

Real-world example

Jennifer Santiagos makes her case to Sen. Alex Padilla's office re: independent contractor status of language professionals on a national level and the lessons learned from CA's AB 5.

I'm grateful to Senator Padilla and his staff for taking the time today to consider the critical importance of safeguarding professional translators and interpreters' independent contractor status, which is key to ensuring meaningful language access in California and throughout the United States.

Before I dive in, allow me to tell you a story. It comes from [my op-ed which was published in CalMatters in August 2020](#):

I remember the moment...as if it were this morning. I was driving down the freeway to my interpreting assignment, and I thought about my dad who had died six months earlier. My heart swelled with gratitude.

My dad Paul...was a freelance professional piano player, and I sensed deeply that I was carrying on his legacy by using my skills as a certified healthcare interpreter to serve people with professionalism and kindness, just the way he did.

Growing up, I saw both my parents model for me the value of being self-employed. My mother, Diana, is a swim instructor, operating her own small business since I was 2. She and my dad pursued careers they loved with the flexibility to be present as parents and not pay for childcare.

Fast forward several decades and now I have a freelance career I am passionate about. As a freelance interpreter, I set my own professional fees, terms, and cancellation policy. I decide which assignments to accept or decline. The ability to be my own boss is crucial. It allows me the time to provide preventive self-care to manage my bipolar disorder, which was diagnosed in college, and to care for my young son.

Why does my story matter? Today, not only is my ability to carry on my family's tradition of self-employment in jeopardy, but over 59 million freelancers throughout our country (including tens of thousands of translators and interpreters) are also at risk due to proposed laws such as the PRO Act, and recent attempts by the US Department of Labor to reclassify independent contractors as employees under the Fair Labor Standards Act (FLSA).

Both have the potential to upend countless livelihoods like California labor law AB 5 did, with its strict B prong prohibiting independent contractors from doing the same kind of work as their hiring entity. My op-ed explains why this won't work:

At least 75% of professional interpreters and translators are independent contractors. Not only is our profession built on this model, but also most language professionals greatly value the flexibility and variety this affords. I am not misclassified or mistreated. I am on good, professional terms with interpreting agencies with whom I do business. Imposition of employee status knocks the wind out of my dream and destroys what I have built.

Such policies have a commendable goal of protecting mistreated workers, but they are out of touch with how language professionals do business. Many of us contract with dozens, even hundreds of language services companies (LSCs) for intermittent assignments.

These LSCs secure the end client, take care of administrative work, and reach out to the right interpreter or translator with the needed language combination and area of expertise, all in a timely manner. The ability of freelancers to contract with LSCs is essential to providing language access (which is a civil right) to the more than 25 million Limited English Proficient (LEP) individuals who reside in our country (about 10% of the total population).

The lesson from California is plain: let's not put an uncalled-for stranglehold on freelancers as AB 5 did. Through constituent-driven advocacy, language professionals eventually did earn a hard-won exemption from AB 5 (along with over 100 additional professions which also received carve-outs). But hundreds of other professions weren't so lucky. And interpreters and translators still suffered significant fallout, with language service companies sending them cut-off notices, and even asking them to move out of California.

I call upon Senator Padilla to prioritize independent language professionals, and thereby champion meaningful language access when crafting legislation and voting on the Senate floor. Interpreters and translators are essential to the very fabric of our society, bridging language and cultural gaps in a multitude of settings: legal, business, medical, educational, government, national security, and the nonprofit sector, among others. Furthermore, the global language services industry reached almost 60 billion US dollars in 2022.

I ask the Senator to work on this as a bipartisan issue, to protect the livelihoods of independent interpreters and translators, the majority of whom are women and immigrants. I implore him to keep front and center that we must continue to make strides toward language access, and not go backward.