



Leave Us Alone to Do Our Work

June 18, 2024

Drearily, an appeals court [has dismissed](#) Uber’s challenge to California’s anti-gig-work law.

According to the 9th Circuit, [the ride-sharing company](#) couldn’t show that the California anti-freelancer law AB5, which took effect in 2020, unfairly targeted Uber while allowing other types of contract work to continue unhindered.

In fact, the many exceptions to AB5—determined by abundance or lack of political pull of various groups—mean that Uber is hardly alone in suffering from uneven application of the law.

But suppose AB5 had in fact been evenly imposed on everybody. Suppose every single gig worker in California,

without exception, had been forced to become a regular employee of all of his clients—with all the additional costs for employers that this entails—or else lose all work altogether.

This would be *worse*, not better.

Inconsistent tyranny is bad for the victims. Absolutely consistent and uniform tyranny is bad for the victims—which would be greater in number.

Maybe the 9th’s misjudgment won’t stand. If the case makes its way to the U.S. Supreme Court, maybe the high court will unambiguously affirm our right to contract with each other in order to make a living and get stuff done.

Meanwhile, the fate of Uber also hinges on another court case, one determining the fate of Proposition 22, a 2020 California initiative affirming Uber’s right to contract with drivers.* A labor union says Prop 22 is unconstitutional. The state supreme court is deciding whether this is so.

It is not so.

This is Common Sense. I’m Paul Jacob.

* Citizens in Charge, a pro-initiative and referendum group, for whom I serve as president, filed an amicus or friend of the court [brief](#) with the California Supreme Court in this case.