



Home > Politics > Commentary > Veena Dubal: The unelected puppet master behind California's AB5 law

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Veena Dubal: The unelected puppet master behind California's AB5 l

written by Jennifer Oliver OConnell | Apr 10, 2020



which category a worker falls into, and identified one known as the 'ABC standard' as the simplest method to distinguish employees from independent contractors. The state high court's decision

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SPORTS ▾

TRAVEL ▾

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Veena Dubal's role in the *Dynamex* ruling and in AB5's passage into law has made her a rock star among the organizer, anti-Big Tech/app business set for her advocacy and seemed success against the app-based business models. A quick internet search on her name brings up detailed quotes from left-wing publications like Motil Jones, Slate, and The Guardian, to mainstream ones like the San Francisco Gate, the Los Angeles Times, and New York Times.

Even before AB5, the war against Uber and Lyft has been a focal point in major cities since the companies have disrupted the public transportation scene. From attempts to regulate the platforms, to the current attempts to unionize and bring in worker protections to individuals who are essentially independent contractors, Veena has been very vocal about the abuses she has found resident in the model.

“**The greatest evils in the world will not be carried out by men with guns, but by men in suits sitting behind desks**” — C. S. Lewis

In a Wall Street Journal video story from September 2019 about AB5's effects on Uber and Lyft, Veena was quoted:

“It almost seems to me that they are digging their heels into a business model that is never going to work.”

Fast forward to April 2020 and the COVID-19 Pandemic has disrupted every industry worldwide, whether traditional or app-based. In March, the U.S. Congress quickly passed a 2.5 trillion dollar bill, and President Trump signed the CARES Act into law. This law provides for a one-time payment to individuals and families who make a certain amount annually. It also provides Pandemic Unemployment Assistance (PUA) for W-2 employees, freelancers and independent contractors who have been put out of work because of the pandemic.

Read Also: Newsom's AB5 kills healthcare workers assisting homeless with COVID-19

Democrats in Congress fought to have the money distributed through the state government's Employment Development Departments. It was the Trump Administration's wish that the money is distributed directly from the Federal Treasury. The Democrats got their way, and it has been a mess nationwide. Some systems are able to handle the additional UI payments and other states lagging behind.



LOS ANGELES: While California Assemblywoman Lorena Gonzalez takes credit for authoring AB5 and

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News San Diego interview to know she is ill-equipped to handle public criticism, let alone public policy.

Assemblywoman Lorena Gonzalez responds to Californians hurt by AB 5



In the many months that Repeal AB5 activists have attempted to work with her on exemptions, and challenge her on her lie has shown herself to be a mere sock puppet: contradicting herself and spouting union bromides.

So this begs the question if Lorena is a sock puppet, who, then, is the Puppetmaster?

Veena Dubal, an associate professor at the University of California Hastings School of Law has been pivotal not only the language placed into AB5 but in the defense and advocacy for AB5's passage into law. The UC Hastings Law **website** cited Veena Dubal's hand in the *Dynamex Operations West, Inc. v. Superior Court of Los Angeles County* decision which is the case law on which AB5 is based.

“In its decision, published April 30, the state high court cited Dubal’s paper *Wage Slave or Entrepreneur?: Contesting the Dualism of Legal Worker Identities (2017)* 105 Cal.L.Rev. 65, 7: stated. “Dubal’s paper provided an overview of the multiple standards courts have used to

Count the great state of California among those who still have not figured out how to distribute payments. 5

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LIFE ▾

SPORTS ▾

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To add insult to injury, a letter was submitted to the leaders of both the House of Representatives and the Senate, along with members of the finance, labor and HELP committees asking for a delay in CARES Act funds until the federal government can address Uber and Lyft's misclassification of the app workers as independent contractors.

I am *not* kidding.

Authored by [Sanjukta Paul](#), yet another assistant professor of Law at Wayne State University, and Marshall Steinbaum, an assistant professor of Economics at the University of Utah, the writers and the 20 other signatories (including Veena Dubal) objected to Uber and Lyft drivers getting funds when Uber and Lyft have corrected misclassifications or paid into the UI system. It's quite a [read](#) if you enjoy pseudo-economics and legalese.

The [People v. AB5](#) wrote a blog post that defined the authors' goals succinctly:

“In order to advance their goals, the authors wrote this letter to persuade Congress to force the Department of Labor to ‘require state unemployment insurance agencies to determine that platform workers who receive PUA benefits, including but not limited to ride-hailing platforms Uber and Lyft, be classified as employees going forward.’ In other words, the authors are asking the Department of Labor to make the sweeping, unprecedented, and somewhat final determination that under the law of all fifty states and federal law, each and every platform worker is an employee, and then distribute pandemic aid based on that determination.

“Other than mentioning ‘true independent contractors’ in passing at the start of the letter, the authors do not provide any guidance for how the Department of Labor and state employment departments are to distinguish between a ‘platform worker’ and a non-platform worker. If I as a musician used an online gig referral service to locate three players for my gig, are those players platform workers? This is one of potentially thousands of gray areas that the authors are asking employment departments all over the country to wade into — all while millions of true freelance workers wait for pandemic assistance that they need now and sooner than now.”

As stated above, 22 lawyers and academics signed this letter. Veena proudly tweeted it from her account.





UC Hastings School of Law website also linked the letter under Veena's faculty profile. It is probably in many other places across the internet. Several of the authors, including Sanjukta Paul and Marshall Steinbaum also took to Twitter to tout their participation and scholarship.



This very public letter made its way to the Repeal AB5 activists like **People v. AB5** and **Freelancers Against A** and the leaders in this movement rightly alerted the very people affected by this egregious garbage.

So many independent contractors and freelancers who continue to be vocal toward the AB5's Repeal took to Twitter to confront the authors about their role toward delaying much-needed relief.

Read Also: California's AB5 gig economy law puts Nurses at risk during COVID-19

How did the academics and lawyers respond to being confronted? Living, breathing human beings whose livelihoods have been cut off because of AB5, before the blow from COVID-19 are called "trolls."

Then they are accused of "making sh*t up".

 **Veena Dubal** @veenadubal · 30m

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This explains a lot.

Hi Professor Dubal,
 Thank you for responding to my letter
 Your name was mentioned in a letter being passed around
 about the AB5 law .I thought i would reach out to you directly
 This email I got says you just sent a letter to Congress asking
 that no financial assistance be given to independent
 contractors in the pandemic unemployment assistance
 program .
 I thought i would reach out to you to see if this was true or
 not.

 4  2  9 

 **Steve Smith** @ssmith_calabor · 25m

The patently dishonest attacks from anti-AB5 Twitter never cease to astound. Lately it's like they're not even trying anymore. Just making shit up as they go along

 1   4 

These brain trusts of academia then proceeded to block anyone who chose to challenge or disagree with the thereby, in their twisted reasoning, ending the argument.

“ ***We are experts in our field! How dare you challenge us!*** ”

Veena has blocked many of us as well, including this writer. She claims because she is not an elected official, has a right to block people she considers nasty.

 **Veena Dubal** @veenadubal · Apr 2

I just got an email from someone telling me that it is "inappropriate" that I blocked him on this website and that he looks fwd to my unblocking him (so I have to read his virulent comments?).

I am not an elected official. I block nasty people.

 8   76 

So if you are not an elected official, what right do you have getting involved in making laws and public policy

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Such behavior from someone who claims she is for the “marginalized worker” is unconscionable. And some like this should not be allowed to be a dog catcher. Let alone have influence and set policy that dictates the li of hard-working Americans.



So two questions come to mind:

1. **Who is Veena Dubal, and why is she so intent on destroying independent contractors?**
2. **Who gave ivory tower academics and lawyers the right to influence policy for the American people?**

In this series, I will start with the first question, because it will give context and weight to the second.

Lead Image: Image courtesy of University of Hastings, School of Law



#REPEALAB5 AB5 COVID-19 PUA UC HASTINGS SCHOOL OF LAW UNELECTED BUREAUCRATS VEENA DU

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