

Approved as to Form and Legality



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 88336 - C.M.S.

INTRODUCED BY COUNCIL PRESIDENT KAPLAN

RESOLUTION OPPOSING PROPOSITION 22, A BALLOT MEASURE THAT WOULD EXEMPT APP-BASED TRANSPORTATION AND DELIVERY COMPANIES FROM PROVIDING EMPLOYEE BENEFITS TO CERTAIN DRIVERS.

WHEREAS, Proposition 22 allows and exempts app-base (gig) transportation companies like Uber, Lyft, and delivery companies like DoorDash, Instacart to deny their employees benefits; and

WHEREAS, Proposition 22 creates a special exemption that eliminates basic workplace benefits and replaces them with a new lower "earnings guarantee" and "healthcare subsidy" payments designed to save the companies money; the proposition contains deceptive wording to convince the public they are strengthening driver protections; and

WHEREAS, Proposition 22 eliminates sexual harassment training and the obligation for Transportation Network Companies and Delivery Companies to investigate sexual harassment complaints; and denies and lowers driver unemployment and disability insurance; and

WHEREAS, on Aug. 10, 2020, a trial court granted the state of California a preliminary injunction that would require Uber and Lyft to reclassify their drivers as employees beginning Aug. 21, 2020, which caused Uber and Lyft's top executive to threaten to shut down and suspend service to modify their operations to comply with the order; and

WHEREAS, currently, a consortium of gig companies placed Proposition 22 on the ballot to deny their employees benefits to which California workers are entitled. In addition, they spent approximately \$184 million dollars in political advertisements to deceive their own drivers, customers, and the public to persuade them to support the proposition with misinformation about the proposition; and

WHEREAS, 78% of the drivers for these companies are Black Latinx or from other communities of color and are essential workers who have worked at great risk during the pandemic, but without employee benefits and protections; and

WHEREAS, basic principles of fairness and equity are harmed when a handful of large corporations are exempted from laws, standards, rules and taxes that other people and other businesses must abide by, and community safety, pedestrian and bicycle safety, traffic congestion, and public transit all are harmed by these practices; and

WHEREAS, the City of Oakland seeks to be a model and leader in working for social and racial justice, committed to the delivery of effective, courteous, and responsive services; now, therefore, be it

RESOLVED: That the City Council strongly opposes Proposition 22, a ballot measure that would exempts App-based transportation and delivery companies from providing employee benefits to certain drivers.

IN COUNCIL, OAKLAND, CALIFORNIA,

OCT 20 2020

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR,
THAO AND PRESIDENT KAPLAN — 8

NOES — 0

ABSENT — 0

ABSTENTION — 0

ATTEST:

Candice Parker-Tregg For

ASHA REED

Acting City Clerk and Clerk of the
Council of the City of Oakland,
California