

Driving Alone: Collective (In)Action of Uber Drivers in the U.S.

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Employees ONLY: Regime of U.S. Rights Unavailable to Independent Contractors.

RIGHT	LAW
Minimum Wage	FLSA
Workers' Compensation	State Laws
Unemployment Insurance	State Laws
Collective Bargaining	NLRA
Job Protection & Unpaid Leave	FMLA
Safety and Health Protections	OSHA
Medicare	SSA
Pension	ERISA
Prohibition Against Discrimination	Title VII, ADA, ADEA
Retirement & Disability	SSA

Methodology.

- Ethnography of San Francisco's Taxi to Uber Economy 2008-2017
- Legal and regulatory analysis
- 200+ surveys of Uber drivers in San Francisco

Grievances of Uber Drivers in the U.S.

Wage Instability	Time Inflexibility	Work Insecurity	Dignity Complaints
Rate drops	Necessity of driving at particular hours to maximize income	Fear of deactivation (especially for ride refusal)	Poorly treated by customers
Commission raises	Takes time to learn	Lack of transparency around terms of deactivation	No good way to communicate grievances to Uber
Constantly shifting incentives/bonus structures	Work beyond driving—complexity of taxes, insurance, etc.	Threat of autonomous vehicles	Privacy and Data concerns, including surveillance by company
Black box paystub: Lack of transparency around payout			
Costs of car, insurance, gas			

Existing Responses to Grievances in the US.

- Private Lawsuits
- Worker Collective (In)Action
- Limited Regulatory Responses

The Fragmentation of Workers: Problems for Collective Action.

- Dispersed/Atomized [regulatory structure]
- Massive driver turnover
- Segmented: Fulltime v. Part-time Drivers

Labor Unions/Worker Center Responses.

Strategy	Contest Contractor Status	Accept Contractor Status and Organize Workers for Collective Bargaining or Company-funded Portable Benefits	Accept Contractor Status and Organize Workers for Workplace Voice & Market-based Benefits
Venue	Courts	Legislatures (Cities and State)	Private Consultation with Uber
Labor Groups	AFL-CIO (National) NYTWA (AFL-CIO)	Teamsters Local 117 (Seattle) SEIU (Washington)	Teamsters Joint Council 7 (Northern California); Machinists NY (AFL-CIO); Freelancers Union

Reliance on Private Lawsuits: A Problem for Collective Action.

- Independent Contractor Status
- Procedural Issues Regarding Class Actions
- Arbitration Agreements

- Important Lawsuits:
 - O'Connor v. Uber
 - NYTWA v. Uber

Potential Regulatory Responses.

- Workers/firms cannot contract for less than a minimum wage.
- All workers have the right to protected collective bargaining.
- Lift legal/regulatory barriers to low-income worker cooperative formation.