

EDWARD J. MARKEY
MASSACHUSETTS

COMMITTEES:

ENVIRONMENT AND PUBLIC WORKS

FOREIGN RELATIONS

RANKING MEMBER:

SUBCOMMITTEE ON EAST ASIA, THE PACIFIC,
AND INTERNATIONAL CYBERSECURITY POLICY

COMMERCE, SCIENCE, AND TRANSPORTATION

RANKING MEMBER:

SUBCOMMITTEE ON SECURITY

SMALL BUSINESS AND ENTREPRENEURSHIP

CHAIRMAN:

U.S. SENATE CLIMATE CHANGE TASK FORCE

United States Senate

March 19, 2020

SUITE SD-255
DIRKSEN BUILDING
WASHINGTON, DC 20510-2107
202-224-2742

975 JFK FEDERAL BUILDING
15 NEW SUDBURY STREET
BOSTON, MA 02203
617-565-8519

222 MILLIKEN BOULEVARD, SUITE 312
FALL RIVER, MA 02721
508-677-0523

1550 MAIN STREET, 4TH FLOOR
SPRINGFIELD, MA 01103
413-785-4610

The Honorable Mitch McConnell
Senate Majority Leader
United States Capitol
Washington, D.C. 20510

The Honorable Charles E. Schumer
Senate Majority Leader
United States Capitol
Washington, D.C. 20510

Dear Leaders McConnell and Leader Schumer,

As nearly everyone recognizes, the coronavirus response package that passed the Senate yesterday is merely one of many steps in the massive economic stimulus that Congress must provide to address this crisis. As businesses close and as entire cities across the United States shutdown, the paychecks and livelihood of millions of workers and families are being impacted. The United States government must step up and provide economic support for every impacted worker. But we must act with the recognition that one of the most vulnerable segments of our population is gig economy workers, who are likely to face some of the most challenging dynamics from this crisis.

While some Americans have the ability to tele-work, and some companies have announced that they will continue to support hourly workers who cannot physically work due to building closures or lack of demand, gig economy workers are likely to see massive disruptions in their work and pay. As many are designated Independent Contractors (ICs), these workers are most vulnerable and have little support from the companies for whom they work. Even in good economic conditions, gig economy workers face more financial hardships than the average American worker. The Federal Reserve found that in 2018, 58 percent of gig workers would have difficulty handling an unexpected emergency expense of \$400.

Make no mistake about it: gig economy workers are employees. They are the reason that so many gig companies have become household names and are able to successfully provide important services to millions of American customers. The failure of their employers to properly categorize them as employees means that gig economy workers are essentially left on their own during this crisis.

The Honorable Mitch McConnell
The Honorable Charles E. Schumer
March 19, 2020

Any relief package for American business and workers must address the needs of this workforce. That means that we must:

- Ensure that paid leave provisions specifically reference and mention gig workers so they have no doubt about the economic support to which they are entitled.
- Broaden the requirement of the paid leave provisions to include employees who are feeling sick. Under the House passed bill, paid sick time off is limited to individuals with a COVID-19 diagnosis, complying with a quarantine or isolation order, or self-quarantine per a health-care provider's advice or employer directive. Gig workers need the ability to stay home without economic disruptions, rather than risk any potential further spread of the virus. Although some gig economy companies are offering some paid leave, they are requiring a COVID-19 diagnosis or doctors' notes from individuals. Obtaining them is an often a cumbersome and potentially dangerous process for gig economy workers.
- Expand the current provisions of the relief package that exempt employees at companies of more than 500 employees from receiving paid leave. Though this provision was likely included because many large companies already provide paid leave, gig companies do not provide this benefit for their workers, though they are larger than 500 employees.

Finally, we must recognize that the challenges gig workers face are due to the failure of companies to appropriately categorize them as employees. If an economic stimulus package for companies is enacted, we must ensure that it focuses on and protects those companies' workers. For any sort of bailout to gig economy companies, they should be required to properly recognize their workforce as employees.

During this crisis, gig economy workers are both particularly valuable and particularly vulnerable. They need our help, and Congress cannot leave them behind.

Thank you for your attention to this important matter. I look forward to working with you on this as we craft an adequate response to this public health emergency.

Sincerely,



Edward J. Markey
United States Senator