



FIRED BY AN APP

The Toll of Secret Algorithms and
Unchecked Discrimination on
California Rideshare Drivers



ASIAN AMERICANS
ADVANCING
JUSTICE
ASIAN LAW CAUCUS



RIDESHARE
DRIVERS
UNITED

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EXECUTIVE SUMMARY



DEACTIVATION:

when a rideshare company blocks a driver's access to using the app either temporarily or permanently, usually without warning or recourse for drivers, thus denying them their livelihood with no due process.

For hundreds of thousands of app-based drivers in California, a work day is one of isolation.

Drivers spend hours in their car and answer to an app that determines their next assignment, location, and pay. They are left on their own to cope with unruly customer behavior, derogatory language, discrimination, and harassment. During the height of the pandemic, as COVID-19 ravaged their communities, app-based drivers also had to enforce public health mandates and companies' masking rules with customers, alone, in order to protect themselves and their families.

For many app-based drivers, driving on platforms like Uber and Lyft is their primary source of income, and their ability to earn a living is precariously dependent on secret algorithms and a customer complaint process that is inaccessible to them. Termination of their app-based job—euphemistically coined “deactivation” by platform companies—can happen suddenly without any information provided by the companies and cause severe economic disruption in the drivers' lives. Uber and Lyft may deactivate a driver because of reasons as simple as a slight drop in the driver's customer rating, although the threshold is not always clearly defined by the platforms. Drivers who are deactivated from the apps find themselves on their own with no meaningful way to challenge the deactivation and reestablish livelihoods that are critical to their survival.

Of surveyed drivers:

68% are people of color

25% identify as white

55% are immigrants

81% of drivers rely on this job as main income

Proposition 22 (Prop 22), California's ballot initiative written and financed by platform companies like Uber and Lyft and passed by voters in November 2020, codified the misclassification of app-based drivers as independent contractors. In practice, app-based drivers find that, unlike independent contractors who control when, for whom, and how they work, they have limited control over their working conditions and pay. Further, unlike traditional employees, app-based drivers are excluded from nearly all basic labor protections and anti-discrimination and health and safety laws; barred from exercising collective bargaining; and ineligible for safety-net benefits such as state unemployment.¹ A California trial court struck down Prop 22

but Uber and Lyft have appealed. While the companies' appeal of the decision is pending, app-based drivers continue to operate under the new legal regime and deal with unprecedented uncertainty.²

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1. National Employment Law Project, *How California Can Lead on Retaliation Reforms to Dismantle Workplace Inequality*, November 2022, <https://www.nelp.org/publication/prop-22-rolls-back-rights-women>
 2. Brian Chen & Laura Padin, *Prop-22 was a failure for California's App-based Workers. Now, it's also unconstitutional*, National Employment Law Project, September 2021, <https://www.nelp.org/blog/prop-22-unconstitutional/>



Rideshare Drivers United (RDU) and Asian Americans Advancing Justice – Asian Law Caucus (ALC) surveyed 810 current and former Uber and Lyft drivers in California to better understand their experiences as workers in a transportation industry in flux. Sixty-eight percent of surveyed drivers were people of color, 25% identified as white, and 55% were immigrants.

TERMINATION OF THEIR APP-BASED JOB— EUPHEMISTICALLY COINED “DEACTIVATION” BY PLATFORM COMPANIES— CAN HAPPEN SUDDENLY AND ARBITRARILY

Our survey findings showed a troubling workplace where drivers are frequently subject to harmful customer behaviors including discriminatory comments, hate speech, sexual harassment, threats, and physical violence. When customers give drivers a low rating or complain to the companies, drivers find themselves suddenly barred from working, with little information on how to navigate the companies’ opaque appeal process to challenge or even understand the basis for their deactivation. In the meantime, deactivated drivers—many of whom said driving on Uber and Lyft apps was their primary source of income—struggle to meet their financial needs. Working under the constant threat of deactivation, and in an environment where customers’ actions and biases can influence workers’ ability to drive on the platforms, only a small portion of drivers in the study reported that they were successful in getting Uber or Lyft to adequately address their concerns about discrimination and safety.

KEY FINDINGS



Two-thirds of all surveyed drivers have experienced deactivation. Drivers of color and immigrant drivers were disproportionately impacted.

- 69% of drivers of color experienced some form of deactivation, compared to 57% of drivers who identify as white.
- 30% of deactivated drivers were not given any explanation or reason by Uber or Lyft for their deactivations.
- 42% of deactivated drivers were told their deactivations were due to customer complaints.



On-the-job discrimination and harassment from customers were surprisingly frequent, yet drivers' complaints to Uber and Lyft were largely unheeded.

- Two in three drivers reported facing customer bias or discrimination while driving for Uber and Lyft.
- Half of drivers experienced acts of bias or discrimination due to their race or national origin.
- One in four drivers who experienced bias or discrimination lacked information on how to file a complaint, and only 3% of drivers who did said their complaints were investigated and adequately addressed by the companies.



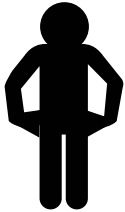
Drivers face alarming rates of sexual harassment and violence while driving for Uber and Lyft across all genders.

- 43% of surveyed drivers reported experiencing sexual harassment on the job. Of those drivers, 47% reported being touched inappropriately by passengers.
- Sexual harassment was experienced by drivers of all genders, including 53% of female drivers and 41% of male drivers.
- One in 14 drivers who experienced sexual harassment reported experiencing sexual assault while driving.



Drivers feel they are negatively impacted by customers' biases and unruly behaviors.

- 50% of drivers who reported facing racial discrimination from customers said the customer filed a complaint against them.
- One in four drivers received a low rating from a customer after enforcing COVID masking rules.



Drivers experiencing deactivation dealt with severe impacts on their basic needs.

- 86% of deactivated drivers suffered from some type of hardship as a direct result of deactivation.
- 18% of drivers lost their car after they were deactivated.
- 12% of deactivated drivers lost their homes.

RECOMMENDATIONS

- 1. Provide just cause and due process for deactivated drivers** by establishing a clear, transparent policy and fair and timely hearing proceedings that are easily accessible to drivers.
- 2. Address customer bias and discrimination against drivers** by conducting meaningful, transparent investigations and removing economic incentives for customers to file complaints without merit.
- 3. Provide drivers with all the basic employment and labor protections** afforded to workers classified as employees, including anti-discrimination, health and safety, wage and hour, and organizing and collective bargaining protections.
- 4. Protect drivers from workplace violence and sexual harassment** by instituting safety measures in consultation with app-based drivers and consistent with state and federal health and safety standards.



INTRODUCTION



“

I was assaulted physically by a customer and I immediately reported it. Four days later I was deactivated. I was a top-tier driver for 4 years with the highest rating with no complaints.”

“

During the pandemic, I asked passengers to wear a mask. One punched the windows and one threw water at me.”

“

I have been insulted for my race, gender, and sexuality. I have been touched in unwanted ways by men and women and gotten advances and propositions. I have made reports to the company, but nothing has ever been reported back to me.”

In July 2020, amidst widespread protests following the murder of George Floyd by a Minneapolis police officer, Uber’s CEO penned an open letter declaring itself an “anti-racist company” and avowing to “be a champion for equity, both inside and outside our company.”³

Just a month earlier, Lyft’s co-founders jointly announced they were bringing company leadership together to discuss how to “cultivate more inclusive experiences for our riders, drivers and team members.”⁴ Behind these public messages of racial reckoning, the two tech giants—along with DoorDash, Instacart and Uber-owned Postmates—were leading a \$224 million campaign to persuade California voters to pass Prop 22, which would exempt rideshare and delivery companies from basic labor protections and classify drivers working on the companies’ platforms as independent contractors.⁵ These efforts came despite the lack of control app-based drivers have over their jobs and the role of corporate algorithms in managing and determining drivers’ rides, working conditions, and pay.⁶

The passage of Prop 22 in California in November 2020 codified app-based transportation and delivery workers as independent contractors. This misclassification excludes drivers from legal protections afforded to employees such as anti-discrimination and retaliation laws and basic employment protections, including minimum wage and overtime pay; safety-net protections like workers’ compensation, unemployment, and state disability insurance; and workplace violence prevention and safety provisions, such as those around COVID-19.

In California, this app-based workforce is predominantly people of color.⁷ In San Francisco, 78% of app-based or “rideshare” drivers and delivery workers are people of color, and 56% are immigrants.⁸ Lyft’s report on U.S. and Canadian drivers states that 73% of drivers identify as members of racial/ethnic minority groups, with 25% of drivers identifying as Black, African American or Afro-Caribbean, 33% as Latino, and 12% as Asian.⁹ An older study commissioned by Uber identified 40% of Uber drivers as white, 20% Black, 18% Latino, and 17% Asian.¹⁰ The same study estimated that 14% of Uber drivers were women.¹¹

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3. Dara Khosrowshahi, *Being An Anti-Racist Company*, Uber, July 17, 2020, <https://www.uber.com/newsroom/being-an-anti-racist-company/>
 4. *A Note From Our Co-Founders: A Call To Action For Each Of Us*, Lyft, <https://www.lyft.com/blog/posts/a-note-from-our-co-founders-a-call-to-action-for-each-of-us>
 5. Caroline O’Donovan, *Uber and Lyft Spent Hundreds of Millions to Win their Fight over Workers’ Rights*, BuzzFeed, November 21, 2020, <https://www.buzzfeednews.com/article/carolineodonovan/uber-lyft-proposition-22-workers-rights>
 6. Amos Toh, *Gig Workers Think They Work for Themselves. They Don’t*, San Francisco Chronicle, October 17, 2022, <https://www.sfchronicle.com/opinion/openforum/article/gig-workers-17509777.php>
 7. Annette Bernhardt and Sarah Thomason, *What Do We Know About Gig Work in California? An Analysis of Independent Contracting*, UC Berkeley Labor Center, June 14, 2017, <https://laborcenter.berkeley.edu/what-do-we-know-about-gig-work-in-california/>. ‘Yes on Prop 22’ campaign representatives confirmed with Professor Veena Dubal that people of color and immigrants make up the majority of Uber and Lyft drivers. See, e.g., Veena Dubal, *The New Racial Wage Code*, 15 Harv. L. & Pol. R. 511, 515 (2021).
 8. Chris Benner, Erin Johansson, Kung Fung and Hays Witt, *On-demand and On-the-edge: Ride Hailing and Delivery Workers in San Francisco*, UC Santa Cruz Institute for Social transformation, May 2020, https://transform.ucsc.edu/wp-content/uploads/2020/05/OnDemandOntheEdge_ExecSum.pdf
 9. *Lyft Economic Impact Report 2022 | United States and Canada*, Lyft, https://drive.google.com/file/d/1Zs7co1FuhC8FkFHp6aj_vmYAlrLeyuill/view.
 10. Jonathan V. Hall and Alan B. Krueger, *An Analysis of the Labor Market for Uber’s Driver-Partners in the United States*, National Bureau of Economic Research, November 2016, <https://www.nber.org/papers/w22843>.
 11. Jonathan V. Hall, 2016.



“Lyft started as a new way to earn a little extra,” a pro-Prop 22 ad paid for by Lyft stated.¹² For many drivers, however, this work is not an occasional, secondary job. A national study found that 31% of app-based workers in the U.S. relied on this work as their main job and that 58% needed it to meet basic financial needs.¹³ A study of app-based drivers and delivery workers in San Francisco also found that the majority of them depended on such work as their primary source of income.¹⁴ According to the same report, 71% of drivers work more than 30 hours a week on the platforms, including 50% who worked more than 40 hours and 30% who worked more than 50 hours a week. Over one-fifth of those workers had no health insurance and 15% of them relied on some form of public assistance.¹⁵

Tech companies claimed that Prop 22 would protect drivers’ flexibility and help them maintain their control and independence. The reality is that many drivers find they have limited control over their working conditions and pay. Rideshare companies utilize algorithms to set pricing, manage drivers, and match rider demands. In June 2022, drivers for Uber and Lyft filed a class action lawsuit against the companies, alleging violations of California antitrust law through price setting and limiting drivers’ ability to choose which rides they accept without penalty.¹⁶ The Federal Trade Commission, a main federal government consumer protection agency that enforces the nation’s antitrust laws, in a September 2022 statement called the companies’ algorithms “nontransparent”:¹⁷

Gig workers often do not have the information they need to know when work will be available, where they will have to perform it, or how they will be evaluated. Behind the scenes, ever-changing algorithms may dictate core aspects of workers’ relationship with a given company’s platform, leaving them with an invisible, inscrutable boss.¹⁸

12. “What is Prop 22 | California Drivers | Vote YES on Prop 22 | Rideshare | Benefits | Lyft”, *Youtube*, uploaded by Lyft, October 8, 2020, <https://www.youtube.com/watch?v=-7QJLgdQaf4>.

13. Monica Anderson, Colleen McClain, Michelle Faverio, and Risa Gelles-Watnick, *The State of Gig Work in 2021*, Pew Research Center, December 8, 2021, <https://www.pewresearch.org/internet/2021/12/08/the-state-of-gig-work-in-2021/>.

14. Chris Benner et al, 2020.

15. *Ibid.*

16. Mike Scarcella, *Uber, Lyft drivers claim price-fixing in lawsuit against companies*, Reuters, June 21, 2022, <https://www.reuters.com/business/autos-transportation/uber-lyft-drivers-claim-price-fixing-lawsuit-against-companies-2022-06-21/>.

17. *Policy Statement on Enforcement Related to Gig Work*, Federal Trade Commission, September 15, 2022, https://www.ftc.gov/system/files/ftc_gov/pdf/Matter%20No.%20P227600%20Gig%20Policy%20Statement.pdf

18. *Ibid.*



A key part of this algorithmic control is user-generated rating systems to determine a driver's performance and employability. Customer ratings like those used by Uber and Lyft have been found to be influenced by racial, religious, gender, and other forms of bias.¹⁹ Even if a driver has a history of thousands of rides and accompanying excellent customer ratings, a complaint filed by a customer against a driver can single-handedly determine when and whether a driver is “deactivated”—a euphemism used by companies like Uber and Lyft to refer to the act of terminating app-based drivers.

Amid legal uncertainty about app-based drivers' classification, RDU and ALC set out to better understand the experience of app-based drivers in California. We focus on several key aspects of app-based driving: deactivation, discrimination, and safety. This study opens a window into the deactivation experience from the workers' perspective, sheds light on how customer bias and discrimination can take a toll on drivers, and explores how Uber's and Lyft's platforms allow customer bias or discrimination to play into decisions about a worker's ability to drive on the platforms. We also investigate health and safety risks to drivers including generalized violence in the workplace, sexual harassment, and COVID-19 safety. Finally, this study highlights recommendations on transforming the precarity of app-based work to place the needs of drivers on more even footing.

19. The decision by Uber or Lyft to deactivate a driver appears to be made via algorithms that give weight to various inputs, many of which are not transparent. As an example of one of these inputs, Uber and Lyft may deactivate a driver if the driver's overall customer rating is too low. One danger here is that a prejudiced customer could give a low rating to a driver due to discriminatory reasons and not as a result of a driver mistake or driver behavior. When customers act in this way, society-level bias and discrimination can seep into the ratings system, which can, in turn, influence deactivation decisions by the companies. Customer actions such as filing a complaint might influence deactivation in a similar fashion. See Alex Rosenblat, Karen Levy, Solon Barocas, and Tim Hwang, *Discriminating Tastes: Customer Ratings as Vehicles for Bias, Intelligence and Autonomy*, Data & Society's Intelligence & Autonomy Initiative, October 2016, http://datasociety.net/pubs/ia/Discriminating_Tastes_Customer_Ratings_as_Vehicles_for_Bias.pdf. See, e.g., Anniko Hanak, Claudia Wagner, David Garcia, Alan Mislove, Markus Strohmaier, and Christo Wilson, *Bias in Online Freelance Marketplaces: Evidence from TaskRabbit and Fiverr*, CSCW '17: Proceedings of the 2017 ACM Conference on Computer Supported Cooperative Work and Social Computing, February 2017, https://www.ccs.neu.edu/home/ancsaaa/files/CSCW17.pdf#_ga=2.31154557.338929842.1669766446-1896478336.1669766446 (finding that on online platforms like TaskRabbit and Fiverr, workers perceived to be Black, especially men, receive 32% fewer reviews than other men. They also receive significantly lower rating scores. Additionally, workers perceived to be women, especially white women, receive 10% fewer reviews than workers perceived to be men with equivalent work experience. Of relevance to our report, reviews for workers perceived to be Black women include significantly fewer positive adjectives, while reviews for Black workers in general use significantly more negative adjectives). See generally Ian Ayres, Frederick A. Vars, and Nasser Zakar, *To Insure Prejudice: Racial Disparities in Taxicab Tipping*, 114 YALE L.J. 1613, 1627 (2005) (finding that white drivers were tipped substantially more than Black (or other) drivers i.e. 61% more than Black drivers and 64% more than other minority drivers as further evidence of passenger bias in the transportation industry).

ABOUT THE STUDY

The study includes two components: a survey of 810 app-based drivers from April to July 2022 and in-depth interviews with 15 current and former app-based drivers in September and October 2022 to better understand reports of bias, discrimination, and harassment drivers face while driving, reasons given for deactivations, and the impact of deactivations on drivers' ability to provide for themselves and their families.

The online survey was offered electronically in four languages: English, Spanish, Chinese, and Arabic. Drivers were also given the opportunity to submit written comments to expand upon their answers. Written comments that are shared in this report have been edited for clarity.

To be eligible to participate in the survey, drivers must have driven for Uber and Lyft over the past four years in California. Surveys were distributed to RDU's members and their networks, as well as through outreach and Facebook advertisements by both RDU and ALC. The Chinese Progressive Association – San Francisco and the Yemeni American Association also played an essential role in distributing surveys and conducting outreach to drivers, particularly to drivers who speak Chinese or Arabic.

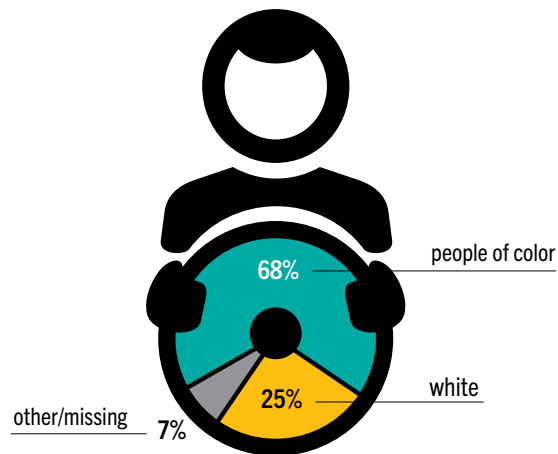
This survey describes the trends and themes in the data provided by this specific group of drivers. This group of surveyed drivers may be more likely to be inclined to participate in a survey as a way of documenting or sharing their experience with deactivation.

The 15 drivers who gave more in-depth interviews were selected from the pool of survey respondents who indicated they were interested in speaking about their experiences. ALC staff conducted the interviews by phone in English, Spanish, Chinese, or Arabic. Interviews averaged approximately one hour. Written profiles were reviewed with each driver for accuracy.

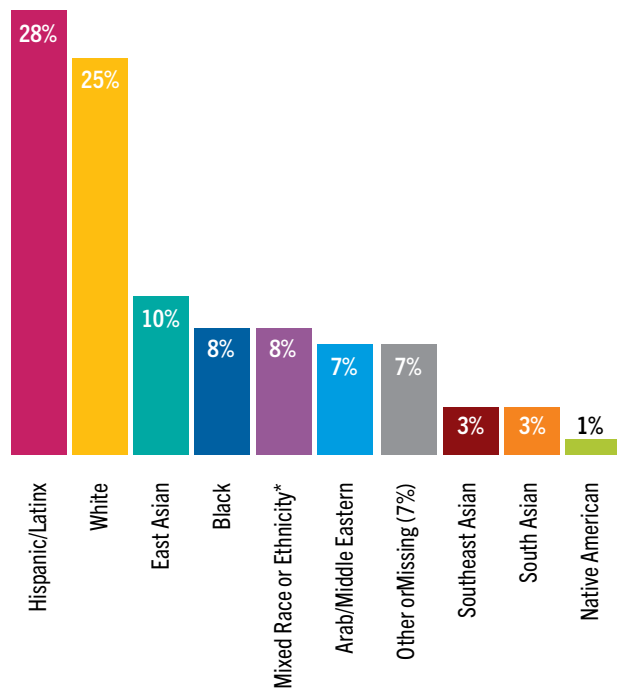
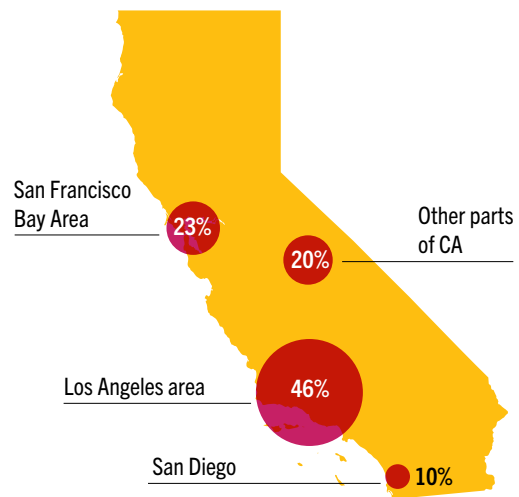
SURVEY SAMPLE AT-A-GLANCE

Among the 810 app-based drivers who completed the survey:

Demographics



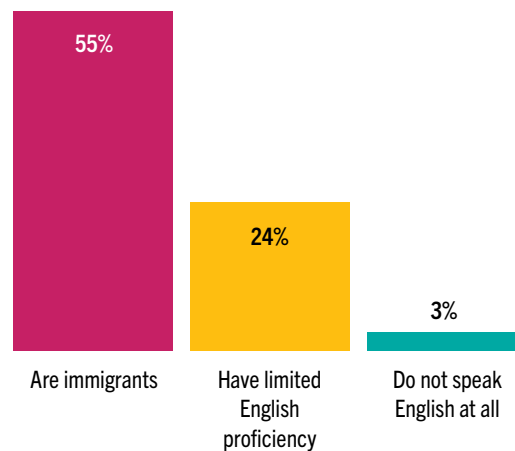
Geographical distribution



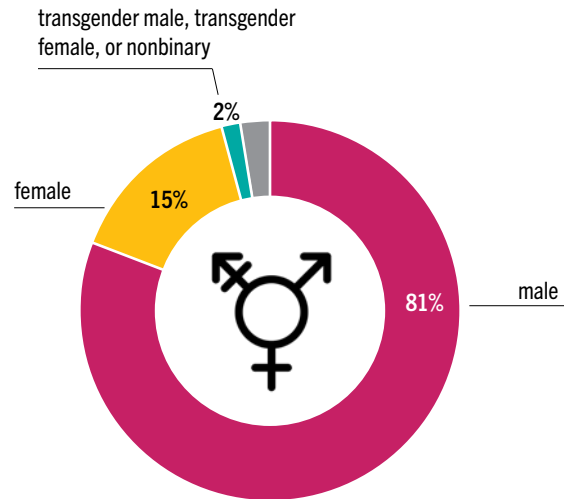
* The mixed race or ethnicity category includes people who identified as biracial (e.g., Black and white) as well as those who selected multiple ethnicities (e.g., Southeast Asian and East Asian).

Immigrants and Language

Of surveyed drivers...

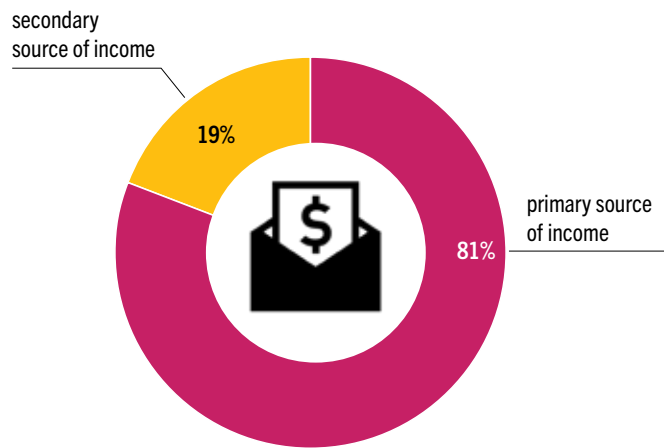


Gender



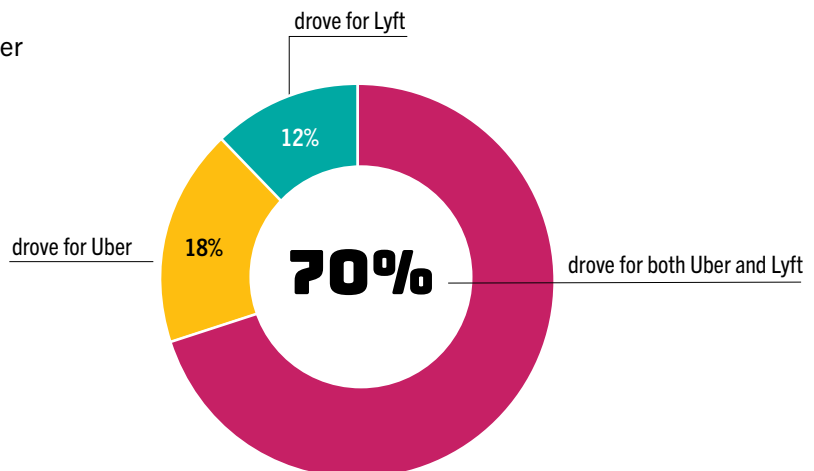
Source of income

For the vast majority of surveyed drivers, driving for Uber and/or Lyft is not casual or occasional work.



Rideshare companies

Surveyed drivers have driven for Uber and/or Lyft in the last four years.



FINDINGS





Temporary and permanent deactivations happen frequently to drivers.

Note: These quotes may contain graphic and upsetting content for readers.



Someone reported a safety issue with me. Uber said, 'Don't worry.' Two weeks later, they deactivated me. They said 'It's final, we're not going to talk to you.' So I went to the hub. The guy over there didn't explain anything. He was not treating me like a human. Once you are deactivated they think you are a bad person. They just believe whatever the rider said."

Our survey found that temporary and permanent deactivations are frequent among app-based workers for Uber and Lyft.

Two out of three (66%) of all surveyed drivers reported that they were deactivated at some point by Lyft, Uber, or both companies, on a temporary or a permanent basis. Forty percent of deactivated Uber drivers and 24% of deactivated Lyft drivers reported that they had been permanently deactivated.

Temporary deactivations were also reported to be quite frequent. Some 66% of Uber drivers who experienced deactivation in the past reported having been temporarily deactivated, as did 39% of Lyft drivers.

In addition:

- 32% of deactivated Uber drivers had been temporarily deactivated once, 22% twice, and 13% three or more times.
- 20% of deactivated Lyft drivers had been temporarily deactivated once, 11% twice, and 8% three or more times.

“

When I saw that the rider was masturbating, I asked him to get out. He complained that I forcibly removed him from the car and I was deactivated for 10 days.”

“

I couldn't [drop off] the person in the Uber pool right in front of the door. He got out really upset and a few minutes later, slammed the door. Then I got a notice of deactivation for driving under the influence. A passenger who was part of the pool and was still in the car said, 'I am going to give you a good review so they have that record.' My account was deactivated anyway. It lasted 36 hours.”



JAMES JORDAN **LA County, CA**

James Jordan, a Black man in his 50s, drove consistently for Uber from 2016 until early 2022 when he was permanently deactivated. James was deactivated from Uber after he refused to take any more rides that forced him to go out of his way as he was returning home from a 10-hour long shift. After challenging the deactivation, James later learned that he had been deactivated due to old complaints made by passengers. James feels that the company did not take

seriously complaints he filed about passengers who refused to wear masks leading to him having to cancel the rides. Instead, Uber believed customers' allegations against him which led to his permanent deactivation. James has lost his sole source of income and this has affected his ability to pay rent.

“After being deactivated, Uber did not meaningfully consider my side of the story even though I filed an appeal. I offered to send them dashcam footage to back up my account of the story but no one took me up on it. I didn't get any information on why I was really deactivated until I went to small claims court. ... When I reported passengers for their behavior, all I would get in response was a generic statement saying that they would look into it. They wouldn't tell me if the passenger had been temporarily or permanently suspended from the platform when I asked, even if the passenger could be a threat to other drivers.”



Deactivation can have severe life-altering consequences for drivers, particularly for drivers who drive full-time on Uber and/or Lyft platforms.

On average, surveyed drivers who were deactivated worked 4.5 years for Uber and 4 years for Lyft. Drivers who experienced deactivation reported driving on average (“app on time”) 44.5 hours for Uber and 37.7 hours for Lyft per week.

Our survey found that among Uber drivers who were deactivated, their most recent self-reported customer rating was, on average, 4.8 out of a maximum score of 5.0, with comparable Lyft drivers reporting, on average, 4.75 out of a maximum score of 5.0.²⁰ When a driver’s overall rating drops below a certain threshold, drivers may be at risk of deactivation, though this threshold is not always clearly defined. In some services on Uber’s platform, drivers with a rating lower than 4.6 may be deactivated.²¹

“

It had a big impact on my life. I didn’t know how I was going to survive. I am a full time Uber driver and diamond driver. I wasn’t sleeping. I was overwhelmed on what to do and constantly trying to figure out how I could get their attention.”

20. A rating in the range of 4.6 or 4.7 could be low enough to trigger deactivation, depending on the circumstances. It is RDU’s experience that a 4.6 rating typically puts a driver at risk of deactivation. See also Alex Rosenblat et al, 2016.

21. Alex Rosenblat, *When your Boss is an Algorithm*, New York Times, Oct. 12, 2018, <https://www.nytimes.com/2018/10/12/opinion/sunday/uber-driver-life.html?smid=tw-nytopinion&smtyp=cur>

86%

of deactivated drivers suffered some type of financial hardship related to deactivation.



Our research finds that income loss has serious ramifications for the vast majority of deactivated drivers. Over four-fifths (86%) of deactivated drivers suffered some type of hardship related to deactivation. Eighteen percent of drivers lost their car after they were deactivated. As many as 12% of deactivated drivers lost their home, a distressing and disruptive consequence for drivers and any family members.

Many workers found it difficult to pay their bills.

- 28% of deactivated drivers reported having difficulty paying medical insurance, medical bills, and/or costs.
- 24% reported difficulty paying for schooling, childcare, or other child related expenses.

In addition to the financial hardship faced by deactivated drivers, many also reported a decline in their mental health and well-being.

- 59% of deactivated drivers reported feelings of depression and more than half (57%) reported feelings of anxiety.
- 51% of deactivated drivers reported experiencing family stress or conflict.
- 7% reported substance abuse as a result of deactivation.

Among Uber drivers who reported suffering economic hardship and/or mental health impacts as a result of deactivation, almost half (47%) had been driving more than 40 hours per week.



A customer was being rude and wanted to go in the opposite direction of where I needed to go, so I canceled the ride. The customer filed a complaint alleging that I was under the influence. My rating is 4.8 with more than 7,000 rides. I am considered platinum or gold. When I called, they said 'We can't do anything, you can appeal.' They sent a link for me to send proof. I thought of doing a drug test, but how? It would have to be through a doctor. After a few days, I was told [the deactivation] was permanent. I appealed. I asked to talk to someone. They told me my account had been suspended."



A significant number of deactivated drivers did not know why they were deactivated or how to challenge their deactivation.

I was accused of staring and asking inappropriate questions to the rider, but the rider was asleep the whole time. I volunteered to upload all five rides from that night from my dashcam to Lyft, but they said I didn't need to do it. Another time, I was given a warning for allegedly using inappropriate language to a couple. Again, I offered [a] video. Lyft wouldn't take it."

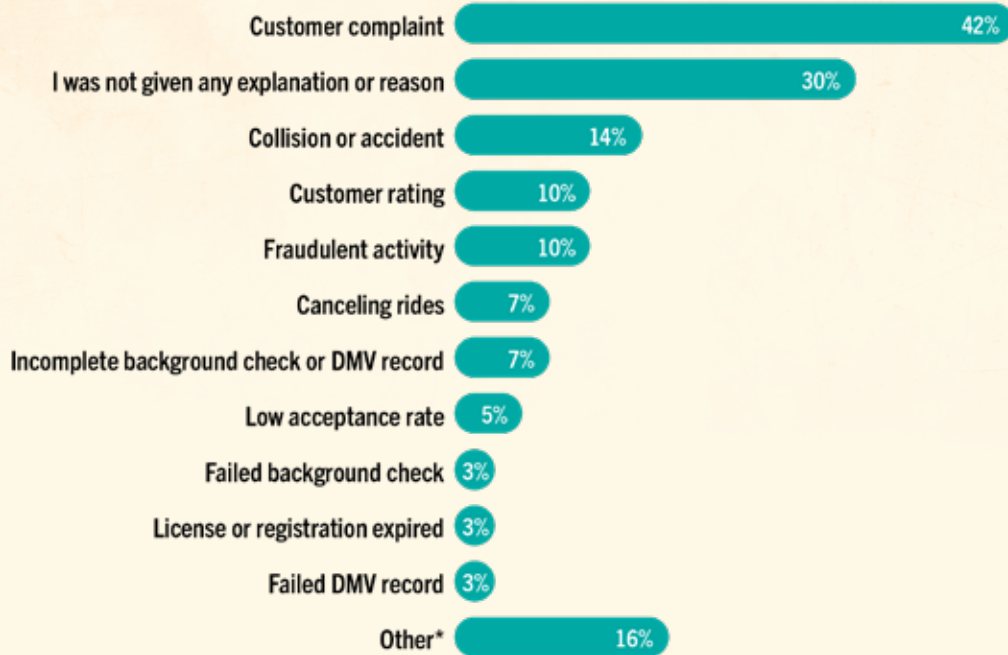
Typically, there were no in-person meetings, video conferences, phone calls, emails, or even a text written by a human being communicating the company's decision to remove the driver from the platform. Instead, surveyed drivers logged onto the app at the start of their workday, only to find that they had been deactivated.

With the loss of any job, workers understandably want to know why they are being fired or terminated. However, 30% of surveyed drivers who have been either temporarily or permanently deactivated say they were not given any explanation or reason by Uber or Lyft as to why they were deactivated.

Of the drivers who could point to an explanation for their deactivation, 42% reported that they were told by Uber or Lyft that their deactivation was due to a customer complaint. Ten percent were told that

“I once stopped a guy from trying to forcibly take another guy home. He said he didn’t want to go to his place and asked if I could pull over, but the other guy started yelling at me telling me he paid for the ride to ‘do my f— job.’ I drove back and dropped the other guy where I picked them up. After reporting it to Lyft, it got me in trouble. They accused me of purposefully driving around to get more money.”

Reason given by Uber and/or Lyft for drivers’ deactivation



*Drivers have noted that Uber or Lyft’s stated reason(s) for deactivation are sometimes incorrect, unfounded, or based on incomplete information.

DERWIN Fresno, CA

Derwin, a Black man in his 60s, has been driving for Uber and Lyft since 2019. He drives full-time, including 12 hours a day on the apps every weekend to earn money. Derwin has experienced deactivations on both platforms. Two of the deactivations were due to complaints by Uber customers who had made racist remarks to him. In each incident, he canceled the ride, only to find that he was unable to get back on the app to work the next day. Although he is driving for both companies, he continues to struggle economically.

“I was deactivated. Uber didn’t explain anything. It was almost like they had it set up so that if I didn’t persist or figure it out, I wouldn’t have gotten back on. They didn’t call me or tell me what to do. They didn’t answer the phone. There wasn’t any way for me to explain or respond to the complaints against me. The companies need to change the process so they could actually help both us and the customers in the right way.”

they were deactivated due to a low customer rating. Both results highlight how customer actions influence whether a driver loses their job. Surveyed drivers claimed that Uber's or Lyft's stated reasons for deactivation are often incorrect, unfounded, or based on incomplete information.

Disturbingly, 40% of deactivated Uber drivers and 16% of deactivated Lyft drivers reported they were not provided enough information by the company on how to appeal their deactivation.

- 9% of deactivated Uber drivers and 5% of deactivated Lyft drivers appealed but never received a response from the companies.
- 9% of Uber drivers and 7% of Lyft drivers received a response to their appeal but did not feel that Uber or Lyft seriously considered their appeal.
- 10% of Uber drivers and 10% of Lyft drivers were able to successfully appeal their deactivation.

“They didn’t send me any formal email explaining the reason for the deactivation. Customer service was horrible. I asked them why I was deactivated, what happened? They didn’t help. I think it’s because I canceled too much. When you’re fired by an employer, they usually have to tell you why. Usually you can talk with [the] owner or manager. But here you can’t. People who are making the decision don’t care. My Uber account was flagged, which [made] me ineligible for the airport trip. I tried to appeal. That was 2 years ago. The supervisor finally contacted me and said sorry and lifted the hold. They just do what they want. They need to take it more seriously. You can’t just hear the passenger side. Uber doesn’t care about the driver. They treat us as part of the system instead of human beings.”



MR. CHEN
San Jose, CA

Mr. Chen is a Chinese immigrant and a father of an adult son. He has been an app-based driver since 2017. In April 2021, a customer left his phone in Mr. Chen's car. Although Mr. Chen returned the phone, he was deactivated because the customer filed a false complaint alleging blackmail. Mr. Chen offered video footage from his dashcam and communication with the customer, but his appeal was denied. As a result of his deactivation, he lost tens of thousands of dollars that he had invested in a new and larger car for Lyft. He continues to drive full-time, but is wary that his interactions with customers can be distorted and get him deactivated again.

“I wish these app companies would consider the events more from the drivers’ perspective. Drivers have it hard. I think the companies should listen to drivers’ side as well, and not only to passengers because they pay. From the beginning, Uber and Lyft drivers don’t have any benefits. In this society, drivers are looked over. Drivers drive and contribute so much in this country, but we have no protection. We have to pay for our own gas. We pay to fix our own cars. We have to pay for our own insurance, our own tires, and more. But we only get a really meager income. We pay our taxes, but we have no social benefits.”



Deactivation disproportionately impacts drivers of color and immigrant drivers as compared to white drivers.

Although deactivation rates are high across the board, drivers of color across multiple ethnic or racial groups were more likely to have been deactivated than drivers who identified as white. Overall 69% of drivers of color have experienced some form of deactivation, compared to 57% of white drivers.

Overall **69%** of drivers of color experienced some form of deactivation



“

A rider told me to go back to my country, that I am taking jobs from Americans, that whoever hired me should fire me and he will make sure of that.”

“

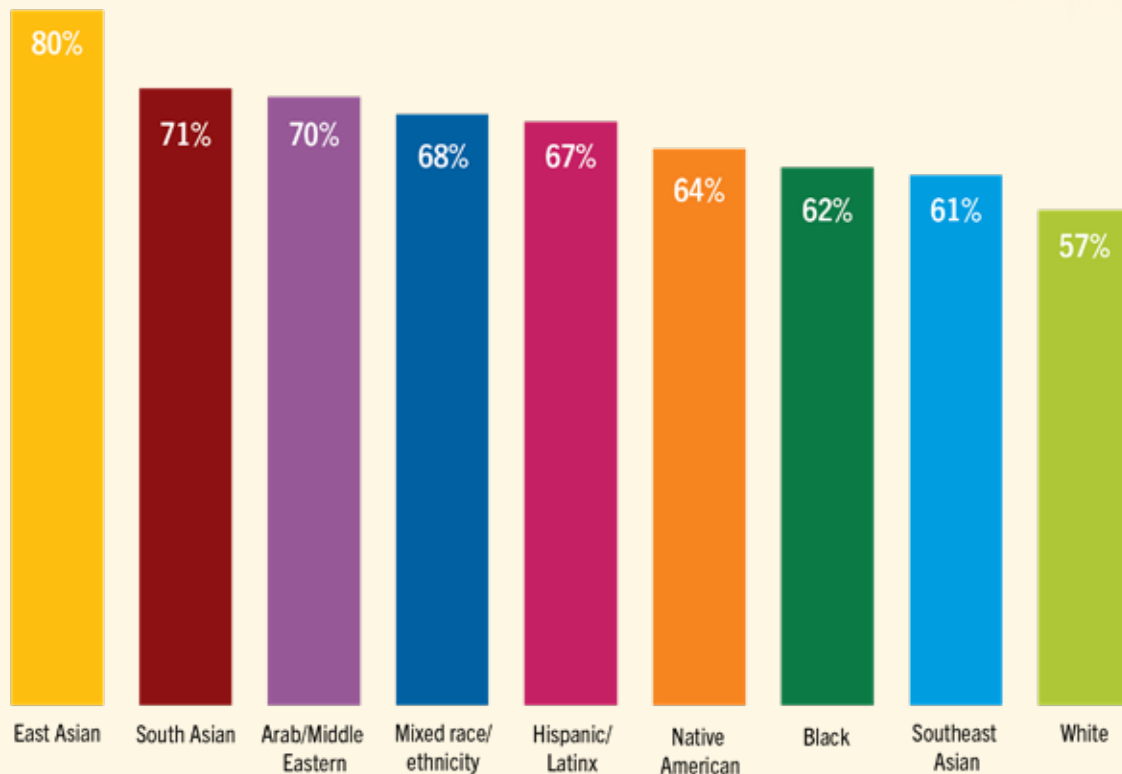
A rider called me a sh—Hispanic’ and told me he would do everything possible to have me fired from Uber.”

JOE ARJUNAN Azusa, CA

Mr. Arjunan is a Malaysian immigrant and has been an app-based driver since 2017, when his young son was diagnosed with ADHD and needed to attend a special school. Mr. Arjunan quit his day job and started driving for Uber and Lyft so he could be more available to care for his son. He was permanently deactivated by Uber in 2018 and has never been able to find out why or who at Uber he can talk to about it. Mr. Arjunan has continued to drive for Lyft, but as a dark-skinned Indian man, customers have kicked him, pulled his hair, and hurled racist, abusive language at him.

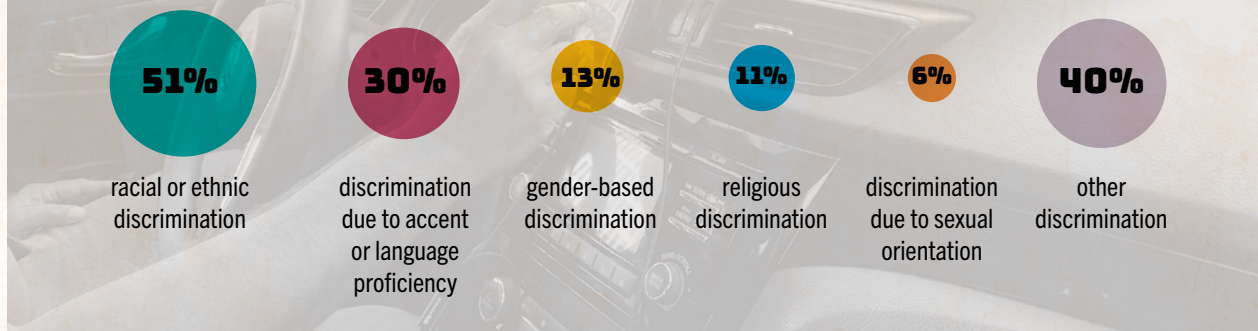
"I make about \$700 a week. It's harder to pay my mortgage. I have to find a part-time job. The inflation is tough, and gas prices are so high. During the pandemic, I tried to apply for unemployment insurance but couldn't get it."

Drivers who experienced some form of deactivation, by race/ethnicity²²



22. ALC, as an organization representing Asian American and Pacific Islander (AAPI) and Arab, Middle Eastern, Muslim, and South Asian (AMEMSA) communities, disaggregated the data by specific ethnicities to better show the impact of deactivation on those groups.

Nearly half (45%) of all deactivated drivers believe they were deactivated as a result of discrimination



Immigrant drivers appear more negatively impacted by deactivations, compared to their counterparts. There are also disparities in deactivation rates between drivers with limited English proficiency and those who are fluent in English.

- 70% of drivers born outside of the U.S. experienced some form of deactivation, compared to 60% of drivers born in the U.S.
- 86% of drivers who do not speak English and 78% of those with limited English proficiency reported experiencing some form of deactivation, compared to 61% of those who are fluent in English.

I've had riders call me discriminating Asian names like Chink and Chinaman. In daily life, people are one way, but then when they are drunk, they let out the racism. I'm not even surprised. Uber doesn't care. They won't match you with that person again but it already messed up your rating. They are not willing to remove those claims. It's in the data forever."



I've been discriminated against a lot of times....Others have called me the n word... (A) couple going into the airport got mad at me when I was trying to load her luggage. She said, 'I don't like this f—r.' I told her I was trying to help but she could cancel [the ride].. I couldn't cancel the ride because I was trying to get the bonus. She was cursing, 'Motherf—, go back to your country.'"



Many drivers reported facing on-the-job discrimination or biases from customers.²³

Among all surveyed drivers, an alarming two-thirds (67%) reported that they faced customer bias or discrimination at some time while driving for Uber and Lyft. More than half (52%) of all survey respondents believed they experienced customer bias or discrimination due to race or national origin.

Drivers of color were more likely to report racial or ethnic bias or discrimination by customers than white drivers. Among surveyed East Asian drivers, 70% reported that they experienced customer bias or discrimination on the basis of race or national origin, followed by 67% of South Asians, 65% of those of mixed race/ethnicity, 59% of Black drivers, and 58% of Hispanic/Latinx drivers. One-third (33%) of white drivers, comparatively, reported bias or discrimination by customers.²⁴

“

Customers cursed me because I am an immigrant and threatened to send me back to my country.”

23. It should be noted that researchers have also found evidence of discrimination against riders on app-based driving platforms. For example, some studies have found that Black riders face longer waiting times and higher cancellation rates. See, e.g., Yanbo Ge, Christopher R. Knittel, Don MacKenzie, Stephen Zoepf, *NBER Working Paper No. 2276: Racial and Gender Discrimination in Transportation Network Companies*, October 2016, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2861708. See also, Akshat Pandey and Aylin Caliskan, *Disparate Impact of Artificial Intelligence Bias in Ridehailing Economy's Price Discrimination Algorithms*, AIES '21: Proceedings of the 2021 AAAI/ACM Conference on AI, Ethics, and Society, 2021, <https://doi.org/10.1145/3461702.3462561>. An audit conducted by University of California, Los Angeles found that, compared to taxis, app-based driving services had lower rates of racial/ethnic disparity. See also, Anne E. Brown, *Discrimination in Ridehail and Taxi Services*, Institute of Transportation Studies Policy Brief, 2018, https://escholarship.org/content/qt3k9018wk/qt3k9018wk_noSplash_30386b1444a80eb0f3c6611d5d4935bf.pdf?t=qbgcxj.

24. White drivers may have self-reported racial/ethnic discrimination or bias due to antisemitism, national origin bias, or other reasons.

With respect to gender, almost a third (31%) of female drivers reported experiencing customer bias or discrimination on the basis of gender, compared to 16% of male drivers. Sample sizes for drivers who are transgender or non-binary were small, but 11 out of 14 transgender male drivers, transgender female drivers, and drivers identifying as non-binary reported experiencing gender bias or discrimination.

“

I've been discriminated against a lot of times. They see I'm dark skinned and they will cancel. When you are dark skinned, it's all racial. They think you're a bad person. Others have called me the n word.”

“A passenger told me that the Quran was fake, that he hates the Prophet (Muhammad), Peace be Upon Him. I will tolerate anything, but not about my religion.”

“I've been called a cracker, honkey, crazy white guy.”

“A customer opened my car door, looked at me, and said “No, a f— n— driver!” I got out of my car and tried to inform him on the proper way to cancel a ride request. He proceeded to spit on me.”

TWO OUT OF THREE DRIVERS FACED CUSTOMER DISCRIMINATION WHILE DRIVING FOR UBER AND LYFT

52% due to race or national origin

20% due to sexual orientation

19% due to their gender

17% due to their religion

“One customer told me to ‘learn the American way,’ another called me a beaner and so on.”

“Customers cursed me because I am an immigrant and threatened to send me back to my country.”

“The customer said she hates Muslims.”

“They said, ‘I bet you eat a lot of watermelon, don't you boy.’”

“I receive weird Asian comments that make me feel uncomfortable at least once a week.”

“Multiple people [have] said to me, ‘You should go back to China.’”

“I've had customers say negative things about my race, refer to Trump's border wall, etc.”



Drivers experienced forms of customer discrimination that put their jobs at risk.

“

Hundreds of times, people have called me ‘chink’ and said ‘Why don’t you go back to China? Some give negative ratings and no tips. I have reported this to Uber, but they don’t give a damn. They only change it so you don’t have to pick up that person anymore. It lowered my ratings and affected my ability to do the work.’”

Low customer ratings and customer complaints can both lead to deactivation. Roughly half of all drivers who experienced some form of discrimination due to their identity reported that the customer gave them a low rating. **Half of drivers who reported racial bias or discrimination by a customer said that the customer filed a complaint against them.** Similarly, 40% of drivers who reported experiencing customer bias due to their sexual orientation said the customer filed a complaint against them.

In addition to putting drivers’ jobs at risk, customer bias or discrimination may also affect what drivers are paid for their work. Roughly one-third to one-half of drivers experiencing some form of customer bias or discrimination indicated that the customer failed to pay any tip.

According to drivers who experienced discrimination, negative comments from customers about their race, ethnicity, accent, language proficiency, sexual orientation, gender, or religion were some of the most commonly reported customer behaviors. Furthermore, among drivers who reported receiving negative comments from customers about their race or national origin, 58% said the customer gave them a low rating and 46% said the customer filed a complaint against them.

One time a young white lady was demanding that I turn off the radio. I said, 'I'll turn it down, but I need it loud enough to hear the map directions.' Under her breath, she called me the N word. I told her to get out of my car. She didn't close the door and made a complaint. I told the company what she said. I don't know that they did anything."

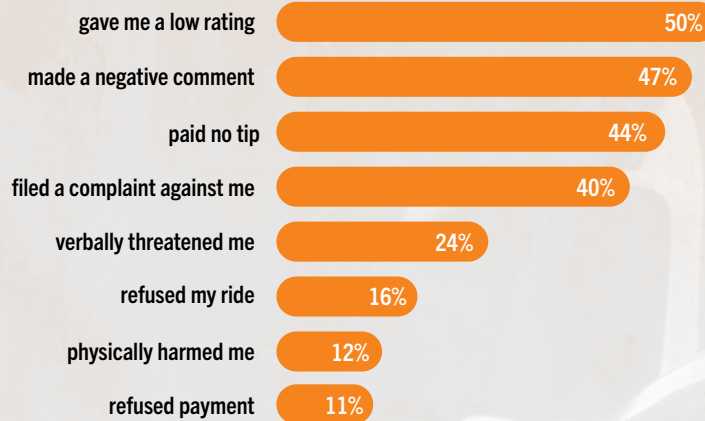
Drivers experienced customer bias or discrimination due to...



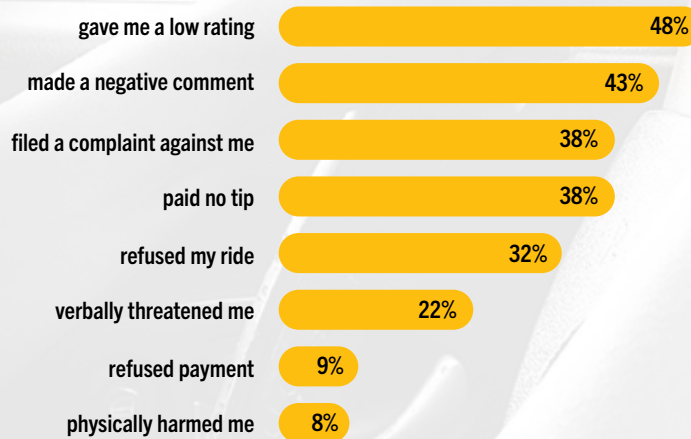
52% of drivers experienced customer bias or discrimination due to their race or national origin. Of those the customer:



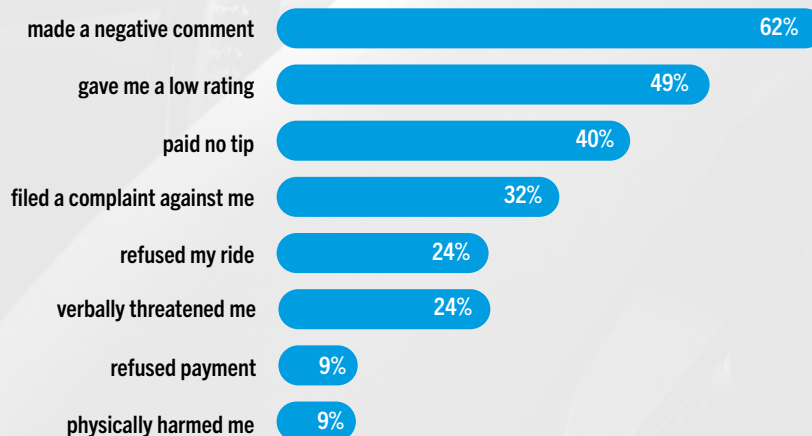
20% of drivers experienced customer bias or discrimination due to their sexual orientation. Of those the customer:



19% of drivers experienced gender discrimination. Of those the customer:



17% of drivers experienced customer bias or discrimination due to their religion. Of those the customer:





Drivers faced alarming rates of sexual harassment and assault while driving for Uber and Lyft across all genders.



One customer asked me, 'Do I look better than your wife? What kind of person do you prefer?' She kept pushing me, 'Tell me your fantasy.' I had to tell her, 'Do you want to end the ride now or get home?'"

43% of all surveyed drivers experienced sexual harassment on the job. Of those drivers:

- 79% reported inappropriate comments, questions, or propositions
- 47% reported inappropriate touching
- 27% reported inappropriate sexual displays
- 19% reported verbal threats
- 7% experienced sexual assault

Among drivers who were subjected to inappropriate comments, questions, or propositions, 41% indicated they were also subjected to inappropriate touching.

When broken down by gender, 53% of female drivers reported experiencing sexual harassment, as did 41% of male drivers.



43%

of all surveyed drivers experienced sexual harassment on the job.

“

One guy put his hand on my thigh and offered me a blowjob. I said I'm Muslim and I don't tolerate this. He refused to leave the car despite my requests. He kept insisting I have sex with him.”

“I've also had riders ask me for sex for free rides, flash their penis at me, masturbated, tell me I could get a big tip if I gave good oral sex.”

“I've had customers who made sexual advances because they wanted to see if 'being black made me more endowed than others.”

“Customer said women shouldn't be driving. Another customer said I was 'too pretty' to be a driver. Other customers would make remarks about my appearance.”

“A customer pulled his pants down, started masturbating in my passenger seat on the freeway while I was driving 65 mph and then reached under my blouse and put his hand on my breast, pulled it out from under my bra and started sucking on my nipple. I was in shock and I was driving and afraid that I'd crash.”

“I've had several customers tell me to basically join them for the evening for dating or sexual activity, asked me how much would I want for a 'night.’”

“The customer showed me a picture with explicit sexual content, made sexual comments and when he got out of my car he left a napkin with [semen].”

“

A rider began massaging my shoulders from the back seat directly behind me, then started kissing my neck after I asked him to stop.”



Drivers suffered negative consequences for enforcing COVID-19 safety protocols.

“

During the pandemic, we were only allowed to pick up 3 people in the backseat. A father, mother and two children wanted to get in. I told them if the cops see me I will get a ticket and cancelled that ride. On the way to the next ride, I got a notification that I had been deactivated.”

Throughout the worst of the COVID-19 pandemic, app-based drivers had to navigate state and local public health mandates and company rules, ensure customer compliance with masking policies, and, as mandates ended, determine what safety measures, if any, were still needed and how to enforce them.

In April 2022, Uber and Lyft removed in-app buttons to allow drivers to cancel rides if customers were not wearing masks.²⁵ For drivers who remained concerned about COVID-related risks, Uber’s and Lyft’s decisions to remove those buttons exacerbated drivers’ frustration with their lack of control over their working conditions. Many drivers had to make an impossible choice: protect their health and safety and that of their loved ones, or protect their source of income during a difficult time when many other job options were limited.

25. Aarian Marshall, *Uber and Lyft Drivers Must Now Set Their Own Mask Rules*, Wired, May 5, 2022, <https://www.wired.com/story/uber-lyft-driver-masks/>.

- Nearly one in three (32%) of all surveyed drivers reported that they had to cancel a ride when a customer refused to follow COVID-19 safety protocols while protocols were still in place.
- 29% said that they accepted the ride but were concerned for their safety.
- 27% of drivers said that they received a low rating from a customer who refused to follow protocol.
- One in eight drivers believe they contracted COVID from a customer.

Your ratings go down based on asking people to wear a mask or asking [people who seem to be minors] about their age.”

“

I asked a passenger to put on a mask. She got mad and said ‘You’re getting on my nerves.’ Then she wouldn’t put on her seat belt. She was mad so I already knew she is going to give me a bad rating.”

The rider alleged that I was under the influence because I asked him to wear a mask. This happened three other times.”



Drivers reported experiencing physical harm, assault and verbal threats from customers.

A significant number of drivers who faced customer discrimination reported experiencing violence or threats from customers.

- **One in eight drivers (12%) who experienced discrimination from customers due to their sexual orientation reported physical harm.**
- **Nearly 40% of surveyed drivers reported some type of verbal threat by a customer that the driver perceived to be based on their race or national origin.**

Drivers reported that the only known action companies took against disruptive or violent riders was to “unmatch” that rider from that driver. However, as one driver reflected, “If they did this to me, how can you guarantee that they won’t do this to another driver?” These driver accounts show how little control drivers have over their working conditions and how customer interactions can quickly become threatening or violent.

“

One guy was high and peed in my car. Uber said nothing. The day after, the customer had my number and he called me and said he was going to kill me because he got charged for the cleaning fee. I called Uber to let them know and they didn't do anything.”

When I got to the pick up location, the girl was borderline in terms of age, so I asked for age verification. She spit on me and punched me in the face. Law enforcement didn't do anything. The only thing done by the company was to not match me with this rider. They did not pay for the doctor or physical therapy.”²⁶

A passenger hit me from the back and took my phone and escaped.”

I had two passengers. One was white and drunk and started calling me ‘my boy.... my boy...’ I said ‘I don’t like you calling me a boy.’ He kicked my car when he got out.”

“

I was physically assaulted by a drunk rider. I was punched in the face—it broke my glasses. I reported it to the SFPD (San Francisco Police Department). I took a picture. SFPD and Uber didn't do anything.”

26. Unaccompanied minors are not allowed to use Uber or Lyft. See *Requests from Underage Riders*, Uber <https://help.uber.com/driving-and-delivering/article/requests-from-underage-riders---?nodeId=43b84de6-758b-489e-b088-7ee69c749ccd>; See also, *Safety Policies*, Lyft, <https://help.lyft.com/hc/e/all/articles/115012923127-Safety-policies>.



Drivers' complaints to Uber and Lyft about discrimination and bias largely went unheeded.

“

No point in reporting to the company. The first two years, I reported it. But you never get a reply. So why bother?”

Drivers who faced discrimination and harassment overwhelmingly felt that any complaints they made to Uber and Lyft went unheard. **Only 3% of surveyed drivers who filed a complaint indicated that Uber or Lyft investigated their complaint and adequately addressed the situation.** The vast majority of drivers did not get any company resolution to the customer bias or discrimination they experienced.

“

A man was jacking off in my back seat while I was driving. I complained to Lyft about his behavior, and they never responded to me.”

Roughly one in four drivers (27%) who experienced customer bias or discrimination indicated they did not file a complaint with the company because they were not provided adequate information on how to do so.

Of the drivers that were deactivated...

1 in 4 drivers reported

I did not make a complaint to the company because I was not provided adequate information on how to do so



1 in 7 reported

I knew how to make a complaint to the company but did not do so for other reasons



1 in 10 reported

I made a complaint without including any evidence, but did not get a response to my complaint



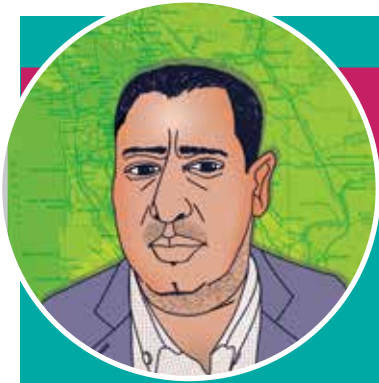
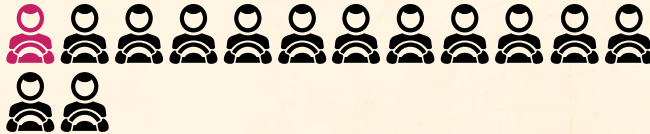
1 in 10 reported

I offered evidence with my complaint, but it was not reviewed and/or there was no investigation



1 in 14 reported

The company investigated my complaint, but did not adequately address the situation



SAM AHMED* **Oakland, CA**

Sam Ahmed has been an app-based driver since 2017. He is an immigrant from Yemen, and drives for 50 to 60 hours a week to support his wife and two kids. He and his family live in Bakersfield, but Sam would spend up to two to three weeks a month in San Francisco away from his family so he could earn more money driving. In 2017, six months after he first started driving for Uber, a customer used xenophobic and abusive language towards him. The next morning, Sam was unable to log on the app and found himself permanently deactivated. He made multiple attempts to understand what happened but was told by Uber that there was nothing he could do to get reinstated on the platform. Sam has since been driving for Lyft and earns less than when he was driving for both platforms. He continues to experience discrimination and harassment from customers.

"I'm living under constant pressure. I'm afraid that the harassment might negatively affect my rating. This is the only job I have and I'm worried. The companies take a big cut of the fares. We don't have health insurance and have no benefits. They should consider the fact that we make money for them."

**Sam is using a pseudonym*

“

I faced discrimination for being disabled more than once. Uber didn't do much except take a complaint. Lyft did nothing at all. They ignored me.”

“

The rider said we were going to ‘a f— Mexican’s house who’s a narco.’ I said, ‘You’re assuming something that you don’t know.’ He was upset and said, ‘F— Mexicans, they’re all the same.’ It was a tall and robust client. I felt that if he became more aggressive, I would lose in a physical altercation. I contacted Uber immediately and sent a written complaint, but never heard from the company.”



CONCLUSION & RECOMMENDATIONS



CONCLUSION

Our survey findings demonstrate that app-based drivers lack control over basic workplace conditions, leaving them both vulnerable and frustrated. Deactivations by Uber and Lyft are frequent and disproportionately impact drivers of color and immigrant drivers.

Low ratings and complaints affected by customer bias and discrimination result in deactivation, with little or no recourse for drivers. Companies provide no meaningful process for drivers to challenge, let alone understand, the reasons for their deactivation. Confronted with this absence of transparency and process, drivers face devastating consequences. Biased or discriminatory customer interactions, including hate speech and harassment, take a toll on drivers and can even put drivers in physical danger. Yet, according to surveyed drivers, neither Uber nor Lyft do enough to address harmful customer behavior.

In a transportation industry transformed by platform companies, California's app-based workers are in a precarious limbo. Notwithstanding Prop 22, drivers across the state and elsewhere are developing innovative ways to organize and exercise their collective, democratic power and challenge the status quo. In 2022, Uber and Lyft drivers organized to demand that the companies be held to the same basic health and safety standards required for other workers during the COVID-19 pandemic. In response to driver complaints, California's Occupational Health and Safety Administration (Cal/OSHA) issued fines against Uber and Lyft for failing to provide masks and gloves to their drivers and failing to implement measures to prevent the spread of COVID-19 and address general injury and illness prevention plans.²⁷

App-based or not, ensuring a safe, inclusive, and stable working environment should not fall on the workers alone. Our recommendations start with critically important structural changes by policymakers and platform companies which would help put drivers on a more even playing field and provide them with essential protections against customer bias, discrimination, harassment, and violence.



27. Chase DiFelicantonio, Uber, Lyft facing fines for failing to provide drivers with proper COVID-19 protections, San Francisco Chronicle, August 9, 2022, <https://www.sfchronicle.com/tech/article/Uber-Lyft-facing-fines-for-failing-to-provide-17362972.php>

RECOMMENDATIONS

Provide just cause and due process for deactivated drivers

Currently, app-based drivers can be deactivated at any time for almost any reason, even if the reason is unjust, unfair, or arbitrary. Drivers have no assurances that Uber or Lyft will treat them fairly, and this goes to the heart of why the work can feel dehumanizing. A just cause policy that applies both to temporary and permanent deactivations is essential to giving drivers meaningful control over their working conditions.

Such a just cause policy should set out Uber's and Lyft's expectations for driver performance,²⁸ provide transparent reasons and evidence before deactivation or disciplinary action, and provide a clear process to challenge the deactivation or disciplinary action. That process should include the right to a fair and timely hearing.

The hearing process should include the drivers' right to a thorough explanation of the specific allegations and reasons for the deactivation or disciplinary action, full access to any evidence used by Uber and Lyft (including any automated decisions that influenced or resulted in deactivation or disciplinary action), as well as the opportunity for drivers to provide their own information, witnesses, or other evidence in response. Determinations should be made in a fair and timely way with an opportunity for appeal. Except under certain enumerated circumstances, drivers should not be suspended from the platform and should be allowed to work during the investigation and hearing process. In addition, Uber and Lyft must provide meaningful remedies to drivers including lost wages and tips, clearing of the drivers' record and/or affected ratings, and reinstatement.²⁹



28. The policy should be easily accessible to drivers through the app, online, and in hard copy, and provided in languages that drivers understand.

29. To ensure fairness, a state or local regulatory agency, appeals or hearing boards, or independent commissions should provide a forum for these hearings in the event that internal processes are unsatisfactory. Such bodies should be composed of current and former app-based drivers, as well as members of the general public appointed through democratic means. This is similar to the approach taken in the taxi industry. For example, in Los Angeles, taxi drivers' licenses cannot be revoked without a hearing held by the Los Angeles Department of Transportation. See City of Los Angeles, Department of Transportation, Taxi Cab Rules and Regulations, October 21, 2022, <https://ladot.lacity.org/sites/default/files/documents/taxicab-rules-and-regulations-2022.pdf>.



While not specifically investigated in this study, the use of services like HireRight, which conducts background checks on drivers and shares information about drivers across multiple systems, requires greater regulatory oversight. Background checks are important and should be conducted in a way that allow drivers to avail themselves of just cause policies and fair hearings, thereby ensuring that drivers are not precluded from driving due to biased, discriminatory, arbitrary, or mistaken reasons that then bar drivers from driving across all platforms.

Address customer bias and discrimination against drivers

As discussed in the findings, biased or discriminatory customer complaints can unfairly put drivers at the risk of deactivation. One way to prevent this is to remove any economic incentives that make it appealing for customers to file a complaint without merit. For example, the practice of automatically refunding fares to customers who allege certain types of driver misconduct, without investigation, can create perverse incentives for customers to file unwarranted complaints. Uber and Lyft should refund fares—and/or take action against drivers—only after a meaningful, fair, and timely investigation, which includes informing the driver of the specific allegations against them, a clearly defined and easily accessible process for the driver to respond, and a careful review of evidence provided by both the customer and the driver.

Uber and Lyft must also take action to better protect drivers from customer discrimination. The companies should develop a mechanism to accept and more meaningfully investigate driver reports of customer bias or discrimination. In addition to reviewing any relevant evidence or information provided by the affected driver and customer, additional investigatory steps should include conducting interviews with relevant parties and witnesses; reviewing the customer's history for similar incidents; surveying other drivers who provided rides to the customer; and analyzing data and identifying behavior patterns that might suggest customer bias against a particular group.

If an investigation reveals that a customer engaged in biased or discriminatory conduct against a driver, Uber and Lyft should remove them from the platform if warranted by the severity of their conduct. Depending on the circumstances, it may not be sufficient to “unmatch” customers with only drivers who have already experienced the harm as this may leave future drivers vulnerable. The companies should also expunge complaints or low ratings tainted by customer bias or discrimination. Finally, the companies should notify drivers when an investigation is completed so that drivers have closure after an incident.

Provide drivers with all the basic labor protections afforded to workers classified as employees.

Prop 22’s codification of app-based drivers as independent contractors—stripped of basic workplace protections and despite the reality of their limited control over their job conditions—remains a primary reason for drivers’ vulnerability to workplace abuses and their lack of economic security. Drivers carry out the core work of companies like Uber and Lyft, yet have no right to the minimum wage, overtime, sick leave, paid family leave, workers’ compensation if injured, unemployment benefits, protected organizing and collective bargaining, or the full breadth of anti-discrimination and health and safety protections afforded to employees.³⁰ These are basic protections that should be provided to workers regardless of status.

Providing the full range of these basic employment and labor protections to app-based drivers would go a long way towards addressing many of the issues raised in this study. Drivers would be able to organize in a protected way to improve their workplace conditions, including seeking just cause or other contract protections against arbitrary, unfounded, or discriminatory deactivations. Drivers, as well as state and federal agencies, would also be better able to bring enforcement actions to address and challenge the discrimination and bias drivers face and to ensure safe and healthy working conditions for drivers.

Relatedly, drivers should be provided a meaningful opportunity to reject mandatory arbitration clauses that require drivers to bring claims against companies behind closed doors or that preclude their participation in class action suits. The transparency and accountability of the court process is important for all involved.

Protect drivers from workplace violence and sexual harassment

Driver safety and rider safety are inextricably linked. Systemic changes that increase driver safety can make conditions safer for riders as well. Ensuring that drivers are able to operate in safe workplace free of violence and harassment should be a priority for policymakers and platform companies.

Uber and Lyft should work with drivers to identify and implement measures to better protect drivers against violence and harassment, including appropriate use of dashboard cameras; a driver safety support line; ending the practice of penalizing drivers for canceling or refusing a ride due to safety concerns, sexual harassment, or discrimination; more rigorous and meaningful investigation of all reports of violence, threats, harassment or discrimination; expunging all low ratings or complaints found to be based on bias, discrimination, retaliation, or other meritless grounds; and removing customers from the platform if investigation shows they have engaged in violent, threatening, harassing or discriminatory conduct.

30. Though very limited, drivers who are deemed independent contractors do have some avenues to challenge the discrimination they face. See generally Minna J. Kotkin, *Uberizing Discrimination: Equal Employment and Gig Workers*, 87 TENN. L. REV. 73 (2019). In California, independent contractors retain the right to be protected against harassment based on race, national origin, gender, religion, disability, and other characteristics. See CA Government Code § 12940(j)(1). Independent contractors can also bring claims against racial discrimination that interferes with the formation or scope of a contractual relationship. See 42 U.S.C. § 1981; *Runyon v. McCrary*, 427 U.S. 160, 169-71 (1976) (§ 1981 applicable not only to state action, but also to private contracts).

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