

The Vulnerability of the Gig Economy: An Examination of the American Transportation Sector

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ABSTRACT

The vulnerability of misclassified, underpaid, and marginalized rideshare workers in the burgeoning gig economy and the overall sustainability of the gig economy as a subset of the transportation industry has long been a topic of core debate in the hands of lawmakers, corporations, and rideshare drivers alike. This paper's goal is to identify the vulnerabilities encompassing the gig rideshare population and the association with the vulnerability of the gig economy within the transportation sector. To do this, two regions within the United States – California and Minnesota – afflicted by rideshare worker vulnerability are examined, and the argument is unfolded three-fold. First, it is concluded that the vulnerability experienced by gig workers arose from a combination of factors, including the incapacity to enforce effective governmental policies, racial discrimination manifested through tip volatility, and the heightened vulnerability faced by immigrant workers. Second, it is argued that the vulnerability faced by gig rideshare workers stems from the roots of the transportation industry, which the gig economy has recently integrated itself into, and merely magnified the effects onto its workers. Lastly, I address potential recommendations addressing the vulnerabilities of the gig rideshare economy, including the recent decision made by the Biden administration and other similar historical precedents to critically empower the growth of individuals and the gig rideshare industry alike.

Introduction

America runs on transportation. The American transportation industry is a vast and multifaceted sector that plays a critical role in the economy and daily life of the United States. As of 2022, the industry was valued at approximately \$1.36 trillion, with over 10.68 million Americans employed in transportation and warehousing. Historically, much of this industry was comprised of truckers, responsible for 72.5% of all total freight carried by the industry.¹ The sector is not only responsible for carrying freight, as it encompasses a variety of businesses that move both goods and people, with the latter's popularity soaring in recent years.

However, since the onset of the COVID-19 pandemic, the transportation sector, including road, air, and sea transportation, has all been affected. By the end of March 2020, global road transport activity was almost 50% below the 2019 average, and commercial flight activity was almost 75% below the 2019 average by mid-April 2020.² One of the hardest hit industries by COVID-19 is the public transport sector. There has been a widespread reduction in public transport ridership: according to recent estimates, at the peak of the pandemic passenger numbers in cities around the world have decreased by 70 to 90 percent.³

¹ Jack Flynn, "20+ Transportation Industry Statistics [2022]: The State of American Transportation – Zippia," Zippia, February 16, 2023, <https://www.zippia.com/advice/transportation-industry-statistics/>.

² Adam, Zakia, Heymi Bahar, Christophe Barret, Jean-Baptiste Dubreuil, Musa Erdogan, Timothy Fernández Alvarez, Carlos Goodson et al. "Global Energy Review 2020." *International Energy Agency* (2020).

³ Maria Vagliasindi, "The Impact of COVID-19 on Mobility and Congestion," *Openknowledge.worldbank.org*, March 1, 2023, <https://doi.org/10.1596/1813-9450-10351>.

Under such circumstances, alternatives for public transportation have arisen. Since the pandemic, a higher proportion of households have either owned or leased cars.⁴ But with the price of cars increasing, individuals find themselves inclining towards rideshare (otherwise known as ride-hail or e-taxis but rideshare will be the term used in this paper) – a service that can simultaneously provide the luxury and safety of private transportation, unhampered of the price burden.⁵ Rideshare service, a subset of the transportation industry, has become an integral part of urban mobility in the United States. The American rideshare industry has seen significant growth over the past decade. As of 2022, the market size of ridesharing in the United States grew faster than any other sector, with an 18% increase year-over-year in the last five years.⁶

7

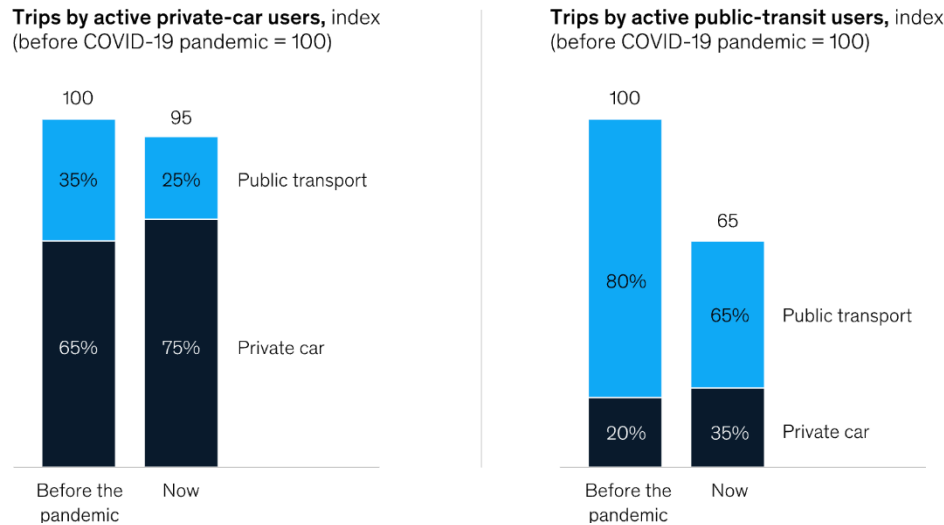


Figure 1. While the overall number of trips decreased during the pandemic, trips in private vehicles increased among public and private transport users.

Growth is expected to continue, with the global ride-sharing market projected to grow from \$84.30 billion in 2021 to \$242.73 billion in 2028, which can be attributed to technological and social advancements. For example, studies show that ridesharing corporations seem to have their eyes set on the automation of transport systems. Also, increasing demand for cost-effective and time-saving transportation along with the rising expense of car ownership has been a significant driver of the global ridesharing market.⁸

⁴ Piyushimita (Von) Thakuriah, “Exploring Car-Ownership and Declining Carlessness in the United States during the COVID-19 Pandemic,” *Findings*, March 27, 2023, <https://doi.org/10.32866/001c.72773>.

⁵ Fortune Business Insights, “Ride Sharing Market Size, Share, Growth | Global Industry Trends, 2026,” www.fortunebusinessinsights.com, December 2021, <https://www.fortunebusinessinsights.com/ride-sharing-market-103336>.

⁶ Barry Elad, “Ridesharing Industry Statistics by Market Size and Country,” *Enterprise Apps Today*, August 22, 2023, <https://www.enterpriseappstoday.com/stats/ridesharing-industry-statistics.html>.

⁸ Mirko Goletz and Francisco J. Bahamonde-Birke, “The Ride-Sourcing Industry: Status-Quo and Outlook,” *Transportation Planning and Technology*, June 29, 2021, 1–16, <https://doi.org/10.1080/03081060.2021.1943128>.

But one unacknowledged cause of the expansion of the rideshare economy is the emergence of a new, “revolutionary” business model, characterized by micro-mobility freelance service, known as the “gig economy”. The gig economy, an industry enabling individuals to engage via digital platforms, epitomizes a burgeoning global trend in working practices. These individuals are *typically* independent contractors, who have self-determination over their working hours, conditions, and compensation – more on that later.⁹ At first glance, the expansion of the rideshare industry seems to yield advantages for all stakeholders. However, the burgeoning growth of the rideshare sector also highlights a concern regarding the susceptibility of freelance drivers. A much higher proportion of such drivers - 80-90% -are working on a full-time basis and rely on it for a steady income, whereas in the broader gig economy, only 60% of gig workers rely on gig work as their primary source of income, and a mere 30% engage in gig work out of necessity.¹⁰ This statistic underscores how vulnerable a large proportion of freelance drivers are to wage fluctuations and changes in demand for their services.

On a deeper and more cynical level, vulnerability can always be exploited, and this incidence is certainly true in the gig transportation sector. In fact, in recent years, Uber and Lyft have encountered disputes in their endeavour to establish regulations encompassing the classification of workers as an “independent contractor” vs “employee.”¹¹ Although an independent contractor possesses more autonomy over working hours, they miss out on crucial benefits and workers' rights that are guaranteed for employees. In particular, the absence of a set hourly minimum wage has cast controversy on how Uber and Lyft are treating their workers. According to a survey from Uber and Lyft drivers in the USA, 15% of drivers receive some form of public assistance, 44% of drivers report difficulty paying for work expenses, and more than a quarter get underpaid.¹² According to a survey from MIT of over 1100 Uber and Lyft drivers in the US, the median profit from driving is \$3.37/hour before taxes, and 74% of drivers earn less than the minimum wage in their state.¹³

Despite this, regulations around the gig transportation sector have not been expounded to a point to account for worker exploitation and various unethical practices put forward by rideshare companies. The overarching objective of this paper is to gain a comprehensive understanding of why instances of worker exploitation persist within this sector despite its decade-long longevity and regulatory framework and apply the implications of exploitation in the gig sector to the transportation industry. By scrutinizing the nuanced and complex dynamics through two selected case studies, the paper focuses on dissecting the multifaceted interplay between regulatory mechanisms and external factors to discern the extent to which each contributes to the persistence of

⁹ Kaiser Associates, “Mastercard Gig Economy Industry Outlook and Needs Assessment,” 2019, <https://blog.kleros.io/content/files/wp-content/uploads/2019/05/gig-economy-white-paper-may-2019.pdf>.

¹⁰ “EXECUTIVE SUMMARY,” 2016, <https://www.mckinsey.com/~media/McKinsey/Featured%20Insights/Employment%20and%20Growth/Independent%20work%20Choice%20necessity%20and%20the%20gig%20economy/Independent-Work-Choice-necessity-and-the-gig-economy-Executive-Summary.ashx>.

¹¹ A Richard and Christian Patrick Woo, “Number 2 Articles Edition Article 6 3-2017 Part of the Labor and Employment Law Commons Recommended Citation Recommended Citation Bales,” *Mercer Law Review* 68, no. 2 (2017), https://digitalcommons.law.mercer.edu/cgi/viewcontent.cgi?article=2314&context=jour_mlr. See Page 469.

¹² “New Brief Finds Uber & Lyft Took Highest Commissions during the Worst of Pandemic,” UCLA Labor Center, February 15, 2023, <https://www.labor.ucla.edu/new-brief-finds-uber-lyft-took-the-highest-commissions-during-the-worst-of-the-pandemic/#:~:text=Uber%20%26%20Lyft%20took%2030%25%20or>. See Page 28.

¹³ Stephen Zoepf et al., “The Economics of Ride Hailing: Driver Revenue, Expenses and Taxes Working Paper Series,” 2018, https://fuelandtiresaver.com/wp-content/uploads/2020/03/Zoepf_The-Economics-of-RideHailing_OriginalPdfFeb2018.pdf. See Page 3.

worker exploitation, centred around two main research questions. First, what are the existing mechanisms encompassing the vulnerability of rideshare workers, and subsequently, through the examination of the first research question, what are the vulnerabilities of the gig economy in the transportation sector as a whole?

Case Study Selection

California and Minnesota were chosen as specific divergent case studies particularly because of their unique economic and social circumstances. California, home to a substantial population of 40 million people, includes approximately 200,000 gig platform transportation workers, many of whom are low-income minority immigrants.¹⁴ Notably, there is a heightened demand for rideshare services, stemming from California's unique geographical layout where a lack of accessible buses and public transportation¹⁵ propel the demand for rideshare¹⁶, especially in urban centres such as Los Angeles and the Bay Area, where the daily number of trips surpasses 200,000.¹⁷

Conversely, Minnesota is characterized by its rural setting and relatively small population of 5.7 million, of which 83% are non-immigrant, with only 1500 rideshare drivers.^{18, 19} Notably, three-quarters of employed Minnesotans work in the financial, healthcare, insurance, hospitality, and tourism sectors.²⁰

Yet, despite their differences, each state is similarly characterized by its distinctive legislation on the rights encompassing the vulnerabilities of gig workers. By scrutinizing these disparate cases, this study aims to dissect and elucidate the intricate political, economic, and social dynamics that shape the regulatory landscape and impact the working conditions within the gig transportation industry in these two states.

Case One: California's Gig Transportation Economy

In the early 2010s, the regulatory landscape in California lacked specific bills categorizing rideshare drivers. Henceforth, Uber and Lyft operated within a legal grey area, eluding the classification of drivers as either employees or independent contractors. The regulatory trajectory shifted in 2018 when the first breakthrough in

¹⁴ Hans Johnson, Eric McGhee, and Marisol Cuellar Mejia, "California's Population," Public Policy Institute of California, January 2022, <https://www.ppic.org/publication/californias-population/>.

¹⁵ Sameea Kamal, "Why California Public Transit Is at a Pivotal Moment," *CalMatters*, April 5, 2023, sec. Capitol, <https://calmatters.org/politics/capitol/2023/04/public-transit-california/>.

¹⁶ Hongyun Si et al., "What Influences People to Choose Ridesharing? An Overview of the Literature," May 2, 2023, 1–26, <https://doi.org/10.1080/01441647.2023.2208290>. See Section 3.

¹⁷ Lauren Kinkade, "How Many Trips Can Uber and Lyft Make in San Francisco in One Day?," GovTech, June 16, 2017, <https://www.govtech.com/question-of-the-day/question-of-the-day-for-061917.html#:~:text=The%20report%20found%20that%20on>.

¹⁸ "U.S. Census Bureau QuickFacts: Minnesota," www.census.gov, n.d., <https://www.census.gov/quickfacts/fact/table/MN/PST045222>.

¹⁹ Alfonzo Galvan, "Uber, Lyft Drivers Demand Better Benefits and Clarity about Pay," *Sahan Journal*, January 13, 2023, <https://sahanjournal.com/business-work/uber-lyft-drivers-ride-share-labor-organizing-minneapolis-city-council/>.

²⁰ Victor Kiprof, "What Are the Biggest Industries in Minnesota?," *WorldAtlas*, January 30, 2020, <https://www.worldatlas.com/articles/what-are-the-biggest-industries-in-minnesota.html#:~:text=About%20three%2Dquarters%20of%20employed>.

labour reform occurred. The California Supreme Court mandated the adoption of the ABC Test through Assembly Bill 5, which was a system used to classify workers as employees or independent contractors.^{21, 22} This ruling marked a juncture in shaping regulation for rideshare drivers in California.

The ABC Test indicated that rideshare drivers, integral to the core operations of rideshare companies, should be classified as employees rather than independent contractors. This decision was seen as a massive victory for rideshare workers and as a threat to platform companies' operations. According to reports, Uber and Lyft spent over \$200 million on a ballot measure to keep their drivers classified as independent contractors, known as Proposition 22.²³ In the weeks leading up to Election Day, companies used their respective apps to bombard riders and drivers with messages urging them to vote for the bill. To do this, the companies misrepresented and glorified the effects of Prop 22 on drivers. Voters were bombarded with information claiming that it would give workers a minimum wage, and more benefits and that drivers would lose their working flexibility if Prop 22 did not pass.²⁴ Proposition 22 had quite the opposite effect. The initiative created exemptions from AB5 for 'Transportation Network Companies' (TNC) and 'Delivery Network Companies' (DNC), and not only did it reclassify workers as independent contractors, but it also removed all the benefits associated with being an employee and certain vital responsibilities associated with being an employer.²⁵

This new arrangement prevents on-demand companies from having to pay employee benefits, compensations and insurance, which can save up to 30% in labor costs.²⁶ With no set minimum wage, overtime pay, and other vital legal protections, drivers found themselves in desperate straits. According to a study done by UC Berkeley, after considering multiple loopholes in the initiative, it was estimated that the pay guarantee for Uber and Lyft drivers was equivalent to a wage of \$5.64 per hour, due to factors such as unpaid working time, unreimbursed costs of driving while waiting for a ride, maintenance costs, and under-reimbursed costs during drivers' engaged driving time.²⁷

²¹ SCOCAL, *Dynamex Operations West, Inc. v. Superior Court*, S222732

²² Xunyi Wang, Yu-Wei Lin, and Wencui Han, *Does Regulation Help? The Impact of California's AB5 on Gig Workers*, *Scholarspace.manoa.hawaii.edu*, 2023, <https://scholarspace.manoa.hawaii.edu/items/d4be1a8d-40e9-4e02-84be-91d1b2407122>. See Page 1.

²³ Aarian Marshall, "With \$200 Million, Uber and Lyft Write Their Own Labor Law," *Wired*, November 4, 2020, <https://www.wired.com/story/200-million-uber-lyft-write-own-labor-law/>.

²⁴ Veena B. Dubal, "Economic Security & the Regulation of Gig Work in California: From AB5 to Proposition 22," *European Labour Law Journal* 13, no. 1 (December 14, 2021): 203195252110631, <https://doi.org/10.1177/20319525211063111>. (Voters were bombarded, for example, with television, radio, internet, email, and in-app messaging that said that Prop 22 would give workers a minimum wage, more benefits, and that drivers would lose their 'flexibility' if Prop 22 did not pass.)

²⁵ Niels Van Doorn, "Platform Labor: On the Gendered and Racialized Exploitation of Low-Income Service Work in the 'On-Demand' Economy," *Information, Communication & Society* 20, no. 6 (February 24, 2017): 898–914, <https://doi.org/10.1080/1369118x.2017.1294194>. (Here, the platform and the contractor are stipulated to be in a commercial relationship where the former provides a service to the latter in the form of a software-generated market lead to a potential client for the service offered by the contractor – a service that is categorically distinguished from the one provided by the platform.)

²⁶ Niels Van Doorn. (As commentators have pointed out, this arrangement prevents on-demand companies from having to pay employee benefits, compensations, and insurances, which can save up to 30% in labor costs)

²⁷ Ken Jacobs and Michael Reich, "The Uber/Lyft Ballot Initiative Guarantees Only \$5.64 an Hour," Center for Labor Research and Education - UC Berkeley, October 31, 2019, <https://laborcenter.berkeley.edu/the-uber-lyft-ballot-initiative-guarantees-only-5-64-an-hour-2/>. See Page 1.

Case Two: Minnesota - Twin Cities

Ridesharing was established in Minnesota in 2013. Since then, this service has continued to see considerable popularity and growth, with its convenience and ease of use.²⁹ However, this expansion was not undertaken without controversy. In 2019, the Minneapolis City Council proposed a law that would expand wage theft protections to gig workers and independent contractors. As this law did not intend to reclassify gig workers, gig companies did not make efforts against it.³⁰ But when the state attempted to pass another law akin to AB5 that would offer more protection to workers, gig companies acted and forced a veto on the bill. In May 2023, the state senate of Minnesota passed legislation that would have required Uber and Lyft to pay their drivers at least \$1.45 per mile they drive with a passenger or \$1.34 per mile outside the Minneapolis-St. Paul area, as well as \$0.34 per minute.³¹ It also would have established a review process letting drivers protest cases where they were deactivated from platforms.³² However, this amendment was eventually vetoed by the state governor, Tim Walz, causing massive controversy and public outrage. The reason was revealed to be twofold.

First, instating a minimum wage for transport workers would result in the “spiking” of rideshare prices. According to Lyft Senior Public Policy Manager Brent Kent in a letter sent to the Minneapolis City Council, 56 per cent of Lyft rides in Minneapolis start or end in low-income areas, and under this proposed Minneapolis ordinance, he said rides would be “more expensive than a cab in Manhattan.” Kent also said a trip today that costs \$20 will cost \$40 under the proposed changes - although this claim was never proven or validated.³³ Secondly, rideshare drivers are important contributors to the regional economy.³⁴ Uber’s contribution to the state and federal economy is measured through the income it directly generates for Uber and indirectly generates for workers in other industries due to Uber’s activity. This occurs as drivers spend their income on food, clothing, housing, and other goods and services, which generates sales and income for other area businesses. This also occurs as rideshare service users utilize the efficient system of rideshare to “increase their economic

²⁹ Minnesota Department of Transportation, “Mobility as a Service,” MinnesotaGo (Minnesota Department of Transportation, September 2018), <https://minnesotago.org/application/files/9515/4110/3527/mobility-as-a-service-final.pdf>.

³⁰ Jackson Lewis, Gina K. Janeiro, and Hadley M. Simonett, “Minneapolis Expands Wage-Theft Protections to Independent Contractors,” SHRM, January 7, 2021, <https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/minneapolis-expands-wage-theft-protections-to-independent-contractors.aspx>.

³¹ Alfonso Galvan, “Uber, Lyft Drivers Demand Better Benefits and Clarity about Pay,” Sahan Journal, January 13, 2023, <https://sahanjournal.com/business-work/uber-lyft-drivers-ride-share-labor-organizing-minneapolis-city-council/>.

³² Kellen Browning, “Minnesota Governor Vetoes Gig Worker Pay Bill,” *The New York Times*, May 25, 2023, sec. Technology, <https://www.nytimes.com/2023/05/25/technology/minnesota-veto-gig-workers.html>.

³³ Nina Moini, “Proposal to Boost Rideshare Driver Pay Moves Forward in Minneapolis,” MPR News, August 8, 2023, <https://www.mprnews.org/story/2023/08/08/proposal-to-boost-rideshare-driver-pay-moves-forward-in-minneapolis>.

³⁴ Erik White, “Young Veterans Strengthen Local Workforce,” Minnesota Department of Employment and Economic Development, accessed December 25, 2023, <https://mn.gov/deed/data/locallook/northwest/northwest-blog.jsp?id=1045-421680>.

productivity” - or in other words - to visit more fiscal revenue centers, hence generating more revenue through all different industries to the government.³⁵

36

Analysis

A common pattern arises in each of these two cases – initially, rideshare companies exploit the lack of proper regulation surrounding the classification of workers and operate to gain control. Then, when proper regulation is – or is in the process of enforcement, rideshare companies would prevent the completion of the bill and typically draft another bill (in the fashion of Proposition 22) endorsing the misclassifications of workers. As of the year 2020, 34 American states have drafted similar legislation.

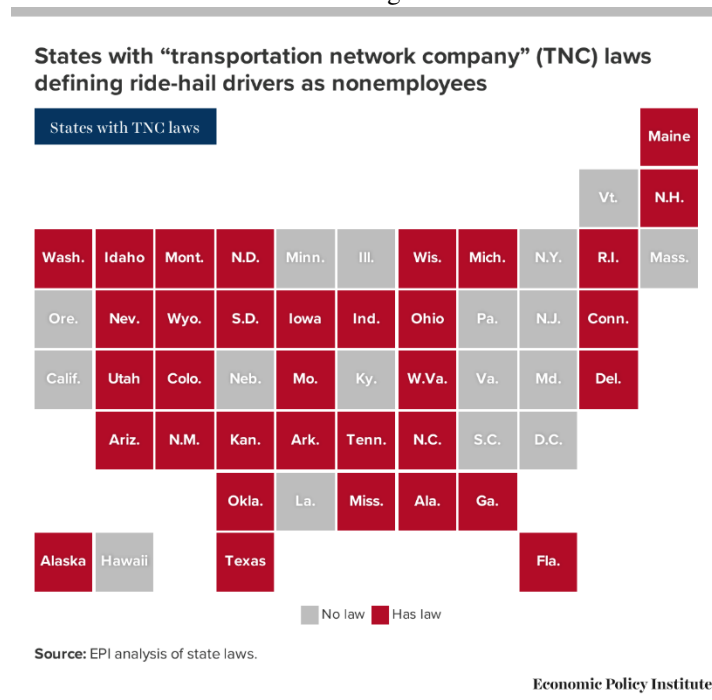


Figure 2. A large majority of American states have drafted legislation redefining ridesharing workers.

In Minnesota, the rideshare industry is core to the local economy. When ridesharing companies claimed that they would “pull out of Minnesota” or “greatly reduce service in the state,”³⁷ fearing the hindrance of economic growth, politicians were coerced into vetoing any bill being passed in these companies’ favor. Uber’s impact on the regional economy is not unique to Minnesota, either. According to a report from the Economic Development Research Group, Uber’s contribution to California’s economy is \$3.2 billion in gross

³⁵ EDR Group. “Uber’s Economic Impacts across the United States | EBP | US.” www.ebp-us.com, 2018. See Page 2

³⁷ Kellen Browning, “Minnesota Passes Bill Seeking to Ensure Minimum Wage for Gig Workers,” *The New York Times*, May 21, 2023, sec. Technology, <https://www.nytimes.com/2023/05/21/technology/minnesota-uber-lyft-gig-work.html>.

state product.³⁸ For the United States as a whole, in 2018, Uber's direct contribution (not factoring in other exclusive benefits such as rider productivity) to the U.S. economy was \$17 billion in gross domestic product.³⁹

Henceforth, the efficacy and genuine alignment of these proposed bills to resolve the vulnerabilities faced by rideshare workers may be in question. Rideshare drivers, as a dispersed group with no formal union, have generally struggled to mobilize collectively and assert claims in legislation. While issues relating to regulation and labor laws are largely ignored in legislative arenas, they have been taken up in courts, primarily by platform attorneys, hired by ridesharing companies, to represent the views of drivers. However, surrogates may have internalized biases which slant their representation of drivers' interests, leading to the passing of many unfavorable or ineffective regulations for drivers.⁴⁰

From these two case studies, it can be generalized that rideshare companies hold great influence over the local government. Either done politically, through lobbying efforts (as seen in California) or refusing the right of unionization to gig workers, or more subtly, through yielding its economic power over the local economy (as seen in Minnesota), the influence that ridesharing companies possess will continue to grow in the future.

However, policy is not the only factor that plays into the vulnerability of rideshare workers. While examining the two cases, there is one major resemblance between them: the high number of workers that are of undocumented, vulnerable, or marginalized status, comprising 78% of the gig transportation workforce.⁴¹ Immigrants and minorities encounter substantial obstacles when pursuing high-level employment opportunities. Positioned at the base of the entrepreneurial supply chain and frequently encountering rejection from conventional employers, more and more individuals are coerced into seeking employment in rideshare.

Vulnerability of Immigrant Drivers

While global immigration is rising at an exponential and unprecedented pace, it is important to note the impact it has on the gig economy. The United States alone has 46.6 million immigrants, accounting for nearly 15% of the total resident population.⁴² California, specifically, has seen a huge influx in immigration: according to the 2020 Census, 39% of Californians are Latino, 35% are white, 15% are Asian American or Pacific Islander, 5% are Black, 4% are multiracial, and fewer than 1% are Native American or Alaska Natives, and temporary working visas have grown at an extraordinary pace.⁴³ Correspondingly, in California, 65% of rideshare drivers are

³⁸ EDR Group. "EDRG_California_Economic_Impact_Report," 2018. See Page 2.

³⁹ EDR Group, EDRG_US_Economic_Impact_Report," 2018. See Page 2.

⁴⁰ Ruth Berins Collier, Veena Dubal, and Christopher Carter, "Labor Platforms and Gig Work: The Failure to Regulate," papers.ssrn.com (Rochester, NY, September 19, 2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3039742.

⁴¹ Tori Fleming, "The Gig Economy Is a Racial Justice Issue Too," Venngage, June 2, 2021, <https://venngage.com/blog/gig-economy-data-story/>.

⁴² Geschke Center and Shireen Tofiq, "USF Scholarship: A Digital Repository @ Gleeson Library | Migrant Ridesharing Drivers in San Francisco: A Case of Blocked Mobility?," n.d., <https://repository.usfca.edu/cgi/viewcontent.cgi?article=1339&context=thes>.

⁴³ Hans Johnson, Eric McGhee, and Marisol Cuellar Mejia, "California's Population," Public Policy Institute of California, January 2022, <https://www.ppic.org/publication/californias-population/>.

immigrants⁴⁴ and 78% of drivers are people of color.⁴⁵ This statistic spans beyond a simple numerical representation; being an immigrant in a labour-dominated field such as ridesharing often triggers exploitation and mistreatment.

Most commonly, immigrants land in a new country alone. Rigid migration policies, uncertain living conditions in the new environment, and the high cost of migration are among the reasons why many people choose to leave their families behind. To compensate, they tend to send remittances to family back home through financial transfers.⁴⁶ A survey revealed that half of the rideshare drivers support children and provide the bulk of their family's income. Along with these findings, this survey also released more troubling statistics. A striking 80% of drivers acquired their vehicles specifically to enter the rideshare industry, putting them at risk of losing their investment should they transition to another field.⁴⁷ Additionally, two-thirds of drivers rely solely on driving as their primary source of income.⁴⁸ Therefore, a reasonable inference can be drawn that drivers bear a substantial familial and economic burden, rendering them financially and emotionally vulnerable. This vulnerability in turn creates an environment conducive to exploitation where drivers may not dispute any exploitative practices, they encounter due to their vulnerable status.

Vulnerability of Minority Drivers

In a pool full of drivers, driver rating, the way that a driver is perceived by passengers, impacts their wage, salary, and working hours.⁴⁹ However, ironically, the specific criteria and methodology used to determine these ratings are never disclosed. Superficially, riders rate drivers on a scale from 1-5 and drivers must maintain a rating of 4.6 to remain "active" on the app and to make a substantial income. However, it seems there is no clear metric on how the performance is evaluated, such as driving skills, safety concerns, or decision-making strategies about picking up routes. Instead, one metric that is prioritized is the driver's capacity for "emotional labor".⁵⁰

Emotional labour is defined as "the management of feeling to create a publicly observable facial and bodily display."⁵¹ Although it is regarded as an important phenomenon across traditional work contexts, where interpersonal interaction is crucial, it has also become an increasingly important phenomenon among rideshare

⁴⁴ Eliza McCullough and Brian Dolber, "Most California Rideshare Drivers Are Not Receiving Health-Care Benefits under Proposition 22 | National Equity Atlas," [nationalequityatlas.org](https://nationalequityatlas.org/prop22#:~:text=Among%20our%20survey%20respondents%2C%2065), accessed December 25, 2023, <https://nationalequityatlas.org/prop22#:~:text=Among%20our%20survey%20respondents%2C%2065>.

⁴⁵ Chris Benner, "On-Demand and On-The-Edge: Ride Hailing and Delivery Workers in San Francisco," May 5, 2020, https://transform.ucsc.edu/wp-content/uploads/2020/05/OnDemandOntheEdge_ExecSum.pdf.

⁴⁶ Dilip Ratha, "Remittances: Funds for the Folks Back Home," IMF, 2022, <https://www.imf.org/en/Publications/fandd/issues/Series/Back-to-Basics/Remittances>.

⁴⁷ UCLA Labor Center, "MORE than a GIG a Survey of Ride-Hailing Drivers in Los Angeles," 2018, <https://irle.ucla.edu/wp-content/uploads/2018/05/Final-Report.-UCLA-More-than-a-Gig.pdf>.

⁴⁸ James A. Parrott and Michael Reich, "An Earnings Standard for New York City's App-Based Drivers," Center for New York City Affairs, June 2018, <https://www.centernyc.org/an-earnings-standard/>.

⁴⁹ Alex Rosenblat et al., "Discriminating Tastes: Uber's Customer Ratings as Vehicles for Workplace Discrimination," *Policy & Internet* 9, no. 3 (June 28, 2017): 256–79, <https://doi.org/10.1002/poi3.153>.

⁵⁰ Benjamin V. Hanrahan, Ning F. Ma, and Chien Wen Yuan, "The Roots of Bias on Uber," *ArXiv:1803.08579 [Cs]*, March 22, 2018, <https://arxiv.org/abs/1803.08579>. See Page 4.

⁵¹ Christoph Lutz, Gemma Newlands, and Christian Fieseler, *Emotional Labor in the Sharing Economy*, *Scholarspace.manoa.hawaii.edu*, 2018, <https://scholarspace.manoa.hawaii.edu/items/025ef8bd-1389-410d-aaf5-b67644aefbeb>. See Page 636.

drivers and disproportionately disfavors immigrants and minorities. Throughout history, race and gender have intersected to create stereotypes of various workers. Henceforth, these representations create additional difficulties for workers of colour trying to meet the emotional demands of their jobs, needing to go one step further, which can involve "identity work," or a conscious effort to track white, middle-class norms to "break the stereotype" compared to their peers who do not have stereotypes attached to them.⁵² For example, marginalized women must do the emotional work of appearing friendly but suitably distant from male passengers to try to ward off potential harassment. The lack of protections these companies provide further shifts the burden of emotional labour onto workers, disproportionately impacting minorities.⁵³

The Gig Economy in the Transportation Sector

In the broader realm of the transportation and service sector, inequality is a persistent problem. The gig mobility service, being a subset of the general transportation industry, faces many of the issues that the industry struggles with and is further exacerbated by the marginalized nature of the driver population.

Starting with the political/regulatory aspect – the cases of California and Minnesota distinctly illuminate vulnerabilities within the transportation industry. Patterns of deregulation and lack of unionization are not exclusive to the rideshare sector; the transportation industry – especially the trucking sector - has long struggled with the problem of balancing the rights and well-being of workers with the interests of companies.⁵⁴ In fact, in the last 3 decades, there has been significant deregulation of many network industries including rail, airlines, trucking, and utilities, the reason being that regulation in many of these industries created production and pricing inefficiencies.⁵⁵ A comparable policy worth considering, akin to the regulations implemented in the gig economy, is the Motor Carrier Act of 1980. This act significantly deregulated the trucking industry, and as a result, led to increased efficiency and productivity, and allowed for more flexibility in the industry.⁵⁶ However, under deregulation, the number of unionized firms dropped from 60 per cent in 1975 to 25 per cent by 2000, and wages dropped by 44 per cent from 1977 to 1987.⁵⁷ Another policy that deserves to be scrutinized in comparison to the rideshare sector today is the Airline Deregulation Act of 1978, which shifted control over air travel from the political to the market sphere, bearing resemblance to how modes of private transportation have shifted from government-owned Taxicabs to privately owned rideshare transportation. After the Deregulation Act, although airline prices have fallen 44.9 per cent⁵⁸ after airlines were able to enhance their productive efficiency,

⁵² Brishen Rogers, "The Social Costs of Uber," 2017, https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1037&context=uclrev_online. See Page 97.

⁵³ Adia Harvey Wingfield, "The (Un)Managed Heart: Racial Contours of Emotion Work in Gendered Occupations," *Annual Review of Sociology* 47, no. 1 (July 31, 2021): 197–212, <https://doi.org/10.1146/annurev-soc-081320-114850>.

⁵⁴ Alex N. Press, "American Truckers Are Getting Squeezed. Hard.," *jacobin.com*, April 16, 2023, <https://jacobin.com/2023/04/us-trucking-safety-monitoring-elds-surveillance>.

⁵⁵ Kevin E. Henrickson and Wesley W. Wilson, "Compensation, Unionization, and Deregulation in the Motor Carrier Industry," *The Journal of Law and Economics* 51, no. 1 (February 2008): 153–77, <https://doi.org/10.1086/520006>. See Page 153.

⁵⁶ Thomas Gale Moore, "Trucking Deregulation," *Econlib*, n.d., <https://www.econlib.org/library/Enc/TruckingDeregulation.html>.

⁵⁷ Alex N. Press, "American Truckers Are Getting Squeezed. Hard."

⁵⁸ Fred Smith and Braden Cox, "Airline Deregulation," *Econlib*, 2010, <https://www.econlib.org/library/Enc/AirlineDeregulation.html>.

airline workers were laid off, operations were reduced, and unions were being asked for pay increase freeze and outright wage reductions.⁵⁹

Moving onto the more multifaceted racialized aspect – the case of the gig economy can be seen as a reflection of omnipresent trends in the service and transportation industries alike. Historically, the transportation industry has been personified by elite, privileged individuals exerting control over the transportation field - a disposable, blue-collar logistics workforce composed primarily of dispossessed workers, many of whom are migrants.⁶⁰

To this day, minority groups continue to be disproportionately engaged in front-line work, driven by their specific skills, experiences, and cultural capital which can lead to persistent wage gaps and limited career advancement opportunities within these jobs. Even discriminatory practices transfer across from the transportation industry within the gig economy. Take the example of discrimination. A study conducted in New Haven, Connecticut, found that African American taxi drivers were tipped approximately one-third less than white taxi drivers. This study, which collected data on over 1,000 taxi rides, also found that African American passengers tipped approximately one-half the number of white passengers.⁶¹ Similar effects are witnessed in the gig economy through the concept of emotional labor.

What's more, racism is embedded in nearly every planning discussion in America, including public transit, which often enables, supports, and facilitates the practices observed in the gig economy today.⁶² The reality is that transit agencies are still managing and operating systems that have discriminatory practices embedded in them. Transportation sectors have inherited past decisions, entrenched systems, policies, and ways of thinking, and when the gig economy became a subset of the transportation sector, it too succumbed to the racialized nature of transport service work. The gig economy's lack of regulation, transparency, and social awareness could magnify this issue.

Discussion

On a broader level, one trend seems to arise – the gig economy, being a vulnerable, largely unregulated, and new style of employment – seems to inherit the “aspects” or “trends” of the sector it integrates itself into. It appears that the gig economy, like other subsets of the transportation industry, follows a trend of deregulation and racialization in a need for maximized profit, entailing cheaper fares for consumers but also perpetuating worker exploitation.

For gig workers, the future is unclear. If the gig economy were to follow the trends of the trucking and aviation industries, it may appear that the vulnerability of workers may not be alleviated. But it can also be argued that gig workers are even more vulnerable than workers in other transportation sectors because of their classification status.

⁵⁹ Michael Katz, “The American Experience under the Airline Deregulation Act of 1978 -an Airline Perspective,” *Hofstra Labor and Employment Law Journal* 6 (1988), <https://scholarlycommons.law.hofstra.edu/cgi/viewcontent.cgi?article=1101&context=hlelj>. See Page 9.

⁶⁰ Jake Alimahomed-Wilson. "Racialized Masculinities and Global Logistics Labor." *GENDERING LOGISTICS. FEMINIST APPROACHES FOR THE ANALYSIS OF SUPPLY-CHAIN CAPITALISM* (2020): See Page 28.

⁶¹ Ian Ayres, Fredrick E. Vars, and Nasser Zakariya, “To Insure Prejudice: Racial Disparities in Taxicab Tipping,” *SSRN Electronic Journal*, 2003, <https://doi.org/10.2139/ssrn.401201>.

⁶² Christof Spieler, “Racism Has Shaped Public Transit, and It’s Riddled with Inequities | Kinder Institute for Urban Research,” *Kinder Institute for Urban Research | Rice University*, August 24, 2020, <https://kinder.rice.edu/urbanedge/racism-has-shaped-public-transit-and-its-riddled-inequities>.

In the process of writing this research paper, the Department of Labor under the Biden administration is proposing a ruling that would reclassify Uber and Lyft drivers as employees instead of contractors. The consequence of this ruling is unclear. On one hand, this resolution would ensure more benefits and legal protections for rideshare workers. On the other hand, costs could rise as much as 30 percent as the worst-case scenario estimate, for on-demand transportation companies just getting to break even, which may result in an increase in fares and a decrease in the usage of rideshare services for rideshare workers.⁶³ The shares of Uber, Lyft and DoorDash all fell 10% when the draft rule was proposed in October 2022, which testified to the vast concern about the sustainability of the gig economy business model in the transportation sector.⁶⁴

Conclusion

Referencing back to the two research questions posed at the beginning, it can be concluded that an interplay of both political and social factors, adapted from the integration of the gig economy into the transportation sector, comes to establish the vulnerability of the gig workers. On one hand, a lack of proper establishment and/or enforcement of the policy to accommodate for the misclassification of gig workers has long deprived these workers of essential rights. External factors aggravated this occurrence, as without the exacerbation of the vulnerability faced by gig workers, rideshare companies wouldn't have been fully able to achieve their political itineraries, in fear of backlash from their dispersed workforce.

However, the vulnerability of the gig economy as a business model within the transportation industry is also a concern. Many facets of the industry were built on the premises of deregulation and racialized work, which calls into question the sustainability of the gig economy and its vulnerable workers if it were to deviate from the traditional path that trucking, airline, and other industries were built on.

To that end, from the findings of this research paper, three suggestions are put forth.

Firstly, advocating for the unionization of rideshare drivers is suggested. Recently, a U.S. labour board ruling has laid the transformative groundwork for drivers from Uber and Lyft to formally unionize. At the Atlanta Opera, the National Labor Relations Board's Democratic majority voted to make it easier for workers to prove they are employees rather than independent contractors, granting them the right to organize.⁶⁵ This advancement allows and emboldens workers in Uber and Lyft to demand fair wages, working conditions, and workers benefits without the trepidation of unemployment.⁶⁶ Unionization also allows for dispersed, nomadic working groups of rideshare drivers to come together and formally request for a more equitable working environment.

Secondly, there should be heightened public oversight of the challenges faced by rideshare drivers, until appropriate policies are put in place to help alleviate the situation. Rideshare employment stands out as

⁶³ Tim Mullaney, "Is the Uber, Lyft and Gig Economy Battle over Workers Nearing Its End Game?," CNBC, October 16, 2022, <https://www.cnbc.com/2022/10/16/how-the-uber-lyft-gig-economy-battle-over-drivers-ends.html>.

⁶⁴ Lauren Feiner, "Uber, Doordash Plunge after Labor Department Proposes Change to Gig Worker Classification," CNBC, October 11, 2022, <https://www.cnbc.com/2022/10/11/uber-doordash-plunge-as-labor-dept-proposes-gig-worker-change.html>.

⁶⁵ Bloomberg News, "Opera Workers' Ruling Offers Path for Uber, Lyft Drivers to Unionize - BNN Bloomberg," BNN, June 13, 2023, <https://www.bnnbloomberg.ca/opera-workers-ruling-offers-path-for-uber-lyft-drivers-to-unionize-1.1932721>.

⁶⁶ Josh Eidelson, "Labor Ruling Offers Unionization Path to Uber, Lyft Drivers," GovTech, June 14, 2023, <https://www.govtech.com/transportation/labor-ruling-offers-unionization-path-to-uber-lyft-drivers>.

one of the most vulnerable and volatile occupations, susceptible to the adverse effects of a recession or unprecedented situations that can lead to significant job losses and hardship for workers. This effect was observed in COVID-19, where drivers faced hardship but due to public oversight, Uber has announced measures that loosely resemble modest employment benefits, including limited paid sick leave.⁶⁷

Thirdly, acknowledging the vulnerabilities the gig economy has faced in its integration into the American transportation industry, other industries must be careful when adopting the gig style of work, as, seen in the transportation sector, the gig economy has intensified preexisting industrial problems in its operations. For example, in the gig economy's integration into the sector of household services, policymakers, workers, and corporations must be aware gendered and racialized background that "degraded labor" has in the United States, and how this may be reflected in the gig economy.

Ultimately, this paper advocates for a multidimensional approach to future research and decision-making regarding this industry. In studying the gig economy and its implications, it is imperative to also consider the "subset sector" the gig economy is under – whether that be transportation or something else - and its history, policy, and inequalities. Furthermore, while the primary focus is on the U.S. with its social, economic, and racialized history, many of the issues and insights discussed also apply to Western Countries, especially as the gig economy and rideshare industry develops.⁶⁸

Limitations

The effect of many recent developments in the ridesharing and gig economy – such as the recent promise of worker unions to opera workers and the Biden administration's legislative changes – has yet to be fully documented and the consequences of these rulings are unclear. On one hand, this resolution would ensure more benefits and legal protections for rideshare workers. On the other hand, costs could rise as much as 30 percent as the worst-case scenario estimate, for on-demand transportation companies just getting to break even, which may result in an increase in fares and a decrease in the usage of rideshare services for rideshare workers. The consequences of these rulings were not considered in this paper but should be scrutinized in future rulings as researchers should have a more comprehensive view on the outcomes of various policies in the gig economy.

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⁶⁷ Srujana Katta et al., "(Dis)Embeddedness and (De)Commodification: COVID-19, Uber, and the Unraveling Logics of the Gig Economy," *Dialogues in Human Geography* 10, no. 2 (June 23, 2020): 203–7, <https://doi.org/10.1177/2043820620934942>.

⁶⁸ Niels Van Doorn, "Platform Labor: On the Gendered and Racialized Exploitation of Low-Income Service Work in the 'On-Demand' Economy," *Information, Communication & Society* 20, no. 6 (February 24, 2017): 898–914, <https://doi.org/10.1080/1369118x.2017.1294194>.

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