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## Giggity Giggity: Gig Economy Workers Launch Unionization Effort

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**David J.  
Pryzbylski**  
Partner

Gig economy workers generally have not seen [large scale unionization success](#) despite accounting for an ever-increasing portion of the workforce. Rideshare drivers in New York saw legislation that may have given them an easier path to organize [fail to come to fruition](#) earlier this year. Apparently not to be deterred, however, a new report from Bloomberg Law suggests a grassroots organizing effort may be underway among workers in this sector in the Empire State.

According to the [Bloomberg Law report](#):

“New York gig workers, caught between labor laws that don’t apply to them and a perceived lack of help from politicians, courts, and major players including Lyft Inc. and Uber Technologies Inc., have seized the grassroots organizing initiative to raise their pay and improve working conditions. The drivers, who lack the protections afforded full-time employees under federal and state statutes including minimum wage and overtime guarantees, unemployment insurance, and the ability to unionize, have long been the center of lawsuits and legislation over their employment status. Their plans, primarily advanced by a collective filling a union’s role and a separate driver-owned and operated cooperative, put workers first and could change the way gig drivers collaborate and advocate far beyond New York. Los Deliveristas Unidos, which formed in reaction to the pandemic, is a

quasi-union said to be made up of thousands of food delivery drivers who have staged rallies and lobbied the New York City council for greater rights and protections. After the group highlighted couriers' fundamental need for bathroom access, DoorDash announced it was working with nearly 200 restaurants across the city to provide just that."

It will be interesting to see if these efforts enable organized labor to gain a foothold in the gig economy. One of the primary challenges unions will face is that many gig workers, such as rideshare drivers, are classified as [independent contractors versus employees](#). Under the National Labor Relations Act, the law under which private sector workers are permitted to form unions, only employees (but not contractors) can form unions. That legal hurdle may be insurmountable.

On that front, though, gig economy employees may see some changes [if the PRO Act comes into law](#). Currently that bill is pending in the Senate, and President Biden has signaled he would sign it if it comes to his desk. That legislation would dramatically limit companies' ability to characterize workers as independent contractors for purposes of labor law. In other words, it would give unionization rights to thousands upon thousands of workers currently classified as contractors.

As union numbers in the private sector [continue to dwindle](#), it's likely their efforts to grow their ranks in the gig economy (and elsewhere) will continue. Accordingly, employers desiring to remain union-free should monitor these issues.