

## Translators and interpreters are unintended casualties of new California 'gig' regulations

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Call us unintended casualties. The biggest business you may have never heard of is now besieged by the newly-enacted gig-workers' bill, AB 5, which took effect statewide this month.

Expert linguists, especially translators and interpreters who assist Californians in overcoming language barriers, are witnessing depletion of our ranks as fallout from the new law mounts across our state.

We are calling on state lawmakers to fix a serious flaw left unaddressed in the law. Its insistence that virtually all linguists become employees in order to function here threatens our capacity to serve clients in every sector of life, from operating tables and negotiating tables to kitchen tables.

Language professionals are part of a \$53 billion global marketplace, and our state has long been a hub, building on our academic, entertainment, healthcare and aerospace infrastructure.

More than 5,000 interpreters and translators call California home. Most of us work as independent contractors, a model that suits the facts of our highly skilled work to meet intermittent, specialized and often immediate demands.

The lion's share of translators, who work in writing, and interpreters, who work verbally in real-time, do not have permanent work with any particular organization.

Why? Because linguists fluent in Hungarian, Urdu, Hebrew or Armenian, for example, aren't in permanent demand. But for a visiting head of state, athlete, scientist, refugee or injured tourist,

immediate access to such expertise can be a matter of great urgency.

As interpreters and translators, we often earn certification to perform our trade and may work for as many as twenty or forty different clients in a year. Mandating that they treat us as employees is a burdensome, unworkable consequence of the law.

Even becoming "corporations of one" is not a safe harbor, as several agencies have terminated all California contractors. Others, rather perversely, are directing that work in California be performed by service providers from out of state.

By placing enormous burdens on language service companies wishing to engage expert linguists in California, the law discourages, if not deadens, hiring here. AB 5 has already prompted the pullout of one of the nation's largest telephonic interpreting companies. It's bad for California-based translators and interpreters, and it's bad for California business.

Our professions are overwhelmingly female. Seventy-six percent of interpreters are women, many of them immigrants. AB 5 upends two professions, interpreting and translating, where women not only have broken the glass ceiling, but also are in the majority and leading the way.

Make no mistake: We are not "gig workers"; we are language professionals. AB 5 now threatens our very livelihood.

There is only one clear fix to this problem: An explicit exemption of language services professions from the law, similar to the carve-out given to doctors, lawyers, therapists and other traditionally

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autonomous occupations, including repossession agents.

Precedent already exists in California law to support this exemption. In July 2019, Judge James G. Queenan on the California Unemployment Insurance Appeals Board (CUIAB) ruled that interpreters should be deemed independent contractors, not employees.

A federal judge issued a temporary restraining order blocking AB 5 from being enforced on truck drivers. This indicates a serious flaw in failure to

exempt at least one independent profession.

We believe the policy process in California can be self-correcting if lawmakers can be made to see the essential role of linguists in our diverse state.

We are proud to join with the nonpartisan Coalition of Practicing Translators and Interpreting of California (CoPTIC) to advocate for a permanent exemption for language professionals. Californians who care about our capacity to overcome language barriers are counting on the legislature not to let us down.

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