Resolution opposing California State Proposition 22, App-Based Drivers as Contractors and Labor Policies Initiative, on the November 3, 2020, ballot.

WHEREAS, Many California cities including San Francisco, Los Angeles, San Diego, and Oakland have been at the forefront of worker protection laws including minimum wage, consumer safety, healthcare coverage, and generous paid sick leave laws that ensure workers can keep their communities safe while avoid choosing between their health and their income; and

WHEREAS, For many Californians, work is a source of dignity, identity and purpose to provide for a family and support a community and work should be safe, free from discrimination, and provide a fair wage; and

WHEREAS, App-based companies such as Uber, Lyft, Instacart, Doordash, and Postmates claim to be “the future of work” yet continue to exploit their workers for profit; and

WHEREAS, On April 30, 2018, the California Supreme Court issued a unanimous decision in the matter of Dynamex Operations West, Inc. v. Superior Court of Los Angeles (2018), which embraced a standard for worker classification that presumes that are workers are employees instead of independent contractors; and

WHEREAS, The ruling was one of the most significant legal victories in decades for misclassified workers, who lack a basic safety net when they are sick, laid off, or get injured on the job; and

WHEREAS, Assembly Bill No. 5 was signed into law in September 2018 to codified existing case law as established by the California Supreme Court in the Dynamex case to give the State of California stronger enforcement tools and make it harder for companies to label
workers and independent contractors instead of employees, a common practice that has
allowed businesses to skirt local, state, and federal labor law; and

WHEREAS, The San Francisco Board of Supervisor passed Resolution No. 338-19 in
July 2019 in support of Assembly Bill No. 5; and

WHEREAS, Instead of adhering to Assembly Bill No. 5, Uber, an app-based ride share
company, put together a deceptive ballot measure creating a loophole in existing law for app-
based companies to continue to exploit their workers for profit; and

WHEREAS, Proposition 22 allows app-based companies to boost their profits by
refusing to provide their workers with benefits required under current law such as paid sick
leave, unemployment insurance, or healthcare; and

WHEREAS, Proposition 22 only requires app-based companies to pay workers for
“engaged time” when they are logged in to an app, and actively working rather than including
idle time when workers are waiting for an order or ride request; and

WHEREAS, Under Proposition 22, workers may only be guaranteed $5.64 an hour
including “non-engaged” hours when workers do not have a passenger or order, which is far
less than minimum wage and workers are only compensated for less than two-thirds of their
work; and

WHEREAS, Under Proposition 22, workers must work for more than 39 hours a week
to qualify for the minimum healthcare benefit based on their “engaged time”; and

WHEREAS, Proposition 22 prevent workers from accessing a single day of paid sick or
family leave, and unemployment benefits that many need during this pandemic; and

WHEREAS, Proposition 22 would force workers absorb the cost of medical care for on-
the-job injuries instead of filing for workers compensation and give the companies more
power to deny workers long-term medical or income protections if they are disabled on the
job; and
WHEREAS, Proposition 22 waters down existing protections for workers against harassment and discrimination by allowing for discrimination against immigration status, and failing to include any enforcement tools; and

WHEREAS, Proposition 22 eliminates required sexual harassment training as well as the obligations on Uber and Lyft to investigate both customers’ and drivers’ harassment claims; and

WHEREAS, Article 7 of Proposition 22 would cancel nearly every current and conceivable workplace law including any local laws such as minimum wage standards, living wage, safeguard tips, sick leave, emergency COVID-19 leave, tips, healthcare benefits, or unfair termination that would seek to extend workplace protection to app-based workers; and

WHEREAS, Proposition 22 would eliminate the ability of the California State Legislature to ever change the law by requiring a seven-eighths vote to amend the initiative and will leave workers permanently unprotected; and

WHEREAS, App-based companies like Uber, Lyft, DoorDash, Instacart and Postmates have spent a combined $184 million to date, the largest expenditure on a ballot position in California history; now, therefore, be it

RESOLVED, That the City and County of San Francisco hereby formally opposes Proposition 22, the App-Based Drivers as Contractors and Labor Policies Initiative, on the November 3, 2020, ballot; and, be it

FURTHER RESOLVED, That the City and County of San Francisco go on record in opposition of Proposition 22, the App-Based Drivers as Contractors and Labor Policies Initiative, on the November 3, 2020, ballot; and, be it

FURTHER RESOLVED, That the City and County of San Francisco urges other municipalities to oppose Proposition 22, the App-Based Drivers as Contractors and Labor Policies Initiative, on the November 3, 2020, ballot.
Resolution opposing California State Proposition 22, App-Based Drivers as Contractors and Labor Policies Initiative, on the November 3, 2020, ballot.

October 20, 2020 Board of Supervisors - ADOPTED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 10/20/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board