



FOR IMMEDIATE RELEASE:

**Fight for Freelancers Disappointed in Senate HELP Committee's PRO Act Hearing
*Hearing Lacked Facts and Discussion about How the Bill Would Affect 59 Million Independent Contractors***

WASHINGTON, D.C., JULY 23, 2021 — Fight For Freelancers USA, a nonpartisan, grassroots, self-funded group of independent contractors, creatives and businesses, expressed disappointment after Thursday's public hearing by the U.S. Senate Committee on Health, Education, Labor and Pensions (HELP) about the Protecting the Right to Organize (PRO) Act:

"Yesterday's hearing by the Senate HELP Committee focused almost entirely on making it easier for current employees to unionize, while failing to recognize how parts of the PRO Act would harm the country's 59 million independent contractors," said Karon Warren, a freelance writer from Georgia and co-founder of Fight For Freelancers USA. "No independent contractors were invited to testify."

One of the witnesses appeared to give incorrect testimony to senators about the PRO Act's version of language called the ABC Test. This ABC Test would misclassify millions of independent contractors as employees in labor law, affecting independent contractors in hundreds of professions who are in the same line of business as the companies that work with them.

Mark Gaston Pearce, executive director of the Workers Rights Institute at Georgetown University Law Center, testified that the ABC Test is being used by half the U.S. states for the purposes of wage, hour and unemployment law, and the PRO Act would codify that same standard.

"That testimony was flat-out wrong," says Kim Kavin, a freelance writer from New Jersey and co-founder of Fight For Freelancers USA. "While many states do use other versions of the ABC Test, the version in the PRO Act is different. The PRO Act uses more restrictive language that has been getting a trial run in California's Assembly Bill 5 since January 2020, resulting in such widespread problems for independent contractors that dozens of exemptions have since been put in place."

Witness Heidi Shierholz, senior economist and director of policy at the Economic Policy Institute, testified that the ABC Test in the PRO Act is present only for the purposes of unionization under the National Labor Relations Act, but then added that the ABC Test is necessary to root out worker misclassification.

"This is what we and others who oppose the PRO Act have been saying all along: Inclusion of this ABC Test in the bill is about far more than unionization," says Debbie Abrams Kaplan, a freelance writer in New Jersey and co-founder of Fight For Freelancers USA. "President Biden campaigned on a pledge to make this ABC Test the basis for all labor, employment and tax law. Once the ABC Test seeps into one federal law--by way of the PRO Act--it will be easier for lawmakers to use it for other purposes, threatening the livelihoods of millions of independent contractors across the country."

Fight For Freelancers USA calls on senators to learn from the mistakes made in California and vote no on the PRO Act unless the ABC Test is removed.

Lawmakers also need to give America's independent contractors a voice in crafting any legislation that affects their livelihoods. Fight for Freelancers asks to be one of those voices.

"It's inexcusable that senators did not invite a single independent contractor to testify," says Jen Singer, a freelance writer from New Jersey and co-founder of Fight For Freelancers USA. "Up to 85% of us say we are happy as independent contractors, that we earn as much or more than we would in a traditional job, and that we feel more financially secure. Holding a hearing on the PRO Act without even giving us a chance to explain how the bill threatens our livelihoods is not how the United States of America is supposed to work."

#FightForFreelancers #NoABCforUSA
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