



Podcast: How N.J. Senate Bill 863 Would Harm People in More than 300 Careers

Fight For Freelancers New Jersey co-founder Kim Kavin is the guest for the full hour

July 14, 2020—Fight For Freelancers New Jersey co-founder Kim Kavin was the guest live on-air for a full hour during this week's edition of the Bob Zadek Show ([listen here](#)). She talked about New Jersey Senate Bill 863 and similar California legislation that went into effect January 1, leading to disastrous consequences there.

Zadek invited Kavin to be on his show after reading her in-depth feature in this month's issue of [Reason magazine](#), which includes discussion about a New Jersey Senate Labor Committee hearing on this legislation that was held in late 2019.

"Proponents say that S863 is a form of worker protection. We told New Jersey lawmakers back in December that it's really a career-killer," Kavin says. "Everything we said since that hearing has been proved correct in California, where the law has been in effect now for six months. Anyone who votes for S863 at this point is knowingly voting to throw New Jersey residents out of work—only now, it's in the middle of a pandemic and recession."

In the new podcast, Kavin discusses:

8:40: why she chose to leave full-time work in the publishing industry 17 years ago, because being an independent contractor afforded her a better life and higher earnings;

10:10: how women like her are a growing force, with a [2019 IRS report](#) showing that the number of women who are independent contractors and breadwinners is up 90% in the United States since 2001;

12:15: how lawmakers who support bills like S863 are being misled into believing the legislation protects exploited workers. Bills like S863 in fact contradict the wishes of 70-80% of independent contractors who want to remain independent contractors, who can earn the same as or more than employees, and who report being happier than employees, according to surveys by the [U.S. Bureau of Labor Statistics](#), [ADP Research](#) and [Gallup](#);

19:20: how legislation like S863 affects not just Uber and other gig-economy workers, but also more than 300 professions, including specialized professionals such as sign-language interpreters who help hearing-impaired people throughout the court system;

28:40: how Fight For Freelancers New Jersey was created in November 2019 to stop the first version of S863 (S4204) from becoming law;

30:15: how dozens upon dozens of “real people” flooded into a Statehouse hearing in Trenton to give more than four hours of testimony against this legislation, while fewer than a half-dozen lawmakers and lobbyists (and no “real people”) testified in favor of it;

33:10: how Fight For Freelancers New Jersey members are primarily women, how the group’s members come from Republican, Democratic and Independent backgrounds alike, and how all are all aligned in believing S863 must be stopped because people should be able to work the way that they choose to work;

36:32: how the Covid-19 pandemic made it very clear to every American what happens when the government shuts down the ability to work, and how legislation like S863 does the same exact thing to independent contractors;

37:40: how lawmakers acknowledge privately that there is a real problem with S863 and legislation like it, and that they are seeking a political solution because unions want the bill passed; how the [AFL-CIO has threatened](#) to withhold campaign support from anyone who votes against this type of bill;

40:00: how legislation like S863 disproportionately harms women business owners, as [documented by Forbes](#);

40:33: how legislation like S863 disproportionately harms Black-owned businesses, and how in just the past few months, after seeing the effects of legislation like NJ S863 in California, the heads of the [California Black Chamber of Commerce](#) and the [Los Angeles Urban League](#) forcefully expressed opposition;

44:50: how Fight For Freelancers New Jersey is demanding labor law that protects everyone. Passing a bill like S863 based on outdated 1930s language, and then giving exemptions to favored groups and professions, is why the State of California is now facing multiple lawsuits in federal court on alleged U.S. Constitution violations. A better labor law would have modern language reflecting the way people actually work today;

49:52: how Fight For Freelancers is prepared to use the power of the pen to fight even harder if lawmakers attempt to advance S863 again this session.

"It is my deep hope that the people pushing this type of legislation will come to their senses and realize it's not just what you do; it's also how you do it," Kavin tells Zadek at the end of the hour-long show. "This is the wrong way to do what you're trying to do."

[Click here to listen to this episode of the Bob Zadek show,](#)
or download the podcast episode on iTunes or Stitcher.

Fight For Freelancers New Jersey continues to strongly oppose Senate Bill 863. We urge lawmakers to reject the 1930s ABC Test for labor classification in S863 and instead move the state to the modern IRS Test. The IRS test can identify true cases of worker misclassification while protecting the livelihoods of thriving independent contractors.

#IRSnotABC

#FightForFreelancers

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