



Tom Chamberlain, *President*
Barbara Byrd, *Secretary-Treasurer*

3645 SE 32nd Ave,
Portland, OR 97202
www.oraficio.org

503-232-1195

afl-cio@oraficio.org

TO: Chair Holvey
Vice-Chair Bynum
Vice- Chair Barreto
Members of the House Committee on Business and Labor

FR: Tom Chamberlain, President
Oregon AFL-CIO

RE: *Opposition to HB 3246, Ensuring Strong Worker Protections in “Gig Economy”*

My name is Tom Chamberlain, President of the Oregon AFL-CIO, and I’m here today representing the over 300,000 working women and men of our nearly 300 affiliate local unions and our community affiliate, Working America.

The State Federation of Labor has been the long-term advocate for all workers in the legislative process and with this key role in mind, our organization has significant concerns about the “gig economy” and its impacts on working Oregonians. We remain ready and willing to help legislators grapple with this evolving issue in the years to come.

Since we’re here today to discuss a number of TNC-related bills, one element of the broader “gig economy,” I’ll first comment on some of our concerns about HB 3246. As you’ll hear from others, there are many questions and concerns about this bill proposed by the TNC industry. Below are a few of our concerns:

- Declaring that all TNC drivers are independent contractors and completely subverting the independent contractor tests that look at the facts on the ground and determines what is the appropriate status for these workers.
- Prohibiting local solutions that fit the needs of local communities by preempting local jurisdictions on regulatory or taxation matters.
- Unnecessarily regulating just this one component of transportation systems at the state level when TNC’s are part of hyper-localized systems and every other component of these systems is regulated at the local level.
- Undermining current worker progress in communities where TNC’s are already operating through this preemption.
- Having a statewide standard around background checks that is inadequate and far less than what other transportation providers expect of their drivers.

No matter how you look at it, and no matter what pieces you omit, this is a problematic approach to how our state chooses to regulate an entire industry.

Now that proponents of this bill have seen some of the problems and concerns raised by their legislative approach with HB 3246, you'll hear them talk about amendments and changes to the bill to address some of these concerns. Each change that has been suggested by proponents is worth thinking about and exploring on its own merits, but none is worth exploring at the expense of bad public policy and a rushed decision on how a major segment of the "gig economy" is regulated. We need time to get this right, and that should not be rushed during this legislative session.

As a voice for all workers, and especially considering a changing economy that often puts more and more of the employment burden on workers and less and less of the burden on employers/industries, we are keenly aware of the importance of this conversation and ones like it as the "gig economy" continues to evolve and grow.

We're proud to bring before you today a number of different voices to share a variety of perspectives on TNC's, workers in the industry and the "gig economy" more broadly. You'll hear from national legal experts on a variety of concepts and ways that the state could consider learning more about the industry, regulating it, and ways to improve worker conditions in the industry. You'll also hear personal stories from TNC drivers about their perspective as a worker in the industry. And you'll hear from an employment attorney for additional context on some of the questions we should be asking as a state before making a decision about regulatory matters with TNC's or the "gig economy."

Additionally, at a time when some folks in the TNC industry have had some very serious problems exposed in the press regarding enforcement evasion, bullyish behavior with local and state regulators to name a few problems, we should take an extra hard look at these business models and how they align with Oregon values

Thanks for the opportunity to testify today and help kick off an important conversation from the perspective of a worker about the "gig economy" and how our great state can ensure protections for the very workers that make these global, multi-billion dollar corporations the profits they enjoy.