



FOR IMMEDIATE RELEASE:

Fight For Freelancers Leads Nationwide Coalition in Amicus Brief

More than 250,000 self-employed Americans in hundreds of professions urge the National Labor Relations Board to respect the choice of independent contractor work

WASHINGTON, D.C., FEBRUARY 10, 2022 — Fight For Freelancers USA, a nonpartisan, grassroots, self-funded, ad hoc group of independent contractors and small-business owners, is leading a nationwide coalition of everyday citizens in urging the National Labor Relations Board (NLRB) to respect the right to choose independent contractor work.

In December, the NLRB [requested amicus briefs](#) about the standard it should use to determine independent contractor status going forward. Such briefs are regularly filed by [well-funded entities](#) and [dark-money groups](#). The voices of real people are often missing altogether.

Last night, Fight For Freelancers filed an amicus brief by, for and with independent contractors whose careers are being threatened and harmed by the push to restrict self-employment nationwide. The group's leaders, all professional freelance writers, volunteered their time to write the brief using examples of successful briefs and legal citations. Next, they reached out to fellow independent contractors from long-established and ad hoc groups nationwide to co-sign the brief, which represents more than 250,000 self-employed Americans.

“We are the ones in the crosshairs of these anti-independent contractor policies,” says Kim Kavin, a co-founder of Fight For Freelancers from New Jersey. “We want our voices given *at least* equal weight. The people pushing these policies are deeply misguided individuals who seem hell-bent on misclassifying us as employees, when we are in fact small-business owners.”

The amicus brief filed last night states that the NLRB should *not* adopt the ABC Test standard that Congress tried, and so far failed, to copy in the Protecting the Right to Organize Act. The same ABC Test decimated independent contractor income and careers as California's Assembly Bill 5.

“More than two years later, there are still legitimate independent contractors fighting against AB5 in the federal courts to save their careers as [freelance journalists](#) and [owner-operator truck drivers](#),” says Jen Singer, a co-founder of Fight For Freelancers from New Jersey. “The NLRB shouldn't adopt a policy that has proved devastating to so many small-business owners in California — [especially considering so many are women](#).”

The amicus brief further explains that independent contractors comprise one-third of the U.S. workforce; details why more women have been choosing independent contractor work for decades, including during the pandemic; dispels the myth that app-based workers make up a large percentage of these small-business owners; and cites a litany of studies showing that the vast majority of independent contractors want to remain independent.

And, the amicus brief explains how the push to restrict independent contractor work creates an unfair regulatory landscape, favoring paid lobbyists and those with special access to lawmakers.

“Just this past December, we testified in New Jersey against a bill that would have protected independent contractor status statewide — but only for golf caddies,” says Debbie Abrams Kaplan, a co-founder of Fight For Freelancers from New Jersey. “The Assembly minority leader [said it was introduced](#) because he and the Senate president were lobbied by representatives from top golf courses in the state. How on earth is a golf caddie more worthy of protection than a traveling nurse, graphic artist or financial adviser? Laws and regulations should protect us all.”

Co-signers of the Fight For Freelancers amicus brief filed include:

- **American Society of Journalists and Authors**, the nation’s largest professional organization of independent nonfiction writers;
- **Society of Professional Journalists Freelance Community**, representing freelance journalists within the nation's most broad-based and oldest journalism organization;
- **Association of Health Care Journalists**, with a membership that is nearly one-third freelancers;
- **California Freelance Writers United**, a nonpartisan, ad hoc coalition that worked with lawmakers to create a workable exemption to Assembly Bill 5;
- **Editorial Freelancers Association**, which includes editors, writers, indexers, proofreaders, researchers, desktop publishers, translators and more;
- **National Association of Independent Writers and Editors**, which includes novelists, copywriters, copy editors, proofreaders, public speakers and more;
- **SoCal Science Writers**, the Southern California affiliate of the National Association of Science Writers, representing science, medical and environmental writers;
- **Freelancing Females**, a U.S.-based, global community of women (about 80% in the United States) that cultivates the ability to achieve independence through work;
- **Freelancers Against AB5**, which represents independent contractors in hundreds of professions, including seniors, people of color, people with disabilities, the chronically ill and family caregivers;
- **NumiOpera Theater**, a nonprofit Los Angeles Opera company that was created to keep alive Jewish-composed music that Nazis suppressed, and that had to cease productions following the passage of California’s Assembly Bill 5;
- **American Alliance of Professional Translators and Interpreters**, which worked with California lawmakers to create workable exemptions to Assembly Bill 5;
- **National Association of Judiciary Interpreters and Translators**, which seeks ways to influence legislation and support important issues of the profession.

“These are just a small sample of hardworking Americans that overly restrictive, anti-independent contractor laws and regulations harm,” says Karen Anderson, the California resident who founded Freelancers Against AB5. “Rideshare and app-based delivery are often called the main targets, but in reality, these kinds of laws threaten countless livelihoods and careers across a vast swath of professions.”

Gail Gordon, founder of NumiOpera Theater, says she chose to sign the amicus brief because California’s anti-independent contractor law eviscerated [local and regional theater companies](#).

“This ABC Test law added insult to injury during the Covid-19 pandemic,” Gordon says. “It was already hard enough to keep nonprofit local and regional theaters going with all the restrictions on gathering in public spaces. Now that those problems finally seem to be easing up, we’re still dealing with this mess that Assembly Bill 5 created.”

All the independent contractors who joined the Fight For Freelancers amicus brief hope its message about the need to protect the choice of self-employment — and the need to reject California’s failed, anti-independent contractor ABC Test — will resonate with policymakers and lawmakers nationwide.

“Independent contractors [contribute \\$1.3 trillion to the U.S. economy](#),” says Karon Warren, a co-leader of Fight For Freelancers from Georgia. “Most self-employed Americans are choosing to be our own bosses. We’re happy being self-employed. We need legislation and regulations that preserve and protect our careers, including from any future overreach by proponents of anti-independent contractor policies at the National Labor Relations Board.”

To read the Fight For Freelancers amicus brief filed before the National Labor Relations Board, [click here](#).

#ReadTheBrief
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