

CA Prop. 22 will determine fate of app-based drivers

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Body

With more than \$110 million in support and nearly \$900,000 in opposition, the much-debated Proposition **22** will determine the classification of app-based drivers by ballot vote this November.

Also known as the Protect App-Based Drivers and Services Act, **Prop. 22** is a ballot initiative funded by Uber, Lyft, DoorDash, Instacart and Postmates. Whereas California AB 5 established three criteria that workers must meet to be independent contractors rather than employees, **Prop. 22** essentially exempts app-based drivers from this test, labeling them as independent contractors.

This applies to workers who provide on-demand delivery services through an app or online platform. Additionally, it includes drivers who use their own vehicles to provide prearranged transportation services and are paid via the app or platform.

According to Sacramento State University student and Lyft driver Akamine Kiarie, while employees work for a predetermined period of time, independent contractors set their own hours and can switch between companies.

"As a student, it helps me prioritize my education. I'm able to pick the classes that I want to take," Kiarie said. "With a regular conventional job, you have that hurdle of trying to make your schedule fit."

If **Prop. 22** is not passed, Kiarie said many would be unable to continue driving, as most drivers are preoccupied with other obligations and do not have the extra time to dedicate to an employer.

Kiarie believes that the purpose of the proposition is to create new legislation to match the new employment space of ride-hailing services.

"There's a reason, from my perspective, that rideshare took off the way it did," Kiarie said. "The taxi system was clearly not working for everybody."

On the other hand, those in opposition to **Prop. 22** argue that the corporations behind the proposition stand to benefit financially. According to a recent UC Berkeley study, Uber and Lyft have avoided paying \$413 million in unemployment insurance by allegedly misclassifying their employees as independent contractors.

This alleged misclassification prompted a lawsuit filed against Uber and Lyft in early May. The judge granted a preliminary injunction Monday requiring both companies to classify workers as employees until the court ruling.

No on **Prop. 22** spokesperson Mike Roth deemed this decision a "decisive victory" and added that under the guise of flexibility, Uber, Lyft and DoorDash have treated their employees as independent contractors for years.

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"Flexibility means nothing if these companies can cut wages (and) refuse to provide paid sick leave at the drop of a hat," Roth alleged. "There's no freedom as long as corporations can sacrifice the well-being and safety of their drivers and riders to boost their bottom line."

Ultimately, app-based drivers will have a permanent classification come November.

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