

1 [Opposing California State Proposition 22 - App-Based Drivers as Contractors and Labor
2 Policies Initiative - November 3, 2020, Ballot]

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

5
6 WHEREAS, Many California cities including San Francisco, Los Angeles, San Diego,
7 and Oakland have been at the forefront of worker protection laws including minimum wage,
8 consumer safety, healthcare coverage, and generous paid sick leave laws that ensure
9 workers can keep their communities safe while avoid choosing between their health and their
10 income; and

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

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

16 WHEREAS, On April 30, 2018, the California Supreme Court issued a unanimous
17 decision in the matter of Dynamex Operations West, Inc. v. Superior Court of Los Angeles
18 (2018), which embraced a standard for worker classification that presumes that are workers
19 are employees instead of independent contractors; and

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

23 WHEREAS, Assembly Bill No. 5 was signed into law in September 2018 to codified
24 existing case law as established by the California Supreme Court in the Dynamex case to give
25 the State of California stronger enforcement tools and make it harder for companies to label

1 workers and independent contractors instead of employees, a common practice that has
2 allowed businesses to skirt local, state, and federal labor law; and

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

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

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

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

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

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

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

22 WHEREAS, Proposition 22 would force workers absorb the cost of medical care for on-
23 the-job injuries instead of filing for workers compensation and give the companies more
24 power to deny workers long-term medical or income protections if they are disabled on the
25 job; and

1 WHEREAS, Proposition 22 waters down existing protections for workers against
2 harassment and discrimination by allowing for discrimination against immigration status, and
3 failing to include any enforcement tools; and

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

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

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

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

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

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

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



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 201155

Date Passed: October 20, 2020

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

File No. 201155

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.

[Handwritten signature of Angela Calvillo]

Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

10/30/2020

Date Approved

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.

[Handwritten signature of Angela Calvillo]

Angela Calvillo
Clerk of the Board

10/30/2020

Date