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Driving Disruption: Assessing Uber's Corporate Identity in the Battle over Driver Classification

Benjamin Peterson
peterson2012ben@gmail.com

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Assessing Uber's Corporate Identity in the Battle over Driver Classification

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By

Ben Peterson

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Under the guidance and approval of the committee, and approval by all the members, this thesis has been accepted in partial fulfillment of the requirements for the degree.

Approved:

Tim Redmond ____Date:________________

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1. Acknowledgments

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2. Abstract

This research analyzes the ongoing effort by Uber's executives to prevent the reclassification of the company's drivers from independent contractors to employees. Through rhetorical appeals made to customers, regulatory bodies, and drivers themselves, Uber's executives are attempting to cultivate a corporate identity that portrays the company's labor practices in a way that adheres to California's labor laws, namely the "ABC" test for worker classification codified in Assembly Bill 5, while maintaining the company's ill-gotten reputation as a bastion of Silicon Valley innovation. The success of this posturing hinges on attempts to conflate Uber's labor practices with equitable social outcomes, publicize narratives that overemphasize and mischaracterize the benefits of flexible work schedules, and co-opt consumerist terminology in its description of drivers' relation to the company. This piece embarks upon a critical analysis of these strategies, comparing the claims made in public-facing corporate rhetoric with the actual power dynamics that exist between the company and its drivers. If these strategies ultimately prove successful, they may provide a blueprint for future anti-reclassification campaigns waged by Uber throughout the United States. Regardless of whether AB5's "ABC" test finds Uber's drivers to be employees or independent contractors, the decision will be reached with incomplete knowledge of the algorithms that govern driver workflows, which are shielded from the public and regulators alike by intellectual property law. To remedy this uncertainty, I argue for the empowerment of municipal governments to regulate

Uber's operations within their jurisdictions and for regulatory oversight over algorithms that administer systems of labor.

3. Introduction

Through a combination of aggressive expansion afforded by wildly successful venture capital funding, centrally orchestrated regulatory arbitrage and digitized systems of labor administration, Transportation Network Companies (TNCs) have muscled their way into ubiquity in terms of urban transportation. In virtually every major metro region in the US, these companies have largely supplanted traditional taxi services, neglecting traditional industry standards of service quality in the interest of maximizing customer convenience and economic growth. In the pursuit of these aims, TNCs have relied upon and in the process popularized a newfangled and considerably precarious form of employment commonly known as "gig work," a system that the Bureau of Labor Statistics defines as one in which workers are classified as independent contractors and are connected to customers through a mobile app. It is important to note that temporary and contingent work have been staples of the United States' job market for centuries, as many professions including musicians, writers and carpenters have long operated under such arrangements. "Gig work" as it is discussed in this research, however, refers to the refinement and expansion of these arrangements by infusing them with new technology that manages and administers labor through a mobile app.

The potentially nefarious and exploitative aspects of such a system have been obscured from the public and regulators alike through TNCs' deliberate fashioning of favorable corporate identities. These identities are primarily based upon the perceived inherent beneficence of technological innovation and automation when applied to systems of employment, a belief that has held up against criticism until very recently (Hasinoff and Levina 2017). The research will examine the case of Uber, which is the largest and highest-profile TNC, and its ongoing multi-front campaign against the regulation of its labor practices via the reclassification of its independently contracted drivers. Uber's history of fighting these regulations, as well as the specific tactics and strategies it has developed and employed to do so, exemplify the issues that arise when, in a matter of a few years, a company becomes so financially powerful and entrenched in the daily lives of millions of people that attempts at substantively reforming its practices are met with stifling opposition.

From Uber's inception, its growth plan has been deliberately based upon bad faith interpretations and at times outright defiance of laws that stand to endanger all parties involved, with the exception of the corporate entity itself (Edelman 2017). Especially vulnerable in this system are Uber's drivers, who are denied many of the traditional protections and benefits of employment due to their status as independent contractors despite the considerable measure of control that the company enjoys over many aspects of their work. To be sure, the efficacy of certain aspects of Uber's business model, namely the regular slashing of prices in efforts to undercut competition and create "platform monopolies," have been called into question by detractors and allies alike (Rushkoff 2016, 92; Edelman 2017). However, the system of worker administration determined by algorithm and delivered by an app that Uber has popularized is becoming increasingly prevalent. Algorithms are defined as mathematical models that consist of "a finite series of well-defined, computer-implementable instructions to solve a specific set of computable problems" (Math Vault, n.d.). In Uber's case, algorithms determine virtually all aspects of its drivers' workflow, from fare rates to route suggestions, all with the intent of maximizing efficiency and customer convenience.

Many types of freelance work - from digitally-based services like graphic and web design to manual labor like home repairs and moving services - are increasingly orchestrated through algorithmically-enabled, app-based services like TaskRabbit and Fiverr. Even many white collar professions, particularly in the education and legal fields, are increasingly governed and influenced by labor-facing algorithms (O'Neil 2016, 4). The common collective term used to reference the growing number of economic actors that center their business models on app-based service provision from independently contracted workers is "the Gig Economy," of which TNCs are a notable and foundational component. Corporations across industry lines find such a system desirable chiefly because it cuts labor costs through its misclassification of workers and performing the typical duties of management via algorithm rather than a human worker. The misrepresentation of the company's workforce and the nature of the worker-corporation relationship, which has been achieved by the company's effective utilization of corporate identity creation, has for years assuaged the concerns of all but the most attentive and empowered regulatory bodies.

This trend seems to have reversed, or at least halted, in the last two years, as judges and legislators around the US have begun pursuing means by which to curb TNC worker misclassification. California provides a prime example of such a shift in regulatory emphasis, as lawmakers' recent legislative attempts at reining in TNCs' labor practices have been both drastic and largely successful. This ongoing campaign has its roots in the California Supreme Court's decision in *Dynamex Operations West, Inc. v. Superior Court of Los Angeles (Dynamex),* a case wherein the state-recognized definition of independent work was drastically altered. The *Dynamex* case, decided in April 2018, revolves around a man named Charles Lee, who worked as a delivery driver for Dynamex, a company that specializes in same-day delivery and pickup services for both businesses and the public (Kim 2018). Lee, believing that his work for Dynamex was not truly independent, filed a misclassification claim against the firm alleging that its actions amounted to unfair and illegal labor practices (Kim 2018). Not only did the California Supreme Court side with Lee on this issue, it also redefined the standards by which *all* workers are to be classified in California by refining the "ABC" test for employment first established in the 1989 case *S.G. Borello & Sons, Inc. v. Department of Industrial Relations (Borello)* (Kim 2018). *Dynamex* specified the "ABC" test's definition of independent contract work, thus making it more uniformly enforceable, by eliminating subjective phrasing that had long plagued the efficacy of the test established by *Borello* (Vega 2018). The refined "ABC" test established in *Dynamex* includes the following three conditions:

A: The person is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.

B: The person performs work that is outside the usual course of the hiring entity's business

C: The person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

While the *Dynamex* decision streamlined and simplified worker classification in California, the manner in which it accomplished this goal - building upon and revising previous caselaw - meant that certain obstacles to proper and uniform enforcement of the "ABC" test remained in place. Though the California Supreme Court has "steadily adapted the test to capture a true employment relationship as business models, such as the use of staffing agencies and contractors, have changed," the fact that each subsequent change must come from a separate worker misclassification case makes solely relying on the courts an inherently reactive mode of regulation (Vega 2018). Further, the fact that these foundational decisions are subject to the discretion of individual judges replete with their own beliefs, interpretations and biases tasked with analyzing unique and often complex employment situations makes the uniform enforcement of these standards unlikely if not impossible.

To mitigate the enforcement limitations inherent in the previous court-led regulatory efforts, an effort to codify the refined "ABC" test established by *Dynamex* into law through legislative means was launched in late 2018. This effort was spearheaded by State Assemblymember Lorena Gonzalez, who authored, introduced and championed 2019's Assembly Bill 5 (AB5), a piece of legislation that would codify the *Dynamex* "ABC" test while simultaneously affording new oversight capabilities to the state's four largest municipalities. Though Gonzalez herself positioned AB5 as a bill aiming to curb the labor practices of TNCs specifically, a characterization that was adopted by many of the media outlets that covered this bill, its provisions stood to impact an array of California's largest and most prominent industries including trucking, entertainment and technology (Bhuiyan et al, 2019). The widely inclusive nature of AB5's provisions proved controversial, as numerous populations of freelancers and independent contract workers - along with pro-business organizations, chambers of commerce and TNCs - throughout the state vehemently opposed the legislation's passage and bargained tirelessly for exemptions from its provisions (Roosevelt and Faughnder 2019). Ultimately, AB5 passed both houses of the California Legislature and was signed into law by Governor Gavin Newsom on September 18, 2019 with many classifications of workers including lawyers, real estate agents, barbers and freelance writers receiving exemptions from AB5's "ABC" test but remaining subject to the less strict test established by *Borello* (Fishman 2019).

TNCs, with Uber chief among them, remain the most prominent and visible opponents to AB5 and remain committed to either achieving exemptions for their drivers or overturning AB5 altogether. The fact that this ongoing battle is taking place in California - which is not only Uber and many other TNCs' home state but one of their main revenue producing markets - raises the stakes even higher (Griswold 2019). Uber and its fellow TNCs' response to AB5's passage has reflected the high stakes nature of the law - as they've spent tens of million of dollars on multiple legal, technological and rhetorical anti-regulatory strategies and tactics in the few short months since its passage.

In the process of opposing AB5's passage as well as the law's applicability to its drivers, Uber has fashioned its corporate identity in a number of confounding, contradictory and problematic ways. The aim of this research is to clearly define and analyze the problematic aspects of Uber's carefully crafted and uniquely adaptable corporate identity as well as its labor classification practices that've been the basis of its efforts to avoid meaningful regulation. This exercise is intended to shed light on the pitfalls of unchecked techno-positivism when applied to systems that determine the material well-being of workers. The techno-positivist ethos, which was predominant among not only Silicon Valley's intelligentsia but the American populace as a whole during Uber's rise to prominence, is defined as the belief that unencumbered technological innovation will inherently produce increasingly favorable social and economic outcomes on both individual and societal levels (Morozov 2013, 6). In attempting to resituate the conversation about Uber and app-based employment in general, the goal of this research is to empower workers and regulators alike to more openly and effectively question corporations' attempts at self-mythologization and mystification of their proprietary technologies to secure competitive advantages. If left unexamined, the beliefs and assumptions that Uber promotes about its labor practices will likely continue to harm workers, tie regulators' hands and pacify public opinion.

This capstone project intends to hold these very beliefs and assumptions under scrutiny by asking the following question: How does Uber's corporate identity inform and shape its attempts at preventing the significant regulation of its labor practices? Specifically, how is Uber cultivating and utilizing its corporate identity in its ongoing campaign to exempt its drivers from the provisions of California's Assembly Bill 5? Beginning to demystify these tactics benefits not only the regulatory bodies charged with objectively enforcing relevant laws upon Uber's labor practices, but also the public at large, who exert influence over these structures through both their consumption choices and their decisions in the voting booth. This issue reaches far beyond guiding consumption choices or assisting in the important work of government regulators, however. Understanding the economic and social stakes of TNC driver classification in clear terms unfettered by Uber's own rosy rhetoric and overly-simplistic, self-serving arguments is the first step toward creating a system that works to the benefit of the millions of people who work within these structures. To understand the terms of this issue outside of the biased self-characterizations of Uber and its fellow TNCs, we must first identify, dissect and analyze these questionable and at times fraudulent characterizations themselves.

In response to the aforementioned research question, I argue that Uber has attempted to prevent regulation of its labor practices largely through its deliberate creation of a corporate identity that paints its business practices as far more progressive, equitable and ultimately pro-worker (or at the very least sufficiently objective toward them) than reality might reveal. Uber's corporate identity is intentionally amorphous and dependent on the goal the company is attempting to achieve at a given time. When attempting to avoid the regulation of its labor practices, as it has done countless times throughout its history but most notably in the last year against California's Assembly Bill 5, Uber fosters its identity through the weaponization of driver and rider reliance on the company's services, publicizing narratives that overemphasize drivers' alleged desire for schedule flexibility, and co-opting consumerist terminology in its description of drivers and their relation to the company. Additionally, Uber has sought to obfuscate the nature of its labor practices in the immediate wake of AB5's passage through multiple, contradictory anti-regulatory approaches including claims that the new law's "ABC" test for employment does not apply to the company and dedicating $30 million toward a ballot initiative that would exempt the company from AB5's provisions.

This argument is significant because it demonstrates Uber's tendency to effectively winnow down what are truly complex, multifaceted issues into solely the terms that paint its business practices in the most benign light possible. By drawing attention to the key role the company's services play in many urban transportation networks, many drivers' desire for schedule flexibility and the company's self-identification as a technology company rather than a taxi company, Uber's corporate rhetoric serves to obfuscate and diminish the many other implications and impacts the company's practices have on its drivers and society at large. The issue of driver classification alone, which is the primary concern of this research, impacts a wide range of policy areas including public safety, labor rights, corporate tax law and transportation regulation. To engage with driver classification on Uber's terms, however, is to view it primarily through the lens of rider convenience, systemic efficiency and schedule flexibility.

In order to fully explore the relationship between Uber's corporate identity and its attempts at avoiding the regulation of its labor practices, I will first discuss the economic conditions and technological innovations that allowed the TNCs' emergence, fostered their initial growth and shaped their collective rhetorical ethos. I will then discuss the experiences that have led me to focus my capstone research on Uber's corporate identity and shaped my understanding of the Gig Economy as a whole. To do so, I will reflect upon my past involvement with other research on the Gig Economy by recounting my experiences as an intern with Jobs with Justice San Francisco, a local labor advocacy organization. While my experiences at Jobs with Justice San Francisco and in the University of San Francisco's Urban and Public Affairs program exposed me to a small portion of the research being conducted on the Gig Economy' labor implications, the complete array of past research that informs and influences my capstone is rather expansive. A exploration of this body of research, as well as justification for how my research findings complement and augment it, can be found in the literature review portion of this capstone. Before delving into my research findings, I will outline the methods by which I conducted my original research, the reasoning behind such methodological choices, and the limitations that employing such methods entails.

The findings and analysis portion of this capstone contains four requisite sections. The first, an analysis of Uber's history of conflating its efficiency-seeking ethos with progressive ideals and the company's continued weaponization of riders' dependence on its services, aims to expose Uber's proclivity to oversimplify and mischaracterize the implications and impacts of its labor practices. What follows is an in-depth case study of Uber's multi-faceted and ongoing campaign in opposition to AB5's passage and application to its California-based drivers. This portion of my findings sheds light on the ways in which Uber deliberately centers or marginalizes the voices and experiences of its drivers depending on what is most beneficial to its interests in a given circumstance. Third, I discuss the messaging surrounding the company's most recent attempt at circumventing AB5's provisions, the "Protect App Based Drivers and Services Act," which is a 2020 California ballot initiative sponsored by Uber and fellow TNCs. This portion of my findings points to the vast differences that exist between Uber's standard corporate identity and the messaging included in the "Protect App Based Drivers and Services" campaign, ultimately arguing that this dichotomy diminishes the efficacy and authenticity of both strands of identity. Finally, I discuss Uber's tactic of co-opting consumerist rhetoric in its public-facing descriptions of its drivers and communications made to drivers themselves, an attempt at highlighting the subtlety with which companies like Uber can popularize fraudulent narratives about their business and labor practices.

The final portions of this capstone focus on explaining the significance of my findings and recommending policies that could address the issue of TNC worker misclassification. The significance of my research lies in the fact that algorithmic management of labor is becoming increasingly prevalent across industry lines. This fact, coupled with the pending success of Uber's strategy to combat driver reclassification, points to the possibility of it being co-opted by other companies engaging in similar pursuits. Finally, the conclusion of this capstone includes a summary of my findings as well as policy recommendations that call for more robust regulatory capabilities for municipal governments in California as well as government-led regulation of algorithms that govern systems of labor.

Historical Background: The Great Recession and The Rise of the Gig Economy

No analysis of Uber's rise, or that of the Gig Economy as a whole, is complete without an account of the wider economic and sociological conditions in which this phenomenon occurred. The embrace of such an untested and novel system of commerce in such a rapid fashion was a response to a notable societal shift with technological, economic and social elements. On a foundational level, the Gig Economy's precipitous rise could not have taken place were it not for a handful of key technological innovations that occurred over the latter half of the 2000's.

Specifically, this period of innovative change hinged on four separate but related innovations, the first of which was the launch of Amazon Web Services, or AWS, in 2006. AWS is a cloud-based computing platform and application programming interface that allows entrepreneurs and developers to build and host their software programs without owning and operating the infrastructure that this process necessitates (Amazon, n.d.). In other words, AWS significantly lowered the barriers to entry for software developers hoping to launch their own startup business by allowing access to Amazon's infrastructure on a subscription basis, which was considerably cheaper than what would be necessary for fledgling businesses to do so on their own. The second seminal technological breakthrough was the debut of the Apple iPhone in 2007 (Apple, 2007). While it was nowhere near the first smartphone to hit the market, its introduction and immediate popularity marked a societal inflection point in which truly mobile internet access would become ubiquitous to modern life. It was Apple's unveiling of its App

Store the following year, however, that truly unlocked the full potential of the smartphone for both software developers and consumers alike (Apple, 2008). The App Store essentially serves as a digital intermediary on which iPhone users can purchase and download mobile program applications, or “apps,” many of which are designed and hosted via AWS. These three technologies facilitate the creation, maintenance and distribution of cutting edge software in a manner that is not only cheaper and faster than traditional computing, but completely mobile as well. Coupled with the ongoing sophistication of GPS technologies that led to their compatibility with smartphones around the same time, the technical underpinnings for an app like Uber to be created were firmly in place.

While the aforementioned advancements may have provided the technological capacity necessary for companies like Uber, AirBNB and Postmates to exist and flourish, their existence alone does not explain their eventual reimagining into tools through which to administer work. For such an explanation to be made, one must consider the economic conditions of the time, which were defined by the Great Recession. In broad terms, the Great Recession was a period of about eighteen months in which a collapse of the US’ housing market - which itself was caused by the proliferation of subprime mortgage lending and the utilization of overly speculative financial instruments - precipitated a worldwide economic downturn with myriad impacts in different locales. Though the Recession was deemed officially over in mid-2009, its impacts continue to be felt, primarily amongst society's most vulnerable populations. During this period, the US’ unemployment rate ballooned to 10% and did not return to pre-recession levels until 2016 (US Bureau of Labor Statistics 2020). Further, the total value of homes in the US fell by 30%, as millions of homes with subprime mortgages were foreclosed upon and the total wealth held by US households fell by a staggering $14 trillion (McManus 2010). Notably but perhaps unsurprisingly, the US' Black and Latinx populations felt the brunt of this crash, as they were the primary targets of the very speculative lending practices that caused the Recession (Massey and Rugh 2010, 629). Such dire economic circumstances, which are not even fully encapsulated by most commonly-cited metrics, are highly likely to incentivize those impacted to pursue the type of easily-accessible, temporal income sources that the Gig Economy would come to provide around this time.

Aside from the Recession's economic effects, it also deeply impacted the American psyche. Sociologist Jennie E. Brand has found that unemployment fosters unsavory psychological byproducts including a "loss of trust in society" as well as rising levels of clinical depression and general feelings of shame amongst those impacted (Brand 2016, 359-375). Such feelings were likely held by a rather wide swath of the populace, as a 2010 Pew Research study found that ½ of all adults in the job market lost jobs or income during the Recession, implying a much wider psychological impact than official unemployment statistics alone would indicate (Pew Research, 2010).

During this period, a number of institutions considered to be part of the nation's economic bedrock - namely automobile manufacturers and banking institutions - approached or reached financial insolvency. Such a rapid and jarring decline coupled with the aforementioned economic and psychological stressors of rising unemployment and declining household wealth likely compounded the crisis of trust noted in Brand's research. To be sure, some of these institutions sowed the seeds of their own demise, as they were the very actors whose actions caused the subprime mortgage crisis and the subsequent dismantling of the American housing market. Rather than being able to take solace in the fact that those responsible for wreaking such destruction would face at least some sort of consequence, in this case bankruptcy, the American working and middle classes were likely further disillusioned by the Federal Government's relatively weak, mistargeted and ineffectual efforts to guide an recovery from this human-made disaster.

Such efforts began with the Emergency Economic Stabilization Act of 2008, more commonly known as the “Bank Bailout of 2008,” which provided direct relief for some of the Recession’s largest and most culpable perpetrators including financial giants like Citigroup and Wells Fargo (Collins 2015; “Bailed Out Banks”). Perhaps the most egregious aspect of this legislation was its purchase of $700 billion worth of illiquid or “toxic” mortgages held by banks in efforts to minimize the banks’ losses from the mortgages’ devaluation. Though the exact amount that this bailout cost taxpayers in full is unclear, estimates of the Federal Government’s total commitment reach as high as $16.8 trillion (Collins 2015). The logic behind this decision was illuminated by then-Chairman of the Federal Reserve Ben Bernake’s “too big to fail” theory, which posits that firms “whose size, complexity, interconnectedness, and critical functions are such that, should the firm go unexpectedly into liquidation, the rest of the financial system and the economy would face severe adverse consequences” (Bernake 2010). Though the logic of Bernake’s sentiment is likely based on the fact that the global economy has become increasingly dependent on the finance sector over the past half century, the message such a theory sends to non-elite audiences is one of utter disregard and indifference. If the banks were considered “too big to fail,” then conversely the middle and working classes were implicitly “not big enough to matter.”

Critiques of the 2008 bank bailout were widespread, as many argued that providing economic assistance to the Recession's victims would have been more moral and equitable use of the funds that the bailout bill dedicated to buying banks' toxic mortgage assets. Two subsequent bills passed during the Obama Administration - the American Recovery and Reinvestment Act (ARRA) of 2009 and the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 - sought to offset what had until that time been a thoroughly insufficient and tone deaf recovery effort by directing their programs toward the protection of the American working and middle classes. While the ARRA provided funding for a broad array of programs aimed at stimulating multiple sectors of the US' economy, its total expenditure of $831 billion was widely seen as insufficient with respect to the goals it set out to accomplish (Congressional Budget Office 2012; Ried 2012, Table 1). The Dodd-Frank Act was geared toward preventing future recessions by reforming the financial services and banking industries through additional federal oversight powers and banning certain kinds of overly speculative investments (Koba 2012). Thus, the immediate impact of Dodd-Frank as it pertained to the US middle and working classes was purely psychological - a sort of vague reassurance that there wouldn't be a repeat of the Great Recession.

Their seemingly positive intentions notwithstanding, this slate of reforms was largely insufficient as it did not adequately restore the material well-being of the US' working and middle classes back to pre-recession levels. This created a vacuum which private companies, and tech companies in particular, began to fill by providing ways for people still feeling the lingering impacts of the Recession to supplement their income in novel ways. The primary manifestation of this response to the new economic reality was the Gig Economy, which allowed people to monetize things they already owned like their car, their home, their skills and their free time through a digitally-mediated marketplace (Hogan and Torpey 2016). This novel arrangement was well-tailored to thrive in the immediate post-recession economy that saw a rather slow decline in unemployment after its peak. In fact, by the time that Uber launched its peer-to-peer ridesharing service UberX in April 2013, the national unemployment rate remained at 7.6%, three percentage points higher than pre-recession levels (Kalanick 2013; US Bureau of Labor Statistics 2020).

Thus, we can triangulate the causes of the Gig Economy's rise and current economic function not as some passing fad or novel experiment, but through the lens of the technological innovations that allowed its existence and the economic disaster that prompted its widespread utilization.

Internship Reflection: Jobs with Justice San Francisco

My academic interest in the Gig Economy began when I participated in a research project that was being conducted by the City and County of San Francisco's Local Agency Formation Committee (LAFCo) during the Spring and Summer of 2019. My first involvement in this project was as a student in Urban and Public Affairs' Research Methods class, wherein our semester-long group assignment was to design and conduct pre-research on the topics LAFCo was focusing its wider research project on. The class was divided into four groups, each with its own topic to focus on: the impacts of TNCs' labor practices on drivers, TNCs' political and lobbying activity, the geographic and logistical considerations of these companies' operations and best practices in terms of regulating TNCs. I chose to participate in the labor portion of this project, as it most closely aligned with my interest in studying the intersection of organized labor, labor policy and the technology industry, which I had made the focus of many of my previous assignments in the Urban and Public Affairs program. My pre-research group's work consisted of two types of qualitative inquiry, in-person interviews and a digitally-administered survey, which were aimed toward gauging workers' experiences and opinions on working as a TNC driver. These efforts marked my first exposure to the realities of working in the Gig Economy as they are experienced by gig workers themselves, an experience that grounded my understanding of the contemporary labor market and exposed me to the complicated dynamics that exist between gig workers and their partner TNCs. However, the constrained timeline of this project and the limited resources at our disposal prohibited our pre-research from reaching the depth and detail that my classmates and I would've liked.

Luckily, through my summer internship at Jobs with Justice San Francisco, I had the opportunity to participate in the larger research project that my class' pre-research had contributed to and informed. Jobs with Justice San Francisco is a nonprofit organization that convenes a coalition of over 30 local community and labor organizations around the goal of building a strong, progressive movement for economic and social justice locally and nationally. Due to its extensive connections to local networks of workers, advocates and working class communities in general, Jobs with Justice was contracted by San Francisco LAFCo to assist in various aspects of its Gig Economy study, namely driver and community outreach and survey administration. The more technical aspects of the survey design and quantitative data analysis were performed by UC Santa Cruz professor and labor researcher Chris Benner. This collaborative effort between San Francisco LAFCo, Jobs with Justice and Professor Benner resulted in a widely inclusive study designed to gauge how gig workers are faring in the current (pre-AB5) system financially, physically, psychologically, and logistically.

My personal involvement with this study primarily included conducting outreach to Bay Area-based gig workers, namely Uber and Lyft drivers. The goal of this outreach was to encourage these workers to attend focus groups that the research team had planned as the final step in the pre-research process which would inform the contents of the final gig worker survey. Due to the lack of central physical locations for drivers to congregate throughout their work days, I conducted this outreach both on and offline. The online outreach was conducted through driver forums and social media pages, a tactic that I utilized again during research for this capstone project. Once I was permitted entry into these online spaces - which usually entailed explaining my intentions and affiliations with group administrators - I began sending out a carefully crafted message describing the research study as a whole and its underlying goals while extending the offer for those interested to attend the upcoming focus groups. In this message, I was sure to emphasize that the research group was in no way affiliated with any TNCs, was approaching the research with minimal bias, and would treat the maintenance of respondent anonymity with the utmost care. In addition to this outreach, I was tasked with monitoring the activity of these groups in order to ascertain the aspects of gig work that drivers most commonly discussed and thus were most salient to our survey. The posts on such forums and social media pages run the gamut from complaints about ill-behaved passengers to questions regarding income tax filing protocol, providing a surprisingly comprehensive look into the complexities and eccentricities of working in the Gig Economy.

Conducting offline outreach proved markedly more difficult but ultimately yielded pleasing results. Due to the aforementioned decentralized nature of gig work and the lack of officially-recognized or widely known places for drivers to congregate during their workday, finding the proper areas to conduct offline outreach was perhaps the most difficult aspect of this process. My fellow researchers and I first attempted to approach drivers at highly-trafficked gas stations throughout San Francisco, but the infrequency with which drivers visited such stations combined with the relatively short amount of time they typically spend at stations rendered this approach largely ineffective. We then focused our outreach on large parking lots in the immediate vicinity of the San Francisco and Oakland airports, which we had heard large groups of Uber and Lyft drivers populate while waiting to be assigned rides to pick people up from these airports. The nature of drivers' presence at these makeshift staging lots eliminated many of the problematic aspects of approaching drivers at gas stations, namely the time constraints associated with gas station visits. This approach proved to be rather successful, as just under half of the drivers that ultimately attended the focus groups were initially contacted at these locations.

While these attempts at in-person gig worker outreach were productive in terms of boosting focus group attendance, they figured just as prominently in the development of my political communication skills as well as my knowledge of the Gig Economy as a whole. Though my colleagues and I wrote and practiced a "rap," or outreach script before contacting drivers directly, the one-off nature of such conversations forced me to think critically and alter my inquiries and appeals in real-time. While conversing with drivers did require a considerable amount of background knowledge on the Gig Economy, approaching these conversations - which cover personal and politicized subjects - with adequate respect and compassion for the perspectives shared by drivers proved to be the key to successful outreach. Exposure to drivers' actual thoughts, uncertainties and concerns regarding their work forced me to consider the Gig Economy in a more nuanced manner, as the wide range of experiences and perspectives I encountered challenged my initial notion that all drivers experience and relate to the system they work within in a similar way. Ultimately, this experience compounded my understanding of many aspects of the Gig Economy - the immense power and informational imbalances that exist between TNCs and their workers, the issues and complexities that regulating such an industry entails, the contentious nature of the driver classification issue - in a way that sparked my interest and led to me centering my capstone on Uber, the Gig Economy's most prominent and powerful corporation.

Upon the completion of my internship at Jobs with Justice, I received a gift from the organization's executive director. The gift was a book - Alex Rosenblat's *Uberland: How Algorithms are Rewriting the Rules of Work* - and its contents would propel my understanding of the Gig Economy toward the formulation of my research question. I left this internship with a lingering confusion regarding how companies like Uber were able to get away with misclassifying their workers and disobeying livery laws for years on end. During this internship I'd noticed a cavernous divergence between the public perception and actual practices of companies like Uber, and wanted to investigate how the company presents its labor systems to the public, to drivers and to regulators - what narratives they try to push, what they say drivers want - in comparison to the actual facts about their systems of labor as told to me by drivers. Rosenblat's discussion of Uber's use of algorithmic management to obscure the levers of control it enjoys over its drivers' actions in *Uberland* began to explain this phenomenon from a technological perspective.

While this explanation partially satiated my interest and underlying confusion, as it discussed the underpinning technology that makes this system palatable for drivers, it did not completely engage with how this system is sold to customers, regulators and the public at large. This lingering interest drew me to the concept of corporate identity, which entails many aspects of a company's public-facing efforts including advertising, formal communications and organizational behavioral patterns, as a vehicle through which to further analyze Uber's avoidance of labor regulation on my own accord. It was during this time that I began to notice different threads of research being produced that were related to the topic of my interest, including the LAFCo study concerning drivers' well-being and Rosenblat's research on algorithmic management in particular. These threads, as well as a number of older sources that underpin and inform contemporary inquiries into the Gig Economy, are explored in detail in the following literature review.

3. Literature Review

This literature review addresses four distinct but interrelated bodies of literature: works on the role of technology in society, on corporate identity, on Uber's corporate leadership, and on precarious work in the United States. In order to gain sufficient context regarding the ideals and assumptions that underpin Uber's corporate identity, it is important to track both the economic implications of internet-based technology and how popular conceptions of the appropriate role of technology in society have evolved over time. As technologies developed during the immediate postwar era and into the 1970's have become ubiquitous, some scholars argue that the ideologies and worldviews held by those who created such technologies have, both implicitly and explicitly, become increasingly prominent as well. Entrepreneurial and institutional actors alike have co-opted these technologies for myriad applications as they have become increasingly sophisticated and their societal presence normalized. One such co-optation that is particularly relevant to this research is that of systems of labor administration. While one cohort of scholars has lauded this infusion of technology into the workplace for its theoretical potential to democratize and decentralize what they feel has become detrimentally retrograde and hierarchical system of labor relations, others have adopted a more skeptical point of view, noting that technological progress does not necessarily address structural imbalances of power. In order to fully understand the contentions surrounding the technologization of systems of labor administration, however, one must first examine the technology industry's ideological underpinnings.

a. Technology's Role in Society

When researching an industry that is as defined by its idiosyncrasies and willingness to break with tradition as the tech industry, one may not expect to find a wider ethos that unites its representative companies' goals, ideals and visions of progress. However, there is wide agreement among scholars and experts that Silicon Valley's most influential actors share such a view - that an unwavering faith in the power of innovation and an unrelenting pursuit of efficiency will lead to increasingly positive economic, ecological and social outcomes (Hasinoff, Turner, Hill, Morozov). In his foundational work *From Counterculture to Cyberculture,* Fred

Turner traces the development of this ethos from its roots in the countercultural 1960's "Whole Earth Network" movement to its current place within the c-suites of *Fortune* 500 corporations, centering his inquiry on the "Whole Earth Network's" creator, Stewart Brand.

According to Turner, "Between the 1960's and 1990's, Brand assembled a network of people and publications that together brokered a series of encounters between bohemian San Francisco and the emerging technology hub of Silicon Valley to its south," which ultimately led to the "complex intertwining of two cultural forces: the military-industrial research culture which thrived in the Cold War, and the American counterculture" (Turner 2006, 3). Turner calls what resulted from Brand's grand experiment "techno-utopianism," or a blend of the "free-wheeling, interdisciplinary and highly entrepreneurial style of work" being fostered in the US military-industrial sector and the countercultural belief that "traditional political mechanisms for creating social change had become bankrupt" (Turner 2006, 4). Thus, Turner claims, a new "cybernetic" view of the world, one in which "material reality could be reimagined as an information system," was popularized amongst "a generation that had grown up in a world beset by massive armies and the threat of nuclear holocaust" (Turner 2006, 5).

This generation, which found comfort and even the possibility of global harmony in "the cybernetic vision of the globe as a single, interlinked pattern of information," would eventually become Silicon Valley's most influential spiritual and corporate leaders (Turner 2006, 5). This future, however, seemed far from Brand and his collaborators' minds when they created the "Whole Earth 'Lectronic Link" (WELL), which is one of the earliest examples of a public-facing internet. Essentially an online community bulletin board system to facilitate communication between "Whole Earth Network" members, WELL's animating purpose was community service rather than any potential corporate applications. It was only as these technologies developed to the point where their applicability to corporate endeavors became readily apparent that we began to see such technologies drive massive wealth creation and, eventually, inequality.

While Turner's work focuses on the process by which "techno-utopian" ideology spread within and was shaped by the groups that would eventually foster Silicon Valley's elite, Manuel Castells' *Rise of the Network Society* analyzes this phenomenon on a societal level. According to Castells, despite the apolitical and individualistic nature of ideological movements like the "Whole Earth Network," the technologies that emerged from such movements must be considered within the context of their relationships with society at large. This is partially due to the "decisive role of military funding and markets in fostering early stages of the electronics industry during the 1940-60s," but, more fundamentally, the role that technological innovation has played in different societies' developmental trajectories throughout history (Castells 2000, 5). Without going so far as claiming that technological innovation alone drives societal progression, Castells posits that it "embodies the capacity of societies to transform themselves, as well as the uses to which societies, always in a conflictive process, decide to put their technological potential" (Castells 2000, 7). The primary example that Castells uses to illustrate this point is the "Information Technology Revolution" that occurred during the 1970's as a result of the Keynesian postwar industrial economy's failure to continue to produce growth, which, in addition to shifting away from industrial production and toward a service and information-based economy, "prompted a wholesale reorganization which included: deregulation, privatization, and the dismantling of the social contract between capital and labor" (Castells 2000, 13). This theory places Brand's "cybernetic vision of the world," despite its chief proponents' disinterest and disregard for traditional structures of power, as the very ideology that allowed this world-altering economic shift to take place, ironically making Brand and a number of his colleagues rather wealthy and powerful as a result.

Such unwavering belief in the inherent beneficence of technological progress, aside from precipitating the sort of macro-level economic and social changes outlined in Castells' work, may lead to overly deterministic and binary conceptions of technology's role in society as well. This view is exemplified in Evgeny Morozov's *To Save Everything, Click Here,* which centers its analysis on the concept of "technological solutionism." Operating as a dangerous but not unnatural conclusion drawn from the narratives popularized by the "Whole Earth Network" and contemporary tech evangelists, "technological solutionism" is defined by Morozov as "recasting all complex social situations either as neatly defined problems with definite, computable solutions or as transparent and self evident processes that can be easily optimized - if only the right algorithms are in place - this quest is likely to have unexpected consequences that could eventually cause more damage than the problems they seek to address" (Morozov 2013, 5). Chief among the pitfalls of treating all societal issues as distinct problems with singular technological solutions is the incongruity that Morozov claims exists between the end goals that technological advancements are designed to pursue - namely efficiency and speed - with the intended outcomes of various pre-existing societal structures. To this end, Morozov states that "a deeper investigation into the very nature of these problems would reveal that the inefficiency, ambiguity, opacity - whether in politics or everyday life - that the newly empowered geeks and solutionists are rallying against are not in any sense problematic. Quite the opposite: these vices are often virtues in disguise" (Morozov 2013, 6). In other words, Morozov argues that proposed technological solutions to societal issues are able to pursue improvement only through gains in efficiency and, in turn, are unable to account for any unrelated benefits that an inefficient, opaque, or ambiguous system may include. This application of Capitalist, efficiency-seeking value structures to systems traditionally incentivized and informed by ideals like stability, equity or tradition, Morozov argues, has produced far less favorable societal outcomes than the "techno-utopian" ethos would lead us to believe.

While Morozov's thesis addresses the application of "technological solutionism" to many aspects of society, Ted Striphas' *Algorithmic Culture* compliments Morozov's thesis through its focus on the dangers of applying such logic to processes of cultural production. What makes Striphas' analysis truly important to this conversation is his poignant description of "the work of culture" as "the sorting, classifying and hierarchizing of people, places, objects and ideas" (Striphas 2015, 406). Striphas notes that the delegation of this work to algorithms and mathematical models shifts the way that culture has traditionally been produced in a way that is dehumanized and decontextualized, which he ultimately posits will "privatize the process" (Striphas 2015, 406). To Striphas, culture and its production are inherently social processes created by "ongoing struggle to determine the values, practices and artifacts—the culture, as it were—of specific social groups" (Striphas 2015, 406). Despite Morozov and Striphas' warnings about the dangerous outcomes a systematically optimized culture might produce, there have been many who champion the role it can play in democratizing and decentralizing the Economy.

This school of thought is based on Coasian Firm Theory, which posits that economic actors will choose to align themselves in ways that minimize the transaction costs associated with their enterprise. Traditionally, this theory has been used as justification for the existence of firms, as they are seen as more efficient facilitators of commerce than individuals operating within a marketplace (Coase 1937, 389). As algorithmic technology has become increasingly sophisticated, scholars have begun to consider its application to economic relationships in similarly Coasian terms, positing that algorithmically-administered commerce further reduces transaction costs. This is the precise position Yochai Benkler takes in his 2002 piece "Coase's Penguin, or Linux and the Nature of the Firm," which outlines the virtues of such a shift toward decentralized, socially reciprocal and algorithmically-administered commerce far before the dawn of the gig economy as we know it today. Specifically, Benkler notes that this system is preferable because it is better at "identifying and assigning human capital to information and cultural production processes" and thus decreases inefficiencies inherent to the traditional firm and market-based Capitalist structure (Benkler 2002, 399). In the roughly two decades since Benkler's piece was published, his thesis has been reiterated and expanded upon as algorithmic technology has become more widely adopted throughout different sectors of the economy, arguably reaching a fever pitch during the advent of the Gig Economy.

One such piece that exists in Benkler's shadow is Juliet Schor and Connor Fitzmaurice's *Collaborating and Collecting*. Situating their analysis within the context of the Great Recession, a period of transformational economic uncertainty and job precarity, Schor and Fitzmaurice note that many young people have responded to these economic conditions by seeking to secure themselves through what they call "connected consumption," or relying on electronically mediated peer-to-peer transactions rather than traditional market actors to mediate exchanges (Fitzmaurice and Schor 2015, 3). This shift away from reliance upon traditional market actors is understandable in the aftermath of a financial crisis that saw some of the world's most entrenched and valuable corporations and institutions crumble. However, Schor and Fitzmaurice make sure to temper expectations of this system's ability to foster economic justice by suggesting that "the market orientation and organization of sharing economy platforms—as well as whether exchanges are monetized or non monetized—are critical characteristics shaping these platforms and their potential to provide truly alternative economic arrangements" (Fitzmaurice and Schor 2015, 3). Essentially, Schor and Fitzmaurice argue that this system's transformative potential rests in its application as a technologically-aided barter system amongst actors of relatively equal power, thus also serving as a warning against its co-optation by profit driven actors - be they entrepreneurial or institutional. Though well-intentioned, such a warning rings somewhat hollow when made within the contemporary market capitalist context, wherein the kinds of equal power dynamics championed by Schor and Fitzmaurice rarely, if ever, exist for long.

The very sort of co-optation and corporatization that Schor and Fitzmaurice warn against is the primary theme of Alex Rosenblat and Ryan Calo's *The Taking Economy,* which uses Uber as an avatar of the tech industry's repurposing of such decentralized, reciprocal systems of exchange. This piece focuses on Uber's utilization of the term "The Sharing Economy" to describe and frame its then-novel peer-to-peer, app based mobility services. Rosenblat and Calo argue that this frame, although openly accepted by mainstream media and governmental actors for some time, was deliberately co-opted and utilized by Uber's executives in efforts to paint their austere and exploitative practices as being based in social reciprocity and trust facilitated via an app (Calo and Rosenblat 2017, 1637). Although it was immediately clear to anyone remotely familiar with Uber's business model that nothing was being "shared" in these transactions, Uber was able to champion this terminology and its underlying assumptions for an ultimately short but nonetheless crucial period of time in which its financial might and cultural cache grew formidably.

"The Taking Economy" is representative of a wider shift in thought that occurred over the latter half of the 2010's in which scholarly interest in the Gig Economy's rhetorical and theoretical roots was supplanted by analyses of how this rhetoric was being applied in practice and how these applications affected gig workers. While Calo and Rosenblat primarily focus their piece on gig economy rhetoric, they also point to the ways in which the decentralized systems of worker administration informed by this rhetoric impact gig workers both positively and negatively (Calo and Rosenblat 2017, 1641-1647). Many of these impacts have to do with the perceived agency that gig workers enjoy while on the job and the role that algorithmic management systems play in the maintenance of this agency or the perpetuation of illusory agency. Cathy O'Neil's *Weapons of Math Destruction* further calls this traditionally-accepted notion of algorithmic neutrality into question through a mixture of case studies, theoretical analysis and O'Neil's own experiences as a mathematician and data scientist. Drawing on her own professional experience designing and analyzing mathematical models, one type of which are algorithms, O'Neil warns that such models "reflect goals and ideology" of those who create them, equating them to "opinions embedded in mathematics" (O'Neil 2016, 21). This framing is important as it resituates responsibility for these models' output, both positive and negative, onto their designers and the entities that hire and direct them. Algorithms that govern labor systems, O'Neil posits, are "optimized for efficiency and profitability, not for justice or the good of the team," making their objectives no more altruistic than profit seeking enterprises run directly by human executives (O'Neil 2016, 129-130). While the algorithms that dictate work in the Gig Economy may be driven by familiarly self-serving objectives and motives, the worker-corporation relationship that they've created is novel and only partially understood.

One such inquiry into gig workers' reactions to and considerations of their work being administered by an algorithm is "Working with Machines: The Impact of Algorithmic and Data-Driven Management on Human Workers," a study of Uber drivers conducted in 2015. This study, conducted by a team of researchers led by Min Kyung Lee, aimed to shed light on foundational questions regarding the nature of algorithmically administered work, namely how workers cooperate with algorithmically-assigned work, how algorithmic optimization motivates workers (if at all), and how data-driven worker evaluation systems are perceived (Lee 2015, 1). While this study's findings on driver opinions were less than conclusive - surveyed drivers held moderately positive opinions on dispatch algorithms, were largely indifferent to surge pricing and held moderately negative opinions on driver rating systems - the researchers' justifications for these findings illuminate the psychological impact of gig work on a much wider scale. Based upon their findings, Lee et al. "believe the organizational context of being independent contractors played an important role: the flexibility and choices that the ridesharing drivers have in work compensate for the lack of control in assignment algorithms" (Lee 2015, 8). This belief points to the potential of a self-perpetuating reality of gig work in which drivers' expectations of workplace autonomy are tempered by their independent contractor status, which in turn makes their independent contractor status more palatable and seem more logical. Though this is important research done on what at that time had been an under-studied and notoriously difficult to survey group of workers, many of its findings are either marginally relevant or wholly obsolete in 2020, as many of the work structures it inquires about are either markedly different or have been completely replaced. Gig economy companies are known to alter their business practices and policies very frequently and often with little warning, making studying or regulating these practices in the long term uncommonly difficult.

Naturally, as Uber and the rest of the Gig Economy became increasingly prominent, the body of qualitative research conducted on its participants grew accordingly. No example of this research is as expansive or pointed in its criticism of these structures as Alex Rosenblat's *Uberland,* which combines ethnographic research with critical analysis in a manner that exposes the Gig Economy's massive potential for worker exploitation and manipulation. Rosenblat's analysis is based upon a similar premise to Lee et al. 's - the impact of algorithmic administration on workers - but her research points to a considerably more sinister and exploitative reality than many earlier analyses. Rosenblat points to algorithmic management as the primary means by which Uber is able to create and maintain an information discrepancy between its corporate entity and its drivers large enough to enjoy significant control over its drivers' workflow without the levers of such control becoming obvious or obtrusive (Rosenblat 2018, 92). While she notes that these levers of control - no matter how opaque they may be - are of varying importance to drivers who rely on income from driving to different degrees, she maintains that such systems can easily become unsustainable and exploitative if left unchecked and unregulated (Rosenblat 2018, 50). It is this system of algorithmic management that, Rosenblat posits, allows Uber to continue to market itself as an entrepreneurial opportunity for its drivers, a position that has figured prominently in the company's public persona from its onset (Rosenblat 2018, 85).

b. Corporate Identity

The sort of identity creation and storytelling that Rosenblat points to - Uber's positioning of itself as an engine of economic opportunity through entrepreneurialism - is a prime example of a concept known as corporate identity. As corporations have become increasingly politically empowered, advertising and marketing technologies have become incredibly sophisticated, and the general public has become increasingly conscious of its consumption habits, corporations have become increasingly inclined to project favorable images of their practices, their leaders, and their impact on society at large. This newfound autonomy in terms of narrative setting has become a major source of corporate power in recent decades, but there remains considerable disagreement on the ultimate beneficence of this trend. In analyzing the net societal impact of corporate identity, it is important to first explore the contours of corporate identity as it is defined by thought leaders within the world of business marketing. In doing so, one stands to gain insight into the characteristics that are believed to constitute an effective corporate identity, the perceived functions that corporate identity serves, and the institutional values it is supposed to represent or uphold.

The concept of corporate identity is loosely defined by Cees B.M van Reil and John M.T. Balmer in their piece titled "Corporate Identity: the Concept, Its Measurement and Management" as corporations' attempts at fostering favorable public opinions of themselves through symbolic and visual cues, formal corporate communication (both internal and external), and overall organizational behavior patterns (Balmer and van Riel 1997, 341). Symbolic and visual cues refer to the color schemes, logos, typefaces and other design elements that corporations include in their advertising and other public-facing endeavors. Similarly, formal corporate communication entails the actual written content of corporations' advertising and other public-facing endeavors as well as statements made by executives or legal counsel on behalf of a corporation. Behavioral patterns delve somewhat beyond the surface and entail a corporation's partnerships, business and labor practices, organizational structure and relationship with governing or regulatory bodies.

Despite the widely inclusive nature of their definition, however, van Riel and Balmer note that many scholars believe that corporate identity is a concept that is too dynamic and multidisciplinary to be formally defined (International Corporate Identity Group 2019). This belief is outlined in the "Strathclyde Statement", an official position taken by the International Corporate Identity Group (ICIG) in which corporate identity's various aspects are explained but the term as a whole is not formally defined (International Corporate Identity Group 2019). This statement's primary function is to differentiate corporate identity from what the ICIG calls traditional "brand marketing," which is only concerned with engaging consumers while corporate identity aims to engage a wide variety of actors including potential investors, regulators and the corporation's own employees. The multifaceted nature of Balmer and van Riel's definition as well as the Strathclyde Statement's aforementioned implications point to the variety of audiences and stakeholders that corporations' self-crafted identities are intended to persuade.

Though these pieces do well to provide insight into the values and goals that drive business leaders' attempts at fostering favorable corporate identities, they do not address the underlying phenomena of human actors ascribing human characteristics to the inherently inhuman, socially-constructed entity that is the corporation itself. Expanding on this viewpoint is Richard Hardack's "New and Improved: The Zero-Sum Game of Corporate Personhood," which ultimately makes the argument that corporations take on the characteristics of the individuals who establish them through the managerial and advertising decisions those individuals make, which are based upon the economic, cultural and social circumstances of the time (Hardack 2014, 36). Ascribing human features onto an inorganic entity like a corporation is, according to Hardack, only possible due to corporations' legal status and the rights that this status explicitly affords their proprietors (Hardack 2014, 37). Hardack extrapolates his argument that since corporations are inorganic entities, their corporate speech should be legally regarded as commercial speech and by definition cannot be considered political speech, thus making it subject to regulation under the commerce clause of the constitution (Hardack 2014, 38-39).

Hardack's argument seems to center executive level decision-making as the factor most intrinsically linked to the features of a corporation's identity. Though their thinking will almost always be dictated by market trends, technological innovation and consumer preference to at least some degree, these factors are similarly subject to the interpretation of individuals replete with their own biases, beliefs and egos. In the case of Uber and its ascendant path, the biases, beliefs and egos that mattered most were those of its two co-founders Travis Kalanick and Garrett Camp. Though complimentary in their respective areas of expertise, with Camp as the technical expert and Kalanick the corporate strategist, their respective visions for their company's future were often times at odds, with Camp envisioning Uber remaining an exclusive black car service and Kalanick (along with some of the company's earliest and most influential investors) preferring a peer-to-peer model avoiding the numerous regulations inherent in traditional livery transportation (Isaac 2019, 49-50; Stone 2017, 120-121). These two visions are laid out in two recent books - Brad Stone's *The Upstarts* and Mike Isaac's *Super Pumped* - that recount the company's inception and the shared set of beliefs that inspired it (Isaac 2019, 49-50; Stone 2017, 44-45).

c. Uber's Corporate Leadership

Super Pumped (2019) primarily focuses on how Kalanick fashioned Uber in his own image and according to his own personally held-ideals during his tenure as the company's CEO. The book's prologue provides a detailed account of the manner in which he preferred to launch Uber's services in a new city: without the consent and often against the wishes of local lawmakers or interest groups (Isaac 2019, xiii-xiv). This preference stemmed from Kalanick's "belief that politicians, when it came down to it, would always act the same way: they would protect the established order" (Isaac 2019, xv). This belief, coupled with his deeply held notion that Uber was "transformational" and would produce positive societal outcomes if allowed to operate as originally intended, prompted Kalanick's decision to operate his company outside the confines of legality.

The long-term impacts of this hyper-aggressive and law-flouting environment established and incentivized by Uber's top executives is chronicled in Benjamin Edelman's piece in the *Harvard Business Review* titled "Uber Can't be Fixed...It's Time for Regulators to Shut it Down" (Edelman 2017). In this piece, Edelman attributes this growth-inducing but unsustainable internal identity to Kalanick's leadership style. In making the initial decision to operate outside the confines of local transportation laws in the interest of maximizing growth, Kalanick instilled in his employees the incentive to follow his example to the extent that this became a core aspect of the company's internal identity and source of pride amongst employees. Uber employees' eagerness to follow Kalanick's reckless example is explained in *Super Pumped* as having two primary sources: Kalanick's own seemingly boundless energy and passion for the company's product and Silicon Valley's culture of "founder worship," which venerated successful entrepreneurship as the pinnacle of human accomplishment and virtue (Isaac 2019, 74-75, 84). By the time Kalanick was forced to exit the company amidst myriad instances of personal and professional misconduct, this ethos had become so thoroughly baked into Uber's business model that Edelman felt inclined to openly call for cities whose laws Uber has violated to essentially fine the company into bankruptcy (Edelman 2017).

Despite the clear transgressions that Edelman's article lays out, Uber remains a hugely influential archetype within the startup milieu, as it is inspiring new waves of technology-based businesses to tread similarly dicey paths. The spread of this reckless, all-or-nothing approach to revenue growth is chronicled in Jordan M. Berry and Elizabeth Pollman's article "Regulatory Entrepreneurship." In this piece, Pollman and Berry position Uber and Lyfts' approach to dealing with regulation within a wider category of corporate behavior that they call "regulatory entrepreneurship," which they define as "pursuing a line of business in which changing the law is a significant part of the business plan" (Berry and Pollman 2017, 383). In their diagnosis of how companies that operate in such murky legal waters - the likes of AirBNB, DraftKings, and Tesla in addition to TNCs - have been able to not only maintain operations but thrive, Pollman and Berry point to a handful of common characteristics, namely that they are "well-funded, scalable, and highly connected startup businesses with mass appeal" (Berry and Pollman 2017, 383). These characteristics point to the central importance of fostering positive corporate identities with a wide range of societal stakeholders in companies' ability to maintain such business models and fight off regulation. The descriptors "well-funded, scalable, highly connected...with mass appeal" allude to the roles that the various audiences that will be included in the theoretical analysis portion of this research - customers, regulators, and workers - play in the creation and preservation of Uber's corporate identity and thus its ability to avoid regulation of its labor practices.

Of all the aforementioned stakeholders and the various important roles that their complicity plays in the preservation of Uber's corporate identity, investors seem to be among the most overlooked. Though their overall economic and cultural relevance is readily apparent, venture capitalists' influence over the risky and at times illegal behavior of the companies they fund is often left under-examined. The unequal stakes that characterize the investor-corporation relationship are clearly identified and explained in Douglas Rushkoff's *Throwing Rocks at the Google Bus,* in which the author explains that while venture capital firms fund dozens if not hundreds of companies at a time, they expect the vast majority of these companies to fail and thus impose extremely high growth requirements on their investees to ensure that the few that *do* succeed will supply them with an exponential return on their investment (Rushkoff 2016, 189). Isaac similarly explains this mode of operation in *Super Pumped* when he notes that "for venture capitalists and founders alike, the goal is to guide the company to either B or C rounds [of funding] or 'liquidity events.' Those are when a VC can finally convert shares in a company into cash" (Isaac 2019, 73). While this may be a financially prudent investing strategy on the venture capitalist's part, it is these very unnaturally high growth requirements that incentivize and, in many cases, necessitate the implementation of potentially nefarious and illegal practices by the companies these firms are investing in.

Venture Capital firms may control the purse strings, but the power relationships that exist between them and tech company founders are considerably more complex than this fact alone might allude to. As Isaac notes in *Super Pumped,* the tech industry's maturation into a major global economic force endowed successful tech entrepreneurs with not only visionary, almost mythical status, but an increasing ability to maintain operational and strategic control over their companies throughout the process of receiving funding as well (Isaac 2019, 75-76). Inspired by Google co-founders Larry Page and Sergey Brin, Kalanick sought to maintain as much operational and strategic control over his company as possible. According to Isaac, this meant securing investment while ceding as few ownership shares, board seats, and as little voting power as possible, even going as far as adopting a two-tiered system of ownership share allocation called a "dual class stock structure" which affords additional voting power to shares held by Kalanick as opposed to those held by investors (Isaac 2019, 76, 97). Though Kalanick was successful in his bid to retain as much decision-making power for himself as possible throughout the fundraising process, he guided the company in a way that largely adhered to the same ideals and goal structure held by most venture capitalists - the pursuit of maximum revenue growth and market share attainment. It is difficult to tell what exactly Kalanick's reasoning for this pursuit was. Though the grandiosity with which he was inclined to speak about Uber's ultimate potential would point to a deep-seated belief in the transformational power of his company’s product, this unrelenting pursuit of growth was likely also intended to ensure the company’s continued access to venture capital funding.

Regardless of the source of the growth-driven ethos Kalanick adopted, its dictation of Uber’s labor practices and by extension the working conditions of drivers is abundantly clear. In documents filed with regulatory bodies, Uber’s management has explicitly stated that in order to accomplish their aforementioned goals, maintaining drivers’ status as independent contractors and thus minimizing labor costs is of primary importance (S-1 2019, 28). However, what Uber’s executives have traditionally been opaque about, and what researchers have taken a keen interest in, are the wider implications that this work configuration may have for workers themselves and on society as a whole. Within this body of research, two main themes of inquiry have emerged: the impact of flexible and precarious work arrangements on workers’ economic outcomes and personal well-being and the difficulties of effectively regulating these sorts of arrangements.

d. Precarious Work in the United States

One study that undertakes an exhaustive, long-term historical analysis of labor precarity in the United States is Arne Kalleberg’s “Precarious Work, Insecure Workers,” which was published at the height of the Great Recession in 2009. Kalleberg’s research covers three primary topics: evidence of precarious work’s rise since the 1970’s, the consequences of this rise on a societal level, and a plea for his fellow sociologists to turn their attention to labor precarity in hopes of compounding on society’s understanding of its social, rather than simply its economic, impacts (Kalleberg 2009, 2-11). While Kalleberg’s discussion of topics like the gradual shifting of risk from employer to employee and the growth of perceived job insecurity among workers provides necessary context through which one can analyze Uber's role in this phenomenon, as are his musings on precarity's role in exacerbating wealth inequality, perhaps the most lasting contribution of this work is its clear enunciation of labor precarity's public policy implications (Kalleberg 2009, 7-8).

Fully recognizing the hegemony of contemporary free market globalization, Kalleberg points to the need for public policy solutions that "seek to help people deal with the uncertainty and unpredictability of their work— and their resulting confusion and increasingly chaotic and insecure lives—while still preserving some of the flexibility that employers need to compete in a global marketplace" (Kalleberg 2009, 16). Ultimately, Kalleberg points to revitalized social protections "to alleviate the disruptions caused by the operation of unfettered markets" and policies to create non-precarious jobs as the two primary strategies for combating precarity (Kalleberg 2009, 16). Kalleberg's diagnosis of the problem and policy proposals, broad as they may be, provide important context that situates the Gig Economy's rise within a larger social phenomenon and, using insights from this decades long shift toward precarity, clearly lays out the stakes involved in this shift.

Subsequent efforts to analyze this vexing phenomenon have adopted a more granular approach, at times even proposing alternative ways of measuring precarity. Wayne Lewchuk attempts just this in his 2017 piece "Precarious Jobs: where are they, and how do they affect well-being?" Lewchuk begins his inquiry by citing the inadequacies of traditional labor market data, namely their inability to track rises in temporary and casual employment. This argument dovetails with Kalleberg's piece nicely, as it justifies Kalleberg's reliance on tangentially related phenomenon like rises in perceived job insecurity and decrease in average tenure length in his analysis of precarity (Lewchuk 2017, 402; Kalleberg 2009, 6-7). In an attempt to compensate for these inadequacies, which he believes chronically under-represent employment precarity, Lewchuk proposes a new measurement that he calls the Economic Precarity Index, or EPI, which he describes as being designed "to explore the security characteristics of different forms of the employment relationship...offering a tool to measure employment security… and assess how insecure employment associated with a 'gig' economy might affect well-being and social relations, including health outcomes, household well-being and community involvement" (Lewchuk 2017, 403). To accomplish this, Lewchuk breaks down precarity into ten indicative components which can be used to survey workers, including schedule consistency, week-to-week income variance, employer-provided benefits and prevalence of cash-based income, among others (Lewchuk 2017, 410). Despite this and other commendable efforts to break down this multifaceted and nuanced phenomenon into easily digestible figures, precarity remains a concept rife with inherent subjectivity, making its precise quantification very unlikely.

Unsurprisingly, precarity's unwieldy nature as a topic of study has significantly complicated efforts to combat it through legislative means. These difficulties have prompted scholars to seek alternative lenses through which to view and characterize precarity, at times in hopes of convincing employers themselves to more actively address the precarity of their own workforces, and critiquing customary regulatory frameworks at others. A prime example of a piece that attempts the former is "Uber Drivers and Employment Status in the Gig Economy," which aims to convince Uber and other Gig Economy companies to alter their employment tactics by appealing to a concept called "corporate social responsibility" (Malos et al. 2018, 239).

According to the study's authors, "corporate social responsibility" is a tactic used by corporations to address the social implications of their business, namely the economic, physical and mental well-being of their employees, through actions beyond regulatory compliance" (Malos et al. 2018, 239). By definition, since it goes beyond mandated worker benefits and protections, corporate social responsibility "maintains that companies should perform in a manner consistent with expectations of societal mores, recognize evolving ethical/moral norms adopted by society, prevent those norms from being compromised in order to achieve business goals, and recognize that ethical behavior goes beyond mere compliance with laws and regulations" (Malos et al. 2018, 247). Under this definition and its implications, the authors argue that Uber and other Gig Economy companies "have a responsibility to their workers to help them maintain a living wage and decent levels of social welfare" which, in their estimate, includes reclassifying drivers as employees (Malos et al. 2018, 247). Clearly, this argument hinges on grand assumptions made regarding the existence of uniform social mores across society, the nature of corporate behavior as something separate from that of corporate executives and the congruence between business goals and positive social outcomes, all of which seem to oversimplify labor precarity in its contemporary manifestation.

Such assumptions become increasingly dubious when one considers the unique nature of gig economy companies in relation to traditional corporations and firms, a topic that Julia Tomassetti dedicates considerable attention to in "Does Uber Redefine the Firm? The

Postindustrial Corporation and Advanced Information Technology." Essentially, Tomassetti alleges that difficulties faced in attempts to regulate the Gig Economy stem from social scientists' and regulators' antiquated conception of what principles contemporary corporations operate under. She posits that, rather than the "industrial model" favored by regulators and social scientists, companies in the gig economy should be considered "post-industrial corporations," which she defines as a corporation that "still seeks to maximize profits, but not necessarily through productive enterprise. It may pursue shareholder value through asset manipulation, speculative activity, and regulatory arbitrage and evasion" (Tomassetti 2016, 5). Tomassetti's primary argument, however, addresses Uber's claim that it's business transcends all conceptions of the firm and acts as a digital market intermediary between independent transportation businesses and consumers. Drawing from Coasian Firm Theory, Tomassetti rebukes this convenient self-perpetuated rhetoric and claims that Uber is indeed a "post-industrial corporation" whose "technology (as well as its power) appears to have lowered the costs of firm coordination relative to market coordination by reducing agency costs and enabling Uber to direct production inputs without assuming the costs of formal property rights" (Tomassetti 2016, 7). In this diagnosis, Tomassetti directly links Uber's misclassification of drivers, a major source of the company's cost mitigation, to regulatory arbitrage, which is a core tenet of post-industrial corporate identity.

From Tomassetti's analysis, it may be natural to conclude that pursuing the reclassification of gig workers' employment status, whether it be via legislation or litigation, is the best way to mitigate the social ills being produced by the Gig Economy's labor practices. Despite the argument that worker reclassification would theoretically eliminate a majority of the precarity associated with gig work, the actual track record of pursuing reclassification through litigation has been rather mixed, as is outlined in Veena Dubal's "Winning the Battle, Losing the War? Assessing the Impact of Misclassification Litigation on Workers in the Gig Economy." Dubal's analysis is based upon three case studies of successful class action worker misclassification lawsuits. In each of these case studies, Dubal finds that despite a favorable outcome in the courtroom, the reclassified workers' overall situations did not necessarily improve and in some cases became even more precarious (Dubal 2017, 740). While she acknowledges the role that reclassification litigation plays as a deterrent by drawing public attention to misclassification and dissuading firms form embracing the independent contractor model, Dubal's finds the efficacy of such litigation detrimentally limited by the structural power imbalance that exists between employers and their workers (Dubal 2017, 746-747). While two of the defendant corporations threatened their employees with blacklists and replacement workers if they attempted to follow through with reclassification, the third modified its entire business model to make its drivers seem less like employees (Dubal 2017, 747). This sort of *post-facto* maneuvering on the part of corporations is proof, Dubal claims, that "misclassification litigation must be leveraged alongside other forms of political and legal activism that are attendant to worker self-visions and that build and nurture collective worker power" (Dubal 2017, 748).

Navigating the vast power discrepancies that exist between gig economy companies and their independently contracted workers necessitates, as Dubal argues, a multifaceted analytical approach. To this end, there has been a great deal of research dedicated to many aspects of this phenomenon, including many of the pieces included in this literature review. The works of Isaac, Rushkoff and Stone illuminate the role that influential individual actors, namely corporate executives and investors, play in both the creation and justification of these power discrepancies. The underlying ethos that informs these actors' rhetorical and business strategies is outlined by Morozov, Castells and Turner. The theoretical appeal of such strategies, which include labor force decentralization and co-optation of communalist ideals for corporate ends, is chronicled in the works of Benkler, Schor and Fitzmaurice, and Rosenblat and Calo, which are in direct conversation with O'Neil, Lee and Rosenblat's analyses of algorithmic management's impacts on workers. These respective topics point toward a thorny reality for regulators and gig workers alike, a reality which Dubal, Malos and Lewchuk analyze the contours of in hopes of fostering truly impactful policy change.

What the existing literature does not explicitly cover, however, is the ways by which gig economy companies have been able to leverage their corporate identities, largely through their formal corporate communications with regulators and consumers, in their opposition to attempts at regulating their labor practices. Such an inquiry combines elements of all the aforementioned areas of analysis, namely how these companies fuse their technological capacity and decentralized business models with the wider silicon valley techno-positivist ethos to create corporate identities and implement patterns of corporate communication that inform their opposition to regulation of their labor practices. The forthcoming research intends to add to this robust and rapidly growing body of literature by addressing this very question through a case study of Uber's corporate identity and communications. Uber's driver, rider and regulator-facing communications are of particular importance in this analysis, as they are the primary vehicles through which widespread public consent regarding their labor practices is manufactured. To be sure, gauging the full extent of Uber's corporate identity and its impact on regulatory attempts would include analyses of its legal defenses in employment misclassification and wage theft lawsuits as well as the company's lobbying efforts, two avenues of inquiry that my research does not discuss at length but aims to complement. The ultimate goal of this research is to provide insight that will contextualize Uber's corporate communication strategies in hopes of fostering a more critical and nuanced understanding of the systems that the company has gone to such extreme lengths to mystify.

4. Methods

The previous portion of this research demonstrated the importance of investigating how Uber's corporate identity has informed its attempts at avoiding the regulation of its labor practices. In this section, I will explain the methods by which I attempted to answer my research question, which include theoretical analysis of a selection of the company's official communications and a survey of drivers who received messaging from Uber regarding AB5. I chose these methods because of their ability to provide insight into the underlying assumptions of Uber's anti-regulatory messaging, what the messaging reveals about Uber's desired external and internal identities and, ultimately, the efficacy of this messaging.

The vast majority of my findings regarding Uber's corporate identity and its influence on the company's campaign against AB5 were generated through a theoretical analysis of a selection of the company's official communications. These communications span roughly the same length of time as the company's ongoing campaign against AB5, which began shortly after the California Supreme Court's May 2018 ruling in *Dynamex Operations West Inc. v. Superior Court of Los Angeles.* According to the California Employment Development Department, the

“ABC” test that *Dynamex* established and AB5 codified into California law requires employers to classify workers who do not fulfill all of the following criteria as employees rather than independent contractors.

A: The person is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.

B:The person performs work that is outside the usual course of the hiring entity’s business

C:The person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

A significant amount of the information I based my findings on came from Uber’s various city and state-specific blogs. I visited four such blogs in an effort to locate the company’s announcements of the various products it debuted and companies it acquired during the period of time leading up to its initial public offering in May 2019 through January 2020. From these blog posts, I analyzed the company’s rhetoric regarding these expansions while assessing its attempts at diversifying its business model. To find the company’s messaging on its acquisition of the e-scooter and e-bike company Jump, the debut of Uber Money as well as the announcement of a $1 billion investment in its Autonomous Vehicle Group, I searched the company’s most general blog, which is called “Uber Newsroom.” The company’s post regarding the launch of Uber Copter was posted in its New York City-specific blog, while its California blog hosted the two posts regarding the slate of changes in terms of driver administration announced in the immediate aftermath of AB5. Finally, the announcement of a feature available in certain cities that allows users to “see nearby public transit stops and real-time departure information” is located in it’s US-wide blog.

In addition to Uber's official blog posts, I examined its Initial Public Offering Prospectus, a document filed with the US Securities and Exchange Commission in preparation for the company's initial public offering in May 2019. IPO Prospectuses are meant to be comprehensive accounts of the filing company's history, assets, business plan, growth projections and potential risk factors that serve as a reference for potential investors and regulators alike. Due to its expansive and official nature, Uber's IPO prospectus provides perhaps the purest distillation of what the company's executives consider its relations with its drivers to be, as well as their assessment of the risks posed by labor legislation that would reclassify the company's drivers as employees. My analysis of this document focused on areas wherein the company discussed the role that it believes drivers play in the company's overall structure, with a particular emphasis on the financial risk that driver-reclassifying legislation like AB5 poses as well as the company's attempt at minimizing drivers' centrality to its business model and growth projections.

While the company's IPO Prospectus represents a relatively sober and unvarnished account of its relationship with its drivers, two types of its public-facing communications produced in the immediate wake of AB5's passage depict a more curated version of this reality. The first of these communications is a conference call set up by the company's chief counsel Tony West and its California public policy director Davis Webb to debrief local and national journalists on the company's initial response to the law's passage while providing a general outline of the company's planned response to California's shifting regulatory environment. Roughly three months after AB5's passage, Uber joined a group of its fellow TNCs in sponsoring a piece of legislation that aims to solidify their workers' classification as independent contractors called the "Protect App Based Drivers and Services Act." My analysis of this act, however, centered on the messaging of the promotional campaign surrounding it rather than the Act itself. This decision was born of the notion that the messages by which Uber attempts to court support for this act are more representative of its desired public-facing corporate identity than the bill's actual text. In particular, I focused my analysis on a collection of 71 "driver stories," or testimonials from California-based drivers regarding their preference to remain independent contractors rather than employees. In order to uncover any recurring themes in these testimonials that may indicate a specific narrative being promoted by Uber, I read (and watched, as some of the testimonials were in video form) all 71 testimonials while categorizing them based on their thematic content. Specifically, I tallied the economic, social and personal reasons why each of the featured drivers preferred independent contractor status, drivers' perceptions about their relationship to their work with Uber, and what aspect of driving they seemed to value the most.

To serve as a control group for this experiment, I conducted a similar analysis on a selection of 62 "driver stories" videos found on Uber's official YouTube page. These videos, which were released between 2014 and 2019 and have amassed over 9.3 million views, span multiple campaigns, issue areas and locations, thus providing a less case-specific depiction of Uber's corporate identity. The considerable breadth in content included in this set of videos provides a representative baseline from which to analyze Uber's desired corporate identity in regards to its relationship with its drivers. Upon conducting this analysis, I tallied the number of videos with common themes from Uber's YouTube page and the "Protect App Based Drivers and Services" website and compared the dominant themes of each set. Through this comparison, I was able to detect significant variations between Uber's messaging in the context of a political campaign and in the various other contexts that were exemplified in its YouTube "driver stories."

In order to gain additional insight into my analysis, the order in which I observed these two series must be noted as well. I watched all 62 of the YouTube "driver stories" first, with virtually no prior knowledge of their thematic content other than what I could gather from the titles and thumbnail images. This decision was based in large part due to my intention of having the YouTube "driver stories" act as a control group for the "Protect App Based Drivers and Services" testimonials. By watching all 62 YouTube "driver stories" before exposing myself to any aspect of the "Protect App Based Drivers and Services" website, I was able to engage with the content of the YouTube videos with minimal bias and temptation to search for narratives where they might not truly exist.

The fact that both the "Protect App Based Drivers and Services" testimonials and Uber's YouTube page are both funded and operated by Uber itself makes these sources more reliable indicators of the company's desired narrative of its labor relations than of actual driver sentiment toward the company. In order to more accurately gauge drivers' unvarnished opinions regarding AB5 as well as Uber's attempts at influencing drivers' opinions on the issue of their employment classification, I created and disseminated an online survey using Google Forms, a web-based survey creation application. The survey primarily focused on drivers' responses to Uber's tactic of sending messages directly to drivers regarding their classification and "maintaining flexibility" during the summer of 2019. The survey was divided into five sections: demographic information, information on the frequency, content and format of messages drivers received from Uber, drivers' thoughts on the appropriateness of employers sending political messaging to their workers and drivers' opinions on AB5 specifically. In order to maintain anonymity, respondents were not asked for any information that would identify themselves and all questions asking for demographic information were optional. A complete list of the questions included in the survey can be found in Appendix A. Featuring a mixture of multiple choice, free response and five-point sliding scale question formats, the survey takes roughly ten minutes to complete if none of the optional questions are skipped.

My strategy for disseminating the survey included outreach to drivers through online driver forums and social media pages. Getting the link to my survey posted onto such sites, however, was a multi-step process. For security and moderation concerns, many of the online driver forums I encountered were closed non-drivers and had application processes for prospective members. Being a non-driver myself, I explained my situation and intentions to the administrators of each group before formally requesting entrance. Thankfully, I received warm and welcoming responses from virtually all group administrators and members alike. I was ultimately granted entry into seven driver Facebook groups - all of which set up for California-based drivers specifically - with a total of 51,034 members between them as well as the California-specific forum on the popular driver site "UberPeople.Net," which does not disclose the number of active members on a given forum. While the survey was live, from January 23, 2020 until March 1, 2020, I posted a standardized message to each of the aforementioned groups either three or four times, so as to not inundate the groups with my messaging. The three groups that I was granted access to after my survey went live were those that I sent three rather than four messages to. In addition to this method of outreach, I also contacted Harry Campbell, known more commonly as "the Rideshare Guy," for assistance with disseminating my survey. Campbell, who is one of the most prominent, respected and prolific rideshare industry experts in the US, agreed to include a link to my survey in his driver newsletter that has an audience of over 60,000 people.

As a result of this multifaceted outreach effort, my survey received 40 responses during the five week dissemination period. This number is significantly lower than what would be necessary to produce statistically significant results or represent an accurate cross section of all drivers in California. However, I contend that conducting a survey in this manner was the most effective plausible outreach strategy given the financial, time, and capacity constraints I faced throughout the research process. Although conducting interviews would have allowed me to attain more detailed insight into individual drivers' experiences and opinions regarding AB5, it would have been extremely difficult if not impossible to reach the same number of drivers through this method as I was able to with a survey. The value judgement to prioritize the number of responses over the ultimate quality and length of individual responses was not an easy one to reach, but I maintain that it produced the most useful results possible given my own capacity and circumstances.

At the point in time that I initially disseminated the driver survey, I intended on researching both Uber and Lyfts' anti-regulatory campaigns through the lens of their corporate identities. Due to the fact that I did not decide to decrease the scope of my research until after the initial publication of the survey, a portion of its respondents drive for Lyft in addition to or instead of Uber, and my initial round of outreach was toward online driver forums for both companies' drivers. In the interest of time, I was inclined to continue conducting the survey with both Uber and Lyft drivers as respondents rather than re-formatting and distributing the survey a second time solely for Uber drivers. While Uber and Lyft indeed harbor myriad differences in terms of corporate identity and public persona, their business models and systems of labor administration are markedly similar, as is evidenced by the fact that almost all online driver forums that I encountered during the survey process included drivers for both companies who seemingly shared stories, advice and questions across company lines with relative ease.

In many regards, the histories, business practices and corporate identities of Uber and Lyft, its primary competitor in the TNC space, are inseperable. The two companies were launched around the same time and thrived in the same economic environment while attempting to solve the same problem using similar technologies and business models. This research was initially intended to analyze the corporate identities of both companies, but due to an array of considerations discussed below, I have decided to proceed with an analysis of Uber's corporate identity only. The primary reason for this decision is the two companies' considerable similarities that range from their labor practices to their marketing campaigns. Most important among these similarities, however, is their unflinching and often collaborative resistance toward any meaningful regulation of their labor practices. Not only are the two companies' interests united due to their ostensibly identical business models, they have actively joined forces in a number of anti-regulation campaigns, most notably the "Protect App Based Drivers and Services" campaign in opposition to AB5. Analyzing these practices separately for each company would likely lead to many redundant findings and analysis that would not necessarily serve to propel the conversation forward in a way that an analysis of Uber alone could not.

Despite these myriad similarities, there is one factor that sets Uber apart from not only Lyft but the rest of its competitors as well: the level of scrutiny it receives from the media and populace as a whole. Much of this negative attention has been self-inflicted due to the brazenness of co-founder and ex-CEO Travis Kalanick and the hostile, misogynist culture he cultivated at the company. However, it has also had the effect of deflecting a great deal of largely-deserved scrutiny away from Lyft despite the two companies ostensibly identical labor practices and business models. Perhaps due to the enhanced visibility that Uber has garnered due to its notoriously unsavory founder and internal culture, the vast majority of researchers, journalists and academics who study TNCs and their impact on workers focus their inquiries on Uber specifically. It has become increasingly apparent throughout this research process that, for better or worse, the most vibrant and prescient conversations taking place about this industry are focusing exclusively on Uber. In hopes of making a contribution to this discourse, I've decided to follow this path.

To be sure, the issue of time also plays a role in my decision to shift my focus away from Lyft and toward Uber. Given the constrained timeline on which I conducted this research, I believe that limiting my inquiry to one company allowed me to conduct a more nuanced and profound analysis of that company as opposed to hasty or incomplete analyses of two very similar companies.

5. Findings and Analysis

a. Conflating Efficiency-Seeking with Progressivism

The foundation of Uber's corporate identity - which has animated the company's attempts at avoiding regulation from its early days dodging local transportation officials in San Francisco to its high profile, multi-million dollar campaigns against state level labor legislation -

is its self-identification as a tech company rather than as a taxi company. This crucial distinction has not only established the underlying logic for the company's legal and rhetorical arguments against the reclassification of its drivers, it communicates specific and advantageous messages about the company's overall ethos as well. Particularly, this tactic positions Uber's operations and ethos as progressive and innovation-oriented. Such a depiction is rooted in long-standing, widely accepted characterizations of Silicon Valley's most prominent tech firms as ceaselessly utilizing cutting edge technology to upend, or "disrupt," traditional power structures and institutional arrangements in pursuit of maximizing systemic efficiency. While profit incentive undoubtedly lies at the core of all corporate decision-making across time, location and industry, tech companies like Uber have popularized staggeringly effective rhetorical strategies to blunt the unsavory nature of their goals. Such strategies, which Uber's adoption of will be discussed at length in this section, focus on the non-economic benefits of prioritizing efficiency and disrupting existing systems, often by framing such systems as corrupt (or corruptible), unresponsive, and undemocratic.

Uber's corporate rhetoric aims to establish a stark contrast between itself and the taxi industry it has largely replaced. By aligning itself with vague but widely agreeable ideals like progress and modernity, Uber not only paints the taxi industry as diametrically opposed to such ideals but attributes a non-economic character to the company's practices. This contrast was expressed often during Uber's initial rise to prominence, oftentimes by the company's co-founder and CEO Travis Kalanick. A particularly telling and widely-circulated example of such a declaration is Kalanick's likening his company's mission to a political campaign in which "the candidate is Uber and the opponent is an assh*** named Taxi. Nobody likes him, he's not a nice character, but he's so woven into the political machinery and fabric that a lot of people owe him favors" (Isaac 2019, 81-82). He would go on to liken taxi companies to "cartels" in subsequent rants, never leaving his disdain for the industry up to question (Isaac 2019, 114). For a time, Kalanick's sentiments were widely accepted and echoed in the news media, as is exemplified in a 2014 Chicago Tribune piece by Steve Chapman. In that piece, Chapman similarly positioned the city's taxi companies as a "cartel" and mimicked Uber's customer-centric ethos in the piece's final line: "The (taxi) industry has had its way for decades. It's time to put consumers in the driver's seat" (Chapman 2014).

Generally, the younger, cosmopolitan rider demographic that Uber's services attract is prone to embrace products and services (and by extension the companies that produce them) that seem to exhibit the very progressive, forward-thinking ethos that they believe to embody themselves. Understanding this, Uber has tailored its corporate communication to commonly include such rhetoric. The examples of this are numerous and include, most prominently, references to the company's labor practices as "the future of independent work" in its IPO prospectus, chief counsel Tony West referring to a company policy platform as "progressive" and "geared toward the 21st century economy" and a piece of company-sponsored legislation that situates the company's controversial labor practices as "the modern economy" (S-1 2019, 93; "Press Call" 2019, 2; "Protect App Based Drivers and Services Act," 2). These rhetorical choices endow Uber's labor practices and overall business model with an air of inevitability, as they implicitly tie these practices to unavoidable, undeniable phenomena like the passage of time. Under such logic, the opposite implication applies to taxi companies. If Uber's business model is "geared toward the 21st century economy" and its executives have explicitly named the taxi industry as the company's chief adversary, taxi companies become cast as entities unfit to serve modern societal needs.

Appeals to such widely accepted and highly regarded ideals, especially when they are effectively employed as they have been in Uber's case, force regulators into making exceedingly difficult choices regarding how to approach regulating the companies that claim to pursue these ideals. Anti-regulatory appeals based upon innovation and progressivism, regardless of their earnestness, are impactful due to the potentially damaging political implications for those regulators and elected officials who reject such appeals. Namely, regulators and politicians who are skeptical of or reject such appeals do so at the risk of being portrayed by Uber and its allies as status quoists who prefer the outdated, corrupt taxi system over the new, democratic and efficient TNC model. If they do choose to pursue meaningful regulation, they risk being painted as complacent, hostile to innovation, or worse, corrupt. If they take a hands-off approach, they not only shirk their core responsibilities as agents of public service, but they risk allowing and even incentivizing a litany of labor violations, financial improprieties, and public safety hazards.

The fashioning of corporate identity through conflating Uber's newfangled business model with cultural and economic progressivism is exemplified in a series of comments made by Uber's chief counsel Tony West during a September 2019 conference call with the press discussing AB5's impacts on the company's operations. Throughout this call, West repeatedly referred to Uber as a "progressive company," even going as far as conflating it with California's "progressivism" as a state and his belief "as a Californian that California can always lead the nation, especially when it comes to innovative solutions" ("Uber Press Call" 2019, 5). Through this rhetorical tactic, West is attempting to accomplish two things. First, he is pressuring legislators to “prove” their bonafides as politicians that embody the state’s progressive reputation by supporting Uber’s “progressive” alternative to AB5. In doing so, West is also attempting to embed Uber’s own corporate identity into California’s reputation as a progressive state in pursuit of a more favorable regulatory environment. While these claims are not patently false, they are nonetheless a prime example of attributing cultural or personal characteristics to a corporate entity in efforts to prevent regulation and manufacture consent. The regulatory calculus that this rhetoric invites becomes even more fraught when public opinion comes into consideration, an addition that Uber not only welcomes but has a history of actively courting. Messaging that similarly positioned AB5 - and by extension the politicians who supported it - as regressive could be found in dozens of smaller local papers throughout California around the time of the bill’s passage. A prime example of such rhetoric being perpetuated through news media is an article syndicated in a number of commonly-owned local news outlets across California in September 2019 which states that “AB5 will restrict drivers’ freedom by imposing an outdated employment status model on a new, innovative, and expanding sector of the economy” (Wilford 2019).

As is the case with many aspects of Uber’s foundational corporate identity, this antagonism toward regulatory authority fashioned as technocratic, pseudo-populist empowerment came straight from the mind of Travis Kalanick. This stance can be whittled down to a supremely revelatory quote given by Kalanick during a 2011 interview with the tech industry-focused podcast “This Week in Startups,” in which he states “our product is so superior to the status quo that if we give people the opportunity to see it or try it, in any place in the world where government has to be at least somewhat responsive to the people, they will demand it and defend its right to exist" (This Week in Startups, 2011). This sentiment, which became known by those within the company's corporate structure as "Travis' Law," came to define Uber's growth strategy and would eventually play a pivotal role in its anti-regulatory advocacy as well (Stone 2018, 195). In order to achieve such a level of customer loyalty, however, the company first needed to develop a product that would elicit not only high levels of customer satisfaction but reliance upon the company as well. Thus, creating a customer experience that was as "seamless, easy and enjoyable" as possible became a core concern for Kalanick and his cohort of coders, marketers, executives and salespeople, with Kalanick even announcing "customer obsession" as one of the company's fourteen guiding principles in a 2015 internal presentation (Isaac 2019, 9-10).

In this mission, Uber has been undeniably successful. In comparison to traditional taxi services, the Uber customer experience is widely seen as an upgrade in terms of reliability and efficiency. The issue with this logic emerges when Uber's proprietary technologies, which produce part of its competitive advantage over traditional taxi services, are marketed as the *only* source of such advantage. Thus, the fact that the company's myriad acts of regulatory arbitrage - stealing trade secrets, misclassifying workers and systemically enabling a combative and hostile workplace culture - have also played a role in securing these advantages, is largely obscured from public view and erased from Uber's corporate identity (Wakabayashi 2018; Farviar 2019; Tait 2020). The effectiveness of this messaging is based upon the deep-seated belief that technological innovation inevitably breeds increasingly favorable outcomes of both economic and social variety, a belief that dovetails with broader progressive ideology in such a way that innovation's unsavory implications and potential applications come to seem negligible. In his theory of technological solutionism, Evgeny Morozov posits that this sort of single-minded pursuit of efficiency is prone to mischaracterizing inefficient aspects of preexisting structures as problematic when, in practice, they may be in place to achieve any number of non efficiency-based goals (Morozov 2013, 9-10). By this logic, some of the "inefficiencies" Uber was attempting to eliminate from the traditional taxi model, namely long wait times, comprehensive driver background checks and cash payment, at once negatively impacted systemic efficiency but were beneficial in other regards like drivers' economic stability and the system's overall safety.

Despite its rhetorical efficacy, the goal of maximizing customer convenience is actually at odds with another of Uber's other expressed corporate values. One of the company's most common defenses of its labor practices is its insistence that a vast majority of its drivers work part time, thus exempting the company from classifying drivers as full time employees and taking on the additional responsibilities that come with that classification. However, a 2016 study by UCLA Law Professor Noah Zatz found that it was not Uber's large pool of part time and hobbyist drivers that allowed the company to achieve the level of customer satisfaction and systemic efficiency it so fervently pursued, but the portion of their workforce that drove more than 15 hours per week (Zatz 2016). Specifically, Zatz's study found that drivers who work more than 15 hours per week, while only making up 49% of the company's driver workforce, provided 81% of its total rides. (Zatz 2016). Therefore, the maintenance of the company's standard of efficiency and by extension customer satisfaction is at odds with its continued insistence that part time and hobbyist drivers are the core of its workforce. While the conflation of technologically-enabled change with societal progress and prioritization of customer satisfaction may have served to quell popular concern with Uber's employment practices and overall growth strategy, the ways that the company ultimately focused this broad base of customer support and reliance are even more revelatory of its corporate identity.

To be sure, the primary goal of Uber's unflinching pursuit of customer satisfaction and reliance through appeals to progressive ideals and maximizing systemic efficiency is to generate as much revenue as possible, as is the case for all corporations. A key byproduct of these pursuits, however, has been Uber's ability to leverage customers' reliance on their services into political support in its myriad regulatory battles. Essentially an extension of "Travis' Law," this tactic has been a tenet of the company's ethos from its beginning, but was fashioned into a formidable weapon with the hiring Ben Metcalfe, who would eventually lead the company's "Public Policy Innovation Team" (Isaac 2019, 117). A self-described builder of "custom tools to support citizen engagement across legislative matters" to drive "social good and social change," Metcalfe and his team built tools within the rider version of the Uber app that notified users of legislative matters that could jeopardize Uber's operations in a given city (Isaac 2019, 117). With the push of a button, riders could send messages or sign online petitions expressing their opposition to such legislation, constituting a new form of digitally-enabled, low-information, low-effort issue advocacy. What further incited such fervent support among customers was Uber's known willingness to completely abandon markets the company deemed insufficiently amenable to its business and labor practices, as it did with Austin, Texas in 2016 (Kelly 2016). The efficacy of mobilizing political support from customers through in-app messaging has been staggering, as the company amassed 450,000 signatures by 2015, a mere five months after Metcalfe's hiring (Helderman 2014). Aside from the sheer amount of support this tactic has been able to garner, its quasi-grassroots nature serves to reinforce the very progressive, people-powered identity that Uber has long sought to establish for itself. This seemingly overwhelming popular support becomes additionally problematic, however, when one considers the manner by which Uber initially drew customers to its platform.

To accompany its technology-based competitive advantage, Uber's original operations manager Austin Geidt devised a "rollout playbook" which outlined the company's strategy of attracting business by flooding a city's market with considerably valuable coupons, sign-up bonuses and various other incentives aimed at both potential drivers and riders (Lashinsky 2015). This allowed the company to rapidly build up both its ridership and driver supply, oftentimes before local transportation officials were even aware of the company's presence in their city or the illegality of its practices. By the time officials became privy to Uber's operations and prepared to penalize the company for its lawlessness, Uber had built up sufficient goodwill amongst its drivers and riders to get them to advocate on its behalf. Once this "playbook" produced concessions in one locality, Geidt "systematized the approach on an internal company Wikipedia-like page, creating a playbook for city launches. Send in a launch team to Seattle, San Antonio, Chicago - wherever - have them follow the playbook, and watch the demand flywheel begin to spin" (Isaac 2019, 63). A scaled-up version of this "playbook" and its underlying logic of weaponizing customer satisfaction into political support has guided Uber through a number of its more recent and higher-stakes regulatory battles, which the following section of this research will discuss in greater depth.

It is important, however, to first reflect upon the implications of Uber's tactic of weaponizing customer satisfaction and reliance on their product into political support. Much like the company's vague yet effective appeals to its identification with progressive ideals, its weaponization of customers' satisfaction presents a vexing dilemma to the regulators and legislators who are the targets of these supporters' appeals. Popular outcry, regardless of its authenticity or origins, cannot simply go unexamined or overlooked by serious, well-intentioned public servants. When responding to this popular outcry means ignoring claims of worker misclassification and defiance of local transportation laws, however, officials must choose whether to prioritize the satisfaction of a sizable and vocal subset of constituents or keep with their statutory responsibilities as regulators. A byproduct of Uber's singular focus on achieving customer satisfaction via systemic efficiency is the company's tendency to whittle its regulatory battles down to similarly stark, binary terms. In other words, what is truly a multi-faceted issue that encompasses labor policy, traffic systems, and public safety is, through such customer mobilization, oversimplified into a consumer issue alone. While consumer preference and convenience is important - especially when a service as fundamental as transportation is in question - its overemphasis in this case obscures other key interests at play including proper worker classification and adherence to established safety standards. Obscuring and marginalizing the myriad implications of regulating an entity like Uber ultimately serves to undermine concerns regarding the working conditions of the company's drivers, thus reifying the company's own prioritization of its largely bourgeoise customer base over its working-class drivers and adopting the same class-based prioritization on a governmentally-recognized level.

Such weaponization of customer support is but one of the many tactics Uber is known to employ in efforts to fashion a favorable corporate identity and avoid the regulation of its labor practices, virtually all of which have been included in the company's multi-pronged campaign in opposition to AB5. The various tactics of this campaign, as well as how they reflect and intersect with different aspects of Uber's corporate identity, will be discussed at length in the following case study.

b. Case Study: Uber's Anti-AB5 Campaign

Before an analysis of the various strategies that Uber has employed in its efforts to prevent the passage of AB5 can be conducted, it is necessary to provide context for the uniquely contentious nature of the fight over AB5's passage and enforcement. At the core of this contention are, unsurprisingly, massive financial considerations, as California accounted for roughly 17% of Uber's total revenue in the US as of May 2019 (Griswold 2019). The potential reclassification of the company's California-based drivers as employees, which is a commonly-anticipated outcome of AB5's passage, would significantly increase the company's operating costs in the state, delivering a considerable blow to its already shaky financial outlook. Common estimates of the additional costs for employers associated with utilizing employee rather than independent contract labor range from 20-30%, largely due to employers' obligation to provide certain non-wage benefits to their employees. A 2019 study commissioned by Barclays attempted to quantify the additional costs Uber would incur upon the reclassification of its California-based drivers more exactly, its findings reiterating the massive financial stakes of AB5's passage and ultimate enforcement. Specifically, the Barclays study found that accounting for the additional benefits, and taxes would cost Uber $3,625 per driver annually (Griswold 2019). Based on Barclays' estimate that the company has 140,000 drivers in California, the total cost of reclassification would amount to a staggering $508 million (Griswold 2019).

The short term financial impact of AB5's passage seemed similarly dire, as the bill's path through the California State Legislature coincided almost directly with Uber's Initial Public Offering, which took place on May 10, 2019. As was explicitly stated in Uber's IPO prospectus, ongoing uncertainty regarding the employment status of the company's drivers is one of the most significant risks the company faces on its path toward profitability, and news of a law that could reclassify drivers as employees in the company's largest US market likely did little to quell potential investors' fears of such a risk (S-1 2019, 28). To be sure, Uber's disappointing IPO - which saw the company's stock price fall by 7.6% on its first day of public trading, lowering its total valuation from estimates of nearing of $120 billion to $75.65 billion - was also caused by larger market forces including rising trade-based tensions between the US and China and Lyft's similarly poor IPO performance two months prior (Feiner 2019). However, ongoing concerns over the driver classification question accentuated by the AB5's movement through the California Legislature surely contributed to the stock's poor initial performance as well. In tandem with the financial implications that animated Uber's actions against AB5, the maintenance of corporate prestige was likely a significant motivation as well. The financial blow dealt by AB5 would arguably be compounded by the unfavorable optics of Uber's home state, which also contains the very first market the company entered, rebuking a central tenet of the company's business model.

Uber's efforts to prevent AB5's passage throughout Summer 2019, while the bill was making its way through the California State Assembly and Senate, were threefold. Perhaps the most ambitious and publicly impactful of Uber's tactics was the package of internal reforms it proposed to California lawmakers as an alternative to legislation that would reclassify the company's drivers. The proposal included scaled-down versions of many of the benefits that employee status would afford drivers including on-the-job injury protections, health benefits and a wage floor, but maintained drivers' status as independent contractors. Although it did not successfully prevent AB5's passage or lead to Uber receiving an exemption from the law's "ABC" test for employment status, many of the proposal's provisions found their way into a piece of Uber-sponsored legislation called the "Protect App Based Drivers and Services Act," which aims to firmly establish the company's drivers as independent contractors. The specific provisions of "Protect App Based Drivers and Services Act" and its insights into Uber's corporate identity will be discussed at length in the following section of this analysis, as it constitutes a major part of Uber's anti-regulatory strategy.

This counter-proposal, which was first announced to the public in September 2019, was positioned by Uber's spokespeople as a symbol of good faith and a desire to compromise with regulators. This intent was made abundantly clear in the company's communications in the immediate wake of AB5's passage, in which chief counsel Tony West remarked "we'll continue to advocate for a compromise agreement and we were encouraged by Governor Newsom's comments as reported by the Wall Street Journal this morning that he's fully committed to negotiating a solution" ("Uber Press Call" 2019, 4). This corporate identity-building tactic of appealing to compromise and cooperation in an effort to come across as level-headed and amenable to criticism was likely geared toward winning the favor of the general public rather than lawmakers specifically, as Uber's counter-proposal was made public with only one week left in the 2019 legislative calendar. Sentiments aligned with West's rhetoric in the post-AB5 press call cropped up in opinion columns of newspapers throughout California around the time of

AB5's passage, as is exemplified in an August 2019 *Sacramento Bee* opinion column in which the author argues that "legislators are uniquely positioned to protect flexible, on-demand work while simultaneously improving work quality and security. That is, as long as they take seriously the recent path forward jointly offered up by the leaders of Lyft and Uber" (Leroe-Munoz 2019).

In the very same series of remarks, West denied that the company engaged in any closed-door lobbying of state legislators in opposition to AB5, adding that company did not formally oppose the bill until its final round of amendments was announced, seemingly reiterating the company's commitment to maintaining the visage of a cordial and collaborative relationship with its regulators ("Uber Press Call" 2019, 9). According to the California Secretary of State Cal-Access Lobbying Archives, however, Uber did in fact engage in extensive lobbying in the first three quarters of 2019, spending $549,513 to lobby legislators on a total of 15 different senate and assembly bills including AB5 (California Secretary of State, n.d.). Though the exact contents of these lobbying efforts are unknown to the public, the fact that Uber' counter-proposal was circulated with one week remaining in the year's legislative session lends to the notion that a majority of the company's AB5-related lobbying did not concern this proposal (Said 2019). It is considerably more likely that these efforts, given their relatively long-term nature, were geared toward securing "ABC" test exemptions for TNCs and convincing legislators to oppose the bill in its entirety. Regardless of their exact contents, the fact that these efforts were vehemently denied by Uber's primary spokesperson in the very same public statement in which he championed the company's cooperative and transparent approach to engaging regulators points to an incongruity between the company's desired corporate identity and its actual approach toward lobbying and engaging with regulators more generally.

Accompanying the company's lobbying of state legislators was its incessant courting of driver opposition to AB5. This strategy centered on the oft-used tactic of sending messages and action items directly to drivers' apps, which both Uber and Lyft did repeatedly throughout Summer 2019 (Ghaffary 2019). These messages, which consisted of vague appeals to "protecting driver flexibility" and never referred to AB5 by name, received very little attention from the media, with only a handful of industry specific publications and driver-focused blogs reporting substantively on this intriguing development (Ghaffary 2019). Though Uber has employed similar tactics aimed at its riders with considerable success in previous instances, there is little available data on the efficacy of such messaging when aimed toward drivers.

In order to more comprehensively understand these efforts, I conducted a survey of 40 California-based drivers, gauging their opinions on the efficacy and appropriateness of such messaging, as well as their general thoughts on companies sending political messaging to their employees more generally. To be sure, the number of drivers surveyed is too small to be a statistically significant depiction of California's overall driver population, but I contend that this format allowed me to contact a higher number of drivers than individually-administered substantive interviews would have. Further, it is important to note that the survey was also open to Lyft drivers, as the survey was designed and initially disseminated before the scope of this research was limited to Uber. The selection of responding drivers was slightly skewed by the method that the survey was administered, which was through online driver forums and social media groups. Of the 40 respondents, 54% have been driving for at least 3 years and 58% drive at least 30 hours per week, representing a considerably longer overall tenure and larger workload than Uber's own reports on driver habits designate. This skew toward long-term, full-time drivers is reflective of the subpopulation of drivers who are most active on online driver forums and social media groups, as they are likely more inclined to value and utilize the information shared on these groups - which runs the gamut from income maximization strategies to discussions on company policy to sharing stories about ill-behaved passengers - than new drivers, part-timers, or hobbyists.

According to respondents, Uber and Lyfts' outreach attempts were incessant, as 39% of drivers claimed to have received 5 or more messages from their respective TNC throughout summer 2019. Though an additional 30% of respondents were unsure how many messages they received, the fact that more drivers reported receiving 5 messages than all lower numbers combined speaks to the likelihood of drivers being contacted multiple times. While 80% of drivers were asked to sign petitions in these messages, 69% thought that these messages were clearly communicated and not misleading, making the probability of drivers mistakenly or unintentionally signing such petitions rather low. While these messages were not considered particularly insidious, respondents did not find them to be very persuasive or agreeable either, as 67% of drivers claimed that these messages had very little or minimal impact on their opinions on schedule flexibility. In an effort to gain a more detailed understanding of their initial reactions to these messages, the survey also included space for respondents to elaborate on their thoughts at length. Of these responses, 37.5% featured negative sentiments, with multiple drivers suspecting these messages to have self-serving, disingenuous motives, while only 5% of responses expressed positive reactions to the messages. The remaining 37.5% of responses were neutral, most of which flatly stating that the respondent knew the messages were about AB5 with no additional context of the respondent's thoughts on the matter. Below are examples of positive, negative and neutral answers that are representative of the group's general tenor.

Positive	Neutral	Negative
"As they said protecting the flexibility"	"They want us to stay classifed as independent contractors"	"I thought they were a scam and trying to mislead us"
"I was concerned about losing my ability to earn"	"About AB5 and not wanting it passed"	"I was angry. Rideshare companies are manipulating and deceiving drivers to act against drivers best interests."
"Support them"	"Preventing AB5"	"They were f****** b***s*** a** ploys to trick drivers into supporting the companies which have repeatedly shown they dont f****** care.. greedy bastards."

Respondents were split on whether they felt pressure to conform with the point of view expressed in Uber and Lyfts' messages, but only 22% claimed that their views on the matter were in any way altered by these messages. This intriguing dynamic may indicate that this tactic's partisan, propagandic nature was simply too transparent to earnestly change drivers' pre-existing opinions, but a common reluctance to admit susceptibility to propaganda (especially when it is being served by one's employer) amongst respondents likely contributed toward this outcome as well. Respondents' long average tenure with Uber and Lyft also explains the negative responses to these messages, as these are the very drivers who have become accustomed to the fallout from these companies' recurring political and legal struggles being hoisted upon them through consistently shifting company policies, company-mandated fare decreases, and a general lack of workplace autonomy. A common theme amongst both the survey responses I received as well as the discourse in the online driver forums I observed was a generalized skepticism toward all company-sponsored initiatives and policy changes, largely stemming from the belief amongst longer-tenured drivers that such changes often result in improved conditions for the company, but less beneficial for drivers.

When queried about their thoughts on the appropriateness of companies sending political messages to their employees in general, respondents' opinions were split rather evenly. While 41% find it inappropriate for companies to send their workers political messages, 33% believe it depends on the relevance of the political issue at hand to either the company as a whole or the worker's role specifically and another 18% think such messaging is appropriate regardless of its relevance. The variety in response to this question indicates the nuance that emerges when such messaging is considered in the abstract, as opposed to respondents' markedly negative response to political messaging from their employers regarding AB5 specifically. While the transmission of this sort of information in and of itself may be seen as favorable, the biases of the messenger, especially in circumstances where workers' livelihoods may be at risk, seem to be the primary cause for concern.

The question that lies at the core of this debate is whether drivers prefer to be independent contractors or employees. In many of its official AB5-related communications, Uber has cited that the "vast majority" of drivers wish to remain independent contractors largely due to their desire to retain schedule flexibility ("Uber Press Call" 2019, 3). Despite their negative reaction to Uber and Lyfts' messaging on the topic, 56% of survey respondents expressed the desire to remain independent contractors, while 25% preferred employee status and the remaining 17% had no strong preference. This result is made all the more surprising when it's considered alongside the fact that almost 33% of respondents drive over 40 hours per week, which is the threshold for full time status under the California Labor Code. Of those who work over 40 hours per week, 38% preferred employee status, a notable increase from the overall proportion but still lower than one might anticipate. This preference for independent contractor status is further illuminated by the fact that driving is the primary source of income for only 45% of respondents, meaning that a majority either have additional forms of employment other than driving or have family members who contribute significantly to their household's total income. This dynamic helps explain the lack of desire for the benefits and other protections that full-time employment status legally requires, as those for whom driving is not the primary source of income are more likely to receive these benefits from other sources including.

Ultimately, Uber's strategy of whipping legislative opposition to AB5 through compiling driver support via petition was unsuccessful, as the California Senate passed the bill on September 11, 2019 and Governor Newsom signed the bill into law exactly one week later. Spanning both before and after AB5's passage, Uber has embarked on a campaign to exempt itself from the bill's provisions by employing rhetorical and legal tactics that were varied, expansive and often contradictory, creating an increasingly muddled and amorphous corporate identity intended to take whichever shape that proved most effective at staving off the harshest effects of this regulatory measure.

The first tactic aimed at exempting Uber from AB5's provisions was actually in practice well before AB5 was signed into law. Throughout 2018 and 2019, Uber expanded its transportation offerings substantially, starting with the purchase of e-bike and scooter rental company Jump in April 2018. In a post-purchase phone call with the tech industry publication *TechCrunch* CEO Dara Koshrowhahi explained the decision as one intended to make Uber's transportation offerings more comprehensive, noting that "We see the Uber app as moving from just being about car sharing and car hailing to really helping the consumer get from A to B in the most affordable, most dependable, most convenient way. And we think e-bikes are just a spectacularly great product" (Dickey 2018). The company's expansion only accelerated from that point, as its announcement of a feature available on the Uber app in certain cities that allows users to "see nearby public transit stops and real-time departure information," on January 1, 2019 marked the beginning of a series of increasingly ambitious expansions aimed at drastically reconfiguring the company ("Sometimes the fast lane is the bus lane" 2019). The "Uber Transit" announcement was followed up three months later (and mere weeks before Uber's IPO) by an expansion of the company's Autonomous Vehicle Group, marked by the announcement of a $1 billion fundraising round and $7.25 billion valuation with contributions coming from the likes of Toyota and SoftBank (Conger 2019). The company made headlines again in July with its unveiling of Uber Copter, a helicopter chartering service offering weekday service between Manhattan and John F Kennedy International Airport that was billed as "the future of urban air mobility" ("Introducing Uber Copter" 2019). In perhaps the most extreme deviation from its original business, Uber announced its entrance into the financial services sector in October 2019 with Uber Money - a suite of financial products including debit and credit cards for the company's drivers and riders alike with the goal of "adding additional value for the Uber community, all at Uber speed" (Hazelhurst 2019). The unbridled ambition and aggressiveness that the company exhibited in its pursuit of five new ventures within an eighteen month period is newsworthy in its own right, but elicits a deeper analysis when considered within the context of the company's IPO and its efforts to avoid the regulation of its labor practices by AB5.

Uber's rapid and multi-directional expansion in the months surrounding its IPO was interpreted by many observers in the finance sector and financial press as an attempt at bolstering and justifying the company's valuation while quelling potential investors' fears regarding the company's history of staggering financial losses (Trainer 2019; Conger 2019). While the company's ride-hailing service had only ever operated at immense losses - reaching $3 billion in 2018 - its expansion into areas as diverse as e-bikes, helicopters and financial services was seen as an attempt at enhancing its prospects for future profitability and growing its overall market cap. It seemed as though ride-hailing had taken Uber as far as it could, and the only options for continued growth were in other businesses. The financial justification for this puzzling expansion, however, does not address the regulatory and rhetorical goals it seemingly also intended to accomplish. For a company to fulfill part "B" of AB5's "ABC" test for employment, it must prove that its independent contract workers "perform work that is outside the usual course of the hiring entity's business," a condition that would seem to be difficult for Uber to prove in regards to its drivers. In the company's IPO prospectus, an official document disclosing all information deemed relevant to potential investors and filed with the SEC, Uber's ride-hailing and food delivery services are distinguished as its "core platform," with ride-hailing alone accounting for roughly 82% of the company's revenue in 2018 (S-1 2019, 2; S-1 2019, 18-22). Such a distinction would seem to position the company's drivers (of both the food delivery and ride hailing varieties), who perform labor that constitutes the "core" of the company's business, as employees under the “ABC” test’s qualifications. By involving itself in a litany of new industries in the months immediately preceding AB5’s passage, Uber was attempting to build its case against the regulatory statute applying to its drivers. Though it is highly unlikely that any of the company’s recently launched ventures will overtake ride hailing as its primary revenue stream, the mere fact that the Uber app has grown to encompass a considerably wider menu of services outside the realm of ride hailing bolsters the company’s long-standing anti-regulatory argument that its product is a technological platform that connects producers and consumers of various services. Essentially, ride hailing becomes less of Uber’s “usual course of business” as additional service options are added to its platform, obscuring the true nature of its business. Rather than solely relying on this argument as its defense against AB5’s "ABC" test applying to its drivers, however, Uber began rolling out a number of changes to its systems of driver administration in California with the intent of satisfying the “ABC” test’s conditions in the months immediately following AB5’s passage.

In a December 2019 blog post directed toward its California-based drivers titled “Keeping you in the Drivers’ Seat,” Uber announced a number of new features for drivers it would be rolling out in the ensuing months. Such features and tweaks included “displaying trip time, expected earning range and destination upfront (before a driver accepts the ride),” the ability to “build your business” by allowing riders to “request their favorite drivers when scheduling a trip in advance” and assurance that ride acceptance rates would no longer impact drivers’ “Uber Pro” status and access to “Uber Pro Rewards” (“To California Drivers: Keeping you in the driver's seat,” 2019). Prior to these changes, Uber’s control over their drivers’ workflows was considerably more noticeable, as drivers were essentially forced to accept rides while knowing virtually nothing about their destination, the estimated duration of the ride or the fare they would receive. To be sure, drivers had the option to cancel rides after initially accepting them, but doing so would lead to a decline in their "driver rating," which is what some drivers and researchers believe partially determines the quantity and quality of ride offers that a driver receives (Rosenblat 2018, 95). Under the amended system announced in the "Keeping you in the Driver's Seat" blog post, drivers have access to detailed previews of what their prospective ride will entail in terms of duration, fare, route and ultimate destination, ostensibly giving them more autonomy over their workflow and and the semblance of independence.

Uber followed this up with a second set of updates unveiled roughly one month later in another blog post. This time, the company announced that its fare structures would be streamlined and made more transparent, largely through the implementation of a uniform cap on "service fees" for UberX rides and expansion of the "upfront pricing" model to UberPOOL rides ("To California Drivers: Keeping you in the driver's seat, part 2" 2020). The changes announced in these two blog posts point to an attempt by uber Uber to exempt itself from part "A" of the AB5 "ABC test," which states that a worker is an independent contractor if "the person is free from the control and direction of the hiring entity in connection with the performance of the work." To be sure, many of these changes seem genuinely beneficial for drivers, as they ostensibly provide increased levels of workflow autonomy and independence. In an FAQ section at the bottom of this blog post, however, it is disclosed that these changes were being implemented due to "changing laws in California " and that they would apply only to drivers operating in the state ("To California Drivers: Keeping you in the driver's seat" 2019). This addendum makes Uber's intentions seem considerably less altruistic than one might initially believe, pointing to legal necessity as their driving force rather than an earnest, altruistic effort to empower and assist drivers.

This argument was further strengthened in late January 2020 when Uber unveiled its plan to allow drivers to set their own fares for rides originating at certain small-scale airports throughout the state, perhaps the most extreme concession of the entire suite of changes (Brown 2020). It is important to note, however, that driver autonomy is still limited in this new structure, as drivers will only be able to set fares up to five times higher than the company's base fare (Brown 2020). By decreasing the punishments for rejecting rides, providing trip information before drivers are to accept rides, and allowing drivers to set their own fares in certain circumstances, Uber is seemingly providing its California drivers with opportunities to create more stable, controllable work structures that would lend themselves to AB5's definition of independent contract work. This response by Uber harkens back to Veena Dubal's findings from her case studies of successful class action misclassification suits mounted by taxi and delivery drivers. In one of the cases Dubal's research focuses on, FedEx responds to a court finding its delivery drivers to be employees by "using the court's decision as a road map" and "drawing on their legal and business acumen to alter their business model so that workers looked even less like employees under the established case law" (Dubal 2017, 747). To be sure, in neither Uber or FedEx's case do these changes fundamentally alter the companies' business models, as drivers must still complete rides supplied to them by the company if they wish to earn money and lack the bargaining power through which they could negotiate wages or fare splits between themselves and the company.

While various aspects of the blog posts in which Uber announced these changes point to the potentially duplicitous nature of their origins, their calculated and transactional nature comes into sharp relief when considered in tandem with another primary aspect of its anti-AB5 strategy: outright denial of the law's applicability to the company. Nowhere was this perspective more clearly elucidated than in the press phone call organized by Uber chief counsel Tony West that took place on the day of the law's passage through the California Senate. After spending the first portion of the call clearing up a number of the journalists' misconceptions about AB5 and its impact on Uber - namely that the law does not automatically reclassify drivers but rather subjects companies who use independent contract labor to a more stringent test to prove correct classification - West resorts to one of Uber's foundational rhetorical tactics: pitting regulators against drivers. Specifically, West mentions that while AB5's applicability to Uber's drivers in California remains in question, "because we continue to believe that drivers are properly classified as independent, and because we'll continue to be responsive to what the vast majority of drivers tell us they want most - flexibility - drivers will not automatically be reclassified as employees even after January of next year" ("Uber Press Call" 2019, 3). This quote puts the supposed collective will of the company's drivers in direct contention with regulators' duty to determine the applicability of relevant laws to the individuals and organizations in question. In using this rhetorical tactic, West shifts focus away from Uber the corporation and depicts the impasse as one between its struggling working class drivers and a punitive, out of touch state government. This instance is another example of a high-level representative of Uber fashioning the company's identity as an engine of economic populism fighting for the rights and perceived interests of its workers against an ossified, unresponsive government bureaucracy. The ultimate impact of such a tactic remains to be seen. However, markedly similar tactics have animated a significant part of Uber's post-AB5 repertoire, and their extended application will be discussed in further detail later in this research.

Perhaps the most striking part about this remark, however, is the fact that it is largely invalidated by the operational changes that the company would roll out over the ensuing months with the express intent of helping it conform to the new regulatory landscape. If the company's executives and attorneys truly did not believe that AB5's "ABC" test would apply to their drivers, it is highly unlikely that they would go through the trouble of altering the company's systems of driver administration in one of its most lucrative markets, nor would they willfully cede control over fare levels and driver acceptance rates. Uber's rhetoric in terms of its relations with drivers is rife with vague allusions to empowerment through innovation - a time honored Silicon Valley trope - but its lengthy history of doing wrong by its drivers in terms of their wages, safety and workplace autonomy leaves little reason to put stock in the company's performative altruism. Towards the end of the call, West alludes to the company's intention to "adapt" to the new regulatory environment when he claims "One thing I do know is that this business is incredibly adaptable and has withstood enormous, enormous challenges to both its business model as well as other things, and it has always come through those stronger and more responsive" ("Uber Press Call" 2019, 12). This statement, aside from resembling an admission of the company's non-compliance under its pre-AB5 business model, reifies the antagonistic, adversarial relationship between Uber and its regulators that has its origins in "Travis' Law" and the company's growth strategy as a whole. Further, West's use of the word "adapt" is instructive of the company's ongoing attempt at stylizing its business model and corporate identity as virtuous rather than simply illegal, as "adaptation" typically holds a positive connotation that would seem to belie the treacherous circumstances facing the company at that time. In using this phrasing, West is also attributing human characteristics to Uber as a corporation when in truth the company's misguided and often illegal practices are not perpetuated by some amorphous, opaque legal construct but rather by a small cohort of executives and board members who understand the potential implications of these actions well before actual repercussions like AB5 come to bear. This rhetoric acts as a smokescreen intended to deflect culpability away from any individual Uber executive, representative, or any being theoretically sensible enough to know that breaking the law might court trouble. Rather, West is attempting to redirect any popular animosity or anguish toward the outdated and unfair "system" that consistently burdens Uber with regulations that force it to be "adaptable" in the first place. Ultimately, this statement is an admission that Uber emphasizes different interpretations of its corporate identity depending on the circumstances at hand, namely to satiate the fears and concerns of regulators, riders and investors as regulatory standards continually shift.

c. The "Protect App Based Drivers and Services Act" and the Focus on Flexibility

In the very same post-AB5 press call in which he downplayed Uber's susceptibility to AB5's provisions, Tony West championed the company's counter-proposal as a progressive alternative to the overly-punitive AB5. Virtually all of this counter-offer's provisions including a wage floor, employer healthcare contribution, insurance for on-the-job injuries and enhanced driver safety protocols were formalized and compiled into a piece of legislation called the "Protect App Based Drivers and Services Act" (Protect App Based Drivers and Services, n.d.).

This bill, which has been primarily funded and championed by some of the very companies it will most directly benefit including Uber, Lyft and GrubHub, ultimately aims to exempt TNCs from AB5's "ABC" test by formally re-establishing their drivers as independent contractors (Protect App Based Drivers and Services, n.d).

Aside from the bill's actual provisions, the "Protect App Based Drivers and Services" website also prominently features claims that the bill will "protect access to affordable and convenient rideshare and delivery services" (Protect App Based Drivers and Services, n.d). With this seemingly intentionally vague claim, the bill's proponents are again attempting to weaponize customer satisfaction and reliance on the status quo by insinuating that maintaining the level of service these companies' customers have become accustomed to would be untenable if AB5's "ABC" test reclassifies TNC drivers as employees. This argument was repeated nearly verbatim in California-based media outlets like *The Sacramento Bee,* which ran an opinion column in August 2019 that warned that AB5 "decreases the number of potential drivers available to meet demand at any given time, thereby increasing consumer costs and wait times for passengers" (Leroe-Munoz 2019). In truth, however, it is unclear what the impact on service level would be if TNCs were to fail AB5's "ABC test," although the fact that prior research has found that the company's full-time drivers provide most of its service seems to at least partially disprove these allegations (Zatz 2016). Nonetheless, the intent of such a statement is clear, as it aims to grossly oversimplify what is truly a multi-faceted issue into one that hinges on consumer satisfaction and convenience alone. While the Act's provisions, which essentially amount to scaled-down versions of many of the benefits normally afforded by employee status, represent little more than a compromise position between full employment and independent contractor status, the messaging of the wider media campaign in support of the Act reveals far more about Uber's desired corporate identity and positionality relative to both the public and its regulators.

As of this research, there has shockingly been little public attention paid to the "Protect App Based Drivers and Services Act" despite the facts that the Act has officially qualified for the November 2020 California ballot and that the wider dispute over worker classification remains hotly contested. Thus, the Act's official website becomes the de facto primary avenue through which one can analyze the messaging and rhetoric of the "Protect App Based Drivers and Services" campaign. At first glance, very little about this website stands out from the typical political campaign site - slick graphics that communicate the candidate or bill's agenda in broad strokes, glowing testimonials from a diverse coalition of community members and experts, a list of endorsements from national and local organizations. When viewed within the context of the act's actual provisions, however, intriguing trends come to the fore. While the site includes brief descriptions of each provision, the majority of the site's messaging revolves around the concept of "protecting driver flexibility." The overemphasis on this concept in the website's messaging is most noticeable on the "driver stories" page, which contains 71 testimonials from drivers working throughout California.

In efforts to achieve a more comprehensive understanding of the campaign's messaging, I conducted an analysis of these testimonials - which are presented in both video and text-based formats - to identify the themes, experiences and beliefs that animate these drivers' preference to remain independent contractors. Before this analysis can be discussed, however, it must be noted that the site automatically cycles through a much larger set of testimonials, showing a selection of 71 at any given time. Thus, my analysis, which was conducted on a single set of 71 testimonials, may not be completely reflective of the unknown total amount of testimonials in the campaign's database. In these testimonials, the word "flexibility" was included a total of 104 times, while words that would imply drivers' mentioning of other aspects of the Act (like a wage floor or injury protection) were mentioned no more than three times each. While all but one testimonial - submitted by a man named Jody C from Palmdale - carried the implicit theme of desiring or needing schedule flexibility, 65% of drivers *explicitly* used the word "flexibility" in their testimonials. Within this majority cohort, two primary subsets emerged. The largest plurality of drivers, accounting for 48% of the total, cited familial responsibilities as the primary reasoning for prioritizing flexibility over other concerns, while the remaining 17% cited needing flexibility in order to pursue a specific career or academic goal. The sentiment that drivers value flexibility above all other considerations has gained credence among pockets of the news media as well, namely local outlets throughout California. A October 2019 opinion column in the Daily News of Los Angeles titled "The high cost of ending independent labor," which claims that "lawmakers are out of touch, and drivers value the flexibility driving for Uber offers, which allows them to meet family obligations," echoes this sentiment almost verbatim (Kovacs 2019). A complete list of these testimonials' emergent themes can be found in Appendix B.

In efforts to gauge the extent to which the testimonials included on the "Protect App Based Drivers and Services" website are skewed to over-represent drivers' desire for "flexibility," I conducted an identical analysis of Uber's own "driver stories" video series, which can be found on the company's YouTube page. This series, which consists of 62 videos that have accumulated over 9.3 million views since the first video was published in September 2014, serves as a control group for the "Protect App Based Drivers and Services" testimonials because it spans multiple campaigns, issue areas and locations, thus providing a less case-specific depiction of Uber's desired corporate identity. Of the 62 Uber-specific "driver stories," 42% featured flexibility as a primary theme expressed either implicitly or explicitly. Of this 42%, there were an equal number of videos featuring drivers citing family-based needs and career/academic goals as their justification for prioritizing flexibility. Equally instructive of this divergence is the fact that almost one third of the references to flexibility on Uber's YouTube page come from a single series published in November 2019. This series, titled "Stay Flexible," featured eight drivers from New York State explaining why Uber's schedule flexibility is important to their lives in a largely similar manner to the "Protect App Based Drivers and Services" testimonials. Although the "Stay Flexible" videos do not mention this explicitly, they were published one month after New York State Senator Diane Sevino announced her plan to introduce legislation that would codify an "ABC" test similar to AB5's into law (Opfer and Clukey 2019). The thematic similarities between the "Stay Flexible" and "Protect App Based Drivers and Services" campaigns reinforces the notion that, when faced with a legislative challenge to its labor practices, Uber's marketing and policy teams view "flexibility" as the most powerful frame through which to express the company's identity and state its case against driver reclassification.

The hyper-focus on "flexibility" as the fulcrum on which the entire debate over driver classification hinges risks dangerously oversimplifying what is in fact a multifaceted piece of legislation that attempts to solve a complex problem. By solely displaying testimonials that depict drivers' desire for "flexibility" and making it the focal point of the website's entire messaging, Uber is obscuring the other provisions of the "Protect App Based Drivers and Service

Act," which is seemingly an attempt to misinform drivers and voters across the state alike. This tactic functions in tandem with the almost complete lack of direct references to AB5 on the website, as they both aim to curate knowledge on the topic in a manner that maximizes the appeal of Uber and its allies' position.

To further understand the reasoning behind this point of view, it is important to consider the interplay taking place between the company's appeals to "flexibility" and the dire economic conditions of California's working class. As wage levels remain largely stagnant and the social safety net becomes increasingly threadbare, rising income inequality and overall cost of living across the state expose working class Californians to immense levels of economic precarity. Though these issues exist and are perpetuated at a scale that transcends the ongoing debate over the classification of TNC drivers, their relevance to the daily lives of tens of millions of Californians enhances the political efficacy of calls to "protect driver flexibility." In many of the "Protect App Based Drivers and Services" testimonials, drivers describe their need for "flexibility" as a byproduct of the precarity that is in danger of enveloping their lives. This precarity can take countless different forms from material manifestations like job loss, insufficient wages from a full time job and insufficient fixed-level retirement or disability income to the psychological damage that chronic financial instability and uncertainty has been known to perpetuate. In sum, 31 out of the 71 testimonials touched on themes of precarity, with retirees supplementing fixed sources of income and workers supplementing the insufficient wages from their non-driving full time job making up the majority of this sub-group.

While access to flexibly-scheduled work like driving for Uber is undoubtedly a viable way for one experiencing economic precarity to supplement their income and gain stability, the role that “flexibility” plays in the “Protect App Based Drivers and Services” testimonials suggests that the company plays a far more fundamental role for in promoting economic justice than a closer analysis would reveal. Essentially, these testimonials position Uber as a neutral actor that provides people with a tool to try to overcome their precarious circumstances or provide a safety net for emergency circumstances. This alters the associative relationship that drivers and the public at large may have with Uber by obfuscating the true power and decision-making ability that the company itself retains over drivers’ livelihoods. Namely, this depiction obscures Uber’s own role in perpetuating or exacerbating this precarity by reserving the right to unilaterally control virtually all aspects of drivers’ workflow from fare splits to trip assignment. In its depiction of Uber as an entity that can provide increased levels of economic security in ways that employers and governmental institutions are either no longer required or able to provide, this messaging framework also serves to reinforce Uber’s self-perpetuated corporate identity as a champion of economic empowerment and opportunity. In truth, however, the “flexibility” that both the “Protect App Based Drivers and Services Act” as well as Uber’s general corporate messaging champions is a misleadingly broad framework for a concept that only significantly impacts the flexibility of drivers’ schedules. Throughout the “Protect App Based Drivers and Services” website and testimonials, “flexibility” offered essentially as a standalone concept, inviting the viewer to insinuate that the Act will introduce flexibility in all aspects of drivers’ work. This is simply untrue, as the Act’s provisions feature a thin definition of flexibility and do nothing to increase drivers’ agency over where they work, who they pick up or what times of day are most lucrative to work. While some of Uber’s post-AB5 capitulations to drivers in hopes of passing AB5’s “ABC” test do marginally increase driver agency by diminishing the penalties for rejecting rides, such policy changes do not decouple drivers' earning capabilities from the control of Uber's dispatch algorithm in a way that amounts to full-fledged flexibility. That this argument is being made through driver testimonials and companies claims of "what drivers tell us they want" only serves to reinforce its pseudo-populist appeal and aggrandize its claims.

While flexibility-based appeals do in fact constitute the plurality of "driver stories" videos on Uber's YouTube page, other notable themes are apparent in this series as well. Namely, this series includes videos extolling the social benefits of driving, connecting driving to identity-based narratives of empowerment, and positioning driving as a way for people to earn "extra" money. On the contrary, the "Protect App Based Drivers and Services" testimonials exist almost exclusively within the common thematic framework of flexibility. This is not to say, however, that there is no thematic overlap between the YouTube "driver stories" and the "Protect App Based Drivers and Services" testimonials. In fact, a sizable portion of the "Protect App Based Drivers and Services" testimonials contain sub-themes that dovetail with those expressed in the YouTube "driver stories." However, the "Protect App Based Drivers and Services" testimonials tend to depict these themes in more dire, less glamorous terms than the more optimistic contents published on Uber's YouTube page. This thematic divergence is indicative of the messaging and issue framing that Uber and its co-sponsors sees as most politically salient and persuasive in the context of a ballot initiative campaign.

A prime example of this thematic divergence and its impetus in the differing goals of the respective campaigns is the manner in which each set of "driver stories" depicts drivers' relationship to the money they earn driving. The YouTube "driver stories" typically cite drivers working to earn “extra money,” often within the context of a non-essential economic pursuit like saving up for a vacation or funding a hobby. Such narratives are included in 42% of the YouTube “driver stories,” while only 5% explicitly mention income from driving fulfilling an economic need. Within the considerably more contentious context of a political campaign, however, this trend reverses. The “Protect App Based Drivers and Services” testimonials feature narratives of economic need and “extra money” almost equally, with economic need emerging in 25% of testimonials and “extra money” featuring in 20%. Further, allusions to drivers’ struggles with keeping up with rising costs of living can be found in 8.4% of the “Protect App Based Drivers and Services” testimonials and only 1.6% of the YouTube “driver stories,” a dynamic that lends itself to California’s status as a uniquely expensive place to live as well as the respective campaigns’ disparate goals. While the “Protect App Based Drivers and Services” testimonials seem to be honing in on narratives of dire economic need compounded by myriad structural obstacles under the assumption that such narratives will invite a wide base of political support, the YouTube “driver stories” depict a considerably wider range of benefits associated with driving, oftentimes eschewing an economic lens altogether.

Chief among the non-economic themes included in Uber’s “driver stories” YouTube series is the company’s supposed role in empowering those who face marginalization and discrimination based upon their race, gender identity, sexual orientation, level of physical ability or age. In total, 31% of all YouTube “driver stories” focused on such a theme, often making only vague connections between personal empowerment and driving for Uber specifically. Often, the videos seemed to conflate the ability to earn money driving for Uber with much broader themes of identity-based empowerment. Two videos in particular exemplify this misleading messaging, the first of which profiles a female driver from Brazil named Glaucia. After expressing pride in her status as “the first female Uber driver to achieve a 5 star rating in Brazil,” Glaucia states “for me, driving means freedom, independence, and I think it’s very important that women fight for empowerment” (“Glaucia, São Paulo, Brazil” 2019). This quote represents an attempt by Uber to directly link the ability to work for their company with the wider societal project of pursuing gender equality without providing evidence of what exactly driving for Uber does to improve the situations of women outside providing them with opportunities to earn income. Perhaps the most egregious example of this conflation, however, is a video featuring a Saudi Arabian woman named Badriyah. In this video, Uber makes a stunningly obtuse attempt at equating Saudi women’s newly won right to drive with their ability to use this newfound right to drive for Uber. This dynamic becomes readily apparent when Badriyah notes that “I feel happy transferring my knowledge [of driving] and passing it down to other women who will then pass it on. It is the pinnacle of happiness” (“Badriyah, Riyadh, Saudi Arabia” 2019). The freedom of movement afforded by the legal right to drive is an unquestionably important development with myriad implications in the lives of millions of Saudi women, and Uber’s attempt at insinuating the ability to drive for Uber is in any way comparable in terms of the freedom it affords is not only self-serving, but shockingly cynical as well.

Though gender-based narratives constituted roughly half of all YouTube “driver stories” focused on empowerment, narratives of age and physical ability-based empowerment figured prominently within this theme as well. The “Protect App Based Drivers and Services” website features a similar number of empowerment-based narratives, with roughly one quarter of the featured testimonials including this theme. However, all 19 testimonials that fit within this theme feature drivers who face obstacles stemming from their age or level of physical ability, with no references to race, gender or sexuality-based difficulties in the job market. Within this group of testimonials, stories of retirees unable to remain financially stable on a fixed income and those who have limited job options due to a physical disability figure most prominently. Again, the stark contrast between the narratives pushed and corporate identity assumed by Uber in the context of a political campaign and those it adopts in general promotional efforts is notable. Perhaps as a preemptive measure to avoid losing any measure of political support due to feelings of latent sexism, racism, homophobia or transphobia amongst voters, it seems as though Uber is focusing on narratives that empower those impacted by circumstances that transcend the boundaries of race, gender and sexual identity - namely aging and physical disability. This strategy, however, is more than an electoral safeguard against the potential bigotry of the voting public. It is proof that Uber's corporate identity will center the stories and champion the empowerment of marginalized communities only when it is deemed economically or politically beneficial for the company to do so. Thus, Uber's public-facing identity is inherently amorphous and intrinsically tied to economic concerns, undermining any expressed commitments to social justice or equity that its advertisements and driver testimonials may express.

d. Uber's Co-optation of Consumerist Rhetoric in Driver Communications

Though Uber clearly considers flexibility-based arguments to be the most politically salient for preventing labor regulations, its marketing and policy teams routinely employ other rhetorical strategies that significantly muddle the company's message by describing drivers' work with consumerist rhetoric. This thoroughly confounding trend is readily apparent in the company's IPO prospectus, in which drivers are referred to in a number of seemingly conflicting ways. In the prospectus' glossary, drivers are clearly defined as "an independent driver or courier who uses our platform to provide Ridesharing services, UberEats services, or both" (S-1 2019, ii). However, just a few lines below this definition, drivers are also included in the definition of the company's "partners," which supposedly include "any one of a Driver, restaurant, or shipper, all of whom are our customers" (S-1 2019, ii). The final clause of the company-provided definition of its "partners" introduces added uncertainty, as it essentially classifies all drivers, restaurants and shippers that it does business with as both "partners" and "customers" without providing any explanation or justification as to why both classifications include the exact same groups of actors and what functional differences, if any, exist between these two classifications. This delineation is further blurred by the fact that those who solicit rides or order food on the app are referred to as its "consumers or end-users." Though there technically is a difference between "customers" and "consumers," the two terms are used in largely similar manners in all but the most formal circumstances, thus further complicating the perceived nature of both drivers and riders' relationship with the company. Finally, drivers also find themselves included in the company's definition of its "massive network," which includes "tens of millions of Drivers, consumers, restaurants, shippers, carriers, and dockless e-bikes and e-scooters, as well as underlying data, technology, and shared infrastructure" (S-1 2019, 1). This grouping, which equates the human actors who interact with the company to pieces of equipment owned by the company, perhaps reveals the most about the true nature of Uber's relationship with its drivers.

From a purely economic perspective, the company perceives its drivers as performing the exact same function - transporting riders to their destination in the most convenient, rapid way possible - as the e-bikes, scooters and algorithmic technologies that the company owns. This amoral perspective has deep roots in the company's ethos, and can be traced back to co-founder Travis Kalanick's reported penchant for referring to the company's drivers as its "supply," a term that even more directly equates the company's workforce to its capital goods (Isaac 2019, 111). The use of this nomenclature reinforces perspectives and strategies that serve to dehumanize drivers by considering their needs and desires in the same manner that one would approach maintaining a piece of equipment - that is to say, providing them with the absolute minimum level of resources and support needed for the continued performance of their assigned task. This perspective has seemingly informed the general arc of Uber's relationship with drivers, only affording them additional workplace rights and autonomy when they are legally obligated to do so or facing a public relations crisis deemed severe enough to elicit concessions. The examples of such circumstances are myriad, and include instances discussed earlier in this research, namely the company's continued rollout of changes to fare structure and dispatch systems in efforts to decrease the likelihood of AB5's "ABC" test applying to its drivers. Though this relational dynamic has long guided Uber's internal calculus of its management of drivers, recent driver-directed communications feature language and administrative programs that seemingly serve to normalize these dynamics in the minds of drivers themselves.

The language that Uber has begun to adopt in recent blog posts aimed at its California-based drivers display similar rhetorical intent to the terminology used in the company's IPO prospectus and other non-public facing communications. A relatively early example of this is a blog post from July 2019 titled "Uber Pro: Summer of Rewards." This post outlines a program by which, for a limited time, drivers can access a number of perks like increased cash back on gasoline purchases, discounted rates on short term car rentals through Fair, the company's rental subsidiary, and the opportunity for drivers who've attained "Pro Platinum Status or higher" to enter in a sweepstakes for a $5,000 United Airlines gift card, with the number of entries per driver dictated by the number of rides they provide in a given time frame ("Uber Pro: Summer of Rewards" 2019). Typically, rewards programs like the one outlined in the "Summer of Rewards" blog post are marketed toward customers of a product or service with the intention of incentivizing consistent patronage. This structure becomes problematic, however, when applied to systems of independently contracted labor, as it creates circumstances in which workers are incentivized to work consistently and in a specific fashion in hopes of receiving "rewards," while companies remain exempt from providing the employment-related benefits that such consistent, structured work typically requires.

Such a tactic was also employed in the company's "Keeping you in the driver's seat, part 2" post from January 2020, wherein the company discussed a number of changes planned for its "driver promotions." The post noted that the company would be replacing a popular "promotion" that rewarded drivers with extra money for completing a requisite number of consecutive trips with a new "promotion" called "boost," in which drivers can lower the company's "service fee" by "completing trips in certain locations during busy times of day" ("To California Drivers: Keeping you in the driver's seat, part 2" 2020). While the change was marketed as beneficial to drivers' earning potential and independence, the "boost promotion" seemingly decreases drivers' agency by explicitly coupling increased earning potential with specific working hours. In doing so, Uber is establishing an incentive structure that acts as a sort of shadow schedule for drivers who most heavily rely on income earned from driving and actively seek out ways to maximize their earnings.

Regardless of this policy change's functional impact on drivers, which is likely to be highly subjective, the usage of the term "promotion" in and of itself deserves additional scrutiny in regards to its rhetorical effect. The usage of language like "promotion" that implies suggestion rather than direction affords Uber the plausible deniability that drivers are not forced to adhere to these constraints, even though they're incentivized to. Similarly, this rhetorical framework furthers the argument that drivers are consumers of Uber's technology rather than the company's employees or even workers at all, thus theoretically affording them more autonomy over their work outcomes than they truly have. Conversely, the threshold for what Uber is expected to provide its drivers is lowered by this rhetoric, as positioning drivers as consumers rather than workers or employees decouples drivers' well-being from the company's policies and actions. This rhetoric works in concert with Uber's self-appointed identity as a technology company rather than a taxi company, wherein the company portrays its relationship with its drivers as simply providing them a digital platform on which to build their own businesses. By focusing this messaging in driver-directed blog posts, Uber is seemingly attempting to encourage drivers to adopt a similar understanding of their relationship to the company, perhaps to temper their expectations of what level of support they should expect from the company. Due to the fact that these "promotions" and "rewards programs" are optional for drivers to participate in, Uber maintains plausible deniability against allegations that it is coercing or forcefully dictating driver behavior in any meaningful way, regardless of the fact that the financial incentives included in such programs still serve to influence driver behavior and diminish driver agency.

6. Significance

Though their ultimate efficacy remains unclear, the corporate identity-curating rhetorical, legal and marketing strategies outlined and discussed above are liable to transcend the specific case of Uber and its fellow TNCs in California. As the algorithmic technologies that govern app-based work become increasingly sophisticated, they are being applied to an increasingly wide array of industries' systems of labor administration, thus impacting the lives of an ever larger portion of the workforce. In a sense, the digital underpinnings of such labor systems act as a sort of smokescreen that obscures the clear lines that traditionally exist between workplace autonomy and organizational control, between consumer and worker. Further, these decentralized, app-based systems may contribute to and exacerbate the ongoing outsourcing of white collar and administrative work from high-wage nations like the United States and Canada into locales largely in the Global South with lower wage levels and less robust labor protections. The political, social and economic implications of labor outsourcing in a heavily globalized economic system are immense and deserve more scrutiny then can be afforded in this research alone.

The benefits of administering a workforce of independently-contracted laborers through a digital interface from a corporate financial standpoint also play into the significance of this research. To be sure, the cost savings involved with eschewing traditional employment agreements for independent contract labor have been clear to corporations for decades, and it should be expected that the allure of such savings will continue to encourage more corporations to adopt this labor structure. While this practice is lucrative for the corporations that wish to enlist it, reliance on independent contract labor can lead to significant declines in tax revenue for all levels of government. California alone loses roughly $7 billion in payroll tax revenue annually due to worker misclassification (Bhuiyan et al, 2019). This figure does not account for the additional costs the State incurs due to its provision of food stamps, medical care and other safety net benefits for independent contractors that do not have these needs adequately covered through their TNC work (Bhuiyan et al, 2019). This unilaterally-decided passing along of responsibility from corporation to government is inexcusable and staggeringly immoral, as it essentially holds the State's taxpayers accountable for Uber's illegal business practices and the resulting neglect of its workers.

What's more, it seems as though Uber's terms of engagement regarding the issue of driver classification, informed by its messaging and framing around the "Protect App Based Drivers and Services Act," are already being adopted by news media outlets throughout California. While California's largest news outlets like *the San Francisco Chronicle* and *the Los Angeles Times* have maintained largely objective coverage of the issue, dozens of local daily and weekly newspapers throughout the state have adopted a rather oppositional stance to the law and have communicated this opposition using rhetoric and framing strikingly similar to that of Uber and its fellow TNCs. The three examples of such pieces from the *Daily News of Los Angeles, the Sacramento Bee* and *the Torrance Daily Breeze* included in the findings section of this capstone represent only a small fraction of the overall output I came across throughout my research process.

More notable than the mere existence of such articles, however, are the patterns that emerge among the outlets that most often publish such content. Virtually all of the anti-AB5 and pro-TNC pieces I came across, and two of the three noted in this research, were published by outlets owned by the same media conglomerate, Digital First Media, which owns 39 daily and weekly outlets throughout California and 98 outlets nationwide (Digital First Media, n.d.). The fact that many of the outlets the conglomerate owns heavily rely on independent contractors and freelance writers and would see costs rise if their workers were deemed employees by AB5's "ABC" test at least partially explains the coordinated nature of this opposition ("Editorial - Don't let AB5 take away your Newspaper"). The considerable reach of Digital First Media's properties, which blanket the state from Eureka to Orange County, coupled with the conglomerate's vested interest in returning to a pre-AB5 regulatory structure, makes it very likely that we will continue to see waves of anti-AB5 stories from Digital First-owned outlets as the battle over worker classification continues. To communicate this opposition with subtlety, Digital First Media solicits opinion pieces written by policy analysts at right wing and libertarian think tanks and syndicates them throughout its subsidiary properties, which was the case for the *Daily Breeze* and *Daily News of Los Angeles* pieces cited earlier in this research (National Taxpayers Union Foundation, n.d.; Competitive Enterprise Institute, n.d.). This tactic has two primary goals: to communicate the conglomorate's desired message to as wide a swath of California's population as possible and launder the piece's bias due to the common perception amongst media consumers that local outlets are less biased than their national counterparts (Brenan 2019). Ultimately, the expansive yet subtle nature Digital First Media's efforts coupled with those of Uber and its fellow TNCs in mounting the "Protect App Based Drivers and Services" campaign makes for a media environment rife with the same misconceptions and oversimplifications regarding worker classification that have long informed Uber'scorporate identity.

If Uber's strategies for preventing the reclassification of its independently contracted drivers ultimately prove successful, they may serve as a blueprint for future anti-regulatory campaigns waged by companies that rely on independently contracted labor. While there are many unique elements in Uber's case, namely its immense financial resources and its role as a primary form of transportation in many urban centers nationwide, the corporate identity-curating marketing and advertising strategies it has utilized hinge on rhetorical appeals with wide applicability. The appeals to flexibility and freedom that dominate the "Protect App Based Drivers and Services" website testimonials, the usage of consumerist rhetoric in workforce-facing and workforce-referencing communications as well as the conflation of efficiency-seeking tactics with progressive ideology are all aspects of Uber's strategy that are applicable across industry lines. This research's attempts to accentuate the inconsistencies, disconnect from material reality and overall duplicity of Uber's strategy is intended to equip the public and regulators alike with the tools necessary to engage with such strategies in ways that are adequately critical and commensurate with the complex, nuanced nature of worker classification. Acceptance of Uber's terms of engagement - be it tacit or explicit - serves to grossly oversimplify issues that impact the well-being of hundreds of thousands of working and middle class individuals for the sole benefit of a massively wealthy corporation masquerading as an engine of popular economic self-sufficiency and democratization.

This research is intended to compliment the important work of numerous legal scholars, journalists, social scientists and labor activists the world over who've focused their research on the legal and technological means by which Uber has attempted to prevent the regulation of its labor practices. In examining the nature of Uber's legal strategies and the technologies that underpin the company's system of worker administration, these scholars have shed light on two major facets of the company's overarching strategy to combat regulation. What remains under-examined - and what this research aims to account for - is the role that Uber's attempts at curating its corporate identity through driver and public-facing communications play within this strategy. While legal arguments and systems of algorithmic management can placate regulators' concerns to a certain degree, they do not do the work of manufacturing consent and support amongst Uber's customers and drivers in the manner that the company's rhetorical and advertising strategies do. Such strategies serve to compliment the company's legal and technological practices by attempting to normalize and legitimize them on a wider societal level. It is my hope that the findings of this research will call this normalization and legitimization into question through its critical analysis and empirical findings.

7. Conclusion

As my findings and analysis have evidenced, there remain many uncertainties regarding the future of TNC driver employment classification in California, particularly with respect to the applicability of AB5's "ABC" test to these workers. Whether the "Protect App Based Drivers and Services Act" secures TNCs' exemption from AB5 or AB5's "ABC" test finds these companies' drivers to be employees, pivotal questions remain regarding the enforcement of these regulations, the impact they may have on wider transportation systems as well as their impact on drivers themselves. Uber and its fellow TNCs have already shown the proclivity to challenge these laws' application to their workers through litigation as well as legislation, signaling that this dispute will not be decided quickly or easily. What is abundantly clear, however, is that the nature of the driver-TNC relationship in California will not revert to its original form after this dispute is settled. In order to ensure that the end result of this dispute is as equitable and reflective of drivers' workplace realities as possible, my first policy recommendation is for the State of California to immediately mandate that all algorithms and mathematical models that administer and manage structures of labor be made available for regulatory oversight.

TNCs' algorithms are currently protected from public view and regulatory oversight by intellectual property law, which is administered on the federal level by the Department of Commerce and thus can only be changed through congressional action. A mandate of algorithmic transparency will accomplish two concurrent goals. First, allowing regulators and third party experts to examine the inner mechanisms of these algorithms will work to eliminate virtually all uncertainties regarding the extent and nature of control that TNCs enjoy over their drivers. Legal protections allow companies like Uber to create so-called "black boxes" around their driver dispatch algorithms, which essentially allow them to obscure their governing principles and the manner(s) by which they administer and manage drivers' work, revealing only the end results to those outside the company. This blanket protection has been the root cause of the ongoing uncertainties over driver classification, with TNCs simultaneously claiming that their drivers are wholly independent actors while refusing to share details regarding their dispatch algorithms. Allowing regulators and third party experts access to TNCs dispatch algorithms in their entirety is the only way that TNCs can be judged by AB5's "ABC" test with full certainty. Without such access, TNCs retain the plausible deniability that their dispatch algorithms do not unduly constrain the actions of their drivers and regulators are forced to enforce employment law through guesswork and speculation.

The second goal that mandating algorithmic transparency would accomplish is less case specific and holds primarily long term implications. Such a policy would provide the impetus for a more comprehensive apparatus to regulate the design and function of all algorithms that administer and manage labor. In other words, once more is learned about these algorithms' inner-workings, regulatory bodies can then begin to identify any structural features of these algorithms that might allow violations of established labor law including discriminatory practices, illegal working conditions and wage theft. Despite the severe nature of this policy, it is not without precedent. For decades, taxi companies operated under heavy regulation that systematized their fare structure, qualifications for drivers and even the number of cars legally allowed to operate in a locality at a given time. Though such regulations likely hamstrung individual taxi companies' profitability and their owners' autonomy to a certain degree, they were not without their benefits. Holding drivers to a common standard of background checks and behind-the-wheel competency decided by impartial third parties ensures a favorable and uniform level of service. Limits to the number of taxis in a given locality allowed drivers stable and adequate earnings. Uniform fare structures not only eliminated guesswork from customers' perspective, but was inherently more transparent than algorithmically-generated pricing. Exposing TNCs to similar regulations, especially if they are decided upon in a manner that welcomes drivers, regulators and advocates' input, would serve to democratize a system that has until now been unilaterally controlled by TNCs' executives and board members.

In the absence of federally-mandated algorithmic transparency and oversight, there remain ways by which state governments can empower municipalities to regulate the actions of TNCs within their jurisdictions. This process has already begun in California, as one of AB5's provisions grants the City Attorneys of California's "big four" municipalities - San Francisco, San Jose, Los Angeles and San Diego - power to sue over allegations of TNC worker misclassification within their respective jurisdictions (Bhuiyan 2019). This provision of AB5 is a step toward a more democratic regulatory structure, as all four cities' attorneys are elected by constituents rather than appointed by their respective mayors and thus more beholden to public scrutiny and pressure. This step is insufficient, however, because it leaves the decision of whether or not to regulate up to the discretion of one person, and many city attorneys have been noncommittal regarding their willingness to harness this newfound power (Bollag 2019).

From 2013 until AB5's passage in September 2019, the California Public Utilities Commission, or CPUC, was the sole regulatory authority over TNCs in California. The CPUC is a considerably flawed regulatory body, as its Board of Commissioners consists of only five members who are appointed by the Governor rather than elected by constituents and are charged with overseeing the ("Commissioners" 2020). These features do now endow the CPUC with the level of capacity to adequately oversee the operations of such a dynamic industry in a state as large and diverse as California, where transportation conditions can vary significantly from city to city and county to county. To be sure, the fact that the CPUC Commission currently serves at the behest of Governor Gavin Newsom, who has thus far proven dedicated to combating worker misclassification and reigning in TNCs' actions, is cause for cautious optimism regarding the CPUC's willingness and capacity to regulate going forward (Newsom 2019). The appointed nature of this commission, however, makes its mission and level of empowerment largely up to the discretion of future Governors who may guide the commission's actions and agenda in conflicting ways based upon their respective relationships with and attitudes toward the TNC industry.

The CPUC's inadequacy as a regulatory body coupled with the promising start afforded by AB5's empowerment of city attorneys brings me to my second policy recommendation, which is to further shift regulatory authority over TNCs in California from the state to the local level. The least drastic element of such a shift would be the empowerment of the "big four" municipalities' respective offices of labor standards to assist their city attorneys' TNC worker classification suits. Although the city attorneys of these cities undoubtedly have ample and capable staffs of their own, they do not likely have the same level of expertise on employment-related matters as their counterparts in the offices of labor standards. I propose not for the offices of labor standards to take this responsibility from city attorneys altogether, but rather for the two bodies to collaborate in the interest of expanding the municipality's overall capacity in handling such issues, which stand to be rather complicated and intensive given the secretive and decentralized nature of TNCs' operations. Offices of labor standards would be especially helpful in the investigatory and enforcement aspects of oversight, as this is already a large part of their standard operations. To be sure, robust formal channels of communication between city attorneys offices and offices of labor standards must be established for such a collaboration to be successful, and the offices of labor standards would need to increase their staffing levels to accommodate for this new responsibility while retaining the capacity to perform their pre-existing duties.

The more extreme and likely controversial aspect of this shift would be the empowerment of the "big four" municipalities' transportation agencies to regulate TNCs' operations within their jurisdictions. Until this point, these agencies have been forced to design and administer their programs with only estimates of how TNCs' presence in their city would factor into such plans. A large TNC presence in a city has been found to significantly alter traffic patterns as well as public transit and taxi usage, making the access to data regarding TNCs' own operational patterns vital to the design of a cohesive and efficient city-wide transportation system (Clelow and Mishla 2018, 5; Bliss 2019). This empowerment, however, would largely depend on the ability of municipal governments to access such data, which has traditionally been met with stiff opposition from TNCs.

Although TNCs must submit reports on the identities of drivers, the number of accessible vehicles in operation, "problems with drivers" and each driver's total hours and miles driven to the CPUC annually, the CPUC is not required and has been unwilling to share such data with individual municipalities ("Required Reports" 2020). This is counterproductive, as municipal transportation agencies not only tend to be more attuned to the specific needs and realities of their jurisdictions' transportation system than state-level bodies like the CPUC, but have the legal capability to alter such systems as well. In the current regulatory environment, the data supplied to the CPUC is being under-utilized and would be far more impactful in terms of improving California's urban transportation systems if municipal transportation agencies were allowed access to it. A similar logic applies to the data collected by the CPUC regarding the miles driven and hours worked by each TNC driver in the state. Though the CPUC has access to such valuable data, which could serve to help solve driver misclassification claims or other employment-related disputes, the fact that the it is unwilling and unrequired to share this data with the entities that have the capability to enforce California's labor laws, like city attorneys and offices of labor standards, renders the data virtually useless.

Essentially, the efficacy of such a shift from state to municipal level TNC regulatory oversight is dependent on municipalities' ability to access the data currently held by the CPUC and use it to inform their regulatory decision making. Altering TNCs' reporting requirements so that municipal transportation agencies and offices of labor standards rather than the CPUC receive this crucial data would be a crucial first step toward establishing a more proactive, empowered and detail-oriented regulatory environment for TNCs in California. This data, however, is merely the output produced by the various features and mechanisms within TNCs' dispatch algorithms, which ultimately hold the key to proper driver classification and municipal transportation planning. Comprehensive regulatory power over TNCs would entail both oversight of TNC dispatch algorithms and municipal government access to the data produced by those algorithmically made decisions. To be sure, many of the less densely populated areas of the state may lack the governmental capacity to adequately carry out such regulatory responsibilities on the municipal level. However, such areas also tend to have less complex transportation needs and a considerably smaller TNC presence than their urban counterparts. For such areas, I recommend TNC oversight be administered on the county rather than municipal level, so as to expand regulatory capacity and diffuse costs.

Ultimately, the rise of Uber and TNCs as a whole represent what I believe to be an overcorrection from a centrally-regulated and administered taxi system that, despite its flaws, ensured stability for company owners and drivers alike to a TNC system that leaves the well-being of both drivers and customers to the discretion of a small number of immensely powerful, unaccountable and amoral corporations. Processes that were once subject to wide-ranging scrutiny and regulation have been co-opted and completely obscured by private entities who've repurposed them in pursuit of revenue and growth maximization. To be sure, TNCs have pursued this goal largely through the prioritization of rider convenience, which has created a system that is markedly more user-friendly from a consumer perspective. However, a number of other considerations - from the economic stability of workers to the safety of riders and drivers alike - have been systematically suppressed by these companies. Re-orienting the TNC industry to properly value goals other than growing individual companies' revenue will require regulators and lawmakers to make difficult, likely unpopular, but necessary value judgments between the importance of preserving the secrecy of corporate intellectual property or ensuring the safety, economic stability and sustainability of a system that millions of people rely on daily.

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Appendix A: Driver Survey

This past summer, Uber and Lyft sent their California drivers messages regarding AB5, a law that could reclassify drivers as employees if it passed. The goal of this survey is to learn your thoughts and opinions about these messages, their appropriateness and persuasiveness.

I am a graduate student researcher in the Urban & Public Affairs Program at the University of San Francisco. I am part of a cohort of students working on public policy research and I am currently conducting a research project that examines drivers' responses to Uber and Lyfts' sending them messages about schedule flexibility and Assembly Bill 5. This form only applies to research subjects who are 18 or older.

I am asking you to participate in a 10 minute long survey about your experience/knowledge of urban policy, specifically driving for Uber and/or Lyft. Your participation in this project is completely voluntary and you can choose to end the survey at any time, with no repercussions of any kind. There are no known risks involved in this study. You will not receive compensation for this study. The study is intended to benefit broader public knowledge about this policy topic.

Protecting your identity: Your responses will be used to support research on drivers' responses to Uber and Lyfts' sending them messages about schedule flexibility and Assembly Bill 5 that may be shared with the general public. Any and all information collected that reflects your identity (name, title, place of work, etc) will be kept strictly confidential.

With your permission, this researcher may contact you again with follow-up or clarifying questions.

All records from this research will be maintained by the researcher in a confidential location on the USF campus, with guidance from my faculty sponsors. If you have any questions, please contact UPA program director Rachel Brahinsky. See above & below for contact information.

Sincerely,

Benjamin Peterson

Questions:
Student researcher contact information: Benjamin Peterson, brpeterson2@usfca.edu. (650)703-4148
UPA Faculty Director Rachel Brahinsky, rbrahinsky@usfca.edu. 415-422-2667.
USF Office for Research on Human Subjects: irbphs@usfca.edu.

Question 1: After reading the above description, do you agree to participate in the following survey?

- Yes
- No

Question 2: If you would be willing to participate in an interview, please share your preferred contact information below (short free response- optional)

<u>Section 2: Demographics</u>

Question 3: What is your age?

- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65+

Question 3: Please state your ethnicity/s (short free response - optional)

Question 4: What gender do you identify as?

- Male
- Female
- Gender Non-Conforming
- Prefer not to say

Question 5: What companies do you work for? (check all that apply)

- Uber
- Lyft
- Private Black Car Service
- Other

Question 6: How long have you worked for Uber and/or Lyft?

- Less than 6 months
- 6 months-1 year
- 1-2 years
- 2-3 years
- More than 3 year

Question 6: How many hours per week do you drive for these companies?

- 0-10 hours
- 10-20 hours
- 20-30 hours
- 30-40 hours
- More than 40 hours

Question 7: Is driving your main source of income?

- Yes
- No

Question 8: Do you remember Uber or Lyft sending you messages about "protecting driver flexibility" in the past year?

- Yes
- No

Those who answered “Yes” to question 8 proceeded to section 3, while those who answered “No” skipped section 3 and proceeded to section 4

Section 3: Messaging

Question 9: Where did you receive these messages? (check all that apply)

- My Uber/Lyft driver app
- Email
- Text Message
- Other

Question 10: How many of these messages did you receive?

- 1
- 2
- 3
- 4
- 5
- Not Sure

Question 11: Did any of these messages ask you to sign a petition?

- Yes
- No
- Not Sure

Question 12: What did you think these messages were about when you first saw them? (short free response)

Question 13: How clear was it that these messages were about a specific law? (sliding scale 1-5: 1 being very unclear, 5 being very clear)

Question 14: Did you feel pressure to agree with the point of view expressed in these messages?

- Yes

- No
- It Depends

Question 15: Have Uber or Lyft ever offered you money to attend a protest?

- Yes
- No
- Not Sure

Question 16: How much did these messages impact your opinion on schedule flexibility? (sliding scale 1-5: 1 being very little impact, 5 being a significant impact)

<u>Section 4: Appropriateness</u>

Question 17: In general, do you think it is appropriate for companies to send their workers messages about politics?

- Yes
- No
- Only if it's relevant to their job
- Only if it impacts the company as a whole

Question 18: If an employer sent you messages about politics, would you feel pressure to agree with their point of view?

- Yes
- No
- It Depends

Section 5: Opinions on Assembly Bill 5

Question 19: What parts of your work do you think will be impacted if you're classified as an employee? (check all that apply)

- Rate of pay
- Schedule flexibility
- Access to benefits
- Ability to voice your concerns, desires and needs
- Other

Question 20: Would you rather be classified as an independent contractor or employee?

- Independent contractor
- Employee
- No strong preference

Appendix B: "Protect App Based Drivers and Services" Testimonial Analysis

Theme	Number of Mentions	Percent of Total
flexibility for family responsibilities	34	47.89%
flexibility for career/academic	12	16.90%

pursuit		
flexibility as most important/only reason this person drives	5	7.04%
retirement	11	15.49%
lack of other job opportunities	5	7.04%
disability/physical toll of other jobs unsuitable	11	15.49%
"extra cash"	12	16.90%
money for essentials (rent/food/etc)	12	16.90%
high cost of living	6	8.45%
money for specific non-essential goal/purpose	2	2.82%
"be my own boss"	6	8.45%
"right to work"	2	2.82%
mention of leisure/lifestyle/desire to work at will	7	9.86%
full time driver	4	5.63%
part time driver	17	23.94%
mentions social/personal/non-econ benefits	2	2.82%