



## Memo of Opposition to UBER/LYFT’s “NY Right to Bargain Act”

The NY DIRECT Coalition, composed of labor groups, policy and legal experts, and immigrant and worker advocates, strongly opposes the proposed “Right to Bargain Act” for app-based drivers and delivery workers being pushed by Uber and Lyft in Albany. Multinational billion-dollar companies drafted this bill without input from the low-wage immigrant workforce whose lives it will impact, which would strip workers’ current rights under almost every state law.

Under the guise of “collective bargaining,” the proposed bill would sharply confine workers’ ability to build power. It also would permanently remove labor and discrimination protections and benefits currently required by law, inflicting harm upon an already financially insecure workforce made up mostly of immigrants and people of color. We strongly oppose the proposed legislation, and believe this issue should be tabled in this legislative session. Instead, we encourage legislators to defend and strengthen gig and other misclassified workers’ rights, ensuring they have access to all employment protections.

Uber/Lyft’s “Right to Bargain Act” would eliminate virtually all legal responsibilities that gig companies currently owe to their workers.

- This bill would allow existing company unions ( set up and funded by the employer) to continue to exist, even while claiming to bar such unions.
- Drivers and delivery workers will effectively never access protections under state labor law, disability law, paid family leave, paid sick leave, City paid sick leave, City and State human rights law, and any other law.
- This exemption applies even if a court holds that app-based workers are employees under the law, which indeed courts already have, including the New York Court of Appeals.

- **The proposed bill would reverse gains that workers have made at the city level and would block local municipalities from passing stronger workplace laws going forward.**
- It would destroy the first-in-the-nation New York City minimum pay standard for app-based drivers. The proposed bill eliminates the City’s driver pay rules, which pay \$17.47/hour for all time on the app, and replaces them with a state minimum wage but only for “engaged time” (typically around 58% of drivers’ time on the app). **This amounts to an \$8.70/hour minimum wage (plus an undefined expense reimbursement rate) for workers who are majority poor and working-class immigrants and people of color.**
- This bill would undermine the current efforts of Los Deliveristas Unidos (LDU) to fight for better working conditions at the NYC level, such as the right to use bathrooms, transparency from the apps, and better pay.

**The proposed bill also would undo recent victories by workers for Uber, Lyft, and Postmates that upheld their right to regular state unemployment insurance.**

- The bill would exclude gig workers’ access to regular UI and instead create a mirage of unemployment benefits, for which workers would almost never qualify. The bill wouldn’t allow workers to be eligible for benefits if they still had access to the app-- meaning no benefits when workers have good cause to quit because they are being paid sub-minimum wage, or can’t meet their expenses.
- That could mean taking millions of dollars of benefits out of the pockets of struggling workers.
- Because the bill automatically disqualifies workers who do not meet a company’s minimum requirements (such as maintaining a certain star rating), people of color and people who do not speak English as a first language—who often receive lower customer ratings due to discrimination—could be disproportionately locked out of benefits.
- By exempting the ride-hail and delivery companies from responsibility for state unemployment insurance taxes accrued to date, this bill would force other New York employers to pick up the tab for over \$500 million in state unemployment benefits already paid out.

**If passed, the bill would imperil the national momentum to defend and strengthen gig workers’ rights as employees.** If Uber and Lyft can pass this bill in New York State, they will try to replicate these carve-outs from labor law at a national scale - putting millions of workers at risk and undermining momentum for the Protect the Right to Organize (PRO) Act, a landmark federal bill that would strengthen organizing rights for all workers. Critically, the “Right to Bargain Act” would undermine efforts by workers, our organizations, and others to uphold labor and employment rights for all misclassified workers whose employers rob them of protections by calling them “gig workers” or “independent contractors.”

Uber, Lyft and other app-based companies have a tremendous amount to gain by getting out of paying Unemployment Insurance taxes, Workers Compensation contributions, minimum wage, and following other employment laws. That’s why they have [invested so much money](#) into convincing legislators to support their measure. But we must not allow these companies to push forward a last-minute proposal that so drastically rolls-back the rights of so many low-income immigrant workers, at the end of the

legislative session, having withheld the draft legislation, and without the involvement of any of our organizations and other groups representing affected workers.

**Signed,**

National Employment Law Project | New York Taxi Workers Alliance | United Auto Workers Region 9A  
Workers Center of Central NY | New York Civil Liberties Union | The Legal Aid Society  
Food Chain Workers Alliance | A Better Balance | Make the Road New York | New York Communities for  
Change | Community Service Society of New York | National Writers Union | Freelance Solidarity Project  
People's Parity Project | Asian American Legal Defense and Education Fund (AALDEF)  
Center for New York City Affairs at The New School | 9/11 Environmental Action