the busiest hour of the service period, is now based on “standing room only” at all times of day.

The TTC already has a policy that determines when bikes can be taken on TTC vehicles.¹⁰ If there are concerns about elevator crowding and accessibility, there are other steps that can be taken such as installing more elevators, to create redundancy in the subway network. This will reduce crowding and ensure stations remain accessible when an elevator is out of service.

Racial profiling in enforcement

Gig workers are precarious and mostly racialized and migrant workers, including international students, refugees and undocumented people. The TTC has acknowledged a history of systemic racism and bias, and that racial profiling occurs in TTC enforcement.¹¹ The proposed policy will put gig workers at risk.

Gig workers are not afforded the same employment rights and protections as other workers, and this policy will reduce their access to transit, further entrenching the systemic inequality.

Sincerely,

**Workers Action Centre
Justice for Workers
Migrant Workers Alliance for Change
TTCriders
Cycle Toronto**

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https://cdn.ttc.ca/-/media/Project/TTC/DevProto/Documents/Home/Public-Meetings/Board/2023/January-9/1_2023_TTC_Conventional_and_Wheel_Trans_Operating_Budgets.pdf

¹⁰ <https://www.ttc.ca/riding-the-ttc/Bike-and-ride/Taking-your-bike-on-TTC-Vehicles>

¹¹ https://pw.ttc.ca/-/media/Project/TTC/DevProto/Documents/Home/Public-Meetings/Board/2021/April_14/5_Racial_Equity_Impact_Assessment_of_TTC_Enforcement_Activities.pdf