



FOR IMMEDIATE RELEASE:

## **Anti-Independent Contractor Bill S863 Would Unleash Chaos of California’s AB5 on the Entire New Jersey Workforce**

*Fight for Freelancers New Jersey launches fourth video in anti-S863 series*

**TRENTON, N.J., FEBRUARY 26, 2020** — Fight For Freelancers New Jersey, a nonpartisan, grassroots group of 1,100 independent contractors, creatives, and businesses, has launched the fourth video [in its series](#) urging lawmakers to reject Senate Bill 863 (S863) and instead enact a modern labor law that uses the IRS common law test.



S863 would decimate the livelihoods of thousands of New Jerseyans who choose to work as independent contractors. They include freelance writers, marketing specialists, graphic artists, photographers, video editors, website developers, interpreters, musicians, and many others.

“California’s AB5 contains the same rotten core as New Jersey’s S863,” says Debbie Abrams Kaplan, a freelance writer and co-founder of Fight For Freelancers New Jersey. “In both states,

## **S863 Would Bring California AB5 Chaos to New Jersey**

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the legislation is promoted as a way to protect workers. In reality, California freelancers are losing clients and income. This type of legislation is a career-killer for those of us choosing to work for ourselves as specialized and creative professionals.”

S863, which defines employee status, would change the way New Jersey uses the regressive ABC Test. Developed in the 1930s, the test applies outdated criteria to today’s tech-powered, mobile, and innovative workforce. According to the New Jersey Civil Justice Institute, S863 is even stricter than California’s ABC Test-based law, AB5, which has caused thousands of California’s independent contractors to lose income since it went into effect January 1, 2020.

### **S863 — and, specifically, the ABC Test at its center — would virtually wipe out the creative middle class by:**

- Making it nearly impossible to be legally considered independent contractors
- Putting creatives at risk of losing copyright ownership of their work
- Leaving New Jersey’s independent contractors subject to blacklisting, as California contractors are experiencing now
- Forcing creatives to seek W2 work in sectors like journalism, which is experiencing the greatest level of layoffs since the Great Recession

The Fight For Freelancers NJ video series calls on lawmakers to replace the ABC Test with the Internal Revenue Service (IRS) “common law” test, which accommodates the whole modern, creative workforce, including the 79% of independent contractors who told the U.S. Bureau of Labor Statistics they want to continue being independent contractors.

“New Jersey has a real opportunity to show America how to do this type of legislation right,” says Fight For Freelancers New Jersey co-founder and freelance writer Jen Singer. “Instead of copying the ABC Test the way California did, New Jersey can take the smarter path of creating a modern labor law that fits the needs of the modern workforce, using the modern IRS Test.”

**Vote no on S863 and the outdated ABC test. Vote yes for the modern IRS test.**

WATCH the new two-minute video at the Fight For Freelancers NJ website:

<https://fightforfreelancers.com/videos/>

**#IRSnotABC**

**#FightForFreelancers**

[www.fightforfreelancers.com](http://www.fightforfreelancers.com)

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