

**COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT**

No. SJC-13237

MARTIN EL KOUSSA, ET AL.,
Plaintiffs-Appellants,

v.

ATTORNEY GENERAL; SECRETARY OF THE COMMONWEALTH,
Defendants-Appellees,

CHRISTINA M. ELLIS-HIBBET, ET AL.,
Intervenor Defendants-Appellees.

On Reservation and Report from the Supreme Judicial Court for Suffolk County

**BRIEF OF THE CHAMBER OF COMMERCE OF THE UNITED STATES
OF AMERICA AS *AMICUS CURIAE* SUPPORTING
DEFENDANTS-APPELLEES AND INTERVENORS**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Mass. R. App. P. 17(c)(1) and Supreme Judicial Court Rule 1:21, *Amicus Curiae* Chamber of Commerce of the United States of America, by its undersigned counsel, hereby discloses the following:

1. Parent Corporation(s) of Chamber of Commerce of the United States of America: None.
2. Publicly Held Corporation(s) Owning More Than 10% of Chamber of Commerce of the United States of America: None.

/s/ Kevin P. Martin
Kevin P. Martin

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ISSUE PRESENTED

With respect to the two initiative petitions the Attorney General designated Initiative Petition 21-11 and Initiative 21-12, entitled “A Law Defining and Regulating the Contract-Based Relationship Between Network Companies and App-Based Drivers,” whether the Attorney General erred in certifying the initiative petitions as complying with Article 48 of the Amendments to the Massachusetts Constitution, and whether the summaries of those initiative petitions comply with Article 48.

INTEREST OF THE *AMICUS CURIAE*¹

The Chamber of Commerce of the United States of America (the “Chamber”) is the world’s largest business federation. It represents approximately 300,000 direct members and indirectly represents the interests of more than three million businesses and professional organizations of every size, in every economic sector, and from every region of the country. An important function of the

¹ The Chamber declares, in accordance with Mass. R. App. P. 17(c)(5), that: (1) no party, nor any party’s counsel, has authored this brief in whole or in part; (2) no party, nor any party’s counsel, has contributed money that was intended to fund preparing or submitting this brief; (3) no person or entity—other than the Chamber, its members, or its counsel—has contributed money that was intended to fund preparing or submitting this brief; and (4) neither the Chamber nor its counsel represents or has represented one of the parties to this case in another proceeding involving similar issues, or was a party or represented a party in a proceeding or legal transaction that is at issue in the present appeal.

Chamber is to represent the interests of its members in matters before Congress, the Executive Branch, and the courts. To that end, the Chamber regularly files *amicus curiae* briefs in cases, like this one, that raise issues of concern to the nation's business community.

The Chamber has a significant interest in the certified question. Many of the Chamber's members work with independent contractors, including so-called "gig" workers, to deliver goods and services to the public. Gig work provides millions of people the opportunity to own their own small business, to set their own hours, and to navigate the changing economic landscape. Today, independent work outside the traditional 9-to-5 employment model accounts for tens of millions of jobs and trillions of dollars in economic activity, figures that are increasing every year. Thanks to their entrepreneurial spirit, gig workers have also helped to fuel the successful growth of Chamber members' businesses. The Chamber is therefore interested in seeing that voters in Massachusetts can consider whether to adopt comprehensive regulatory measures, like those here, that simultaneously recognize and set parameters around the gig-work model.

INTRODUCTION

The two initiative petitions in this case address the legal relationship between independent drivers who use online rideshare and delivery "apps" to find customers, and the network companies that created and run the apps. The

independent drivers and network companies are both part of the “gig” economy—an expanding form of e-commerce in which entrepreneurs offer services to a broad customer base through centralized technology platforms. Like other workers in the gig economy, the drivers are not traditional 9-to-5 employees of any single company. Instead, they perform deliveries or provide rides on a schedule they set, working as often or as little as they want, and using as many different apps as they wish to find customers. They might use Uber or Lyft to find passengers during the morning and evening rush hours; use DoorDash or GrubHub to find food delivery opportunities during the lunch and dinner hours; and then use TaskRabbit to find additional odd jobs during the day. In other words, these drivers are a new example of a familiar type, the independent contractor.

Although independent contractors always have been part of the workforce, technology has spurred independent contracting by reducing communication barriers that prevent contractors from connecting with customers. Thanks to apps that connect gig workers to customers, entire industries have been transformed. Millions of independent-contractor jobs have been created. Workers have embraced the opportunities and autonomy that gig work allows. Unlike traditional 9-to-5 employment, app-based independent contracting gives workers the autonomy to achieve the work-life balance that is right for them. And customers

have expanded access to affordable services, including in traditionally underserved inner-city, suburban, and rural areas.

For these reasons, the relevant stakeholders—workers, companies, and consumers—acknowledge that app-based independent contracting has become a cornerstone of the modern economy. Policymakers recognize this too. And as they watch more Americans shift to independent contracting, policymakers across the country have been weighing regulatory reforms that respect the independent-contractor status of gig workers and govern the economic relationship between the gig workers and app-based rideshare and delivery companies.

The initiative petitions at issue here are part of the trend. If adopted by voters in the November election, they would create a unique classification for app-based drivers, thereby achieving an important regulatory goal. The new classification would codify what is already clear: that drivers using rideshare and delivery apps are independent contractors, not employees. And the classification would establish a framework to govern the economic relationship between independent drivers and the network companies whose apps they use, addressing issues such as compensation and insurance. The result is a carefully constructed, comprehensive response to a single public-policy question: how best to regulate this new economic relationship.

Accordingly, for the reasons herein, as well as those given in the briefs of the Attorney General and Secretary and the Intervenors, the Court should reject Plaintiffs’ challenges to the Attorney General’s certification of the initiative petitions and to the Attorney’s General’s summary of the initiative petitions.

ARGUMENT

I. APP-BASED INDEPENDENT CONTRACTING HAS TRANSFORMED THE MODERN ECONOMY.

1. Independent contracting has long been an important alternative to the traditional employee model. Unlike employees—who “report five days a week to a single firm, take regular direction from management for their hours, activities and methods of operation, and are dependent on a single employer for all or nearly all of their earned income”—independent contractors “earn income by selling goods or services to multiple customers, at times and on terms of their own choosing.” Jeffrey A. Eisenach, *The Role of Independent Contractors in the U.S. Economy*, Navigant Econs. 4 (Dec. 2010) (“*Role of Independent Contractors*”).² The “economic benefits” of the model are manifold: “workforce flexibility, avoidance of fixed costs, the ability to ‘pay for performance,’ the avoidance of

² Available at https://www.aei.org/wp-content/uploads/2012/08/-the-role-of-independent-contractors-in-the-us-economy_123302207143.pdf.

legal and economic barriers in efficient contracting, and, perhaps most important, the satisfaction of workers’ desires to ‘be their own boss.’” *Id.* at i.

Although independent contractors have been around “[f]or centuries,” “[u]ntil recently . . . connecting customers and workers took time.” James Sherk, *The Rise of the “Gig” Economy: Good for Workers and Consumers*, 3143 Backgrounder 1, 2 (Oct. 7, 2016) (“*Rise of the Gig Economy*”).³ Consumers traditionally have needed to rely on word-of-mouth, local publications, and their own research to find an independent contractor. Independent contractors, for their part, needed to rely on customer referrals or to “wait by the phone” in hopes of finding work. These communication barriers posed a particular problem in suburban and rural areas where lack of density made the odds of happening upon a contractor or customer lower than in denser urban areas.

That all changed with the Internet. Particularly over the past decade, a plethora of online apps have been developed that allow entrepreneurs to instantly connect with potential consumers on a mass scale, spurring a boom in independent contracting. The result is a new “gig” economy, in which a large portion of the workforce “is hired, often through a digital marketplace, to work on demand” for

³ Available at <https://www.heritage.org/jobs-and-labor/report/the-rise-the-gig-economy-good-workers-and-consumers?msclkid=3ef1a597b69511ec81a588fde8c3ea05>.

“a single project or task.” Elka Torpey & Andrew Hogan, *Working in a Gig Economy*, U.S. Bureau of Lab. Stat. (May 2016) (“*Working in a Gig Economy*”).⁴ Of the “millions of Americans who work in jobs that didn’t even exist 10 or 20 years ago,” many are app-based independent contractors. President Barack Obama, Remarks by the President in State of the Union Address (Jan. 20, 2015).⁵ All told, there are now 51.1 million independent workers⁶ in the United States who account for \$1.2 trillion of economic activity.⁷

The gig economy covers a range of industries, with apps available for every service imaginable. Customers can find competitively priced independent contractors offering accommodations, home repairs, technology support, or even babysitters and dog walkers. Ridesharing and delivery apps, such as those addressed by the initiative petitions, have been particularly transformative and successful. *E.g.*, *Rise of the Gig Economy*, *supra*, at 2 (noting that, as of late 2016,

⁴ Available at <https://www.bls.gov/careeroutlook/2016/article/what-is-the-gig-economy.htm>.

⁵ Available at <https://obamawhitehouse.archives.gov/the-press-office/2015/01/20/remarks-president-state-union-address-january-20-2015>.

⁶ MBO Partners, *11th Annual State of Independence 7* (Dec. 2021) (“*State of Independence*”), available at <https://www.mbopartners.com/state-of-independence/?msclkid=8db90790b69511ec9311cf7f98bbafaa>.

⁷ Edelman Intel. & Upwork Inc., *Freelance Forward 2020 5* (Sept. 2020), available at <https://www.upwork.com/documents/freelance-forward-2020>.

“Uber and Lyft are the largest gig-economy firms in the U.S.”). Using rideshare apps such as Uber or Lyft, customers can rapidly secure competitively priced transportation, not only in urban centers where taxi services have always been prevalent, but also in transportation-starved suburban, rural, and under-served urban areas of the country. For their part, delivery apps such as Grubhub, DoorDash, Instacart, and Postmates allow consumers to have meals and other items dropped off at the front door from a host of local restaurants and businesses, many of which would be too small to offer their own full-time delivery service. The effects of these rideshare and delivery apps in Massachusetts have been profound. In January 2020 alone, drivers working through four app-based platforms (DoorDash, InstaCart, Lyft, and Uber) “provided nearly 3 million hours (2,869,109) of service to consumers in Massachusetts.” Beacon Econs., *How Many App-Based Jobs Would Be Lost by Converting Rideshare and Food Delivery Drivers from Independent Contractors to Employees in the Commonwealth of Massachusetts?* 8 (Feb. 2022).⁸

2. Workers in the gig economy enjoy all the traditional advantages of independent contracting—flexibility and autonomy, *see supra* at 11-12—but on a

⁸ Available at https://yesformassdrivers.org/wp-content/uploads/2022/03/Massachusetts_Drivers_Design-Final.pdf.

greater scale. Apps give independent contractors the ability to toggle nimbly between different forms of work while reaching the widest possible client base. A driver can use multiple rideshare apps over the course of a morning, choosing platforms and rides based on convenience and pricing; then switch at noon to delivering lunch through DoorDash or groceries through Postmates; then stop in the afternoon to pick up her children from school, run her own small business from home, or pursue a hobby. The result is, as one worker in the gig economy explained, “a dream come true” for someone who wants “the freedom to set my own hours” and to “do what I do anywhere there’s an Internet connection.”

Working in a Gig Economy, supra.

That sentiment is widely shared. Take, for example, a November 2016 study of the labor market for Uber. During the period studied, growth in “driver-partners” using Uber’s app was explosive. Jonathan V. Hall & Alan B. Krueger, *An Analysis of the Labor Market for Uber’s Driver-Partners in the United States*, 71(3) ILR Rev. 705, 706 (2018). Independent drivers were drawn to the app-based network because the “nature of the work, the flexibility, and the compensation appeals to them compared with other available options.” *Id.* at 706. The independent driver model is attractive to a remarkably diverse group of Americans, including “students,” older workers who have “retired” from their 9-to-5 jobs, and “stay-at-home parents.” *Id.* at 712. Using a rideshare app to find independent

contracting opportunities can provide a primary source of income for these workers, and it “can also help workers smooth fluctuations in other sources of income.” *Id.* at 707. This diverse and growing group of app-based drivers are unusually happy with their work. Some “81% of driver-partners said they are very satisfied or somewhat satisfied with Uber in 2015.” *Id.* at 715. And a significant majority of Uber’s driver-partners report that their work with Uber “has increased their overall income.” *Id.* at 713.⁹

The findings of this study have been echoed across the app-based driver industry and the broader gig economy. A June 2020 study of app-based rideshare and food-delivery drivers in California found that “78% say driving helps them feel in control of their own lives, and 67% say driving helps them feel empowered.” Edelman Intel., *California App-Based Driver Survey 4* (June 2020).¹⁰ And in its most recent annual report on the state of the industry, MBO

⁹ See also Lyft, *Economic Impact Report 2022 (Massachusetts)* 1 (“Lyft Mass. Report 2022”), available at <https://drive.google.com/file/d/1QaQIYwDuWimFT9nOzQLShkoQy4-gWY6I/view> (finding a similarly diverse and satisfied workforce among Massachusetts drivers using Lyft); BW Rsch. P’ship & Mass Insight Glob. P’ships, *Hourly Earnings of App-Based Rideshare Drivers and Food Delivery Workers in Massachusetts* (March 2022), available at <https://yesformassdrivers.org/wp-content/uploads/2022/03/MA-App-Driver-Earnings-Report-FINAL.pdf> (finding similar economic benefits for drivers using rideshare and delivery apps in Massachusetts).

¹⁰ Available at <https://d3n8a8pro7vhmx.cloudfront.net/themes/5ef0e34fc294806719977470/attachments/original/1592866174/cadriverurvey.pdf?1592866174>.

Partners, a firm that connects businesses with independent workers, found that 77% of independent workers surveyed are “very satisfied” with their work, “the highest reading in the 11 years of the [MBO Partners] survey.” *State of Independence, supra*, at 11.

3. Consumers also have reaped the rewards of app-based independent contracting. Passenger transportation and delivery apps of the sort addressed by the initiative petitions illustrate the theme. In the past, robust on-hire transportation services generally were limited to certain urban areas, such that “[o]rdering a taxi outside well-traveled areas [could] involve waiting a half-hour or more.” *Rise of the Gig Economy, supra*, at 5. Now, apps including Uber and Lyft “direct drivers straight to the nearest customer—dramatically reducing wait times.” *Id.* One study found that rideshare apps are “more than twice as fast” at getting drivers to riders than traditional taxi services. *Id.* The same study also found that ridesharing apps are less expensive for consumers than traditional taxis. *Id.*

Consumers themselves recognize these benefits, and have “strongly positive” attitudes toward driver-based apps. Aaron Smith, *Shared, Collaborative, and On Demand: The New Digital Economy*, Pew Rsch. Ctr. 5 (May 2016)

(“*Shared, Collaborative, and On Demand*”).¹¹ “[U]sers are in near-universal agreement that ride-hailing saves them time and stress, and that these services offer good jobs for people who prioritize flexible working hours.” *Id.* Indeed, in a 2022 survey, 91% of Massachusetts customers who get rides through the Lyft app “believe that Lyft increases access to transportation in their communities.” *Lyft Mass. Report 2022, supra*, at 2. And not just in more affluent suburbs and small towns—the same survey shows that “55% of rides start or end in low-income areas.” *Id.*

These customers recognize that the efficiencies they enjoy from driver-based apps are tied to the apps’ innovative and flexible design, including their reliance on independent contracting. As a result, the majority of customers who make use of ridesharing apps believe that the apps should not be encumbered by the regulatory framework imposed on traditional taxi services. *Shared, Collaborative, and On Demand, supra*, at 7.

4. Since the COVID-19 pandemic, app-based independent contracting has become even more attractive for American workers. “Large numbers of workers who were furloughed, or sent home, or forced to work remotely during the

¹¹ Available at <https://www.pewresearch.org/internet/2016/05/19/the-new-digital-economy/>.

pandemic began to rethink what work means to them, how it should define (or not define) their lives, and where it should be done.” *State of Independence, supra*, at 4. As a result, “people are seeking better work-life balance, shorter commutes, greater flexibility, and the ability to pursue their passions.” *Id.* This has led an unprecedented number of workers to give up traditional 9-to-5 employment for a single employer. But they are not exiting the economy entirely. Instead, “[m]any of those quitting [their old 9-to-5 jobs] are clearly turning to independent work,” including as app-based independent drivers. *Id.* The result is not so much what many have been calling “The Great Resignation” as it is “The Great Reshuffle”:¹² a radical shift in which workers are “seizing control of their destiny while embracing a newfound ability to set the terms of their employment,” *State of Independence, supra*, at 5.

The numbers reflect this trend. The independent work force “grew sharply in 2021,” up “to 51.1 million from 38.2 million in 2020.” *State of Independence, supra*, at 7. Those who join this sector of the economy are increasingly younger and more diverse. Indeed, “[f]or the first time, millennials (34%) and Gen Z (17%)

¹² Stephanie Ferguson, *Understanding America’s Labor Shortage: The Most Impacted Industries*, U.S. Chamber of Com. (Feb. 8, 2022), available at <https://www.uschamber.com/workforce/understanding-americas-labor-shortage-the-most-impacted-industries>.

outnumber the combined ranks of baby boomers (26%) and Generation X (23%) in the independent workforce.” *Id.* at 8. And “[o]n average, newly independent workers in 2021 were also more likely to be female.” *Id.* Women were disproportionately impacted by the move to remote education and childcare during the pandemic, and independent contracting allowed millions to maintain an income while meeting a whole new set of challenges and responsibilities at home. *Id.*

As Americans continue to embrace independent contracting and the gig economy, there is “growing evidence that the core of the independent workforce is doing so by choice, is increasingly confident, and is committed to pursuing their work.” *State of Independence, supra*, at 11. Indeed, confidence in the gig economy model has risen to the point where “about two-thirds (68%) of full-time independent workers say that working independently is *more secure* than having a traditional job.” *Id.* at 13 (emphasis added). And given how much they value the flexibility of gig work, it is no surprise that app-based independent contractors do not want to give up their independent status. Among Massachusetts drivers using the Lyft app who were surveyed in 2022, 66% say they “would stop driving with app-based platforms if they lost their independence.” *Lyft Mass. Report 2022, supra*, at 1. And 91% of these independent drivers “support a policy proposal under which drivers would remain independent contractors, maintain the current flexibility they enjoy, and be given some, but not all, of the benefits that employees

receive.” *Id.* In other words, the overwhelming majority of these workers support precisely what the initiative petitions at issue here propose. *See infra* Section II.1.

* * *

In summary, in a very short period of time, app-based independent contracting has become a pillar of the modern economy. An increasingly large and diverse bloc of American workers are engaged in the gig economy and are happy with that model. Their customers are happy, too, because app-based independent contracting has made vital services, including rideshares and deliveries, available at competitive prices all across the country.

II. THE INITIATIVE PETITIONS ARE PART OF A BROADER TREND TO CREATE COMPREHENSIVE REGULATORY SCHEMES FOR APP-BASED INDEPENDENT CONTRACTING IN A CHANGING ECONOMY.

1. As explained above, independent contracting is a key feature of the new gig economy, and the model has brought benefits to workers and consumers alike. And the model is here to stay for app-based drivers.

The initiative petitions in this case recognize the reality that app-based drivers are independent contractors, not employees of any particular company. At the same time, the initiative petitions acknowledge that as the gig economy grows in size and importance, it may be sensible to establish a comprehensive framework addressing the economic relationship between independent drivers and the network companies that own and run the apps.

The initiative petitions propose just such a comprehensive regulatory framework: a new statutory provision, Chapter 159AA of the General Laws, setting forth a single worker-classification scheme tailored to the unique particularities of app-based driving. The initiative petitions create a classification of app-based drivers who will be treated as independent contractors, not employees, for the purposes of Massachusetts law. *See* Record Appendix (“R.A.”) 0010, 0023. For the reasons explained above, that is the correct classification, because app-based drivers fit the ordinary definition of an independent contractor. *See generally supra* Section I. Rather than “report five days a week to a single firm, take regular direction from management on their hours, activities and methods of operation, and [be] dependent on a single employer for all or nearly all of their earned income,” app-based drivers instead “earn income by selling goods or services to multiple customers, at times and on terms of their own choosing.” *Role of Independent Contractors, supra*, at 4. The initiative petitions’ definition for a qualifying “App-based driver” tracks the traditional independent-contractor definition. R.A. 0010, 0023.

The initiative petitions would also provide economic ground rules for the relationship between these independent contractors and the relevant network companies. Under the initiative petitions, the network companies that run the ridesharing and delivery apps and collect payments from customers over the apps

would be required to compensate drivers at 120% of the Commonwealth's minimum wage while they are driving, plus a per-mile rate to help offset the drivers' expenses. R.A. 0014-0015, 0026-0027. Drivers also would be entitled to paid sick leave and eligible for paid family and medical leave under Mass. Gen. L. ch. 175M, and they could qualify for health stipends. R.A. 0015-0018, 0027-0030. Finally, network companies running ridesharing and delivery apps would be required to purchase accident insurance covering on-the-job driving and cannot engage in discriminatory employment practices. R.A. 0018-0021, 0030-0033.

2. The initiative petitions are not unique in addressing the employment status and economics of app-based drivers in a single comprehensive piece of legislation. To the contrary, the initiative petitions are merely representative of efforts throughout the country to enact laws that simultaneously preserve the flexibility of independent contracting for drivers while also providing an economic framework for the relationship between apps and gig workers.

For example, in 2020, California voters passed Proposition 22 with nearly 60% of the vote. Sean P. Redmond, *California Voters Pass Proposition 22*, U.S. Chamber of Com. (Nov. 12, 2020).¹³ Like the initiative petitions, Proposition 22

¹³ Available at <https://www.uschamber.com/workforce/independent-contractors/california-voters-pass-proposition-22>.

classified app-based drivers as independent contractors, while simultaneously addressing the economic terms of the independent-contractor relationship in areas such as compensation, health insurance, and coverage for injuries. *See* Cal. Legis. Analyst's Off., *Proposition 22* (Nov. 3, 2020).¹⁴

The State of Washington recently passed a similar law with the support of both network companies and the local Teamsters union. Brad Dress, *Washington Passes First-Ever State Law Creating Minimum Pay for Ride-Hailing Companies*, TheHill.com (Apr. 1, 2022).¹⁵ Like the initiative petitions at issue here, the Washington law sets forth a carefully reticulated framework that accomplishes a significant regulatory goal. The law clarifies that app-based drivers are not employees if certain conditions are met, while also regulating the economic relationship between independent drivers and network companies by, *inter alia*,

¹⁴ Available at <https://lao.ca.gov/BallotAnalysis/Proposition?number=22&year=2020>. A challenge to Proposition 22, which relied on California-law arguments distinct from those advanced by Plaintiffs in this case, was successful in the California Superior Court; the State of California and other parties have appealed the decision. *See Castellanos v. California*, No. A163655 (Cal. Ct. App. Sept. 21, 2021).

¹⁵ Available at <https://thehill.com/news/3256469-washington-passes-first-ever-state-law-creating-minimum-pay-for-ride-sharing-companies>.

providing minimum compensation for drivers and mandating they be provided paid sick leave. *See* Engrossed Substitute House Bill 2076, 67th Wash. Legis. (2022).¹⁶

Legislation addressing the economics of the gig economy is under consideration at the federal level too. In February 2022, a bipartisan group of lawmakers in Congress re-introduced the Portable Benefits for Independent Workers Pilot Program Act. *See* Press Release, Office of U.S. Senator Mark R. Warner, *Lawmakers Reintroduce Bipartisan, Bicameral Legislation to Test Portable Benefits Models* (Feb. 17, 2022) (“*Portable Benefits*”).¹⁷ The Act notes that “94 percent of net employment growth in the United States economy from 2005 to 2015 occurred in alternative work arrangements,” and goes on to explain that “[a]s the population of independent workers grows, it is increasingly important that workers are provided portable benefits.” Portable Benefits for Independent Workers Pilot Program Act, S. 3674, 117th Cong. § 2 (2022).¹⁸ The Act would establish a pilot program of \$20 million to fund implementation and evaluation of “portable benefits” programs that independent workers can enjoy throughout their career, even as they move from gig to gig. *Id.* §§ 3-6. As Senator Todd Young,

¹⁶ Available at <https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/House%20Passed%20Legislature/2076-S.PL.pdf?q=20220406134949>.

¹⁷ Available at <https://www.warner.senate.gov/public/index.cfm/pressreleases?id=69EFDA95-645B-4263-8583-5EEFD92FA7BD>.

¹⁸ Available at <https://www.govtrack.us/congress/bills/117/s3674/text>.

one of the Act’s sponsors, explained, the legislation is part of a broader effort to “uncover creative solutions to addressing the needs of our drastically changing workforce.” *Portable Benefits, supra*.

In short, the initiative petitions are consistent with other legislative efforts around the country that address a single public policy question: how to recognize gig workers’ status as independent contractors, while simultaneously establishing a framework for the economic relationship between such contractors and app-based network companies. The voters of the Commonwealth therefore should be given the opportunity to consider the initiatives.

CONCLUSION

The Court should hold that the Attorney General properly certified the initiative petitions under Article 48 and reject Plaintiffs’ challenge to the Attorney General’s summaries of the initiative petitions.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I, Kevin P. Martin, counsel for *Amicus Curiae*, certify pursuant to Rule 17(c)(9) of the Massachusetts Rules of Appellate Procedure, that this brief complies with the rules of court that pertain to the filing of briefs, including but not limited to Mass. R. App. P. 17 and 20. This brief contains 4109 words, excluding the parts of the brief exempted by Mass. R. App. P. 20(a)(2)(D). The brief has been prepared in a proportionally spaced typeface, 14-point Times New Roman font, using Microsoft Word 2010.

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CERTIFICATE OF SERVICE

I, Kevin P. Martin, counsel for *Amicus Curiae*, hereby certify this 13th day of April, 2022, that I have served a copy of this Brief of the Chamber of Commerce of the United States of America as *Amicus Curiae* Supporting Defendants-Appellees and Intervenors for the Commonwealth of Massachusetts Supreme Judicial Court, Case Number SJC-13237, by causing it to be delivered by eFileMA.com to counsel of record who are registered users of eFileMA.com. All counsel who are not registered users of eFileMA.com have been served via Email pursuant to the March 30, 2020 Supreme Judicial Court Order Concerning Email Service in Cases under Rule 5(b) of Mass. Rules of Civil Procedure:

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