

NURSING IS NOT A SIDE JOB

Protect patients. Reject “gig” nursing

What is “gig” work?

Gig work is self-scheduled work, usually through a digital platform or app, often seen as a side job secondary to one’s primary work. Gig work is typically the employment model Uber, Lyft, Door Dash, and other tech companies use to employ workers. It is a highly exploitative work model that has sparked controversy across the nation.

Why is a gig work employment model a threat to nurses and patients?

Tech industry health care investors, and health care employers looking to cut costs, want to apply this exploitative gig-work employment model to misclassify nurses as independent contractors and deprive them of the rights and benefits granted to regular employees, including the right to organize in a union.

Amazon recently purchased One Medical corporation for 3.9 billion dollars. With tech giants expanding into care, it is easy to imagine how an employment model that exploits nurses in the same way tech companies exploit workers is possible. **These employers and investors are looking at the highly profitable health care sector purely as a money-making investment, without regard for our patients.**

What do nurses stand to lose if companies and employers succeed at misclassifying us as independent contractors?

If nurses are misclassified as independent contractors through legislation or other corporate schemes, we will lose our federal rights, including the right to a minimum wage, overtime pay, workers’ compensation, paid sick days, paid family leave, health and safety protections, and discrimination and sexual harassment protections. Independent contractors also bear the burden of paying a higher rate for unemployment insurance and must set aside and manage their own income taxes.



“Nursing is not a ‘gig,’ or side job, nor should it ever be. What do Uber, Amazon, and other venture capitalists know about our patients? We are the ones who advocate for our patients and deliver care. We know that quality care requires continuity and collective power. A gig-work model of care will be dangerous for our patients.”

— Cathy Kennedy, RN
President, CNA/NUU

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What methods are these tech investors and employers using to promote a gig-work employment model for nurses, and what tools are they using to try to misclassify us?

- ▶ **The tech industry and their allies are proposing legislation to legalize misclassifying nurses** who use apps or platforms to schedule work as independent contractors — legislation that could even threaten the employee status of hospital-based nurses.
- ▶ Roughly 1 in 5 health care workers have quit or changed jobs during the pandemic. Many of us are fed up with chronic understaffing and are in moral distress because our employers aren't supporting us during Covid. At the same time, **health care gig work apps are on the rise to try to capitalize on this crisis.**

Comparison of workplace legal protections for employees and for independent contractors in the U.S.

Labor Standard	As an Employee	Independent Contractor
Minimum Wage	YES	NO
Overtime Pay	YES	NO
Unemployment Insurance	YES	NO
Paid Sick Days	YES	NO
Workers' Compensation	YES	NO
Paid Family Leave	YES	NO
Health and Safety Protections	YES	NO
Right to a Union	YES	NO
Discrimination and Sexual Harassment Protections	YES	NO

Source: EPI analysis of federal and state laws. Employees receive these protections in places where they are statutorily prescribed.
— Economic Policy Institute

How will misclassifying nurses benefit employers and tech health care investors?

Gig-work employment and misclassification in the health care industry will enable companies to pocket billions of dollars by cutting labor costs. Amazon, Uber, Lyft, and Door Dash are already violating their workers' rights by misclassifying drivers as independent contractors, which shifts the costs normally borne by the employer onto the worker and prevents workers from organizing. Now health care tech investors and employers are stepping up efforts across the country to **misclassify nurses so they can increase their profits and undermine our collective power.**

Why is this so urgent now?

- ▶ **This year in California, a ballot initiative was introduced** that would have allowed health care workers who schedule work through online or mobile apps to be misclassified as independent contractors.
- ▶ Although the initiative was withdrawn, **we anticipate the backers of this initiative will try to introduce it again soon.**
- ▶ **These backers have ties to the Uber-led coalition** that spent a record \$200 million to pass the anti-worker Proposition 22, a ballot measure that legalizes the misclassification of app-based drivers as independent contractors. Now they are coming for nurses.
- ▶ **We are also seeing copycat legislation across the country** that would make it easier to misclassify workers. And we are seeing health care investors testing the waters to see if they can succeed at sidelining or "gigifying" nursing care.
- ▶ **CareRev and ShiftMed are two examples of platforms and apps already drawing nurses into gig work**, with many more anticipated.

Join the fight against gig-work mis-classification that benefits corporations instead of our patients! Visit www.NationalNursesUnited.org for all the latest information and more details about our campaign.

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