

## ATA Position on AB 5 and Mandatory Employee Classification

The American Translators Association (ATA), the voice of interpreters and translators in the United States, represents 10,000 professional translators and interpreters who work in a wide array of fields. There are more than 57,000 translators and interpreters in the US working in a market estimated to be worth \$13.29 billion<sup>1</sup>.

ATA believes that California AB 5 improperly and unfairly classifies professional translators and interpreters as employees, when in fact, they are truly independent contractors by choice and work on a freelance basis with multiple clients by design. Without an exemption, this bill unduly lumps these independent professionals in with individual workers who have not made a deliberate choice to provide freelance services. The bill will also unintentionally restrict the provision of language services within the state, harming not only translators and interpreters, but the community as well. **ATA strongly and urgently requests that a specific exemption be made for translators and interpreters.**

Translation and interpreting (T&I) has been called the world's "second oldest profession." The accuracy of that statement notwithstanding, it is certainly true that the translating and interpreting profession predates the "gig economy" by several thousand years. The current and effective business model of freelancers working through agencies to provide translation and interpreting services to the ultimate consumers of those services has been in place since at least the end of World War II.

In this model, independent translators and interpreters offer their services to consumers of language services, either directly to clients, through agencies, or both. The majority of translators and interpreters rely on multiple translation agencies (language service companies) to act as intermediaries between the end user of language services and the professional practitioner. This system is necessary (and works well) due to the very nature of the industry. With roughly 6,500 languages spoken in the world, and at least 350 spoken in the US<sup>2</sup>, more than 44,000 translation agencies/companies and 57,000 practitioners in the US alone, the industry is too diverse and widespread in terms of both consumers and providers for any single or handful of providers to cover. The T&I industry is not, and is unlikely to become, an oligopoly like the ride-sharing industry, nor are the work or the workers comparable.

The professional practitioners represented by ATA are highly-skilled, highly-educated knowledge workers whose profession and business have little—if anything—in common with ride-share drivers and other workers targeted by this legislation. Many specialize in specific segments such as medical interpreting or legal translation and have advanced degrees in law, accounting, business, science, engineering, and other professional fields. They undertake continuing professional development training to maintain and improve their competency. They are not normally fungible, even if they work in the same language combination as their colleagues. A Spanish-into-English medical translator cannot be substituted for an English-into-Spanish financial translator. They are not unskilled cogs in a machine, but professional service providers with specializations on par with attorneys, accountants, doctors, and other professionals.

Few translation agencies have sufficient demand to hire and supply individual translators and interpreters as employees for every language pair and specialization required to provide language access to those who require it.

<sup>1</sup> Source: Statista, 57,218 as of May 2018 <https://www.statista.com/statistics/320340/number-of-employees-in-interpreting-and-translating-services-us/>

<sup>2</sup> US Census Bureau, 11/03/2015, <https://www.census.gov/newsroom/press-releases/2015/cb15-185.html>

With the current wording of the legislation, those companies would have to work with translators and interpreters based outside of the state, thereby hurting the very people this bill is intended to help and the state's economy, as well as potentially limiting language access for Limited English Proficient individuals.

ATA recognizes that there may be some translators and interpreters who, due to unique circumstances, do work solely for a single consuming entity, such as a school district or a local court system. In those cases, where the translator or interpreter does not control their work hours, does not have the ability to negotiate compensation, or does not act independently in other areas, the translator or interpreter can avail themselves of existing mechanisms to rectify their (proper) classification as employees.

However, that situation does not apply to the vast majority of ATA's independent-contractor members, or to the tens of thousands of non-member translators and interpreters who are freelance professionals by choice. The overwhelming majority of translators and interpreters decide for themselves when to work, which clients to work for, the ways in which they operate, and how much to charge.

**As such, ATA strongly supports the right of our colleagues to choose and establish their own individual business arrangements, and respectfully, but urgently, requests that an exemption be made for translators and interpreters.**

Ted Wozniak  
President

January 31, 2020