



Congress May Soon Provide Sexual Harassment Coverage For Gig Workers

Insights

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Last week was a big week when it comes to shining the spotlight on sexual harassment in the gig economy arena. On Thursday, Nathan Heller wrote a piece for the New Yorker that garnered a lot of attention entitled, "[The Gig Economy Is Especially Susceptible to Sexual Harassment](#)." The premise of the article is that freelance workers of all stripes outside the sphere of protection that typically covers W-2 employees, noting that human resources departments, collective bargaining, and federal and state laws cannot offer coverage over most independent contractors. Because of that, Heller writes, "freelance workers are highly vulnerable [to sexual harassment]. They have little institutional support and few, if any, supervisors. They are transient and easily replaceable as well. Those who gig with algorithmic ratings systems must stay on the good side of capricious clients. Others, who depend on word-of-mouth referrals, are obliged to embrace any gift horses that come."

The article cited [a study that was released earlier in the day by HoneyBook](#), a platform for freelance events-industry workers, which offered some fairly dismaying figures:

- 54 percent of respondents reported being sexually harassed in the course of their work.
 - Of those, 77 percent cited "unprofessional comments" about their appearance.
 - 76 percent reported being called "demeaning nicknames" on the job.
 - 60 percent reported physical intimidation.
- 18 percent say they were harassed by the same person four times or more.
- 83 percent say they never brought these incidents to anyone's attention.
- 51 percent of those who did lodge complaints found that no action was taken.
- 82 percent continued on their project in spite of the sexual harassment, and only 18 percent sacrificed their continued work because of what they were facing.

But it appears those in Congress are listening. On January 24, Congresswoman Eleanor Holmes Norton (D-DC) announced that [she will introduce a bill](#) to apply federal anti-discrimination protections to independent contractors. "Even before the dawn of the gig economy, we had seen an exponential increase in the use of independent contractors by employers," [Norton said](#). "These workers, who often do the same jobs as employees, have few of the protections granted to employees under federal anti-discrimination laws. Our anti-discrimination laws were written long

employees under federal anti-discrimination laws but anti-discrimination laws were written long before this dramatic shift in the workplace. Our laws need to catch up and change as the workforce changes.”

We will monitor this development and update the blog when a bill is introduced. In the meantime, the time is right for gig businesses to take a hard look at their workplace culture to make sure they are doing all they can to provide sufficient workplace protections to their workers.

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