

Congress of the United States

Washington, DC 20515

September 22, 2022

Dara Khosrowshahi
Chief Executive Officer
Uber Technologies, Inc.
1515 3rd Street
San Francisco, CA 94158

Dear Mr. Khosrowshahi:

We write in response to reporting that Uber will offer a new benefit – reimbursements for abortion-related travel expenses – to employees.¹ We welcome efforts to mitigate the damage from the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization* (Dobbs) that overturned the constitutional right to an abortion. But we are concerned that the workers who perform some of the job functions that are most critical to Uber’s business – and who come from the communities most likely to be harmed by the Supreme Court’s decision to overturn *Roe v. Wade* – will be prevented from taking advantage of this benefit if they are misclassified as independent contractors.²

Therefore, we write seeking clarification on the extent of Uber’s worker misclassification problem, and the effect this misclassification may have on workers most in need of assistance in a post-*Dobbs* environment. We urge you to support all your workers by classifying them as employees and providing them with the associated benefits and rights.

Uber recently disclosed that its U.S. health insurance plans cover abortions, and that it would cover travel expenses for employees who need to receive abortion care out of state.³ It is important to note that the benefit itself is deserving of further scrutiny. Republican state legislatures are wasting no time in passing laws that criminalize patients and providers who seek or offer abortion care, raising very serious questions about how Uber plans to protect the privacy of workers who opt to use this benefit. But even setting those questions aside, the limits that Uber has placed on workers’ eligibility for this new benefit underscore yet another harmful consequence of the rampant worker misclassification in which your company engages.

Specifically, Uber’s rideshare drivers who are misclassified as independent contractors rather than employees will not qualify for this benefit. Traditionally, independent contractors are “self-employed” people who exercise entrepreneurial control over important business decisions, such

¹ Wall Street Journal, “Uber, Lyft, Others to Support Employees Traveling Out-Of-State for Abortion,” Preetika Rana, June 24, 2022, <https://www.wsj.com/livecoverage/supreme-court-decision-roe-v-wade-6-24-2022/card/uber-lyft-others-to-support-employees-traveling-out-of-state-for-abortion-vtYQJSQ5KFZppFnOXQGE>.

² Bloomberg Law, “Uber, Lyft Abortion Travel Pledges Omit Most of Their Workforces,” Courtney Rozen, July 14, 2022, <https://news.bloomberglaw.com/daily-labor-report/uber-lyft-abortion-travel-pledges-omit-most-of-their-workforces>.

³ Wall Street Journal, “Uber, Lyft, Others to Support Employees Traveling Out-Of-State for Abortion,” Preetika Rana, June 24, 2022, <https://www.wsj.com/livecoverage/supreme-court-decision-roe-v-wade-6-24-2022/card/uber-lyft-others-to-support-employees-traveling-out-of-state-for-abortion-vtYQJSQ5KFZppFnOXQGE>.

as how often they work, what work they do, and how much to charge customers for their services.⁴ In recent years, however, Uber and other large corporations have abused the “independent contractor” label, applying it to millions of workers who cannot truly make business decisions in their own economic interest.⁵ This illegal practice denies these workers access to paid time off, health insurance, workers’ compensation, and other critical benefits and rights guaranteed to employees.⁶ The Department of Labor has recognized that worker misclassification is “one of the most serious problems facing affected employees, employers and the U.S. economy,” and plans to engage in rulemaking in the near future to better protect workers from misclassification.⁷

Moreover, misclassified workers are more likely to see their abortion rights curtailed. Nearly two-thirds of Uber drivers are people of color,⁸ and women of color, particularly Black and Indigenous women, face far greater obstacles in accessing abortions and related care.⁹ As more and more women join the gig workforce,¹⁰ Uber drivers who live and work in states with laws that severely restrict or outright ban abortion will have even greater need of this new benefit if they choose to seek abortion care.¹¹

We welcome private sector companies stepping up with meaningful responses in the wake of the Supreme Court’s decision in *Dobbs*. But misclassification of workers as independent contractors threatens to limit the impact of these actions and cheapen your company’s response. To better understand which workers stand to benefit from Uber’s new policy, we request a response to the following questions no later than October 22, 2022:

1. Please describe the new benefit for abortions and related care that you are providing to your workers.
 - a. Is the benefit proactive (i.e., Uber pays for eligible employees’ travel in advance), or is it a reimbursement?
 - b. If it is a reimbursement, how long do eligible employees have to wait before receiving their reimbursement?

⁴ Equitable Growth, “How U.S. companies harm workers by making them independent contractors,” Corey Husak, July 31, 2019, <https://equitablegrowth.org/how-u-s-companies-harm-workers-by-making-them-independent-contractors/>.

⁵ *Id.*

⁶ National Employment Law Project, “INDEPENDENT CONTRACTOR VS. EMPLOYEE: WHY MISCLASSIFICATION MATTERS AND WHAT WE CAN DO TO STOP IT,” Catherine Ruckelshaus, May 9, 2016, <https://www.nelp.org/publication/independent-contractor-vs-employee/>.

⁷ Department of Labor, “Misclassification of Employees as Independent Contractors Under the Fair Labor Standards Act,” Jessica Looman, June 3, 2022, <https://blog.dol.gov/2022/06/03/misclassification-of-employees-as-independent-contractors-under-the-fair-labor-standards-act>.

⁸ Motherboard, “Civil Rights Groups Say Uber Actively Hurts Black People,” Edward Ongweso, Jr., September 23, 2020, <https://www.vice.com/en/article/7kpn9z/civil-rights-groups-say-uber-actively-hurts-black-people>.

⁹ Washington Post, “Women of color will be most impacted by the end of Roe, experts say,” Anne Branigin and Samantha Chery, June 24, 2022, <https://www.washingtonpost.com/nation/2022/06/24/women-of-color-end-of-roe/>.

¹⁰ Axios, “The rise of women in the gig economy,” Erica Pandey, August 26, 2021, <https://www.axios.com/2021/08/26/women-gig-economy-doordash-uber-delivery-driver>.

¹¹ The Guardian, “Tracking where abortion laws stand in every state,” Andrew Witherspoon and Alvin Chang, June 28, 2022, <https://www.theguardian.com/us-news/ng-interactive/2022/jun/28/tracking-where-abortion-laws-stand-in-every-state>.

- c. How do eligible employees apply for the benefit? What documentation are they required to submit?
 - d. Which personnel at Uber will approve employees' requests to utilize the benefit? What information will these personnel have access to in order to process such requests?
 - e. Have you made any changes to the benefit or its administration since its implementation?
 - f. What safeguards do you have in place to protect eligible employees' privacy as it relates to utilizing the benefit?
2. Which employees are eligible for the benefit?
 - a. How many Uber employees are eligible for travel reimbursements for abortion-related expenses? What is their median salary?
 - b. How many Uber employees are ineligible? What is their median salary?
 3. Which independent contractors are eligible for the benefit?
 - a. How many Uber independent contractors (including drivers) are eligible for travel reimbursements for abortion-related expenses? What is their median salary?
 - b. How many Uber independent contractors are ineligible? What is their median salary?
 4. Please provide the numbers of Uber employees and independent contractors by state that are and are not eligible for the benefit.

Thank you for your attention to this matter.

Sincerely,



Elizabeth Warren
United States Senator



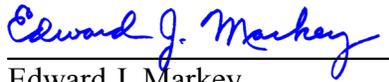
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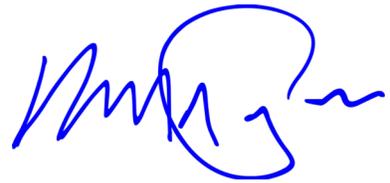
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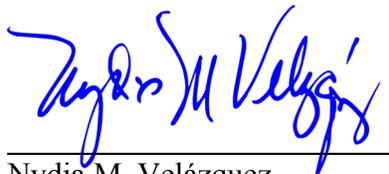
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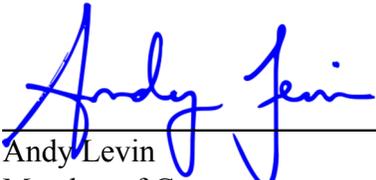
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Bonnie Watson Coleman
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Andy Levin
Member of Congress



Ayanna Pressley
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Henry C. "Hank" Johnson, Jr.
Member of Congress



Jamaal Bowman, Ed.D.
Member of Congress

A handwritten signature in black ink, appearing to read "Marie Newman". The signature is fluid and cursive, with the first name "Marie" and the last name "Newman" clearly distinguishable.

Marie Newman
Member of Congress

Congress of the United States

Washington, DC 20515

September 22, 2022

Logan Green
Chief Executive Officer
Lyft, Inc.
185 Berry St., Ste. #5000
San Francisco, CA 94107

Dear Mr. Green:

We write in response to reporting that Lyft will offer a new benefit – reimbursements for abortion-related travel expenses – to employees.¹ We welcome efforts to mitigate the damage from the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization* (Dobbs) that overturned the constitutional right to an abortion. But we are concerned that the workers who perform some of the job functions that are most critical to Lyft’s business – and who come from the communities most likely to be harmed by the Supreme Court’s decision to overturn *Roe v. Wade* – will be prevented from taking advantage of this benefit if they are misclassified as independent contractors.²

Therefore, we write seeking clarification on the extent of Lyft’s worker misclassification problem, and the effect this misclassification may have on workers most in need of assistance in a post-*Dobbs* environment. We urge you to support all your workers by classifying them as employees and providing them with the associated benefits and rights.

In April, in response to the expected loss of access to safe abortions in many states, Lyft announced it would cover legal fees for all drivers sued under state laws in Oklahoma and Texas criminalizing the act of assisting a person to receive an abortion.³ Then, on the day the Dobbs decision was handed down, Lyft committed to providing employees in all states with coverage for elective abortions through its employer-sponsored health insurance, as well as travel reimbursement “if an employee must travel more than 100 miles for an in-network provider.”⁴

It is important to note that the benefit itself is deserving of further scrutiny. Republican state legislatures are wasting no time in passing laws that criminalize patients and providers who seek or offer abortion care, raising very serious questions about how Lyft plans to protect the privacy

¹ Lyft, “Supporting Women’s Access to Healthcare,” press release, June 24, 2022, <https://www.lyft.com/blog/posts/supporting-womens-access-to-healthcare>.

² Bloomberg Law, “Uber, Lyft Abortion Travel Pledges Omit Most of Their Workforces,” Courtney Rozen, July 14, 2022, <https://news.bloomberglaw.com/daily-labor-report/uber-lyft-abortion-travel-pledges-omit-most-of-their-workforces>.

³ Lyft, “Supporting Drivers, Riders and Women’s Access to Healthcare,” press release, April 29, 2022, <https://www.lyft.com/blog/posts/supporting-drivers-riders-and-womens-access-to-healthcare>.

⁴ Lyft, “Supporting Women’s Access to Healthcare,” press release, June 24, 2022, <https://www.lyft.com/blog/posts/supporting-womens-access-to-healthcare>.

of workers who opt to use this benefit. But even setting those questions aside, the limits that Lyft has placed on workers' eligibility for this new benefit underscore yet another harmful consequence of the rampant worker misclassification in which your company engages.

Specifically, Lyft's rideshare drivers who are misclassified as independent contractors rather than employees will not qualify for this benefit. Traditionally, independent contractors are "self-employed" people who exercise entrepreneurial control over important business decisions, such as how often they work, what work they do, and how much to charge customers for their services.⁵ In recent years, however, Lyft and other large corporations have abused the "independent contractor" label, applying it to millions of workers who cannot truly make business decisions in their own economic interest.⁶ This illegal practice denies these workers access to paid time off, health insurance, workers' compensation, and other critical benefits and rights guaranteed to employees.⁷ The Department of Labor has recognized that worker misclassification is "one of the most serious problems facing affected employees, employers and the U.S. economy," and plans to engage in rulemaking in the near future to better protect workers from misclassification.⁸

Moreover, misclassified workers are more likely to see their abortion rights curtailed. Two-thirds of Lyft drivers are people of color,⁹ and women of color, particularly Black and Indigenous women, face far greater obstacles in accessing abortions and related care.¹⁰ As more and more women join the gig workforce,¹¹ Lyft drivers who live and work in states with laws that severely restrict or outright ban abortion will have even greater need of this new benefit if they choose to seek abortion care.¹²

We welcome private sector companies stepping up with meaningful responses in the wake of the Supreme Court's decision in *Dobbs*. But misclassification of workers as independent contractors threatens to limit the impact of these actions and cheapen your company's response. To better understand which workers stand to benefit from Lyft's new policy, we request a response to the following questions no later than October 22, 2022:

⁵ Equitable Growth, "How U.S. companies harm workers by making them independent contractors," Corey Husak, July 31, 2019, <https://equitablegrowth.org/how-u-s-companies-harm-workers-by-making-them-independent-contractors/>.

⁶ *Id.*

⁷ National Employment Law Project, "INDEPENDENT CONTRACTOR VS. EMPLOYEE: WHY MISCLASSIFICATION MATTERS AND WHAT WE CAN DO TO STOP IT," Catherine Ruckelshaus, May 9, 2016, <https://www.nelp.org/publication/independent-contractor-vs-employee/>.

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⁹ Lyft, "Inclusion, Diversity, and Racial Equity," 2020, p. 33, https://assets.ctfassets.net/q8mvene1wzq4/2uZXTbWM98UL3KXJDfXsT5/54190edef9d185bb7fffa14eeb71a633/Lyft_Inclusion_Diversity_and_Racial_Equity_2020_Report.pdf.

¹⁰ Washington Post, "Women of color will be most impacted by the end of Roe, experts say," Anne Branigin and Samantha Chery, June 24, 2022, <https://www.washingtonpost.com/nation/2022/06/24/women-of-color-end-of-roe/>.

¹¹ Axios, "The rise of women in the gig economy," Erica Pandey, August 26, 2021, <https://www.axios.com/2021/08/26/women-gig-economy-doordash-uber-delivery-driver>.

¹² The Guardian, "Tracking where abortion laws stand in every state," Andrew Witherspoon and Alvin Chang, June 28, 2022, <https://www.theguardian.com/us-news/ng-interactive/2022/jun/28/tracking-where-abortion-laws-stand-in-every-state>.

1. Please describe the new benefit for abortions and related care that you are providing to your workers.
 - a. Is the benefit proactive (i.e., Lyft pays for eligible employees' travel in advance), or is it a reimbursement?
 - b. If it is a reimbursement, how long do eligible employees have to wait before receiving their reimbursement?
 - c. How do eligible employees apply for the benefit? What documentation are they required to submit?
 - d. Which personnel at Lyft will approve employees' requests to utilize the benefit? What information will these personnel have access to in order to process such requests?
 - e. Have you made any changes to the benefit or its administration since its implementation?
 - f. What safeguards do you have in place to protect eligible employees' privacy as it relates to utilizing the benefit?
2. Which employees are eligible for the benefit?
 - a. How many Lyft employees are eligible for travel reimbursements for abortion-related expenses? What is their median salary?
 - b. How many Lyft employees are ineligible? What is their median salary?
3. Which independent contractors are eligible for the benefit?
 - a. How many Lyft independent contractors (including drivers) are eligible for travel reimbursements for abortion-related expenses? What is their median salary?
 - b. How many Lyft independent contractors are ineligible? What is their median salary?
4. Please provide the numbers of Lyft employees and independent contractors by state that are and are not eligible for the benefit.

Thank you for your attention to this matter.

Sincerely,



Elizabeth Warren
United States Senator



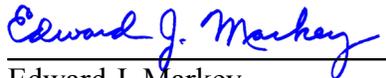
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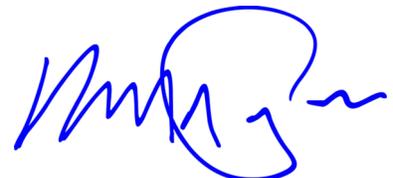
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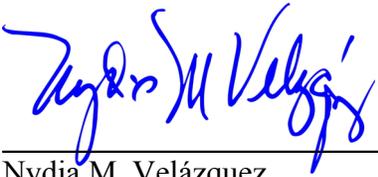
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Jamaal Bowman, Ed.D.
Member of Congress



Marie Newman
Member of Congress

Congress of the United States

Washington, DC 20515

September 22, 2022

Adam DeWitt
Chief Executive Officer
Grubhub, Inc.
111 W Washington St.
Chicago, IL 60602

Dear Mr. DeWitt:

We write in response to reporting that Grubhub will offer a new benefit – reimbursements for abortion-related travel expenses – to employees.¹ We welcome efforts to mitigate the damage from the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization* (Dobbs) that overturned the constitutional right to an abortion. But we are concerned that the workers who perform some of the job functions that are most critical to Grubhub’s business – and who come from the communities most likely to be harmed by the Supreme Court’s decision to overturn *Roe v. Wade* – will be prevented from taking advantage of this benefit if they are misclassified as independent contractors.²

Therefore, we write seeking clarification on the extent of Grubhub’s worker misclassification problem, and the effect this misclassification may have on workers most in need of assistance in a post-*Dobbs* environment. We urge you to support all your workers by classifying them as employees and providing them with the associated benefits and rights.

Grubhub recently confirmed that its U.S. health insurance plans cover abortions, and that it would cover travel expenses for employees and their dependents who need to receive abortion care out of state.³ It is important to note that the benefit itself is deserving of further scrutiny. Republican state legislatures are wasting no time in passing laws that criminalize patients and providers who seek or offer abortion care, raising very serious questions about how Grubhub plans to protect the privacy of workers who opt to use this benefit. But even setting those questions aside, the limits that Grubhub has placed on workers’ eligibility for this new benefit underscore yet another harmful consequence of the rampant worker misclassification in which your company engages.

Specifically, Grubhub’s delivery drivers who are misclassified as independent contractors rather than employees will not qualify for this benefit. Traditionally, independent contractors are “self-employed” people who exercise entrepreneurial control over important business decisions, such as how often they work, what work they do, and how much to charge customers for their

¹ Restaurant Business, “THESE RESTAURANT COMPANIES WILL PAY FOR EMPLOYEES TO TRAVEL FOR ABORTIONS,” Joe Guskowski, June 24, 2022, <https://www.restaurantbusinessonline.com/workforce/these-restaurant-companies-will-pay-employees-travel-abortion>.

² *Id.*

³ *Id.*

services.⁴ In recent years, however, Grubhub and other large corporations have abused the “independent contractor” label, applying it to millions of workers who cannot truly make business decisions in their own economic interest.⁵ This illegal practice denies these workers access to paid time off, health insurance, workers’ compensation, and other critical benefits and rights guaranteed to employees.⁶ The Department of Labor has recognized that worker misclassification is “one of the most serious problems facing affected employees, employers and the U.S. economy,” and plans to engage in rulemaking in the near future to better protect workers from misclassification.⁷

Moreover, misclassified workers are more likely to see their abortion rights curtailed. More and more women are joining the gig workforce,⁸ and women of color, particularly Black and Indigenous women, face far greater obstacles in accessing abortions and related care.⁹ Grubhub drivers who live and work in states with laws that severely restrict or outright ban abortion will have even greater need of this new benefit if they choose to seek abortion care.¹⁰

We welcome private sector companies stepping up with meaningful responses in the wake of the Supreme Court’s decision in *Dobbs*. But misclassification of workers as independent contractors threatens to limit the impact of these actions and cheapen your company’s response. To better understand which workers stand to benefit from Grubhub’s new policy, we request a response to the following questions no later than October 22, 2022:

1. Please describe the new benefit for abortions and related care that you are providing to your workers.
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⁹ Washington Post, “Women of color will be most impacted by the end of Roe, experts say,” Anne Branigin and Samantha Chery, June 24, 2022, <https://www.washingtonpost.com/nation/2022/06/24/women-of-color-end-of-roe/>.

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Thank you for your attention to this matter.

Sincerely,



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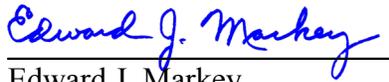
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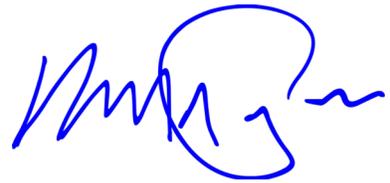
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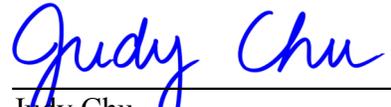
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Marie Newman
Member of Congress

Congress of the United States

Washington, DC 20515

September 22, 2022

Tony Xu
Chief Executive Officer
DoorDash, Inc.
303 2nd Street, South Tower, 8th Floor
San Francisco, CA 94107

Dear Mr. Xu:

We write in response to reporting that DoorDash will offer a new benefit – reimbursements for abortion-related travel expenses – to employees.¹ We welcome efforts to mitigate the damage from the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization* (Dobbs) that overturned the constitutional right to an abortion. But we are concerned that the workers who perform some of the job functions that are most critical to DoorDash’s business – and who come from the communities most likely to be harmed by the Supreme Court’s decision to overturn *Roe v. Wade* – will be prevented from taking advantage of this benefit if they are misclassified as independent contractors.²

Therefore, we write seeking clarification on the extent of DoorDash’s worker misclassification problem, and the effect this misclassification may have on workers most in need of assistance in a post-*Dobbs* environment. We urge you to support all your workers by classifying them as employees and providing them with the associated benefits and rights.

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¹ Protocol, “The tech companies that are — and aren’t — publicly planning for life after Roe,” Nat Rubio-Licht, May 12, 2022, <https://www.protocol.com/tech-company-abortion-benefits>.

² *Id.*

³ *Id.*

business decisions in their own economic interest.⁵ This illegal practice denies these workers access to paid time off, health insurance, workers' compensation, and other critical benefits and rights guaranteed to employees.⁶ The Department of Labor has recognized that worker misclassification is "one of the most serious problems facing affected employees, employers and the U.S. economy," and plans to engage in rulemaking in the near future to better protect workers from misclassification.⁷

Moreover, misclassified workers are more likely to see their abortion rights curtailed. These workers are largely women and people of color,⁸ and women of color, particularly Black and Indigenous women, face far greater obstacles in accessing abortions and related care.⁹ As more and more women join the gig workforce,¹⁰ DoorDash drivers who live and work in states with laws that severely restrict or outright ban abortion will have even greater need of this new benefit if they choose to seek abortion care.¹¹

We welcome private sector companies stepping up with meaningful responses in the wake of the Supreme Court's decision in *Dobbs*. But misclassification of workers as independent contractors threatens to limit the impact of these actions and cheapen your company's response. To better understand which workers stand to benefit from DoorDash's new policy, we request a response to the following questions no later than October 22, 2022:

1. Please describe the new benefit for abortions and related care that you are providing to your workers.
 - a. Is the benefit proactive (i.e., DoorDash pays for eligible employees' travel in advance), or is it a reimbursement?
 - b. If it is a reimbursement, how long do eligible employees have to wait before receiving their reimbursement?
 - c. How do eligible employees apply for the benefit? What documentation are they required to submit?

⁴ Equitable Growth, "How U.S. companies harm workers by making them independent contractors," Corey Husak, July 31, 2019, <https://equitablegrowth.org/how-u-s-companies-harm-workers-by-making-them-independent-contractors/>.

⁵ *Id.*

⁶ National Employment Law Project, "INDEPENDENT CONTRACTOR VS. EMPLOYEE: WHY MISCLASSIFICATION MATTERS AND WHAT WE CAN DO TO STOP IT," Catherine Ruckelshaus, May 9, 2016, <https://www.nelp.org/publication/independent-contractor-vs-employee/>.

⁷ Department of Labor, "Misclassification of Employees as Independent Contractors Under the Fair Labor Standards Act," Jessica Looman, June 3, 2022, <https://blog.dol.gov/2022/06/03/misclassification-of-employees-as-independent-contractors-under-the-fair-labor-standards-act>.

⁸ Protocol, "DoorDash releases DEI stats for corporate workers and contractors," Amber Burton, April 19, 2022, <https://www.protocol.com/bulletins/door-dash-public-esg-report>.

⁹ Washington Post, "Women of color will be most impacted by the end of Roe, experts say," Anne Branigin and Samantha Chery, June 24, 2022, <https://www.washingtonpost.com/nation/2022/06/24/women-of-color-end-of-roe/>.

¹⁰ Axios, "The rise of women in the gig economy," Erica Pandey, August 26, 2021, <https://www.axios.com/2021/08/26/women-gig-economy-door-dash-uber-delivery-driver>.

¹¹ The Guardian, "Tracking where abortion laws stand in every state," Andrew Witherspoon and Alvin Chang, June 28, 2022, <https://www.theguardian.com/us-news/ng-interactive/2022/jun/28/tracking-where-abortion-laws-stand-in-every-state>.

- d. Which personnel at DoorDash will approve employees' requests to utilize the benefit? What information will these personnel have access to in order to process such requests?
 - e. Have you made any changes to the benefit or its administration since its implementation?
 - f. What safeguards do you have in place to protect eligible employees' privacy as it relates to utilizing the benefit?
2. Which employees are eligible for the benefit?
 - a. How many DoorDash employees are eligible for travel reimbursements for abortion-related expenses? What is their median salary?
 - b. How many DoorDash employees are ineligible? What is their median salary?
 3. Which independent contractors are eligible for the benefit?
 - a. How many DoorDash independent contractors (including drivers) are eligible for travel reimbursements for abortion-related expenses? What is their median salary?
 - b. How many DoorDash independent contractors are ineligible? What is their median salary?
 4. Please provide the numbers of DoorDash employees and independent contractors by state that are and are not eligible for the benefit.

Thank you for your attention to this matter.

Sincerely,



Elizabeth Warren
United States Senator



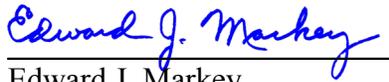
Cori Bush
Member of Congress



Bernard Sanders
United States Senator



Jesús G. "Chuy" García
Member of Congress



Edward J. Markey
United States Senator



Barbara Lee
Member of Congress



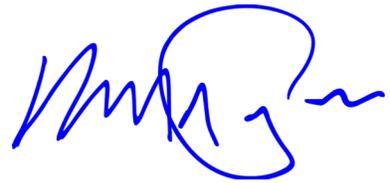
Mazie K. Hirono
United States Senator



Sheila Jackson Lee
Member of Congress



Rashida Tlaib
Member of Congress



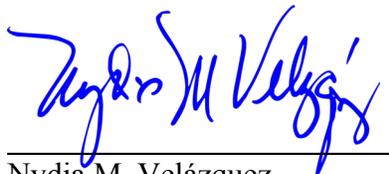
Mark Pocan
Member of Congress



Madeleine Dean
Member of Congress



Emanuel Cleaver, II
Member of Congress



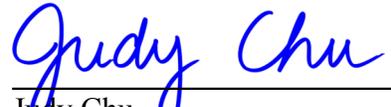
Nydia M. Velázquez
Member of Congress



Alexandria Ocasio-Cortez
Member of Congress



Eleanor Holmes Norton
Member of Congress



Judy Chu
Member of Congress



Adam B. Schiff
Member of Congress



Dwight Evans
Member of Congress



Bonnie Watson Coleman
Member of Congress



James P. McGovern
Member of Congress



Andy Levin
Member of Congress



Ayanna Pressley
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



Jamaal Bowman, Ed.D.
Member of Congress

A handwritten signature in black ink, appearing to read "Marie Newman". The signature is fluid and cursive, with the first name "Marie" and the last name "Newman" clearly distinguishable.

Marie Newman
Member of Congress

Congress of the United States

Washington, DC 20515

September 22, 2022

Andy Jassy
Chief Executive Officer
Amazon.com, Inc.
410 Terry Ave. N
Seattle, WA 98109

Dear Mr. Jassy:

We write in response to reporting that Amazon will offer a new benefit – reimbursements for abortion-related travel expenses – to employees.¹ We welcome efforts to mitigate the damage from the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization* (Dobbs) that overturned the constitutional right to an abortion. But we are concerned that millions of workers who perform some of the job functions that are most critical to Amazon’s business – and who come from the communities most likely to be harmed by the Supreme Court’s decision to overturn *Roe v. Wade* – will be prevented from taking advantage of this benefit if they are misclassified as independent contractors.²

Therefore, we write seeking clarification on the extent of Amazon’s worker misclassification problem, and the effect this misclassification may have on workers most in need of assistance in a post-*Dobbs* environment. We urge you to support all your workers by classifying them as employees and providing them with the associated benefits and rights.

In May, Amazon announced a new benefit for its employees in response to the expected loss of access to legal abortions in many states.³ As part of the benefit, if an employee cannot access an abortion within 100 miles of their home, Amazon will cover up to \$4,000 annually in travel expenses to ensure they are able to access that care.⁴ The benefit applies to U.S. employees, and their covered dependents, enrolled in Amazon’s employer-sponsored Premera or Aetna health plans.⁵

It is important to note that the benefit itself is deserving of further scrutiny. Republican state legislatures are wasting no time in passing laws that criminalize patients and providers who seek or offer abortion care, raising very serious questions about how Amazon plans to protect the privacy of workers who opt to use this benefit. But even setting those questions aside, the limits that Amazon has placed on workers’ eligibility for this new benefit underscore yet another harmful consequence of the rampant worker misclassification in which your company engages.

¹ Reuters, “Amazon to reimburse U.S. employees who travel for abortions, other treatments,” Jeffrey Dastin, May 2, 2022, <https://www.reuters.com/business/retail-consumer/amazon-reimburse-us-employees-who-travel-treatments-including-abortions-2022-05-02/>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

Amazon contracts much of its delivery and distribution center work to small, outside businesses.⁶ Despite Amazon exerting significant control over pay, benefits, and working conditions at these third-party businesses, workers at these businesses are not technically employed by Amazon and are thus ineligible for most benefits,⁷ including the employer-sponsored health plans required as a condition of receiving the new abortion-related travel benefit.⁸ Amazon's 115,000 contracted delivery drivers, who face brutal schedules to fulfill the company's same day and next day delivery promises, make an average starting wage of \$18 per hour or less than \$38,000 annually working full time.⁹ Yet they receive none of the benefits awarded to the employees in Amazon's corporate offices, whose maximum base salary currently hovers around \$350,000.¹⁰

The new benefit also excludes hundreds of thousands of gig workers who make deliveries for Amazon through its Amazon Flex program. Amazon Flex drivers who are misclassified as independent contractors rather than employees¹¹ are denied the protections and benefits they deserve, even though they perform one of your company's most crucial functions. Traditionally, independent contractors are "self-employed" people who exercise entrepreneurial control over important business decisions, such as how often they work, what work they do, and how much to charge customers for their services.¹² In recent years, however, Amazon and other large corporations have abused the "independent contractor" label, applying it to millions of workers who cannot truly make business decisions in their own economic interest.¹³ This illegal practice denies workers access to paid time off, health insurance, workers' compensation, and other critical benefits and rights guaranteed to employees.¹⁴ The Department of Labor has recognized that worker misclassification is "one of the most serious problems facing affected employees,

⁶ CNN Business, "They took a stand against Amazon for their drivers. They say it cost them their businesses," Matt McFarland, September 22, 2021, <https://www.cnn.com/2021/09/22/tech/amazon-dsp-portland/index.html>; Boston University Law Review, "FROM AMAZON TO UBER: DEFINING EMPLOYMENT IN THE MODERN ECONOMY," Keith Cunningham-Parmeter, October 2016, p. 1682, <https://www.bu.edu/bulawreview/files/2016/10/CUNNINGHAM-PARMETER.pdf>.

⁷ *Id.*

⁸ Wired, "Tech Companies Will Cover Abortion Travel—but Not for All Workers," Caitlin Harrington, July 7, 2022, <https://www.wired.com/story/tech-companies-abortion-travel/>.

⁹ Motherboard, "Amazon's Abortion Travel Benefit Doesn't Include Its Most Vulnerable Workers," Lauren Kaori Gurley, May 3, 2022, <https://www.vice.com/en/article/7kbnpd/amazons-abortion-travel-benefit-doesnt-include-its-most-vulnerable-workers>; CNBC, "Amazon plans to hire another 125,000 employees, paying them an average of \$18 per hour," Samantha Subin, September 14, 2021, <https://www.cnbc.com/2021/09/14/amazon-to-hire-125000-employees-averaging-18-an-hour.html#:~:text=Tech-,Amazon%20plans%20to%20hire%20another%20125%2C000%20employees%2C%20paying%20them,average%20of%20%2418%20per%20hour&text=The%20roles%20come%20in%20addition,has%20hired%20450%2C000%20workers%20nationwide>.

¹⁰ CNBC, "Amazon boosts max base pay for corporate workers to \$350,000 as labor market heats up," Annie Palmer, February 7, 2022, <https://www.cnbc.com/2022/02/07/amazon-boosts-max-base-pay-for-corporate-workers-to-350000-.html>.

¹¹ Amazon, "Amazon Flex Delivery Driver," <https://hiring.amazon.com/job-opportunities/flex-driver-jobs#/>.

¹² Equitable Growth, "How U.S. companies harm workers by making them independent contractors," Corey Husak, July 31, 2019, <https://equitablegrowth.org/how-u-s-companies-harm-workers-by-making-them-independent-contractors/>.

¹³ *Id.*

¹⁴ National Employment Law Project, "INDEPENDENT CONTRACTOR VS. EMPLOYEE: WHY MISCLASSIFICATION MATTERS AND WHAT WE CAN DO TO STOP IT," Catherine Ruckelshaus, May 9, 2016, <https://www.nelp.org/publication/independent-contractor-vs-employee/>.

employers and the U.S. economy,” and plans to engage in rulemaking in the near future to better protect workers from misclassification.¹⁵

Moreover, misclassified workers are more likely to see their abortion rights curtailed. More than 60 percent of these workers are people of color,¹⁶ and women of color, particularly Black and Indigenous women, face far greater obstacles in accessing abortions and related care.¹⁷ As more and more women join the gig workforce,¹⁸ Amazon drivers who live and work in states with laws that severely restrict or outright ban abortion will have an even greater need for this new benefit if they choose to seek abortion care.¹⁹

We welcome private sector companies stepping up with meaningful responses in the wake of the Supreme Court’s decision in *Dobbs*. But misclassification of workers as independent contractors threatens to limit the impact of these actions and cheapen your company’s response. To better understand which workers stand to benefit from Amazon’s new policy, we request a response to the following questions no later than October 22, 2022:

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 - b. If it is a reimbursement, how long do eligible employees have to wait before receiving their reimbursement?
 - c. How do eligible employees apply for the benefit? What documentation are they required to submit?
 - d. Which personnel at Amazon will approve employees’ requests to utilize the benefit? What information will these personnel have access to in order to process such requests?
 - e. Have you made any changes to the benefit or its administration since its implementation?
 - f. What safeguards do you have in place to protect eligible employees’ privacy as it relates to utilizing the benefit?

2. Which employees are eligible for the benefit?
 - a. How many Amazon employees are eligible for travel reimbursements for abortion-related expenses? What is their median salary?

¹⁵ Department of Labor, “Misclassification of Employees as Independent Contractors Under the Fair Labor Standards Act,” Jessica Looman, June 3, 2022, <https://blog.dol.gov/2022/06/03/misclassification-of-employees-as-independent-contractors-under-the-fair-labor-standards-act>.

¹⁶ Seattle Times, “Amazon’s workforce split sharply along the lines of race and gender, new data indicates,” Katherine Anne Long, September 22, 2021, <https://www.seattletimes.com/business/amazon/amazons-workforce-split-sharply-along-the-lines-of-race-gender-and-pay-new-data-indicates/>.

¹⁷ Washington Post, “Women of color will be most impacted by the end of Roe, experts say,” Anne Branigin and Samantha Chery, June 24, 2022, <https://www.washingtonpost.com/nation/2022/06/24/women-of-color-end-of-roe/>.

¹⁸ Axios, “The rise of women in the gig economy,” Erica Pandey, August 26, 2021, <https://www.axios.com/2021/08/26/women-gig-economy-doordash-uber-delivery-driver>.

¹⁹ The Guardian, “Tracking where abortion laws stand in every state,” Andrew Witherspoon and Alvin Chang, June 28, 2022, <https://www.theguardian.com/us-news/ng-interactive/2022/jun/28/tracking-where-abortion-laws-stand-in-every-state>.

- b. How many Amazon employees are ineligible? What is their median salary?
3. Which independent contractors are eligible for the benefit?
 - a. How many Amazon independent contractors (including drivers) are eligible for travel reimbursements for abortion-related expenses? What is their median salary?
 - b. How many Amazon independent contractors are ineligible? What is their median salary?
4. Which Amazon workers (e.g., drivers, distribution center workers, etc.) employed by third-party contractors are eligible for the benefit?
 - a. How many Amazon workers employed by third-party contractors are eligible for travel reimbursements for abortion-related expenses? What is their median salary?
 - b. How many Amazon workers employed by third-party contractors are ineligible for travel reimbursements for abortion-related expenses? What is their median salary?
5. Amazon's part-time employees working less than 20 hours per week also seem to be omitted from the new benefit.²⁰
 - a. How many Amazon employees working less than 20 hours per week are eligible for travel reimbursements for abortion-related expenses? What is their median salary?
 - b. How many Amazon employees working less than 20 hours per week are ineligible for travel reimbursements for abortion-related expenses? What is their median salary?
6. Please provide the numbers of Amazon employees and independent contractors by state that are and are not eligible for the benefit.

Thank you for your attention to this matter.

Sincerely,



Elizabeth Warren
United States Senator



Cori Bush
Member of Congress

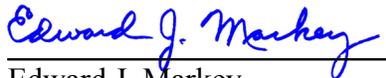
²⁰ Business Insider, "Amazon VP says warehouse workers get the exact same benefits as he does," Áine Cain, August 3, 2017, <https://www.businessinsider.com/amazon-employee-benefits-2017-8>.



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United States Senator



Jesús G. "Chuy" García
Member of Congress



Edward J. Markey
United States Senator



Barbara Lee
Member of Congress



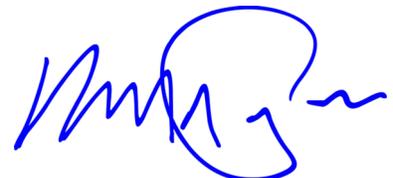
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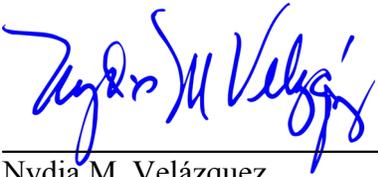
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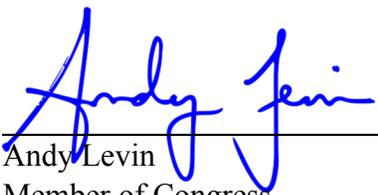
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Marie Newman
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