



March 11, 2021

Dear Chairwomen Kushner and Porter, Ranking Members Sampson and Arora, and distinguished members of the Labor & Public Employees Committee,

On behalf of Uber Technologies, Inc., we appreciate the opportunity to provide public testimony in opposition to Raised Bill No.1000, which would establish a bargaining process for network workers.

Rasier, LLC<sup>1</sup> has been connecting riders and drivers in Connecticut since April 2014. Each day, thousands of drivers in Connecticut use the Uber App to earn income on their own schedule and in doing so provide a much needed, reliable transportation option to people across the state. Additionally, Uber Eats, the food delivery app, launched in Connecticut in 2016, expanded statewide, and currently connects thousands of delivery workers to flexible earnings opportunities each week. Every worker that finds work through Uber or Uber Eats is an Independent Contractor.

Raised Bill No. 1000, as written, raises many concerns and creates a new, incredibly complicated process without the necessary due diligence and input from all stakeholders.

The legislation attempts to allow a group of independent contractors to work together to determine prices. This may present concerns around federal antitrust laws and should be thoroughly examined. Additionally, this proposal wades into areas of law possibly preempted by the National Labor Relations Act ("NLRA") by failing to make clear that it does not apply to any network workers found to be an employee of a network company. Courts have also consistently found that the federal NLRA preempts State law on these matters. In fact, it creates ambiguities by altering the definition of Transportation Network Company Driver, which Connecticut previously defined as an individual who is "not an employee" of a Transportation Network Company.

Even if it were possible to overcome the antitrust and federal preemption matters, the Bill seeks to establish a representation and bargaining process that is substantially different than existing structures, is ripe for abuse and that raises serious concerns by concentrating power in an extremely small percentage of network drivers. The proposal also seeks to use different definitions on Transportation Network Companies ("TNC's") and TNC drivers than existing laws in the State of Connecticut which will create confusion.

The legislation defines an active network worker as an individual who has taken 120 trips in the last 90 days. While such workers represent a small percentage of drivers and couriers on the Uber platform, the proposal seeks to give those workers an outsized voice in bargaining on behalf of the entire workforce. While the legislation allows for an election, it also allows the State to

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<sup>1</sup> Rasier, LLC is a technology company that licenses a smartphone application, which includes a driver application and a rider application ("Uber App"). Rasier, LLC is a wholly-owned indirect subsidiary of Uber Technologies, Inc. Rasier, LLC holds a TNC permit in Connecticut (P-TNC2).



voluntarily declare that after only 10 percent of active workers in a company show interest in joining a union then *all* workers, not just active workers, are represented. So while the vast majority of workers use network companies part time, a small percentage of full time workers could dictate conditions for everyone.

To be clear, improvements can be made in the “gig economy.” All workers, regardless of employment classification, deserve important protections and benefits. But we should not be looking toward decades old processes to solve the problems of a new way of working. There are other ways to look at this issue. In August of 2020, Uber’s CEO published an op-ed in the [New York Times](#) proposing new benefits and protections for drivers. He called on industry and local government to come together to find a new solution for a third way, outside of the current binary employment system, to support the millions of workers who choose independent work. This third way could require companies to provide protections that every worker deserves, like occupational accident insurance. It would also require companies to contribute to individualized or portable benefits funds, allowing each worker to decide which benefits they desire the most.

Workers who earn through Uber and Uber Eats represent a broad spectrum of individuals, with a variety of lifestyles and priorities. In Connecticut, workers are college students, retirees, single parents, veterans, immigrants and more. And each of these individuals knows what benefits would help them the most.

Uber strongly opposes Raised Bill No. 1000. We believe that all workers deserve protections and benefits, but by attempting to fit this new way of work into a process that was developed nearly a century ago, we are missing an opportunity. Here is a chance to be forward thinking, to develop a new system compatible with how a large group of workers choose to earn a living today.

Regards,

Hayley Prim  
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