**Congress Cancels Your Gig**

Over the last decade the advent of smartphones has made it far easier for people to get gig work via on-demand apps, but independent work has always been an important part of our economy, both for the individuals working as independent contractors and for the customers relying on their services. Independent workers are vital contributors throughout our economy, providing needed services in a variety of industries and occupations – from hair technicians to truck drivers, from delivery personnel to dentists. Some own their own businesses, and others are just seeking occasional work opportunities through on-demand platforms, job registries, or other sources.

Workers who choose to be independent contractors often do so because the flexibility and autonomy it provides allows them to meet other obligations, such as childcare, school, or more traditional employment elsewhere. These individuals can choose their hours, determine where or how they work, and control their own working conditions. The truth is independent work provides a level of flexibility and autonomy that being an employee simply cannot.

Unfortunately, some members in Congress are now trying to change the law in a way that would make it very hard for people to work independently. The Protecting the Right to Organize (PRO) Act, which is being pushed by union lobbyists, contains a dozen controversial provisions, but one of the most concerning changes the test used to determine if a worker is either an employee of a specific company or an independent contractor under the National Labor Relations Act. Simply put, unions cannot organize independent workers, and at a time when union membership is down to the lowest levels since the Bureau of Labor Statistics began collecting the data, they want to make everyone an employee, giving themselves access to new potential members and thereby revenue sources.

The PRO Act would impose the “ABC test” to determine when a worker is an employee or an independent contractor. The California Supreme Court recently imposed the ABC test for wage laws in their state. The test has been so difficult to implement that the state’s legislature has been forced to draft legislation to help with implementation. Lawmakers have amended and altered the bill numerous times to accommodate for the problems the test keeps presenting. They’ve added exceptions for numerous specific professions and businesses, service providers, professional service providers, and the construction industry generally. Negotiations over the bill are still ongoing, and it’s possible more exemptions will be needed.

Members of Congress frequently speak about how important flexibility is to our workforce, but supporting the PRO Act would make it harder for people to find flexible work. It would also destroy much of the on-demand economy, which is dependent on linking people who want to work with people who want their services at virtually any given time.

What’s worse is there exists no evidence the bill will even help the unions pushing the legislation. The decline in union membership started well before the rise of the gig economy, and gig workers did not displace any union-dominated industries.

The PRO Act is bad for the businesses and the consumers that rely on independent contractors and disastrous for independent contractors themselves. Congress should not be in the job of canceling gigs. They need to reject the PRO Act.