THE COUNCIL OF
THE CITY OF NEW YORK

BRAD LANDER

DEPUTY LEADER FOR POLICY
39TH DISTRICT, BROOKLYN

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Oisin Hanrahan, Chief Executive Officer
Handy Technologies, Inc.
P.O. Box 1122, New York, NY 10159

March 5, 2020

Dear Mr. Green, Mr. Hanrahan, Mr. Khosrowshahi, Mr. Lehmann, Mr. Maloney, Mr. Mehta, and Mr. Xu,

As the coronavirus outbreak continues to grow, gig economy corporations that retain workers as independent contractors have a particular responsibility to their workers, their customers, and to the broader public. Food delivery workers, for-hire vehicle drivers, and others working in the gig economy are particularly vulnerable to the health and economic impacts of the coronavirus outbreak. It is incumbent on you to take steps to protect your workforce, your customers, and the broader public from the spread of the virus -- beginning with providing paid sick days to your workers during this public health crisis.

Gig workers who drive cars, deliver food orders, or clean homes do work that entails near-constant interaction with people in public spaces, putting them at greater risk for exposure to coronavirus and other illnesses. Yet as independent contractors, your workers do not receive any paid sick leave, or have access to employer-backed health insurance.

As a result, they often cannot afford to stay home if they or a family member is sick, and they are much less likely to receive quality healthcare.

I commend Uber and Lyft for offering some guidance to your drivers about how to prevent the spread of coronavirus, and Lyft for providing free hand sanitizer at its driver service locations and airport queues. However, advising workers to "stay home" if they feel ill without providing paid sick leave fails to protect workers and the general public from exposure to, and the spread of, coronavirus.

In New York City, under legislation that I sponsored and the rules of the NYC Taxi & Limousine Commission, Uber and Lyft pay their drivers at a minimum pay rate designed to guarantee that they earn at least $15 per hour after expenses, the equivalent of the minimum wage for traditional employees. Other gig workers have no such protection. All of your contract workers, however, lack paid sick leave. While all employees in New York City have a right to five paid sick days, our City's paid sick leave policy does not extend to independent contractors.

This may be changed through legislation or regulation in Albany this year, modeled on AB-5 in California. If your workers were classified as employees, they would receive paid sick leave under New York City's law, in addition to potential access to health insurance and other benefits. But the coronavirus outbreak is not waiting for the legislative calendar.

In alignment with a similar call from Working Washington, we therefore call on your companies to take voluntary action now to protect vulnerable workers, your customers, and the public from the spread of the virus.

We call on you to:

- Provide your contract workers with paid sick time, equivalent to what they would have if they were employees.
- Provide workers with free hand sanitizer, disinfectant wipes, and/or any other resources they may need to keep themselves and their vehicles virus-free. In the case of Uber, Lyft, and other for-hire vehicle companies, you should either provide these directly to drivers or work with the New York City Taxi and Limousine Commission to ensure all drivers have adequate resources.
- Be transparent with workers about risks as you learn about them, and about any steps being taken to keep workers and customers safe.
- Suspend the practice of penalizing workers for missing scheduled blocks of work, ending shifts early, or rejecting jobs.
- Pay workers their average weekly income if they are prevented from working due to a recommendation by public health authorities to temporarily quarantine them due to exposure which occurred while working.
- Encourage workers to leave deliveries at the door rather than make them face-to-face, and disable any ratings systems that penalize workers for doing so.
- Agree to let workers collect unemployment benefits if they are unable to work due to coronavirus or coronavirus response.

- Provide workers the option to receive an advance on their future earnings in order to replace lost income associated with coronavirus.
- Not permanently deactivate workers who happen to contract coronavirus.
- Take affirmative steps to oppose any form of discrimination or harassment based on race, national origin, or anything else.

Gig workers are on the frontlines of the potential spread of coronavirus and the economic impacts that the virus may have on New York City. As companies who contract with gig workers, you have an obligation, to your workers, to your consumers, and to the broader public, to ensure that workers are informed about their risks and have the resources to take precautions, stay home if they are sick, and retain financial stability while doing so.

We urge you to take immediate steps to protect your workers and the general public during this public health crisis.

Thank you very much for your consideration.

Sincerely,

Brad Lander
New York City Council Member
39th Council District, Brooklyn