

April 8, 2020

The Honorable Mitch McConnell, Senate Majority Leader
The Honorable Charles Schumer, Senate Democratic Leader
The Honorable Lamar Alexander, Chair, HELP Committee
The Honorable Patty Murray, Ranking Member, HELP Committee
The Honorable Charles Grassley, Chair, Finance Committee
The Honorable Ron Wyden, Ranking Member, Finance Committee
United States Senate
Washington, D.C. 20510

The Honorable Nancy Pelosi, Speaker of the House of Representatives
The Honorable Kevin McCarthy, House Republican Leader
The Honorable Robert “Bobby” Smith, Chair, Committee on Education and Labor
The Honorable Virginia Foxx, Ranking Member, Committee on Education and Labor
The Honorable Richard Neal, Chair, Committee on Ways and Means
The Honorable Kevin Brady, Ranking Member, Committee on Ways and Means
United States House of Representatives
Washington, D.C. 20515

Dear Members of Congress:

The coronavirus has revealed uncomfortable truths about the lives of working people in the United States.

People driving full-time for Uber have seen their work dry up, with no means to make rent. People delivering food through Uber Eats are risking their health to serve those who have the luxury to stay away from stores and restaurants. Such workers have been misclassified by their employer as “independent contractors” with few protections, rendering them uniquely vulnerable to the pandemic’s threat. *These workers are employees and should have rights as such.* Nevertheless, Uber is exploiting the moment to further strip protections from those on the frontlines of the crisis, leaving them forever vulnerable to physical and economic insecurity. Congress must not allow this.

As organizations that advocate for workers who are underpaid, marginalized, and economically insecure, we applaud the United States Congress for strengthening unemployment assistance in the CARES Act. By extending emergency coverage to true independent contractors, the Act will help workers who are not W-2 employees or who have not already been found to qualify for unemployment, as Uber drivers and other gig workers have in states like New York, California, Oregon, and New Jersey. To that end, the bill is a solid start to meeting the immediate needs of the moment. Now, we have an opportunity to address the problems that got us here.

Crisis or not, all people need protections at work. They should have the financial stability of a livable wage. They should have the flexibility to stay home when sick without risking financial ruin. If they lose work through no fault of their own, they should be able to receive unemployment assistance for which their employer has paid its fair share. When people have few rights at work, they have precious little flexibility for the life they'd like to live.

Yet the CEO of Uber, Dara Khosrowshahi, is calling for precisely the opposite—a continued erosion of on-the-job protections that have made workers so precarious during the coronavirus pandemic. In a [March 23 letter to President Trump](#), he advocated for a legislative approach to invent a new class of workers unable to enjoy the rights that all working people ought to have. Uber drivers and many others—whether in the gig economy or not—who are currently misclassified as “independent contractors” would make up this new category.

Incredibly, Mr. Khosrowshahi is pitching his proposal as a better deal for working people in the United States—as if he and his company haven't spearheaded an unprecedented campaign to eviscerate working standards across the country, as detailed below.

App-based companies like Uber have worked tirelessly to ensure their workers have fewer, not greater, rights. They have [lobbied for local, state, and federal laws](#) to permit them to shirk their responsibilities, dodging payroll costs like unemployment taxes. Their business model is designed to offload the risk and cost of employing others to anybody but themselves—to the workers, to honest businesses who play by the rules, to consumers, and, in extreme times like ours, to the government to pick up the unemployment check. Meanwhile, [Uber announced in a shareholder call](#) that it projects to get through the crisis with \$6 billion in cash at the end of the year—never mind what the company's workers need to make it through.

Rather than stand up for his employees, Mr. Khosrowshahi is seizing an unprecedented public health crisis to push forward a radical annihilation of our labor laws. He is expanding a business model that has undermined the quality of life for Uber drivers and other workers. If Uber were responsible for its workers, billions more would be available in social insurance funds. Instead, after skirting its obligation to pay into the unemployment system, Uber wants taxpayers to bail the company out of its misdeeds.

Although Uber is just one company, its regulatory clout is titanic. The company has been at the forefront of risk-shifting corporate irresponsibility. Uber has for years leveraged its industry leader status and multi-million-dollar lobbyist army to rewrite labor laws to its benefit. Between 2014 and 2017, the company led a [devastating cross-country campaign](#) that saw dozens of states lock ride-hail drivers out of minimum wage, overtime, paid sick, unemployment insurance, and other necessary protections. Uber is now part of the newly-launched [Coalition for Workforce Innovation](#), a mega-alliance of the world's largest corporations—including Amazon, Walmart, Google, and Facebook—seeking to strip millions of America's workers of hard-won rights that built the middle class.

States like California are doing the right thing, with legislation that expands the number of individuals who have protections at work. California's new law recognizes that many "independent contractors" are anything but. They work to build someone else's business and are not truly "self-employed." Their employers should be accountable to them, paying a living wage and contributing their fair share towards unemployment. Since well before COVID-19, Uber and other companies not only have refused to abide by California's law but have [pledged a combined \\$110 million against it](#) to keep their workers without on-the-job protections. They are desperate to enact its repeal even as courts are ordering companies to comply with the state's law. Now, Uber is only dreaming bigger, bringing its state-by-state campaign to gut labor standards to our federal laws.

We, the undersigned organizations, call on Congress to ensure that *all* working people, whether they work at an office or through an app, may have dignity, stability, and safety at work. The coronavirus has shown that low-road employers too easily manipulate our employee status laws, leaving many workers financially insecure. Rather than inventing an industry-defined category of workers, we need simple tests to clarify and expand the number of people who can access the protections of our labor laws. We must ensure that all workers have the ability not only to survive the current crisis, but to live and thrive together in a just economy.

Sincerely,

A Better Balance

AFL-CIO

American Federation of State, County and Municipal Employees

Americans for Democratic Action

Asian American Legal Defense and Education Fund

Asian Pacific American Labor Alliance, AFL-CIO

Bet Tzedek Legal Services

California Labor Federation

Center for Frontline Retail

Center for Workers' Rights

Center on Policy Initiatives (San Diego)

Change to Win

Chicago Rideshares Advocates

Color Of Change

Colorado AFL-CIO

Colorado People's Alliance (COPA)

Economic Policy Institute

Family Values @ Work

Gig Workers Matter

Gig Workers Rising

Instituto Laboral de la Raza

International Brotherhood of Teamsters

International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW)

Jobs With Justice
KIWA (Koreatown Immigrant Workers Alliance)
La Raza Centro Legal
Legal Aid at Work
Make the Road New York
Michigan League for Public Policy
National Center for Law and Economic Justice
National Domestic Workers Alliance
National Employment Law Project
National Employment Lawyers Association
National Writers Union
New York Nail Salon Workers Association
New York Taxi Workers Alliance
North Carolina Justice Center
NY NJ Regional Joint Board, Workers United, SEIU
Partnership for Working Families
People's Action
People's Parity Project
Public Justice Center
Rideshare Drivers United
Service Employees International Union, Local 32BJ
The Legal Aid Society
The People's Lobby (IL)
Towards Justice
United Electrical, Radio & Machine Workers of America (UE)
United Food and Commercial Workers International Union (UFCW)
Warehouse Workers for Justice (WWJ)
Workers Defense Project
Workers' Rights Institute, Georgetown Law
Working Partnerships USA
Worksafe