



Freelancer Writers Are The Latest Group To Challenge California's Gig Economy Law – But Will It Do Any Good?

Insights

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The clock is steadily ticking towards midnight on December 31, and once the illuminated cluster of grapes drops from the Temecula Civic Center clock tower (this is actually a thing) and rings in the new year in California, employers across the state – and across the country – will have to contend with California's new independent contractor misclassification law which threatens to wreak havoc on the gig economy. Barring a legal miracle in the coming days, AB5 will officially become law, and the ABC test will be the law of the land. As businesses and contractors begin to grapple with this impending new reality, another group has filed suit in court hoping to upend the law before it takes effect.

Last week, several industry groups representing freelance journalists filed a lawsuit seeking to block AB5. Their argument centers on the premise that the law will infringe upon their constitutional rights, as it restricts them from producing more than 35 pieces of content for a single publication in a given year without being considered an employee. This lawsuit follows on the heels of another claim brought by a professional association representing truck drivers in California, which also alleges constitutional violations along with federal statutory conflicts.

But, much like the truckers' lawsuit, the freelancers are not necessarily looking to overturn the entire law. According to their complaint, they seek a narrow form of relief, only aiming to strike that portion of the law impacting journalists, writers, photographers, and similar professionals. So while it is promising to see business groups line up to register their displeasure with a new law that could alter the very fabric of the gig economy in California, it doesn't seem as if even successful challenges in either lawsuit will have an impact on the average gig company with operations in the state.

Business groups no doubt continue to seek relief from the legislature, but it's not as if the prime sponsors of AB5 seem to be having any regrets over the impending law. In fact, the law's author – Assemblywoman Lorena Gonzalez – took to Twitter last week to defend the law and attack those who criticized it (in vulgar NSFW terms, in fact). The best bet might lie with a proposed ballot measure that aims to get in front of voters in November 2020. Election Day seems quite a ways away, however, especially for gig economy companies desperate for relief. Meanwhile, the clock is ticking, and 2020 will be here before you know it...

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Richard R. Meneghello
Chief Content Officer
503.205.8044
[Email](#)