

Ryan Day

## Gig Economy Workers and their Freedom

Election night 2020 was obviously a big day for many people, and for obvious reasons. The sheer amount of anxiety and tension on this night was likely unknown in any American election up until that point. However, if there's one thing that might be under emphasized about the night, it would be the passage of Proposition 22 in California. The proposition passed by a large 58-42% margin, equivalent to an almost 3 million vote lead in the state. This is hardly surprising, as the "Vote Yes" campaign dropped around 200 million dollars on the initiative, making it the most expensive ballot initiative in American history. What could warrant such egregious spending? Not much, only the ability to rewrite labor laws for huge multinational corporations.

The term "gig economy" was coined in 2009, which is an appropriate year, given the circumstances. That year, America had finally gotten out of the economic recession caused by an unprecedented crash, the size of which had not been seen since the 1920s. Since that crash, and even beforehand, the types of jobs being created are primarily ones within the "gig economy," or in a more broad sense, non 9-5 jobs that employ people for the day, if not an even shorter period of time. Because of the difference between this and traditional employment, many of the companies that partake in this sort of employment call their workers "independent contractors" instead of workers, which coincidentally gets them out of paying them certain employee benefits. Here, of course, is the state of Proposition 22. The proposition came about after the California state assembly passed a bill, which was first challenged in courts but upheld, allowing for app-based drivers, apps like Uber, Lyft and Instacart, to be classified as employees, so that they

would be able to receive regular employee benefits that most jobs offer. Unable to win by the legislature or courts, these companies went the route of making this matter a direct ballot measure, and proceeded to spend 200 million dollars on advertising in order to make it pass. With such reasonable campaign tactics as buying off the head of the California NAACP to endorse the proposition, running ads calling a No vote racist and putting pop-up notifications on all of their apps stating “Prop 22 is Progress” with the options being “Yes on Prop 22” and “Ok,” it’s hardly a surprise the ballot measure passed as easily as it did, despite the fine print boiling down to “Should certain companies be exempt from paying their employees benefits?” This is not some weird exception from the state of California, but part of a national trend to turn workers into “independent contractors,” a meaningless distinction that will effectively allow companies to avoid labor laws that were won decades ago.

Instead of simply detailing this trend, showcasing exactly where people will no longer be deemed worthy of anymore than crumbs from their bosses, I decided to actually talk to someone who would fall under this new subsection of workers. Lisa Simonelli worked in an Amazon fulfillment center for approximately a year, which while not using the exact method of independent contractor classification for their employees, does employ many of the same methods as a company that would. In between her answers I will have information connecting her experience to the larger trend of people who work under this classification.

**Q: For how long & under what position did you work in the fulfillment center?**

*Lisa: I worked 6-8 months, leaving around the beginning of COVID in March. I worked usually in the packing and shipping sections of the center. Most people work in packing and*

*shipping, there are other departments but that was where the majority of the people were working.*

**Q: What were your hours, breaktimes & general working conditions like?**

*Lisa: Either a ten or a twelve hour shift, whether it was full or part time. The working conditions were pretty, demanding. You were on your feet for the whole time. You had two 15 minute breaks and one half an hour break, for lunch. The issue with that was you had to walk through the size of the facility, which was the size of one or two football fields, to get there. So by the time you got to the lunch area you barely had time to eat before getting back. There was always a problem- it's always like they were just trying to squeeze the most out of everybody that was there, during any meetings with co-workers and management... The full time would consist of 40 hours plus a week, there was another shift that was 36, that was three 12 hour shifts, full time was four to five days. You were required to work overtime during peak times. On the part time side, couldn't go over 30 hours but you got a differential pay of three dollars. So they didn't start you at minimum, they started you at 17, so the part time people made 20 and up, and the full time people just received more benefits, like better time off and more days off.*

This sort of dividing and categorizing of the workers at Amazon, based upon certain quantities of hours worked or times when you work and then by the wages and benefits you'd subsequently receive, falls into the broader trend of gig economy workers having more "freedom." I use quotations because this sort of freedom is only one definition of freedom, one of choice. Independent contractor work is often marketed as allowing the contractor to choose when one wants to work, and for what wages, emphasizing the value of flexibility. However, this

tends to obfuscate the more essential fact about working these jobs, which is they're extremely physically taxing and demanding, where it is obvious your health as an employee is not at all considered. Like freedom of safety, the freedom of on the job breaks is also ignored, as the time allotted does not ever account for the sheer size of these fulfillment center facilities and the space you must travel between workstation and break area. Finally, these different categories of workers demonstrate a way in which the independent contractor field of work seeks to divvy up the labor force through different statuses that may earn them different pay and benefits. If you're being paid slightly more, or named under a different status, it can be harder to find the common ground of both being workers to the same employer, and thus harder to make demands from this employer. I inquired further with this sort of dynamic.

**Q: What was upper management's relation to you and your co-workers?**

*Lisa: They were brainwashers because they were brainwashed. They had to do exactly what was said, from their bosses, it was a chain of command basically. So they had to go ahead and, crack the whip on the slaves in the pit, that's exactly what they did. Working there, you felt like a 19th century factory worker, like a medieval peasant. They covered themselves, they were very full disclosure, what they said was going to be done, how they needed you to color in the lines, but they also didn't care, they needed to keep pushing and pushing and pushing you. So even though they were human too, they were still getting stepped on by their bosses.*

Like in the previous quote, it cannot be stressed enough how taxing the workplace is, so much so the relationship between boss and worker is seen more as a relationship of slavery. Additionally, the inclusion of multiple layers of management, phrased as tiers, stacks the

confusion over whose interests you share and who you would even consider your boss. This can be found throughout the gig economy, primarily because many of the workers are employed through apps, they rarely have face to face interactions with a real life person, boss or co-workers. Those working feel less like employees giving their time and getting a share of the businesses profit and more like a subhuman underclass from some pre-modern era, when labor rights didn't exist. Given these conditions, physical and mental, it's hard to see why many people took these jobs at all.

**Q: When employees ever quit, or got fired, why?**

*Lisa: It would have to be, because you didn't go and follow their guidelines, like, for instance, the Chris Smalls guy. He got fired because they claimed that he didn't quarantine, though he was, he tried to expose them over some bad things, bad conditions, during COVID. But really, in order to get fired, you have to be, you know, doing something really bad, because they gave you multiple opportunities to not get fired. And they gave you warnings, total and complete outline of what you could and could not do. Really, I saw more people leave on their own because of how demanding the work was. Management often stress that you will experience significant back or neck pain, doing things like lifting and carrying boxes around the facility. And the rate you had to perform, it wasn't just that you were lifting boxes, packing boxes, you had to do a certain amount of boxes per hour. So, you did "smalls" (boxes) you had to do two to three hundred packages, mediums you had to do 120 to 160. With all of it, you, your work, was calculated. They worked you for your money, no distractions. They didn't allow you to have phones, not on you.*

We will get back to Chris Smalls, however it's interesting to note the up front nature of upper management towards their workers. Outright telling your gig workers they will likely get

severe back or neck pain by working at your facility seems like an outrageous thing to just admit. There are similar ways these sorts of companies decide to toy with and drain from their workers, famously uber having their drivers pay for their own car gas, or all of the driver apps that have different app workers competing for roles in delivering food or giving people rides. The question I'd ask myself is, why would people even want these jobs? The answer, I believe, reveals itself in the demographics described by Lisa,

*Lisa: They really needed the extra couple of dollars that they were making, and they knew that everyone was in the same, pretty much the same position. People were coming, two and three hours away. People came all the way from Brooklyn and Queens, even New Jersey. Most of the people there were black or latino, I was an exception.*

Here I find this matches with findings from an earlier paper of mine, one on the decline of the manufacturing sector throughout the United States. The African-American populations of places like the North Shore of Staten Island, Brooklyn, Queens and Newark, New Jersey are largely working class. Thus, they were extremely vulnerable to the decline in those manufacturing jobs and, in tandem with cuts to public sector jobs, left without much in the form of secure and permanent employment to slowly fall into poverty. Such a population is perfect for gig economy employment that functions best when the workers are precarious and easily replaceable, which explains why you find these centers most often in these sorts of communities, or who exactly it is that's delivering your groceries.

If it was not clear enough, this trend in how we view our workers is not one that actually frees and helps them, but instead, as Lisa says, makes you feel like peasantry. So what is to be done? For starters, it should be made clear this is not a trend that could possibly be reversed by either existing political party. On its face, thinking the Republican party will stand here for

worker's rights is laughable, but at this point the democrats will not either. Both the outgoing and incoming administrations are chock full of lobbyists from the new gig economy conglomerates.

"We did this. You did this. I'm so proud of us," were the words tweeted by Meena Harris the day Joe Biden officially declared victory in the 2020 election. She is, simultaneously, the niece of Vice President-elect Kamala Harris and the Head of Strategy and Leadership at Uber, so the tweet itself is actually quite vague in terms of if she's celebrating the Presidential win or the recategorizing of Uber's employees as, essentially, sub-human.

No, the solution to this state of affairs must come from below, and here I return to Chris Smalls, the man Lisa mentioned as one of the only instances where someone was actually fired from her fulfillment center on Staten Island. Why? The official excuse was that he did not follow proper COVID-19 safety protocols, but that's widely disputed and, at least in my opinion, the excuse the company used to smear him, along with attempting to denote the man as "not smart or articulate," keep in mind Christian Smalls is African American. No, the likely reason he was fired was because he tried to stage a walkout over the facilities lack of covid safety conditions, organizing his co-workers and leaving the facility in protest of their complete lack of equipment. This sort of ability to organize collectively, gathering your co-workers around a common cause and against management, is likely why he was actually fired. While his claims resulted in a lawsuit over their working conditions, that was eventually thrown out by a New York judge, which just further proves the futility of achieving any progress from above. No, the best glimmer of hope over this bleak future of workers rights comes from the most unlikely of places: Birmingham, Alabama. See, this fulfillment center's workers have just petitioned to unionize, despite the modest anti-union efforts in the company, like hiring people to spy on your workers and prevent organizing. If successful, this will be the first unionized fulfillment center, and the methods it's workers used can be employed nationwide, to secure actual benefits and power, and not be at the behest of an increasingly

labor-hostile political class. After all, they have nothing to lose but their independent contractor status.

Hall, Madison. "Results: California Votes on Proposition 22 to Allow Lyft and Uber Drivers to Be Independent Contractors." *Business Insider*, Business Insider, 4 Nov. 2020, [www.businessinsider.com/california-proposition-22-live-vote-count-results-2020](http://www.businessinsider.com/california-proposition-22-live-vote-count-results-2020).

O'Brien, Sara. "Prop. 22: After \$200 Million California Brawl, Uber and Lyft's Gig Worker Fight Is Far from Over." *The Mercury News*, The Mercury News, 16 Nov. 2020, [www.mercurynews.com/2020/11/16/prop-22-after-200-million-california-brawl-uber-and-lyfts-gig-worker-fight-is-far-from-over/](http://www.mercurynews.com/2020/11/16/prop-22-after-200-million-california-brawl-uber-and-lyfts-gig-worker-fight-is-far-from-over/).

Gupta, Aditya. "Gig Economy & the Future of Work." *Medium*, The Startup, 16 June 2020, [medium.com/swlh/gig-economy-the-future-of-work-885354c39ad0](https://medium.com/swlh/gig-economy-the-future-of-work-885354c39ad0).

Kerr, Dara. "Uber, Lyft Paid Nearly \$100K to Firm of NAACP Leader Who Backed Their Ballot Measure." *CNET*, [www.cnet.com/news/uber-lyft-paid-nearly-100k-to-firm-of-naacp-leader-who-backed-their-ballot-measure/](http://www.cnet.com/news/uber-lyft-paid-nearly-100k-to-firm-of-naacp-leader-who-backed-their-ballot-measure/).

Smiley, Erica. "The Racist Business Model behind Uber and Lyft | Erica Smiley." *The Guardian*, Guardian News and Media, 29 Oct. 2020, [www.theguardian.com/commentisfree/2020/oct/29/uber-lyft-racist-business-model-prop-22](http://www.theguardian.com/commentisfree/2020/oct/29/uber-lyft-racist-business-model-prop-22).

Jones, Peter. "Peter Jones." *Motorandwheels.com*, 2 Jan. 2020, [motorandwheels.com/uber-drivers-pay-gas-tolls/](http://motorandwheels.com/uber-drivers-pay-gas-tolls/).

Costley, Drew. "Amazon Is Getting Called Out by Its Own Workers for 'Environmental Racism'." *Medium*, OneZero, 28 May 2020, [onezero.medium.com/amazon-is-getting-called-out-by-its-own-workers-for-environmental-racism-da8b40ea78af](https://onezero.medium.com/amazon-is-getting-called-out-by-its-own-workers-for-environmental-racism-da8b40ea78af).

Sumagaysay, Levi. "Trump Administration Could Change the Definition of an Independent Contractor Any Day Now." *MarketWatch*, MarketWatch, 28 Oct. 2020, [www.marketwatch.com/story/trump-administration-could-change-the-definition-of-an-independent-contractor-any-day-now-11603913127](https://www.marketwatch.com/story/trump-administration-could-change-the-definition-of-an-independent-contractor-any-day-now-11603913127).

Schwartz, Brian. "Companies Gear up for Biden Administration with Lobbyist Hiring Spree." *CNBC*, CNBC, 16 Nov. 2020, [www.cnbc.com/2020/11/16/companies-gear-up-for-biden-administration-with-lobbyist-hiring-spree.html](https://www.cnbc.com/2020/11/16/companies-gear-up-for-biden-administration-with-lobbyist-hiring-spree.html).

Harris, Meena. "We Did This. You Did This. I'm so Proud of Us." *Twitter*, Twitter, 7 Nov. 2020, [twitter.com/meenaharris/status/1325113994970099716](https://twitter.com/meenaharris/status/1325113994970099716).

"Corporate Change: Meena." *Uber Blog*, 6 Dec. 2020, [www.uber.com/blog/corporate-change-meena/](https://www.uber.com/blog/corporate-change-meena/).

Evelyn, Kenya. "Amazon Fires New York Worker Who Led Strike over Coronavirus Concerns." *The Guardian*, Guardian News and Media, 31 Mar. 2020, [www.theguardian.com/us-news/2020/mar/31/amazon-strike-worker-fired-organizing-walkout-chris-smalls](https://www.theguardian.com/us-news/2020/mar/31/amazon-strike-worker-fired-organizing-walkout-chris-smalls).

Lystra, Tony. "Federal Judge Throws out Amazon Workplace Safety Lawsuit."

*Bizjournals.com*, 2 Nov. 2020,

[www.bizjournals.com/seattle/news/2020/11/02/judge-tosses-amazon-workplace-lawsuit.html](http://www.bizjournals.com/seattle/news/2020/11/02/judge-tosses-amazon-workplace-lawsuit.html).

Selyukh, Alina. "Amazon Warehouse Workers In Alabama Petition To Unionize." *NPR*,

*NPR*, 25 Nov. 2020,

[www.npr.org/2020/11/25/938863818/amazon-warehouse-workers-in-alabama-petition-to-unionize](http://www.npr.org/2020/11/25/938863818/amazon-warehouse-workers-in-alabama-petition-to-unionize).

