



QUESTIONS & ANSWERS ABOUT THE PROTECT APP-BASED DRIVERS AND SERVICES ACT



What is the *Protect App-Based Drivers & Services Act*?

The *Protect App-Based Drivers & Services Act* is a statewide ballot measure aimed for the November 2020 California ballot. The ballot measure would:

- Protect the right of app-based rideshare and delivery drivers to choose flexible work as independent contractors.
- Preserve access to earning opportunities for struggling Californians needing to supplement lost income or jobs.
- Provide drivers new benefits and protections in these tough economic times including a minimum earnings guarantee, access to health care benefits and insurance against illnesses and injuries acquired on the job.
- Implement new safety protections for consumers and the public, including providing for recurring background checks of drivers, mandatory safety training, and zero tolerance for drug, alcohol and other offenses.
- Protect the availability of app-based home delivery services that are providing food, medicine and groceries to those in need, and the rideshare services getting essential workers to their jobs and keeping drunk and impaired drivers off our roadways.



Why is this ballot measure needed?

A new state law threatens essential app-based home delivery and rideshare drivers and earning opportunities at the worst possible time. App-based food and grocery delivery and rideshare platforms are providing essential services delivering food and medicines to seniors and families who are forced to stay in their homes, helping restaurants survive, and are providing easy access to earning opportunities for struggling Californians who have recently lost income or jobs.

AB 5, the new law, attempts to prohibit app-based drivers from working as independent contractors with control over their schedules, instead forcing Californians who want to keep driving to become employees with rigid schedules and set shifts. In doing so, this law would eliminate the flexibility and independence many drivers' lives require – putting these services and earning opportunities at risk.

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? How will drivers benefit from this ballot measure?

The ballot measure would protect the right of app-based rideshare and delivery drivers to work as independent contractors if certain criteria are met such as control over their own hours and when, where, how long they work, and the ability to work with multiple platforms.

In addition, current law for independent contractors denies companies the ability to balance this flexibility with the security of many worker protections, such as guaranteed hourly earnings and benefits that are important, especially in these uncertain economic times. This measure changes state law to require app-based rideshare and delivery service platforms to offer **new protections and benefits for drivers**, including:

- **Earnings Guarantee:**
 - *Drivers always receive at least an amount equal to 120% of minimum wage, plus 30 cents per mile compensation toward expenses, with the potential to earn more and no limits on how much drivers can make*
- **Health care contribution** equal to 100 percent of the average employer payment toward a Covered California Plan, or \$367 per month to a driver on average.
 - *Drivers start earning this amount at 15 hours per week and reach the full amount at 25 hours per week*
 - *Drivers can earn multiple contributions from multiple platforms*
 - *The health care provision in the ballot measure is more generous than state and federal laws, which only require health care to be provided to those working at least 30 hours per week, with no benefits for part time workers.*
- **Occupational accident insurance to cover injuries and illnesses acquired on the job**
- **Automobile accident and liability insurance**
- **Protection against discrimination and sexual harassment**

? Do drivers support the ballot measure you're proposing?

Yes, more than 55,000 drivers strongly support this measure and the list of drivers joining is growing every day. Drivers say that having a flexible schedule is critically important to them. They want to protect their right to choose the flexibility and freedom of independent contractor work, while also getting wage guarantees and benefits.

? Who else supports this ballot measure?

[Dozens of organizations](#) representing drivers, public safety leaders, crime victim groups, minority and community groups, and small businesses support this measure, including:

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| • California Peace Officers Association | • California Police Chiefs Association |
| • California State Sheriffs' Association | • Crime Victims United of California |
| • California-Hawaii State Conference of the NAACP | • National Hispanic Council on Aging |
| • National Diversity Coalition | • National Asian American Coalition |
| • California Small Business Association | • CalAsian Chamber of Commerce |
| • California Black Chamber of Commerce | • The Internet Association |
| • TechNet | • Uber |
| • Lyft | • DoorDash |
| • Instacart | • Postmates |

? How will the health care component of these benefits work?

The health care benefits are consistent with what employers are required to provide under the Affordable Care Act. In fact, the health care provision in the ballot measure is more generous than state and federal laws, which only require health care to be provided to those working at least 30 hours per week, with no benefits for part time workers. Drivers would earn a health care contribution equal to 100 percent of the average employer payment toward a Covered California Plan, or \$367 per month to a driver on average.

Drivers start earning this amount at 15 hours per week and reach the full amount at 25 hours per week. They can also earn multiple contributions if they work with multiple platforms.

? How would this measure benefit consumers and the public?

App-based food and grocery delivery and rideshare drivers are providing essential services delivering food and medicines to seniors and families who are forced to stay in their homes, helping restaurants survive, and are providing easy access to earning opportunities for struggling Californians who have recently lost income or jobs.

By promoting worker flexibility and economic security, this ballot measure will protect the availability of app-based home delivery services that are providing food, medicine and groceries to those in need, and the rideshare services getting essential workers to their jobs and keeping drunk and impaired drivers off our roadways.

? How would this measure protect public safety?

State law also makes it difficult for rideshare and delivery network companies to implement many customer and public safety protections. The measure would implement new customer and public safety protections. The measure would provide for:

- **Recurring background checks** of drivers
- **Mandatory safety training** of drivers
- **Zero tolerance** for alcohol and drug offenses
- **A cap on driver hours** per day to help prevent sleepy driving



? Does this ballot measure apply to all workers?

No, this initiative is narrowly crafted to protect the right of Californians to work as independent contractor drivers with on-demand rideshare and delivery platforms, and to provide those on-demand drivers new benefits and protections.

? Why is your measure narrowly crafted for just on-demand rideshare and delivery network companies and drivers?

Hundreds of thousands of Californians are choosing to work as independent contractors on on-demand rideshare and delivery network platforms. These platforms enable truly unique on-demand work, providing complete flexibility and control over when, where and how they work. This ballot measure focuses on this specific type of work and these drivers that are flexible and independent.

What's the rationale behind 120% above the minimum wage?

This is a *minimum* hourly earnings guarantee, and drivers will regularly earn more and have the confidence of knowing they can do no worse than this standard, while engaged in this work. Plus, the measure requires 100% of tips paid on top of the minimum earnings guarantee, payment of 30 cents per mile for expenses, a health care contribution, and occupational accident insurance for on-the-job injuries.

What time will drivers be paid for?

Drivers will receive pay from the time they accept a delivery or ride to the time they drop the order or the passenger off. This includes the time drivers are en route to pick up and drop off. Paying for this “engaged time” ensures drivers are being paid for the time they’re actually driving passengers or deliveries, but not for the time when they may have the app open and are not accepting work or are working on another platform.

Will tips be included in your calculation of a minimum wage?

No. One hundred percent of tips will go to the driver, and network companies cannot reduce the amount they pay drivers on account of tips. Tips will be on top of all wages, expense reimbursements and any network company-specific inducements.

How does the accidental insurance and other benefits work?

The measure requires network companies to provide on-demand drivers occupational accident insurance to cover medical expenses and lost income resulting from injuries or illnesses suffered during engaged time. The coverage includes at least:

- Coverage for medical expenses incurred, up to at least \$1 million
- Disability payments and death benefits commensurate with those provided by workers’ compensation

What are the details of the safety training?

The measure would provide for mandatory safety training. The safety training required by this section shall include the following subjects:

- Collision avoidance and defensive driving techniques
- Identification of collision causing elements such as excessive speed, DUI, and distracted driving
- Recognition and reporting of sexual assault and misconduct
- For on-demand drivers delivering prepared food or groceries, food safety information relevant to the delivery of food, including temperature control.

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