

Communication from Public

Name: Maggie A Glover

Date Submitted: 08/09/2021 07:02 PM

Council File No: 21-0107

Comments for Public Posting: Most recently, I was not paid \$3000 for services rendered to a client who ghosted me after 30 days. In the past, I have spent hours and hours negotiating fees and invoices that myself and clients have agreed upon but suddenly don't want to pay after my work is completed. I feel like every job I take on is a risk and it compromises my ability to do my best work.

Communication from Public

Name: David Trujillo

Date Submitted: 08/09/2021 11:06 AM

Council File No: 21-0107

Comments for Public Posting: I am a member of the National Writers Union and a resident of the City of Los Angeles. I'm writing to support Council Blumenfield's motion, Council File 21-0107, to have the City Council adopt a NY-like Freelance Isn't Free law. The NYC Freelance Isn't Free Law establishes and enhances protections for freelance workers, specifically the right to a written contract, timely and full payment, and protection from retaliation. The law establishes penalties for violations of these rights, including statutory damages, double damages, injunctive relief, and attorneys' fees and costs. For more information, visit nyc.gov/workers. The NY City Dept of Consumer and Worker Protection (DCWP) oversees and enforces the FIF and a host of other city labor laws that cover precarious workers. In their 2020 State of Workers Rights Report, even with the COVID lockdown, there were 490 complaints filed, and 491 investigations opened. Of those, 450 were for unlawful payment practices. More than \$284,000 was collected in restitution and penalties. These numbers are for all independent contractors, not just freelance writers and authors. There were 528 cases filed for unlawful payment practices in 2018 and 663 in 2019, with \$735,100 and \$644,667 being recovered in restitution and penalties respectively. Freelance Isn't Free works and protects the growing number of independent contractors in the US economy. That's why the National Writers Union and the Freelancers Union are supporting Councilmember Blumenfield's motion to have the City of LA adopt a version of the Freelance Isn't Free Act, being heard in the City Council's Economic Development & Jobs Committee.

Communication from Public

Name: Christopher Eggertsen

Date Submitted: 08/09/2021 11:57 AM

Council File No: 21-0107

Comments for Public Posting: As a freelancer, I have many times struggled to be paid in a timely manner. One major media outlet I freelanced for on a regular basis throughout 2017 and 2018 told me it was their policy to pay freelancers within 60 days. Nearly every time, checks would take right around 60 days to arrive. I desperately needed the work so I didn't put up a fight, but this is an unacceptable amount of time to wait to be paid for work. Another time, for a separate outlet, I covered an awards show and was promised payment that never arrived. After following up a few months later, an editor at the publication sent me a Venmo from his personal account. These are not uncommon experiences for the freelance community and must be rectified through legislation.

Communication from Public

Name: Amanda

Date Submitted: 08/09/2021 08:04 AM

Council File No: 21-0107

Comments for Public Posting: Please adopt policies and procedures that protect freelancers. I have personally used the Freelance Isn't Free Act to ensure I was paid for work due. This occurred during the pandemic, at a time when I needed payment to survive. The employer refused payment until I was able to exercise my rights under the Freelance Isn't Free Act to ensure prompt payment and survival. I highly recommend adopting this program as it ensures valuable protection for freelancers.
<https://www.businessinsider.com/how-freelance-isnt-free-act-fifa-nyc-works-2021-6>

Communication from Public

Name: Larry Goldbetter, President of the National Writers Union

Date Submitted: 08/09/2021 09:18 AM

Council File No: 21-0107

Comments for Public Posting: I am writing on behalf of the 1,300-member National Writers Union to support Council Blumenfield's motion, Council File 21-0107, to have the City Council adopt a NY-like Freelance Isn't Free law. The NYC Freelance Isn't Free Law establishes and enhances protections for freelance workers, specifically the right to a written contract, timely and full payment, and protection from retaliation. The law establishes penalties for violations of these rights, including statutory damages, double damages, injunctive relief, and attorneys' fees and costs. For more information, visit nyc.gov/workers. The NY City Dept of Consumer and Worker Protection (DCWP) oversees and enforces the FIF, and a host of other city labor laws that cover precarious workers, mostly of color. The DCWP 2020 State of Workers Rights Report (<https://www1.nyc.gov/assets/dca/downloads/pdf/workers/StateofWorkersRights-Report-2021.pdf>) shows that even with the COVID lockdown, there were 490 complaints filed, and 491 investigations opened in 2020. Of those, 450 were for unlawful payment practices. More than \$284,000 was collected in restitution and penalties. These numbers are for all independent contractors, not just freelance writers and authors. There were 528 cases filed for unlawful payment practices in 2018 and 663 in 2019, with \$735,100 and \$644,667 being recovered in restitution and penalties respectively. Freelance Isn't Free works and protects the growing number of independent contractors in the US economy. That's why the National Writers Union and the Freelancers Union are supporting Councilmember Blumenfield's motion to have the City of LA adopt a version of the Freelance Isn't Free Act, being heard in the City Council's Economic Development & Jobs Committee.

Communication from Public

Name: Rafael Espinal, Executive Director of Freelancers Union

Date Submitted: 08/09/2021 09:24 AM

Council File No: 21-0107

Comments for Public Posting: Testimony of Rafael Espinal, President of the Freelancers Union In support of Motion 21-0107 in relation to the “Freelance Isn’t Free Act” Before the Economic Development and Jobs Committee In relation to establishing protections for Freelance workers Thank you to Chair Price and the entire committee for the opportunity to submit testimony in support of the Freelance Isn’t Free Act (motion 21-0107). I am Rafael Espinal, President of the Freelancers Union and former New York City Councilmember. The Freelancers Union represents over 500,000 members nationwide, 50,000 of whom live in Los Angeles. Freelancers exemplify a workforce as diverse as Los Angeles. Freelancers are service providers, micro business owners and contractors; working as accountants, healthcare workers, writers and adjuncts. They are “creatives” working as artists, photographers, musicians, designers and makeup artists. These workers offer valuable skills, efficiency, and on-demand labor to large and small businesses---they are truly the backbone of LA and the nation’s economy. Studies have shown that more and more millennials and Gen Z are gravitating towards freelancing because of the flexibility and control over an individual’s work. As liberating as freelancing can be, it also has its pitfalls. Benefits such as healthcare, paid sick leave and retirement are not easy to obtain, and in many instances, there is little recourse as a freelancer if you are abused or taken advantage of by an employer. Additionally, far too many freelancers are not getting paid for the work they do. Over 70% of freelancers struggle, and the average unpaid freelancer loses nearly \$6,000 per year. For our members, this represents about 13% of their annual income. With such great income instability, it becomes increasingly difficult to cover basic expenses such as rent, health insurance, and quarterly tax payments. But loss of income does not stop there: it has a cascading effect--- stifling business growth, incurs debt, and makes surviving in Los Angeles nearly impossible. Finally, it violates a basic agreement we have here in this country: work deserves pay. Today, you’ll hear from independent workers in diverse industries battling the same problem for a variety of reasons. Our members in digital media tell us about the barriers to getting a contract. We hear from members who work in the fashion industry about widespread abuse on set and how late

payment or payment at all is the norm, not the exception. We hear from members who have to spend months chasing down a client and be strung along until the client is ready to pay if at all. We witness predatory practices from too many businesses that essentially run on free freelance labor---and face few repercussions. It's time we put an end to this together. The Freelance Isn't Free Act was a first of its kind legislation that was passed into law by the New York City Council in 2017. With my help as chair of the Consumer Affairs Committee, we were able to pass this important piece of legislation to protect freelancers in New York City. The Freelance Isn't Free Act has been a great success here. The Freelance Isn't Free Act will help freelancers get paid what they're owed, on time, and in full. The legislation will provide badly needed worker protections, and stronger business practices for companies who utilize freelance labor. By mandating written contracts, we help both parties set clear expectations at the outset to mitigate future conflicts. 30-day payment terms ensure that workers are not forced to borrow to cover the distance between the day the work is completed and the day the check arrives. By formalizing and increasing penalties for nonpayment we dissuade unethical business practices. Instituting double damages and attorney's fees will make it more financially viable for freelancers to invest the time and money needed to take deadbeat clients to court. We believe that being able to offer freelancers the additional support of the city of Los Angeles' involvement in nonpayment claims will also prove invaluable. The freelance workforce is not going anywhere--in fact, it's growing. As a hub for the freelance economy, Los Angeles has the opportunity to be a leader and protector of working people. We look forward to working with this committee, Councilmembers Blumenfield and De Leon on passing this important legislation. Thank you for your time and consideration.

Communication from Public

Name: James Babbin

Date Submitted: 08/09/2021 08:07 PM

Council File No: 21-0107

Comments for Public Posting: I want to encourage Council and the Mayor to pass the Freelance Isn't Free Act in Los Angeles. We are an entrepreneurial city, and many of us work as freelancers and independent contractors. One of our primary challenges is late and nonpayment from clients. The Freelance Isn't Free Act will establish protections for freelance workers, specifically the rights to a written contract, timely and complete payment, and protection from retaliation. The law empowers a city agency to enforce it and has real consequences for violations of these rights, including statutory damages, double damages, injunctive relief, and attorneys' fees and costs. Bringing this law to L.A. will be a significant victory for the hundreds of thousands of freelancers who are the backbone of Los Angeles' economy.