



San Francisco Encourages Worker Empowerment with New Gig Economy Guidance

Insights

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When it comes to passing new laws designed to protect workers, San Francisco is one of the busiest municipalities in the country. In recent years, the City has passed ordinances addressing paid sick leave, [lactation in the workplace](#), [consideration of applicant salary history](#), flexible workplace schedules, and predictable workplace schedules. San Francisco will require employers to pay a \$15 minimum wage beginning in 2018, and recently became the first city in the nation to require [paid parental leave](#) for employees.

The City has also not been shy when it comes to legislating the gig economy. For instance, San Francisco recently amended a number of its rules governing short-term rentals on online platforms like Airbnb, VRBO, and HomeAway. Among other things, the rules dictate who can be a host, require would-be hosts to register with the Office of Short Term Residential Rental Administration and Enforcement, and authorize hefty fines against those who violate the rules' terms.

So it would stand to reason that San Francisco would probably take an aggressive approach when it comes to mandating workplace protections for gig workers, right? Not necessarily. Instead, the City appears to be embracing a more moderate approach to the gig economy's application to freelance workers or independent contractors. Specifically, on September 1, 2017, a team comprised of the Office of Economic and Workforce Development (OEWD), the Department of Technology, and Supervisor Mark Farrell, in partnership with Samaschool (a local nonprofit specializing in market-aligned online work competency) published a [Freelancer Guide](#) to assist workers in effectively navigating the growing gig economy.

The Guide provides residents with easy access to the requirements associated with operating as a freelancer in San Francisco, and educational resources regarding freelancers' obligations and rights. For example, the Guide informs freelancers that, within 15 days of engaging in business in San Francisco, they must register at the San Francisco Office of Treasurer and Tax Collectors. It also reminds workers that, as independent business owners, they are not entitled to many of the protections available to employees. Further, the Guide is interactive. Where it does not offer information directly, it provides external links to resources regarding legal services, insurance, free tax preparation services, and financial counseling.

The Guide likely stems, at least in part, from a [2016 report on the gig economy in San Francisco](#), also commissioned by Supervisor Farrell. The report found (unsurprisingly) that the gig economy in San

commissioned by Supervisor Farrell. The report found (and perhaps surprisingly) that the gig economy in San Francisco is growing, with more than 5% of San Francisco residents generating some sort of income from gig work. It also suggested that, in many cases, online platforms supplement, rather than replace existing sources of income for workers. To be sure, this likely reflects the economic reality of residing in a city as expensive as San Francisco.

Of course, the publication of the Freelancer Guide hardly represents a wholesale shift away from worker protection around the Bay. However, the clearinghouse of resources provided in the Freelancer Guide may signal a shift away from prohibiting access, and toward empowering workers to make informed choices. As the gig economy develops and expands into new areas, there is no question that the provision of additional information is a good thing.