“The Tip of the Spear”: Labor Policy Experimentation in the US Rideshare Industry

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Abstract

Organized labor in the United States is in secular decline. Private-sector unions have struggled to hold the membership they have, much less organize new workers. Recent laws, however, have granted hundreds of thousands of Uber and Lyft drivers collective bargaining rights and catalyzed the largest private sector unionization drives since 1935. This thesis traces how unions and their allies built new institutions to organize and raise standards for drivers, and tests explanations for why Washington used legislation to set wages and benefits directly, while Massachusetts and California delegated authority to unions. Interviews with union leaders, organizers, legislators, attorneys, and lobbyists, supplement court rulings, bill texts, and legislative transcripts.

In 2022, Washington enacted the first comprehensive state labor regulation of the US rideshare industry through legislation that set minimum pay and benefits. Massachusetts and California followed in 2024 and 2025, respectively, but instead allowed drivers to bargain collectively for improved standards. To explain this variation, this thesis develops a four-stage mechanism. In every state, unions held diverse policy preferences that included reclassifying drivers as employees, lobbying for state regulation, and legalizing collective bargaining. All faced a decisive legal or political defeat, termed *foreclosure*, which forced unions to update their strategy and then reorient toward an alternative policy for which a *blueprint*, a legally vetted policy already refined elsewhere, existed. Finally, unions compromised with industry on specific details.

This thesis theorizes blueprints as the product of *legal power*, a novel labor power resource which describes the capacity of pro-union lawyers to diagnose why earlier policies failed in court and draft successors that survive judicial scrutiny. Washington produced regulation because an antitrust ruling foreclosed bargaining at the municipal level before a blueprint existed for unions to try again at the state legislature. Massachusetts and California, meanwhile, enacted bargaining institutions because union attorneys had built a bargaining blueprint in Massachusetts before reclassification was foreclosed. Where foreclosure left more than one pathway open, variation follows from which union held the institutional power to write its preferred blueprint into law.

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Chapter 1: Introduction

Late into the morning of November 4, 2020, Californians saw Joe Biden build a lead over Donald Trump in the projected electoral vote count. But the mood among organized labor across the state was muted. Proposition 22, a significant rewrite of state labor law, had just been passed with resounding margins. Prop 22, as it was known, codified independent contractor status for rideshare and delivery drivers into law and established a low benefits floor designed and operated by the platforms. In addition, it included a clause stipulating that the law could not be amended or overturned without a seven-eighths supermajority of the California legislature. Prop 22's backers had gone to significant lengths to ensure the ballot passed. Rideshare firms Uber and Lyft, alongside food delivery apps DoorDash, Instacart, and Postmates, spent over $200 million on the campaign, making it the largest single-issue political expenditure ever.

This tsunami of corporate spending had shocked the state's unions. "California really likes to think of itself as at the forefront of all things progressive" said one union leader, "and we passed the most regressive labor law" (Interview CA-R-02, 16:33). For another union member, "It felt like game over. It sucked the air out of us." Many drivers, disheartened, gave up on organizing (Interview CA-R-04, 12:01). Five years later, however, those who remained were celebrating as the state's governor signed a law that allowed the hundreds of thousands of Uber and Lyft drivers in California to unionize for better pay and working conditions. The legislation, inspired by a similar law in Massachusetts enacted a year earlier, delivered the largest expansion of private sector collective bargaining rights in the country since the passage of the National Labor Relations Act in 1935.

This reversal is part of a larger story about the decline of organized labor in the United States and, potentially, its revival. A wide range of social science research has examined the relationship between the strength of organized labor and social policy. Economists have suggested correlatively and causally that increased union density decreases income inequality and raises earnings for low and median-wage workers (Freeman & Medoff, 1984; Lewis, 1986; Card, 2001; Farber et al., 2021). Sociologists have long analyzed unions' abilities to institutionalize norms of equity and to shape progressive political beliefs among their members and others (Durkheim, 1893; Hyman, 1975; Voss, 1993; Ahlquist & Levi, 2013). Political scientists, meanwhile, have explored how unions contribute to left-wing electoral success and egalitarian policies (Korpi, 1978; Pierson, 1994; Huber & Stephens, 2001; Pontusson, 2005; Ahlquist, 2017).

But despite its historic significance, the labor movement today faces profound challenges. Across the OECD, union density has fallen from an average of thirty percent in 1985 to fifteen percent in 2024. This trend is especially pronounced in the United States, where union density began the post-war period at a substantially lower level than European counterparts and has continued to erode throughout the past half century. In 2025, total U.S. union density stood at 10 percent of wage and salary workers. In the private sector, only 5.9 percent of workers were members of a union, the lowest on record (Bureau of Labor Statistics, 2026). Conditions are especially difficult for unions in the United States, which has one of the most restrictive legal environments for collective action in the OECD. US labor law gives employers leeway to engage in anti-union campaigning, makes few requirements of them to bargain in good faith, and provides few protections for striking workers. Given these obstacles and the continued decline in density, commentators have warned US unions are in a "fight for survival" (Gacek & Silverman, 2026, p. 1) or, worse, "a death spiral" (Brooks, 2026, p. 1).

The downward trend in U.S. union density is the result of two concurrent dynamics: the decline of previously unionized industries, chiefly manufacturing, and the inability of organized labor to increase representation in the 'new' industries that have replaced them. Total manufacturing employment has shrunk by roughly seven million jobs from its peak in 1979 (Bureau of Labor Statistics, 2026). Workers displaced from those and other 'routine' occupations largely found low-paying service work or exited the labor force entirely (Autor & Dorn, 2013; Autor et al., 2016). During this period of transition, the new services firms that absorbed displaced workers systematically shed direct employment relationships through outsourcing, subcontracting, and franchising, while retaining the economic control characteristic of formal employment (Weil, 2014). Traditional unions made little headway in this new, and hostile, environment.

Few industries better exemplify the struggle to organize these new jobs than rideshare. Millions of Americans drive for, and receive income from, Uber and Lyft, the two dominant transportation network companies (hereafter TNCs).[1] None, however, are employed by either company (Lyft Inc., 2025).[2] Rideshare drivers in the United States are legally classified as independent contractors (IC). As a result, they possess no federal right to a minimum wage, unemployment insurance, workers' compensation, sick leave, paid time off, or employer-provided health insurance. Additionally, drivers have no federal right to form a recognized union and bargain collectively with the platforms whose algorithms set their pay, route their work, and determine if they can access the service.

Rideshare drivers, like other platform workers, are subject to unprecedented levels of surveillance and control that distinguishes them from previously outsourced workplaces (De Stefano, 2018; Adams-Prassl, 2019; Wood, 2020; Delfanti, 2021; Fernández-Macías et al. 2023; Hendrickx, 2023). Every minute of a driver's working time is recorded, evaluated, and fed back into algorithms that set prices and assign tasks. The algorithm determines what work drivers receive and at what rate (Rosenblat & Stark, 2016; Woodcock, 2021; Piasna, 2024a; Binns et al., 2025). Initially, TNCs prioritized expanding market share. Pay was good and most rideshare drivers enthusiastically embraced the new industry. In many jurisdictions, however, drivers' earnings have fallen due to unilateral changes in the TNCs' algorithmic compensation formulas as investors pressured platforms to become profitable (Woodcock, 2021).

As in other industries, rideshare drivers collectively mobilized in response to changes in compensation and the labor process. Drivers have organized strikes and social-media campaigns to pressure companies and there were more than 1,200 platform worker protest events globally between January 2017 and July 2020 (Bessa et al., 2022; Joyce

[1] The term "TNC" was first proposed in 2013 by the California Public Utilities Commission, which regulated the companies separately from traditional taxis (CPUC, 2013).

[2] Lyft reports the number of drivers who earned on the platform in a given year, but these figures are not audited. Uber does not publish disaggregated US-only rideshare driver counts in its investor disclosures. Extrapolating from Lyft's market share of approximately 24% implies a combined figure of roughly four million driver accounts, but this overstates the number of unique drivers as many work both platforms simultaneously.

et al., 2023). On May 8, 2019, rideshare drivers went on strike before Uber's initial public offering. The strike drew drivers from twenty-five U.S. cities and across multiple continents, and likely remains the largest coordinated platform worker action on record (Joyce et al., 2023). To date, there have been at least 189 protests organized by Uber and Lyft drivers in the US (University of Leeds, 2026).

Scholars, however, are pessimistic about the long-term ability of platform workers to convert protest activity into durable institutional voice, and specifically into the collective bargaining rights that have historically anchored worker representation in industrial democracies. Many argue that without employment status, drivers have no identifiable employer with whom to negotiate (Johnston & Land-Kazlauskas, 2018; Hendrickx, 2023; Piasna, 2024). Compounding the issue, mainstream unions are seen as unfit for organizing gig workers (Joyce et al., 2023) whereas tactically innovative grassroots unions lack the financial and operational capacity to institutionalize their gains (Smith, 2022; Cini et al., 2022).

Between 2024 and 2025, however, two U.S. states, Massachusetts and California, broke from this pattern by legalizing formal union representation rights for rideshare drivers. Both states created sectoral bargaining frameworks for drivers without reclassifying them as employees. Drivers, in turn, have responded by initiating the collective bargaining process. In May 2026, Massachusetts drivers voted to form the largest new private sector union, totaling 70,000 members, in the state's history (Office of Governor Maura Healey and Lt. Governor Kim Driscoll, 2026). In California, union leaders estimate an additional 800,000 drivers will unionize (California Governor's Office, 2025), although exact figures are difficult to substantiate. If the union estimates in California are accurate, the combined effect of both states' unionization drives could reverse up to a decade of national union density decline (Bureau of Labor Statistics, 2026; author's calculations).

Why did both Massachusetts and California legalize collective bargaining for drivers? They were not following an established precedent. Washington, the first state to impose comprehensive labor regulations on the rideshare industry, elected not to pass a collective bargaining law and instead enacted a regulatory package that set minimum wages and benefits. There are no significant partisan or structural differences between the three states. At the time each legislation was signed, the partisan branches of government in each state were, and continue to be, led by the Democratic Party. Actors in all three states engaged with the same industry and the same two dominant firms, Uber and Lyft. Union density in all three states is comparable (Bureau of Labor Statistics, 2026). And critically, in all three states drivers were legally viewed as independent contractors and thus excluded from most national labor protections. The puzzle this thesis addresses is why, given similar starting conditions, the three states diverged in their approaches toward the industry. Why did Washington produce regulatory standards while California and Massachusetts produced sectoral bargaining?

The puzzle gains increased relevance because the Massachusetts and California model now appears to be diffusing across other liberal states. Minnesota state legislators introduced a similar framework in February 2025 modeled explicitly on Massachusetts's legislation (Cummings, 2025; Bierschbach, 2025). Lawmakers in Illinois followed suit a year later (Struett, 2026). Extrapolating further, the rideshare industry may serve as a bellwether for how American states govern platform labor, and all nonstandard work, more broadly. Two interviewees for this thesis independently described these developments as the "tip of the spear" of a new era of labor relations (Interview WA-TNC-01, 54:30; Interview CR-A-01, 51:00). If so, understanding why Washington, the state that moved first, produced a different institutional settlement than Massachusetts and California has implications well beyond the three cases.

1.1 Argument

This thesis argues that the variation in platform labor market institutions American states have produced (regulatory standards in one case, sectoral bargaining in two others) is explained by looking both inside the labor movement at key moments and outside it at the range of policies available to draw upon. Across all cases, unions have three broad institutional routes to improving drivers' conditions, what this thesis calls *pathways*. These pathways are reclassification, which make drivers employees; a regulatory floor laid over IC status; and legalizing collective bargaining within IC status. Many unions fought for drivers to be reclassified from independent contractors to employees, but some preferred creating a regulatory floor without challenging IC status, and others sought collective bargaining within the constraints of IC status. Nowhere, however, did initial preferences determine the eventual outcome.

Instead, variation is explained by examining what happens to those preferences once they confront existing labor law. In each state, a decisive legal or political event knocks one option out of contention, a process this thesis calls *foreclosure*, and forces the labor movement to regroup, in what this thesis calls *reorientation*. What new pathways (reclassification, regulation, or bargaining) a union could turn to is limited by the existence of ready, legally tested policies, or *blueprints*. Blueprints are created when lawyers diagnose why earlier designs failed and then engineer successors to survive challenge. This thesis labels this capacity *legal power* and develops it as a distinct labor power resource. Where more than one blueprint is available, the shape of the final institution is determined by whichever union had the political power to push its design into law.

Many unions' initial preferences were blocked. This thesis labels that process foreclosure, defined as when one of the three pathways is closed off and the coalition behind it gives up fighting for it. Foreclosure begins with a foreclosure event, defined as a discrete legal or political result that discredits the pathway. A foreclosure event can be thought of as a trigger whereas foreclosure itself is the slower process set in motion by the event, complete only once a union abandons the blocked pathway.

The foreclosure events in this thesis encompass a court ruling, a settlement resolving a pending lawsuit, and a ballot measure. All block one pathway supported by a coalition within the labor movement and force a reorientation toward a different pathway. Such events draw on the vocabulary of critical junctures in political science (Capoccia & Kelemen, 2007; Soifer, 2012) but operate in the opposite direction. Where critical junctures loosen constraints for actors and thereby *expand* the menu of feasible options, foreclosure events *contract* the universe of possibilities. By eliminating an option, they perform a paradoxically generative role by settling deliberation between rival coalitions and allow for a reorientation of energy and resources toward a new line of advance.

But while foreclosure forces a reorientation, it cannot determine which new direction is pursued. A workable policy blueprint must be available for unions to pursue a distinct agenda. A blueprint, as this thesis uses it, is a legally vetted design already drafted or tested elsewhere. As this thesis will show, a failed blueprint at the municipal level can become a viable blueprint at the state level where different laws may apply to the same design. Where foreclosure leaves more than one such pathway open, however, the ultimate direction is set by the union that can push its preferred design through a legislature or onto a ballot. Established unions command the power such campaigns require, including dues income, professional staff, and relationships with legislators. Driver-led groups, while strong among workers, command minimal institutional power. As a result, some organizations which built a movement were unable to choose which institution it produced.

In sum, this thesis argues that statewide variation in rideshare labor regulation is explained by what options foreclosure eliminates in each state, what blueprints are available to the labor movement as it reorients, and which union holds the power to write one of those blueprints into law. Where bargaining is the pathway foreclosed early and no blueprint exists for negotiating with platforms within the legal constraints of IC classification, the state produces regulatory standards. Where reclassification was the pathway foreclosed early and state-level IC bargaining blueprints had already been drafted and refined elsewhere, states produce sectoral bargaining laws. In those states regulation remained available as well. Bargaining prevailed because it was preferred by the most powerful unions.

1.2 Organization

To develop and test the argument, this thesis first examines the broader context in which platforms connect workers and consumers, as well as that of the workers who sell their labor on them. It then situates cross-state variation in US rideshare labor policy within developments affecting both platform firms and platform workers.

Chapter 2 reviews two bodies of literature: platform capitalism and platform labor. Chapter 3 presents the thesis' analytical framework, the causal mechanism derived from it, the primary hypothesis and competing explanations against which the primary hypothesis is evaluated, and the thesis' process tracing methodology.

Chapters 4, 5, and 6 present the three cases organized in chronological order by the date when its regulatory or bargaining law was enacted: Washington (2014–2022), Massachusetts (2020–2024), and California (2018–2025). Each chapter begins by developing a narrative of the three outcomes studied in this thesis. These narratives are constructed using contemporary media accounts, legal records, committee testimony, and interviews with key actors. After developing a descriptive account of each legislation's legal and political development, the case chapters test the proposed causal mechanism and prespecified alternate hypotheses to examine why events played out in the way they did, and how each case's causal chain unfolded.

Treating the cases chronologically allows the analysis to trace the cross-state learning that shaped how later moving states designed their institutions. A key claim this thesis makes is that actors in Massachusetts and California had access to lessons from both an early legal defeat in Seattle and Washington's resulting regulatory settlement and were able to adjust their political strategies accordingly.

Chapter 7 compares the findings across the three cases, evaluates the mechanism's explanatory power and its limits, and draws out the implications for the platform capitalism and platform labor literatures. It closes with a discussion of the thesis's limitations and the questions it raises for future research.

The appendices document the relevant unions involved in rideshare politics across the three states and the power resources they hold. (Appendix A), what pathway was foreclosed in each state (Appendix B), the interview list and protocol (Appendix C), and the mechanism's predicted evidence, Bayesian updating process, and collected evidence (Appendix D).

Chapter 2: Literature Review

Collective bargaining for rideshare drivers has been legalized in Massachusetts and California and appears poised to spread to more states in the US. To situate these developments, this thesis follows della Porta et al. (2022), who argue that research on the transformation of contemporary work should be "twofold: examining the pressures from the top, such as the structure of the political economy, and those from the bottom, such as labour bargaining and mobilization power" (p. 2). This thesis surveys the two literatures relevant to recent developments in rideshare labor policy: work on the political economy of platform firms, which supplies the view from the top, and scholarship on platform labor, the view from the bottom. Neither literature expects platform workers to be able to bargain collectively so long as they remain classified as independent contractors. Some work has, however, theorized factors that help to explain bargaining's emergence.

Research on what scholars term 'platform capitalism' demonstrates that firms like Uber and Lyft are difficult regulatory targets. Both companies' business practice involves high degrees of algorithmic control, a tight relationship with consumers, and minimal legal responsibility for its workers. Literature on platform labor similarly describes the rideshare industry as difficult to mobilize and even more difficult to institutionalize. Workers are often dispersed, legally excluded from ordinary bargaining rights, and organized through fragile or under-resourced forms of representation.

Section 2.1 of this chapter reviews the literature on platform capitalism, Section 2.2 reviews platform labor scholarship, and Section 2.3 identifies the gaps these literatures leave for explaining the variation this thesis examines.

2.1 The features and politics of platform capitalism

Platform capitalism describes a system of business models and digital infrastructures that aggregate users, workers, consumers, and firms through applications that both facilitate exchange and set the terms on which such exchange occurs (Spier, 2025 referencing Srnicek, 2016; van Dijck et al., 2018; Staab, 2019). Platforms are organized around logics of data extraction, network effects, and the concentration of intermediary power. Politically, platform firms tend to ignore regulators in the institutional environments they enter, and later rewrite local rules to fit the companies' existing operations. In rideshare specifically, TNCs have captured the regulatory environments of most major markets they entered by ignoring existing rules until consumer adoption made enforcement politically untenable. But the strength of platform firms is neither uniform nor unfettered. A growing body of scholarship documents the channels through which platform power is mobilized and the institutional and coalitional configurations that can limit it. This section reviews both the distinctive sources of platform firm power and the conditions under which that power has been constrained.

2.1.1 TNC power

Platform firms introduce particularly visible mechanisms of labor control by using digital infrastructures to match consumers with workers, set prices, allocate tasks, monitor performance, and discipline access to work (all while formally denying that they employ the workers whose labor they organize). Platform firms decompose jobs into discrete tasks contracted on demand through digital intermediaries. In this way, the platform has been compared to a "web page" that assembles production from modular inputs rather than a fleshed-out company with a workforce (Davis, 2016). Because platforms do not merely operate within markets but restructure them, platform companies create new forms of intermediation between workers and consumers that bypass existing regulatory frameworks (Rahman & Thelen, 2019; Culpepper & Thelen, 2020). An archetypal example of this regulatory 'innovation' is Uber's classification of drivers as independent contractors to evade the taxi industry's employment standards and licensing requirements. By doing so, Uber followed a longstanding corporate tradition of replacing employees with subcontractors and franchisees while retaining control over how their work is performed. The outcome of these practices is often labeled the "fissured workplace" (Weil, 2014). Some scholars even predict that platform firms, and their attendant business practices and labor relations, may offer "an early glimpse" into how capitalism functions in the 21st century (Sundararajan, 2016, p.17; see also Srnicek, 2016, and van Dijck et al., 2018).

While digital platforms are relatively new, many of the features that constitute platform capitalism are not. The data-intensive practices associated with Uber and Amazon are extensions of earlier business models such as twentieth-century automobile manufacturing. Rather than a departure from previous organizational paradigms, platform firms should be understood as continuous with older patterns of 'just-in-time' production, data mobilization, and risk externalization (Steinberg, 2022).

As part of that externalization, platform firms do not maintain large HR departments. Instead, they rely on algorithms to incentivize and discipline workers. Platforms can thus maintain a small official headcount while automating the hiring, scheduling, evaluation, and termination of its fissured workforce. In this sense, platform-style labor control has already spread well beyond the app-based gig economy to become a generalized feature of contemporary employment. Adams-Prassl (2022) writes that algorithmic management now spans the "full range of traditional employment functions" (p. 32) and other scholars find it "widely present" in non-platform workplaces across retail, warehousing, logistics, and care (Rani et al. 2024, p.1). Algorithmic management software services are easily commodified, which makes them easily exported to an even wider range of firms (Christl, 2024). Quantitative estimates of the extent of algorithmic management are limited, but some studies suggest that 20% of retail, transport, and finance workers in the US and 14% of all workers in many EU countries work under some degree of algorithmic control (Office of Science and Technology Policy, 2022; Fernandez Macias et al., 2023).

As a result, developments among platform workers are relevant to the entire workforce. Piasna (2024b), drawing on Adams-Prassl (2018), describes the process of platformization as a totalizing effect, unconfined to any given industry: the "re-commodification of labour, whereby humans are becoming a service" (p. 571). Some scholars go further and warn that in their pure distillation of the capital-labor relation, platforms' "sophisticated algorithms relying on market rationality" threaten to reconfigure workers' behavior into the textbook "homo economicus" (Liang et al., 2022, p. 322).

Uber in particular has become the firm that most exemplifies the platform economy, standing for "both the excesses and promises of 21st century capitalism" (Rahman & Thelen, 2019, p. 178). The company exercises algorithmic wage-setting, mass IC classification, and is synonymous with its consumer app. When Davis (2016) described the ways in which platform firms "rent[ed] labor for specific tasks rather than hiring for jobs," he labeled the process "Uberization" (p. 511).

Unsurprisingly, then, platform firms', and particularly Uber's, business practices and political influence have drawn considerable attention. Uber and other TNCs have adopted a consistent strategy when entering into new markets. They first embed themselves in urban transportation networks (often by recruiting former taxi drivers) and then proceed not to follow existing taxi regulations. This enables the firms to rapidly build large, loyal consumer bases before regulators respond. Mazur and Serafin (2022, p.1) call this the "stalling strategy" of grow first, abide by regulations later. When TNCs do participate in local politics, they lobby municipal governments extensively as their business models depend on an ongoing triangulation between workers, consumers, and regulators. Accordingly, and to a greater degree than most companies, political lobbying for Uber and Lyft is "a material part of the … business plan and vision for success" (Pollman & Barry, 2017, p. 386).

2.1.2 Attempts to regulate TNCs

Due to this 'move fast and break things' approach (Stone, 2017), local lawmakers tried to regulate Uber in nearly every market it entered. In 2014, Colorado introduced auto liability coverage for TNCs. Other jurisdictions implemented strict screening mandates, such as Austin's 2015 ordinance requiring fingerprinted background checks for drivers (Sanchez, 2016). The Seattle City Council voted in 2014 to limit Uber and its competitors' total fleet size to 150 active vehicles. However, after pushback from Uber and Seattle residents, the city repealed the cap months later (Vaughn, 2014).

Some early efforts even led to outright bans, such as in states like Virginia (Helderman, 2014), Pennsylvania (Stempel, 2016), and Nevada (Smith, 2014), as well as in cities including Anchorage (Doogan, 2015) and Philadelphia (Collier et al., 2018). In the

United States alone, regulators targeted Uber with hundreds of distinct rules and municipal ordinances (Spicer, 2019). Examining regulations of Uber in all states and in six cities during its initial spread from 2012-2016, Collier et al. (2018) find that regulations primarily consisted of vehicle caps, bans, driver fingerprinting mandates, driver training mandates, and fees. Seattle, “alone among U.S. cities” (p. 923) prioritized improving working conditions when it attempted to legalize collective bargaining for rideshare drivers.

Few of these regulations survived, however. In a dramatic but representative case, the city of Ann Arbor attempted to ban Uber only for the company to simply ignore the demand and keep operating. The ban was overturned two years later (Skorup, 2018). After initial conflicts with regulators, Uber ultimately was able to change laws in nearly every market it had entered so that they reflected its ‘facts on the ground.’ As one journalist put it, “Each government, whether municipal or state, goes through its own process to craft rules, but in the end, officials generally codify the insurance coverage, background-check policies, and inspection protocols Uber already has in place. Uber makes the rules; cities fall in line” (Weise, 2015, p. 3).

This regulatory dominance led many contemporary observers to perceive Uber as an unstoppable force. “This is how Uber takes over a city” read one representative magazine article (Weise, 2015). New York’s Attorney General complained in litigation against the company that Uber had “simply waltzed into New York and set up shop while defying every law passed” (Pollman & Barry, 2017, p. 399–400). The National Employment Law Project, a nonprofit, charged in a 2018 report that Uber could “Buy, Bully, and Bamboozle Their Way to Deregulation” (Borkholder et al., 2018).

However, Uber did not win everywhere. An illustrative example of the promises and perils of TNC engagement in local politics is Uber’s entry into New York City. In 2015, the city attempted to cap the number of ride-hail vehicles. This attempt failed when Uber mobilized a consumer coalition of riders and technology advocates by framing the cap as an attack on innovation and accessibility for outer-borough residents. In 2018, the city attempted to cap Uber again. This time it succeeded after Uber’s opponents reframed the debate around workers’ rights and traffic congestion, and built a broader coalition of taxi drivers, municipal officials, and labor organizations that neutralized Uber's earlier discursive advantage (Seidl, 2022). Outside the US, Uber encountered difficulties exporting its "liberal" American model to Germany, Spain, Sweden, and the Netherlands (Valdez, 2023, p. 188; see also Thelen, 2018 and Pelzer et al., 2019).

As it became clear Uber's ability to impose itself on local governments was not uniform, researchers began theorizing its power resources more carefully. Traditionally, literature on business power distinguished structural power (the 'exit threat' firms leverage, derived from control over investment and employment) from instrumental power—the direct political influence firms exercise through lobbying and coalition-building (Hacker & Pierson, 2002). In the rideshare industry, structural power manifests in the network effects platforms accumulate as they scale, which raise switching costs for consumers, workers, and regulators (Collier et al., 2018; Garud et al., 2022). TNCs' instrumental power runs through more familiar channels such as direct lobbying of municipal and state officials (Spicer et al., 2019; Distelmans & Scheerlinck, 2021) and stalling to hold off regulation for as long as possible (Mazur & Serafin, 2022).

Several scholars have examined whether this classic dichotomy is sufficient, however, to understand the strength of platform firms. Culpepper and Thelen (2020) propose a third type of firm power, "platform power," which they argue is distinct in both its source and mode of operation. Whereas structural power flows from investment decisions and instrumental power from direct lobbying, platform power operates via a large, appreciative, consumer base that platforms can activate politically. Valdez (2023) refines this conception with the term "infrastructure power" to capture the fact that platforms' power is rooted not just in their intermediary position connecting consumers, but also between workers and government agencies. [3] In the case of rideshare, Valdez argues that Uber's power does not simply stem from riders liking its service, although they do, but that a range of actors *need* Uber for their livelihood or mobility. Uber is not just a popular brand but also a vital piece of urban transit infrastructure. This exposure

[3] Valdez (2023) adapts Mann's (1984) concept of infrastructural power to platform firms. Where Mann used the concept for the state's capacity to penetrate and coordinate society, Valdez applies it to private firms that have become functionally indispensable to urban mobility. The power operates not only through lobbying but through the threat of withdrawing services the public has come to rely upon.

can also, however, be a significant vulnerability. Because platforms' business models depend on mass consumer adoption, coalitions that reframe platform operations as harmful to workers rather than as convenient for consumers can convert that exposure into a lever for regulatory action (Rahman & Thelen, 2019; Culpepper & Thelen, 2020).

But how do these various power resources, whether they be structural, instrumental, or infrastructural, vary? In a systematic review, Sáenz-Leandro and Fernández-Ardèvol (2024) identify several variables that explain the existing variation in regulations imposed upon TNCs. These include the strength of labor unions and labor market coordinating mechanisms (Uzunca et al., 2018; Distelmans & Scheerlinck, 2021), the level of governance (Collier et al., 2018; Li et al., 2019; Tabascio & Brail, 2022), political composition (Chan and Kwok, 2021), pre-existing transportation regulation (Monahan, 2020; Altura et al., 2021; Benli-Trichet and Kübler 2022; Valdez, 2023), the presence of a nationally organized taxi industry (Thelen, 2018; Pelzer et al., 2019), population density (Paik et al., 2019), and unemployment (Thelen, 2018). Overall, the review finds no single factor predicts how strongly TNCs are regulated.

Uber also faces different conflicts in different jurisdictions. Comparing Uber's regulatory efforts across countries, Thelen (2018) argues that the firm's political battles center on different issues depending on the institutional setting it encounters when entering a new market. In the US, Uber pitted individual cities, and their taxi industries, against each other and was able to frame the debate as one of innovation against a self-interested incumbent. In Germany, however, taxi operators were organized at the national level, and mounted a quick, coordinated response to Uber's entry that ultimately saw the company's flagship service banned in most cities. Sweden, meanwhile, had already deregulated its taxi industry, and the country's universalistic welfare state ensured Uber drivers received the same benefits and protections as other workers. There, conflicts centered around tax avoidance rather than taxi or labor regulations.

A common theme throughout this literature is how the industry's oligopolistic structure bestows Uber and Lyft with formidable, and at-times overwhelming, influence. Interestingly, Foster and Thelen (2025) observe that this degree of market concentration may counterintuitively provide an opportunity for labor market coordination or bargaining by combating what Keizer et al. (2024) call the “balkanization of bargaining” (p. 394). The small number of dominant firms in the rideshare industry reduces the transaction costs of dealmaking. Political exchange thus becomes more feasible when labor and the state confront two identifiable counterparties rather than a fragmented employer class (see also Swenson, 2002).

This research merely explains why some jurisdictions regulate TNCs while others do not, and why some regulations are stronger than others. The literature, with the exception of Thelen (2018), conceptualizes the dependent variable as the presence and degree of a municipal or state intervention, but not the type of intervention. No study explicitly examines labor policy, much less the *qualitative* variation in what type of TNC labor regulations jurisdictions impose.

In sum, the platform capitalism literature establishes three things. First, platform firms wield a distinctive form of power formed by their uniquely consumer-facing business models. Second, variation in institutional responses is driven by political and institutional configurations rather than by technology or partisanship alone. And third, market concentration may create conditions under which political exchange becomes feasible. What the literature does not explain is why states within the same national political economy, facing the same firms under similar partisan conditions, produce different institutional forms.

2.2 Platform worker resistance and organizing

The platform labor literature, meanwhile, expects platform workers to be weak, but not powerless. Across jurisdictions and organizational forms, platform workers have produced distinct repertoires of action and organizations through which to mobilize. This section traces how platform workers have organized, how their power resources have differed across institutional settings, and why they have not been able to create durable bargaining structures.

Platform firms structure work in several ways depending on the type of platform offered. A broad distinction can be made between "web-based" platform work (crowdsourced microtasks contracted through online marketplaces such as Amazon Mechanical Turk) from "location-based" platform work in which labor is physical and tied to a specific place, as with rideshare, food delivery, and home services (Schmidt, 2017, p. 1).[4] The two categories differ sharply in their amenability to collective organization. Web-based workers, or crowdworkers as they are more commonly known, are dispersed across jurisdictions and largely invisible to one another. A decade of organizing through online forums and with digital union experiments has produced little durable organizing.[5] Location-based workers, by contrast, often concentrate in shared physical spaces such as airports and restaurants, and can be reached through more conventional means. Most consequential platform labor organizing in the United States and Europe to date has occurred among the latter group (Heiland, 2020; Fredman et al., 2025; Koniordos, 2026). This thesis uses "platform workers" to refer to the smaller subset of location-based gig work.

Platform workers have mounted creative and sometimes militant collective action in response to poor or worsening working conditions. Platform worker actions often combine familiar tactics including strikes, demonstrations, and petitions, with newer methods such as coordinated 'log-offs', 'ride-outs' where workers drive together through city streets, and strategic social media campaigns to apply pressure on platform firms (Joyce et al., 2023, p. 23). Across the world, platform worker organization tends to emerge in cities and often in public spaces, airport lines, or through online forums (Chinguno, 2019; Tassinari & Maccarrone, 2020; Cini & Goldmann, 2021). Most platform worker unrest does not involve formal unions, although unions do feature in roughly one-third of recorded protests globally (Bessa et al., 2022).

The most visible example of platform worker mobilization was the May 8, 2019 Uber strike, organized to coincide with the company's initial public offering. Driver networks in the United States called for a coordinated two-hour strike, but the action quickly

[4] Vallas & Schor (2020) review additional typologies of platform workers
[5] For a notable exception, see the partnership between YouTube content creators and the German union IG Metall (Witzak & Hertwig, 2025)

spread worldwide. Drivers from France, Scotland, England, Nigeria, Chile, Brazil, Panama, Costa Rica, Australia, and numerous U.S. cities all participated (Woodcock, 2021). The strike received international media coverage and encouraged loosely connected driver networks to formalize their organizational structures. It was discussed as one factor contributing to Uber's disappointing IPO performance (Woodcock, 2021).

The Uber strike built on methods developed in earlier platform worker conflicts. In London in 2016, riders for Deliveroo, a food delivery platform, responded to the company's attempted shift from hourly pay to piecework by gathering outside the platform's headquarters and logging off the app collectively (Heiland, 2020; Woodcock, 2021). Similar tactics appeared in Italy, where riders for Deliveroo and Foodora, a competitor, used log-offs, citywide pickets, boycott calls, and online campaigns to disrupt the platforms. These and other actions often drew on social movement mobilizations more than conventional trade union actions and are regarded as well suited to platform work (Heiland, 2020).

2.2.1 Diversity of platform workers and their organizations

Platform workers themselves are far from homogeneous. They are often stratified by citizenship status, full-time versus part-time hours, varying levels of dependence on gig work, and language (Mendonça & Kougiannou, 2025). Nominally similar workers may hold different preferences over reclassification, scheduling flexibility, minimum earnings, protection from deactivation (a ban from the platform), data transparency, or collective bargaining. For unions, these stratifications produce different organizing strategies across geographic communities and across subgroups of workers performing the same platform-mediated labor. The same platform architecture can therefore generate different forms of collective action depending on where workers gather, how dependent they are on the work, what risks they face from employer or state retaliation, and which organizations are available to translate demands into representation. Accordingly, the organizational identity of platform unions and other worker organizations varies significantly across jurisdictions.

Platform workers have sought representation through multiple organizational structures, ranging from unions, worker forums, worker centers, and cooperatives (Johnston and Land-Kazlauskas, 2018). This variation is driven by factors external to the labor process (Cini et al., 2022). While platform work nearly everywhere features piece-rate compensation, algorithmic management, and dispersed workforces, the organizational form of worker resistance can vary considerably. Platform workers can be mobilized by mainstream elements of the labor movement depending on the capabilities and expertise of existing unions. Most often this occurs in sectoral bargaining systems that allow unions to extend existing agreements to the new, hard-to-organize workforce. If mainstream unions are unable or unwilling to organize platform workers (as is often the case, especially in enterprise bargaining systems like the US) platform workers often create more militant and independent organizations (Cini et al., 2022).

There are many types of platform workers unions across Europe. In the United Kingdom, the Independent Workers' Union of Great Britain (IWGB) emerged as a grassroots organization organizing delivery and private-hire drivers through direct action and legal challenges (Smith, 2022; Joyce et al., 2023). In Italy, Deliverance Milano organized food delivery riders through militant strike action rooted in Italian syndicalist traditions (Tassinari & Maccarrone, 2020). In Germany, platform workers have been incorporated into the mainstream ver.di service union's existing institutional infrastructure for nonstandard employment (Cini et al., 2022). The grassroots unions that emerge from platform workers' mobilizations are often more radical than their mainstream counterparts (Woodcock & Graham, 2020; Smith, 2022).

2.2.2. US platform unions

In the US, rideshare driver organizations overwhelmingly started as self-organized communities rather than mainstream union locals. In part, this is because the US lacks Europe's sectoral bargaining infrastructure into which platform workers can be absorbed (Cini et al., 2022; Atzeni and Cini, 2024). These self-organized groups are examples of what Ahrne and Brunsson (2011) call partial organizations—actors lacking one or more of the defining elements of a formal union (such as legal recognition, dues-paying membership, or hierarchical decision-making) but still capable of mobilization (den Hond et al., 2015). This thesis, following Pero (2020) and Smith (2022), will refer to these actors as 'indie unions.'

US indie unions typically limit their activity to a single state, and most began as city-level efforts before expanding (Gross, 2026). Their protests, lobbying, driver support services, and social media campaigns resemble those of other platform worker organizations (della Porta et al., 2022; Atzeni and Cini, 2024). Similarly to in Europe, and contradicting much of the earlier literature (Heiland, 2020; Joyce & Stuart, 2021; della Porta et al., 2022; Joyce et al., 2023), several indie unions have developed effective partnerships with established unions. These alliances give drivers resources and political infrastructure that purely grassroots organizations cannot easily generate on their own (Gross, 2026).

While highly capable of mobilizing for specific actions, U.S. platform workers are otherwise in a particularly weak position. Schmalz et al.'s (2018) power resources framework distinguishes between structural, associational, institutional, and societal/discursive forms of worker power. *Structural power* derives from workers' position in the economy and their capacity to disrupt production or circulation. Organizations like unions and workers centers can build *associational power* by developing the capacity to collectively mobilize their members toward specific ends. *Institutional power* refers to the rights and state-recognized channels of representation unions and workers can draw upon. *Societal* or *discursive* power, finally, refers to the ability to gain public legitimacy and frame concerns in broad societal terms.

In Schmalz et al.'s framing, US indie unions are both structurally and institutionally weak. US platform workers are often dispersed, they have no legal employer, and, unlike in some other countries, they are excluded from existing labor market institutions (Rahman and Thelen, 2019). Platforms fragment workers along legal, spatial, organizational, technological, and social lines, making them what Heiland (2020) resignedly calls "legally individualised monads" (p. 20) rather than a group with collective capacity to act.

Some scholarship, however, has examined the various power resources platform unions can use to improve working conditions. Lacking structural or institutional power, US platform unions must rely heavily on associational and discursive actions. Keizer et al. (2024) examine how unions organizing precarious workers succeed only when they leverage multiple power resources in combination. The authors argue that, if platform workers want to convert associational and discursive[6] power into institutional power through legislation, they must leverage discursive acts into "resources that are inclusive to those in precarious work" to build a cumulatively expanding coalition.

This, however, has been difficult to do in practice. The consistent challenge faced by organized platform workers lies in sustaining and scaling local disputes into durable improvements in working conditions. Platform unions have proven adept at the moral and discursive assertion of worker grievances, what Johnson et al. (2026, p. 2) call "representation as claim" but have struggled in creating "representation as structure," the formal institutional channels through which workers exercise recognized bargaining power. Platform worker strikes often generate media attention and public sympathy but fail to secure durable institutional gains. In Italy, striking delivery riders won limited concessions but no substantial transformation of working conditions. Strikes and coordinated log-offs in Manchester similarly failed to produce representative structures (Heiland, 2020; Johnson et al., 2026).

Some authors identify a potentially virtuous cycle wherein grassroots activism can generate the legitimacy and membership base that formal structures require, while formal structures provide the institutional durability that activism alone cannot sustain (Smith, 2022; Weghmann, 2023). Most scholars, however, are doubtful. Rahman and Thelen (2019) conclude that while "in European countries, organized labor has been more successful in pioneering new forms of platform agreements to establish minimum pay and benefits...the trend in the United States is, if anything, in the opposite direction" (p. 190). Johnson et al. (2026) are similarly pessimistic, affirming earlier conclusions (Lamannis, 2023) that there is "little grassroots activism and bottom-up unionism in the

[6] Keizer et al. (2024) use "ideational" but the concept is the same

platform economy that has resulted in practical long-term improvements in working conditions" (p. 36).

Some studies have more optimistic conclusions. The most comprehensive analysis of variation in rideshare labor regulation across the US comes from Gross (2026), who finds that while the organizational structures and strategies of indie unions are similar across the country, outcomes for drivers diverge sharply between states and cities. She argues (similarly to other scholars focusing on Europe) that preexisting regulation can offer a foothold for fledgling driver unions. In her conceptualization, "directly regulated" cities impose driver registration, fleet caps, and pay floors backed by enforcement capacity. "Indirectly regulated" cities, meanwhile, delegate regulatory authority to the platforms themselves, which in turn control driver supply and the terms of work. Like other studies on rideshare policy, the dependent variable, regulation, is operationalized along a continuum of weak-to-strong rulemaking. Whereas in indirectly regulated cities, "attempts to resist rideshare companies often appear nearly impossible," she finds that directly regulated cities allow organized drivers to achieve meaningful gains (Gross, 2026, p. 45).

2.2.3. The importance and challenges of platform bargaining

While platform workers have had some, albeit limited, success in petitioning lawmakers and regulators to raise labor standards, they have made much less headway in bargaining directly with platform firms. While both options restrict unilateral corporate authority through rulemaking (be it 'privately' in a collective bargaining agreement or 'publicly' through the state) the distinction between regulation and bargaining is crucial.[7] Regulation of platform firms by itself has proven vulnerable to firm "counter-strategies" (van Doorn & Badger, 2020, p. 11) aimed at circumventing or resisting the rules. Bargaining structures, which communicate workers' demands directly and continuously to firms, address this vulnerability by adapting more readily to

[7] This dichotomy can be traced at least as far back as Sidney and Beatrice Webb (1897), Fabian socialists and founders of the LSE, who wrote that workers could exert democratic control over the workplace through the 'Method of Legal Enactment' and the 'Method of Collective Bargaining'. Beatrice coined the term "collective bargaining" in 1891.

technological change than state rulemaking can. Adams-Prassl (2018) describes this capacity as bargaining's "inherent flexibility and reflexivity," which allows worker representatives to regulate the "moving target" of platform labor (p. 19, cited in Heiland, 2020, p. 54).

An example of the risks posed by relying on state regulation without institutionalized worker voice to raise labor standards comes from New York City. In 2018, the city's Taxi and Limousine Commission (the agency responsible for regulating the taxi industry) raised minimum wages for Uber and Lyft drivers. The city hired two economists who developed a creative formula that set per-mile and per-minute pay rates to ensure that, after accounting for the unpaid time drivers spent waiting between rides and the costs of gas and vehicle wear, for every hour a driver was logged into the app they earned at least a minimum hourly wage. The companies responded, however, by locking drivers out of the apps during low-demand periods to manipulate the rule's calibration formula. As a result, "the new regulations [that] were intended to limit drivers' idle time and increase their wages … resulted in the exact opposite and rendered ride-hail driving even more precarious" (van Doorn & Badger, 2020, p. 11). Without a collective agreement able to hold the firms to account or a structure for workers (who spotted the changes immediately) to challenge the algorithmic tweaks at their source, the widely hailed regulation became not merely ineffective, but counterproductive.

Furthermore, negotiated sectoral and workplace agreements can complement general legislative frameworks in ways that more static regulations cannot (De Stefano, 2018). Survey data suggests that platform workers themselves identify bargaining as the principal means to regulate algorithmic management and address privacy concerns over surveillance (Holubová, 2022). Bargaining further provides an organizational stability to platform unions that protest mobilizations alone cannot sustain as the institutionalization of collective negotiation underwrites continuity of representation and member dues (Heiland, 2020; Drahokoupil & Vandaele, 2021). For these reasons, Prassl (2018) concludes that "the primary and most promising strategy for ensuring fair

work in the platform economy should be an embedding of platform work in existing collective structure, across the entire spectrum" (p. 20).
Despite this, scholarship on platform labor governance has tended to privilege legislation and administrative regulation over collective bargaining (Beckmann & Hoose, 2022). This is primarily because the literature is pessimistic, even dismissive, of the potential for translating platform workers' protest into durable institutional representation. First, platform architectures structurally favor worker exit over voice. It is straightforward for a worker to switch between platforms (merely toggle to a different app) whereas individual platforms consistently obstruct efforts to collectively channel grievances. Second, the multi-sided structure of platform markets adds a further constraint to developing worker voice. Any conflict between workers and the company implicates not only the platform but also customers and other intermediaries, all of whom may hold diverging preferences.

Platform workers also face distinct legal challenges to bargaining. In most jurisdictions, independent contractors who coordinate on price are vulnerable to prosecution under competition law because their joint action can be characterized as a cartel rather than employees' legal right to collectively bargain. For example, in 2018, an agreement between the Danish union 3F and the platform Hilfr.dk, the first collective agreement covering platform workers in the world, was challenged by the Danish Competition Council (Countouris & De Stefano, 2020).[8] This antitrust constraint overlaps with an additional obstacle, namely, who would platform workers bargain with under existing law? Platforms exercise employer-like control over workers by setting rates, monitoring performance through algorithmic systems, and excluding access through deactivation. At the same time, platform firms deny that they are employers in the eyes of labor or employment law, preventing workers from finding a "counterpart" with whom to negotiate (Piasna, 2024b, p. 572).

[8] The proceeding did not invalidate the agreement outright. The Danish Competition Council accepted commitments requiring Hilfr to remove the minimum hourly fee for self-employed "Freelance Hilfrs," while preserving coverage for "Super Hilfrs" treated as employees. In 2024, Hilfr and 3F renegotiated a second agreement, Hilfr2, which classified all Hilfr cleaners as employees and added provisions on digital rights, artificial intelligence, and algorithmic management (see Ilsøe, 2025).

2.2.4 Examples of platform bargaining are limited

The empirical record reinforces this theoretical pessimism. A review of platform collective bargaining globally identifies eight collective agreements covering platform workers across eleven countries, but the report notes they emerged only from workers already "in an employment relationship" (Hadwiger, 2022, p. 51). A later and more systematic mapping of bargaining initiatives across Europe identified thirty collective agreements between 2016 and 2022. Of those, however, the majority were extensions of existing company or sectoral agreements, and of these most were among food-delivery riders (Lamannis, 2023).

Even where unions have forced platforms to the negotiating table, many of the largest firms have avoided bargaining or refused recognition of unions representing platform workers. In Germany, negotiations between Foodora and FAU, an indie union, were canceled in October 2017 when a German court denied FAU the right to negotiate collective agreements (Degner and Kocher, 2018). In Italy, the food-delivery platform Just Eat refused to adhere to a 2018 sectoral agreement because it would have abolished piece-rate pay. And in Spain, food-delivery platforms were slow to recognize riders' representatives even as the courts deemed their riders to be employees (Royo, 2019). A survey of fifty-two European bargaining initiatives found that smaller platforms were the most willing to negotiate while larger companies were more likely to deny an employment relationship (Lamannis, 2023).

Mainstream unions have had difficulty applying their existing bargaining structures to platform work due to the fact their institutional strategies and cultures were built around wage earners and conventional employment relationships (Bertolini & Dukes, 2021). Scholarship tends to describe mainstream unions as less "dynamic, progressive and inclusive" than their indie counterparts (Johnson et al., 2026, p. 2), making "it much more difficult" for them "to orientate towards platform workers" (Joyce et al., 2023, p. 30). Other research worries mainstream unions' more conservative cultures prevent them from being truly representative of more precarious platform workers (Mendonça & Kougiannou, 2025) and that they "'have their own agenda' or simply do not 'get' platform work" (Joyce & Stuart, 2021, p. 177). Where mainstream unions have successfully organized platform workers (Joyce & Stuart, 2021) their efforts usually culminated in legal challenges rather than bargaining (Umney et al., 2024).[9]

If neither indie nor mainstream unions can reliably negotiate on behalf of platform workers, it is little surprise that recent reviews remain skeptical of bargaining's relevance. Johnson et al. (2026) see little hope for collective bargaining due to the erosion of union power and legitimacy "as a whole" (p. 1), which prevents atomized platform workers from negotiating with employers or the state. They predict that a regulatory, lawyerly approach will remain the dominant mode of struggle. Gross (2026), in turn, treats bargaining rights as inaccessible without reclassification, and as "an approach that currently lacks broad support" (p. 47).

In sum, this section establishes that platform workers organize, that the organizational ecology of union representation varies across jurisdictions, and that their resistance is disruptive but difficult to institutionalize. The literature generally concludes that indie platform unions are well suited to organizing platform workers but unable to bargain with platforms. Mainstream unions with bargaining experience, meanwhile, struggle to expand into the gig economy. A recurring, and central, claim in this literature is that employment classification is a necessary precondition for collective bargaining.

2.3 Gaps in the literature

Broadly, the platform capitalism and labor literatures suggest two things. First, while TNCs are powerful political actors, their power does vary predictably depending on the institutional configurations of incumbent industries, the strength of pre-existing transportation regulation, the level of governance at which firms encounter resistance, and the composition of consumer and worker coalitions. Second, while platform workers are generally weak, there is also variation in their power resources. Platform

[9] Notable, albeit limited, exceptions include the collective agreement signed by the Danish union 3F and the cleaning platform Hilfr in 2018 and the agreement between Fellesforbundet and Foodora in Norway.

labor strength depends on the organizational capacity of existing unions, the political-cultural environment in which militant organizing has been built, and how institutionalized unions already are in the national political economy.

These variables, however, cannot explain the variation in the cases this thesis examines. Washington, Massachusetts, and California share state Democratic party governance, comparable union density, the same national labor law, the same firms operating under similar business models, and similar pre-existing taxi regulations in their major cities. Chapter 3 develops a novel framework to explain this subnational variation.

Chapter 3: Analytical Framework, Hypotheses, and Methodology

At no point when efforts to raise standards for rideshare drivers began was it clear that the eventual policy outcomes would take the form they did. There was little consensus about what the primary problem facing drivers was, or what policies were best suited to address it. Explaining the eventual divergence across the three cases requires tracing the sequence of political and legal events through which each state's outcome emerged. This chapter sets out the tools used to accomplish this. Section 3.1 develops the thesis' analytical framework. Section 3.2 operationalizes the framework into a causal mechanism used to analyze each case. Section 3.3 states the alternative hypotheses advanced by relevant literature. Section 3.4 explains the process tracing methodology used to test these hypotheses. Section 3.5 closes by describing the evidentiary standards by which competing accounts are evaluated, and the interview guidelines that generate the empirical chapters' primary data.

3.1 Analytical framework

This thesis centers the role different unions played in designing and advocating for various rideshare labor institutions. But if unions in the US, especially rideshare unions, are so weak, why pay attention to them? In all three states examined, union preferences are relevant thanks to the larger political environment in which they operate. Union density has fallen nationally, but in states where Democratic control of both the legislature and the executive is durable, organized labor has retained, and in some cases extended, its political influence over the policy agenda (Engeman, 2021). California, Massachusetts, and Washington are three such states, and focusing on state-level developments follows contemporary reorientations toward subnational variation in American politics (Hacker et al., 2022).

State politics in the US has nationalized and polarized over the past two decades, and states with stable Republican control have pursued "low-road" economic models featuring low wages, low taxes, and minimal unionization (Grumbach et al., 2021). The cases examined in this thesis could be seen as constituting an opposite model of "high-road" policies in which a strong labor movement is central to raising wages and promoting social equality. For liberal states, ballot initiatives and coalitions between mainstream unions and worker centers have often served as the principal vehicles for developing a high-road model (Galvin, 2016; Rose, 2026). In jurisdictions of this kind, what unions want translates with unusual directness into what gets enacted, and makes union preferences an appropriate starting point of any account of cross-state variation.

But labor is not a single actor. Unions engaging in political struggles often hold different organizational identities and ideologies (Hyman, 2001; Frege & Kelly, 2004). Industrial relations scholarship warns against clean predictions of which unions will mobilize which workers, and for which policies (Locke & Thelen, 1995; Kelly, 1998). The US rideshare sector is a textbook example of the labor movement's heterogeneity. First, as will be explored in the rest of this thesis, indie rideshare unions often diverge sharply from other mainstream unions whose roots lay outside rideshare. At the same time, however, some indie rideshare unions develop partnerships with established unions of varying organizational identities. These partnerships shape which institutional forms drivers could credibly pursue (Atzeni & Cini, 2024; Gross, 2026). Second, mainstream unions themselves hold varying preferences. Some unions press to reclassify drivers, while others are willing to accept IC status at the cost of intense criticism from the rest of the labor movement.

This thesis argues that unions' initial preferences, however, are only a starting point. For unions, in an ideal world, every driver would be reclassified as an employee. However, while some unions pursue reclassification, not all do—many initial union preferences reflect second-order goals. Following initial defeats, many unions eventually shift their energy toward policies that kept IC status intact. Rationalist models of preference formation (Ross, 1948; Olson, 1965; see also Mares, 2003 on businesses) predict that unions pursue strategies to enlarge their membership and revenue. This organizational self-interest cannot explain why some unions that accepted IC status then pressed for bargaining while others advocated for regulation. Accounting for that divergence, and for why the broader movement moved away from reclassification at all, requires examining how unions learn from and adapt to failure.

Collective bargaining institutions for independent contractors were long thought to be impossible in the US. Indeed, early attempts to develop them failed. So how did the US labor movement manage this feat? This thesis explores the process of learning and experimentation behind each state's outcome. Unions, like other political actors, respond to failure by revising their tactics or their goals, or both (Heclo, 1974). Actors "puzzle" over a future direction through collective inquiry and "power" that new direction by engaging in discursive and institutional battles (Hall, 1993; Wood, 2015). This thesis applies these developments in policy learning studies, which largely focus on bureaucrats, to the labor movement. The learning at issue in this thesis is unusually demanding. Explaining how the labor movement reached an institution that few predicted would be viable is aided by treating its institutional development as one of innovative experimentation in a highly complex legal system.

This thesis develops two concepts to explain how this learning occurred: *pathways* and *blueprints*. A pathway is a broad institutional route to improve conditions for drivers. Three recur across the cases and include reclassification, a regulatory floor laid over independent-contractor status, and sectoral bargaining conducted within IC status. A blueprint is the specific, legally worked-out design that converts a pathway into a bill a legislature can pass or a ballot voters can approve. Blueprints offer unions and their coalition partners a credible assurance that their favored institution can be built and will withstand legal challenge.

In the US, much of the learning associated with labor policy happens in courts. Recent scholarship has recentered the role of lawyers and the legal system in analyses of US political economy (Hacker et al., 2022). US Courts have historically exercised direct oversight of states' authority to legislate on social policy, including on labor relations (Kagan, 2019; Foster & Thelen, 2025). As Hacker et al. (2022, p. 77) argue, this litigation-driven policymaking systematically advantages well-resourced, frequent litigants, 'repeat players', who accumulate legal expertise and hold long term strategies, so that small wins compound into a mountain of precedent (Galanter, 1974; Bonica & Sen, 2020). Businesses, and their lawyers, thrive in this 'quiet politics' of courtrooms (Culpepper & Thelen, 2020).

Unions, on the other hand, often face an uphill battle in the legal system. The composition of the federal judiciary has skewed outcomes toward conservative results as spurts of lifetime appointments filled the bench with judges disposed against expansive readings of labor's rights (Highsmith et al., 2025). Federal labor law, meanwhile, has gone largely unrevised since the mid-twentieth century. As employment shifted toward service and platform work, a growing share of workers fell outside statutes written for industrial employees. This drift lets opponents of labor maintain the status quo by blocking legislative change, while pro-union actors carry the burden of action (Galvin & Hacker, 2020; Snead, 2023).

Unions encounter all these obstacles in their legal attempts to reclassify drivers. However, this thesis shows that they also turn to their own lawyers to find a legally durable route to a pathway earlier efforts had failed to secure, and in doing so they wield a distinct power resource. Existing conceptualizations of labor power have identified multiple resources workers can bring to bear on employers and the state (Schmalz et al., 2018), but none fully center the importance of the legal system and lawyers.

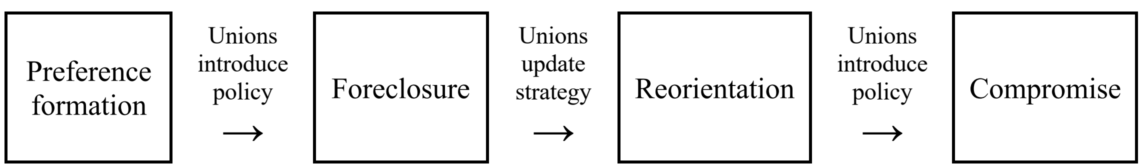
This thesis proposes a new power resource for organized labor, *legal power*, which refers to the capacity to engage a hostile legal regime strategically by diagnosing why earlier blueprints failed and drafting new ones that survive. Part of that expertise is knowing in which legal jurisdiction a design will hold, since the same institution can fail at one level of government and survive at another. Unions with legal power employ specialized practitioners with expertise on how to build *new* labor institutions that survive judicial scrutiny and provide credible assurances to coalition partners about a novel institution's legal viability. Legal power is exercised through the creation of blueprints that travel across state lines, in the process accumulating precedent (as their corporate opponents do) that improves labor's chances of future victory. A union with a mobilized rank-and-file (high associational power) but minimal legal power may be able to engage with employers on the terms set by the existing labor regime, but it will have a harder time designing institutions that survive legal challenges. Similarly, unions can have deep political connections (institutional power), but unless they also creatively wield legal power, they will remain confined by the boundaries of existing labor law.[10]

Legal power differs from the power resources assigned to organized labor. For one, other power resources are exclusive to one union or state. A union cannot lend its membership or its lobbying connections to a movement in another state. Legal power, on the other hand, is not similarly constrained. Once a union's lawyers have created a blueprint it can be exported to other jurisdictions and adopted by a coalition that performed none of the original legal work. An early legal innovation can catalyze a later campaign in a different state.

3.2 Mechanism

These analytical elements are organized into a causal mechanism that traces a four-stage path from a divided labor movement to an enacted institution. This mechanism constitutes this thesis' primary hypothesis (H1). In the mechanism's first stage, *preference formation*, a diverse labor movement forms contested (sometimes incompatible) preferences over what an institutional fix for drivers should look like. In the second, *foreclosure* removes one of those pathways from contention. In the third, *reorientation*, the coalition pivots toward surviving pathways for which a usable blueprint exists, and the faction with the power to enact its preferred blueprint takes the lead. In the fourth, *compromise*, that design is negotiated with the TNCs into enacted law, and key provisions are watered down while the pathway remains intact.

Figure 1: Mechanism of Action for US Rideshare Policy Innovation



[10] Some scholars have theorized a legal dimension of labor power as a set of pro-labor laws organizations can draw upon (Rhomberg & Lopez, 2021; Brunnström et al. 2025). These accounts, however, treat the law as a relatively static terrain that movements either activate or absorb, and do not ask which organizations are better positioned to engage with courts than others.

3.2.1 Preference Formation

Rideshare organizing in each state begins as small, driver-led efforts unattached to any established union. These early formations lead the protest mobilizations, and sometimes the legal challenges, that set the terms of the first political battles (Dubal, 2017). States vary in which organizations institutionalize that energy. In some states, established unions expand into rideshare from adjacent sectors and absorb the drivers' early efforts into their own organizations. In one state, a mainstream union organizing taxi drivers enters rideshare as its members begin leaving taxis for the new industry. In another, multiple mainstream unions arrive from non-rideshare industries. Each mainstream union brings with it the resources of an established union, such as money from dues-paying members in other industries, professional staff, and political connections in the state legislature. In one state, however, mainstream unions are less successful at organizing drivers. There, an indie union that grows out of the drivers themselves out-organizes a larger mainstream union and becomes the de facto (if not de jure) representative of drivers on the ground.

The mainstream unions that enter rideshare from outside the industry bring distinct preferences for how best to improve working conditions for rideshare drivers. These preferences originate from the characteristics of their existing membership base (Cini et al., 2022). Mainstream unions experienced with representing independent contractors remain comfortable doing so and gravitate toward solutions that leave misclassification untouched. Mainstream unions or federations whose members already have employee status fight instead to reclassify drivers. The indie union, which by definition develops within the industry, presses hardest of all for reclassification and views it as the only true guarantor of labor rights. Separate from unions, plaintiffs' lawyers and advocacy organizations supply legal and analytical support to unions and drivers, while attorneys general, courts, and legislators hold the formal authority to negotiate settlements with TNCs and legislate improved working conditions.

3.2.2 Foreclosure

In each case, an external authority discredits a pathway to such an extent that the committed faction abandons it. These foreclosure events take legal or electoral form, and include a judicial ruling, a binding settlement, and a ballot result later upheld by the courts. The available pathways are reclassification, a regulatory floor over IC status, and sectoral bargaining within it.

Each foreclosure *event* can be distinguished from the *process* of foreclosure it sets in motion. The foreclosure event is a discrete legal or political result that triggers a process that gradually exhausts an actor's will to appeal the result or continue organizing along the blocked path. This process is mediated by internal interpretation and debate as actors within and between unions contest its long-term implications. Foreclosure is complete when a coalition abandons the blocked pathway by ceasing litigation or organizing. This two-stage structure is what distinguishes foreclosure from an ordinary political defeat, where a coalition can absorb a loss and return with the same strategy. Foreclosure, on the other hand, occurs when a defeat is so significant that it is accepted by coalition members as disqualifying a pathway, and not merely as a setback within it.

The concept borrows from the literature on critical junctures (Capoccia & Kelemen, 2007; Soifer, 2012) but inverts its central logic. Where a critical juncture loosens constraints and widens the range of feasible options, a foreclosure event contracts it. The direction of the closure varies across the three states. In one state, the coalition never pursues reclassification, and the foreclosure closes the bargaining pathway at the municipal level. This left regulation as the only workable form. In other states, the foreclosure closes reclassification instead, leaving bargaining and regulation both standing. Foreclosure removes a pathway from contention but it does not by itself determine what is pursued next. Appendix B visualizes what pathways were foreclosed, and which remained open, in each state.

3.2.3 Reorientation

Reorientation is the process by which a state labor movement pivots to a different, surviving pathway. Two factors determine which pathway it pivots to, and which faction leads the pivot. The first is whether a surviving pathway has a usable blueprint to draw on. The second is, in the event of a divided labor movement, which faction has the power to write that blueprint into law.

A blueprint is a specific, legally vetted design that operationalizes a pathway; a model already drafted and refined by prior advocacy in another jurisdiction. A union might favor bargaining strategically or ideologically, but without a way to operationalize bargaining in a legally defensible manner, that preference cannot become an institution. Much of this preparatory work is invisible in the headline accounts of each state's campaign.

Producing a blueprint requires legal power. A union's lawyers pursue a pathway existing legal precedent appears to forbid and design a blueprint for it that can withstand challenge. Because that design then travels to other states, the concept draws on the policy transfer literature (Dolowitz & Marsh, 2000), which examines how institutional arrangements move between jurisdictions and how imported models adapt to local circumstances (Peck & Theodore, 2010). Importantly, a design that fails to win adoption in one state, or at one level of government, is rarely wasted. The drafted language and legal analysis it leaves behind become the blueprint a later coalition picks up and adapts, so that a failure in one jurisdiction can be the precondition for success in another. This is also why the set of available blueprints expands over time. A union that acts early confronts a narrower range of designs than one that pushes legislation or a ballot measure after previous defeats have been refined into new blueprints.

A usable blueprint determines which of the surviving pathways a union can in principle build, but in a divided labor movement it does not determine which faction's preference prevails. That question is settled by the power resources different unions hold (Schmalz et al., 2018). Unions with a deep membership base of drivers are rich in associational power (the capacity to mobilize drivers) and in discursive power (the legitimacy that comes from speaking as drivers themselves). All mainstream unions possess the institutional power of money and legislative access that enacting a law demands. Appendix A lists the relevant unions in the study and visualizes the power resources they hold.

Legal power operates differently from these other power resources and through the creation of a blueprint rather than a political contest or direct action. A blueprint drafted by one union's lawyers, even in another state, can be adopted by a different union across the country. This non-rivalrous nature distinguishes legal power from associational power, which is wielded by a particular organization. It is also meaningfully distinct from institutional power. Several mainstream unions possess considerable resources but are unable to exploit legal loopholes or buttress their preferred institutions against corporate lawsuits.

As the case chapters make clear, these resources are not equal. Building a new institution (regulatory or bargaining) requires moving a bill through a legislature or winning a ballot campaign. Such action requires institutional power. Associational and discursive power can set an agenda and sustain direct action, but they cannot substitute for the political access that legislating demands. For this reason, institutional power is decisive. A faction that lacks it cannot prevail at this stage however many drivers it has organized, while associational power distinguishes among the factions that can compete politically at all. In one state, an indie union has members and legitimacy but not the institutional standing to convert its preference into law, and a mainstream union enacts its preferred pathway and blueprint over the indie union's objection. In another state with a divided labor movement, foreclosure closes reclassification, and one faction that had backed reclassification could in principle pivot to regulation, for which blueprints exist. Because that faction never built associational power among drivers, it loses to mainstream unions that hold both institutional and associational power.

3.2.4 Compromise

Even a labor coalition holding a workable blueprint and the requisite power resources still must contend with the TNCs, who are powerful in every state. The platforms have demonstrated they will spend hundreds of millions of dollars to secure the rules they want, and they retain enough influence in every state legislature to block or unwind a statute they oppose. Consequently, their acquiescence is as necessary to the final law as labor's own agreement. The firms enter the last phase of each contest with their own preferences over what the surviving legislation should contain. Firms' first preferences are constant across the three states and, as the platform capitalism literature would predict, immovable on employee classification. Beyond that hard limit, the TNCs prove willing to negotiate over pay floors and benefits.

After a specific pathway has been agreed to by all parties, TNCs use their instrumental power to water down key details of each bill. The labor coalition, having fixed on its institution and the blueprint behind it, does not reopen that window to buy the firms' acquiescence. Instead, labor concedes key details within the pathway, such as the level of a pay floor, range of benefits, or the reach of preemption.

3.3 Alternate explanations

Three conventional alternate hypotheses can be rejected at the outset. First, partisanship (Grumbach, 2022) cannot explain variation among three Democratic-controlled states. Second, union density (Keizer et al., 2024) is roughly equivalent across all three states and cannot explain variation. Finally, levels or modes of business power (Hacker & Pierson, 2002; Culpepper & Thelen, 2020; Valdez, 2023) cannot explain variation when the same firms operated under the same business model in each state and followed a national strategy. This thesis engages with two serious alternative explanations that remain.

3.3.1 H0a: TNC preferences

The first alternate hypothesis argues that the nature of the outcome, whether a state enacted a regulatory or bargaining law, is determined solely by the second-order preferences of the TNCs. Uber and Lyft entered each state as dominant political actors, able to mobilize consumers, lobby legislators, and outspend their opponents (Culpepper & Thelen, 2020). That dominance, however, is not always absolute, and Uber and Lyft concede ground in different jurisdictions across the US and the world (Thelen, 2018; Seidl, 2022; Valdez, 2023; Gross, 2026). In every jurisdiction they did enter, however, the TNCs never ceded employee classification under any circumstances, because their business model depends on keeping drivers outside the employment relationship (Weil, 2014; Beckmann & Hoose, 2022).

Beyond that red line, however, H0a predicts that TNC preferences are contingent. Having secured IC status, the firms hold rankable next-best preferences over what kind of non-employee settlement they will accept. As concentrated actors, they are also willing and able to strike the deal that settlement requires (Foster & Thelen, 2025). H0a argues that this second-best preference, and nothing internal to the labor movement, determines the outcome. Where the firms judge a regulatory floor a more tolerable intrusion by state governments, they permit regulation; where they came to see a bargaining framework as the more amenable intervention, they permit bargaining. H0a argues that the institutional form a state adopts is the form the TNCs are willing to accept. This firm-centric hypothesis argues that union preferences, foreclosure and blueprints are unnecessary for explaining variation, and that the outcome can be read directly off the firms' ranking of the non-classification options available to them.

3.3.2 H0b: Union preferences

The second alternate hypothesis holds that the institutional form of the outcome is determined solely by the preferences of the most powerful union operating in the industry. H0b predicts that the outcome is determined by the initial preferences, formed by the membership and ideological identity of the state's strongest union or union coalition. All unions agree that Uber and Lyft drivers are misclassified, that they are entitled to collective bargaining, and that they deserve access to the full suite of benefits other workers receive. Their priorities, however, differ. Like H1, H0b argues that unions built the institutions they already knew how, and wanted, to build. Unlike H1, however, H0b is union-centric, and argues that foreclosure and blueprints are unnecessary for explaining variation.

3.4 Methodology

This thesis engages in comparative case analysis using process tracing and draws on documentary evidence (court rulings, bill texts, legislative transcripts, news coverage, and organizational press releases) and semi-structured interviews with key actors. Each case chapter reconstructs the sequence of events through which a single state moved from a labor coalition's contested first preferences to the final enacted institutional form. The reconstruction identifies, for each actor, what was wanted, when it was wanted, and what actions were taken. Each step in the sequence is assessed for whether the evidence is more consistent with the framework developed in Section 3.1 or with one of the two alternates in Section 3.3. Accumulating evidence updates the relative plausibility of the three competing accounts and is visualized in Appendix D. This procedure seeks to provide a minimally sufficient explanation for a puzzling outcome (Beach & Pedersen, 2019).

The logic underlying this approach is that of Bayesian belief updating, the probabilistic framework for evidentiary reasoning in process tracing. Researchers begin with prior degrees of belief in competing hypotheses and revise those beliefs as evidence accumulates (Bennett & Checkel, 2014; Fairfield & Charman, 2019). The case chapters use Bayesian reasoning informally, meaning numerical probability calculations are not used as they would imply a degree of numerical precision that cannot be provided by the qualitative evidence this thesis collects (Fairfield & Charman, 2017, p. 376). Instead, each piece of evidence is assessed for how strongly it should raise or lower confidence in each of the three accounts. Data are analyzed to evaluate whether its presence would be more probable given that one hypothesis were true rather than another. Evidence equally consistent with all three hypotheses carries no weight, as only observations that discriminate between them can update confidence in one. Table 1 reports the prior beliefs for each competing hypothesis based on the relevant literature.

Table 1. Priors

Hypothesis	Prior based on literature
H1. Interaction of union preferences, foreclosure, blueprint availability, and union power resources	**Low**
H0a. TNC preferences	**Medium** *Collier et al., 2018* *Pollman & Barry, 2017* *Foster & Thelen, 2025*
H0b. Union preferences	**Medium** *Hyman, 2001* *Frege & Kelly, 2004* *Cini et al., 2022*

Hypothesis	Prior based on literature
	Atzeni & Cini, 2024
IC collective bargaining implausible	**High** *Johnston & Land-Kazlauskas, 2018* *Hadwiger, 2022* *Piasna 2024b* *Gross, 2026*
Partisanship	**Medium** *Grumbach, 2022*
Union density	**Medium** *Keizer et al., 2024*
Business power	**Medium** *Hacker & Pierson, 2002* *Culpepper & Thelen, 2020* *Valdez, 2023*

The actions of specific actors are assessed within each step of the causal mechanism against two evidentiary tests drawn from Naczyk's (2022) criminal jurisprudence framework. The first test, the "guilty mind" or *mens rea*, asks whether the actor held a preference for the institutional form in question, and when the preference was first expressed. Earlier expressions count as stronger evidence of initiative than later ones. The second test, the "guilty act" or *actus reus*, asks whether the actor took concrete, documented action in pursuit of the preference.

Together, the two tests establish whether an actor both wanted and worked toward a specific outcome. Two supplementary assessments are used where the principal tests leave ambiguity: "confessions," in which actors describe their own mobilization of others, and an evaluation of credit-claiming and blame-avoidance incentives.

3.5 Data

This thesis draws evidence from a wide range of sources. It uses documentary evidence including court rulings, bill texts, legislative transcripts, news coverage, and organizational press releases to reconstruct the case record. It then supplements this documentary evidence with fifteen semi-structured interviews conducted across the three cases with union members, legislators and legislative staff, government and non-government attorneys, indie-union members, and TNC representatives (Appendix C).

Process tracing interviews must generate recollections of what happened, including why and in what sequence, rather than merely asking for the opinions or evaluations of actors (Gonzalez-Ocantos & Masullo, 2026). To distinguish process tracing from "mere description" (Gerring, 2012; see also Beach, 2016), interview questions followed the causal mechanism defined in Section 3.2, so that actors could provide sequenced evidence that could be tested against the framework's predictions. Also following Gonzalez-Ocantos and Masullo, open questions preceded targeted probes, and unprompted evidence carried higher evidentiary value than requests for confirmation. Importantly, alternative explanations were probed, since the absence of evidence for an alternative is not itself evidence of its absence (Bennett & Checkel, 2014, p. 24). Critical claims were triangulated from multiple actor perspectives to reduce reliance on any single account.

The case chapters assess the positionality of each source. Union officials may overstate their own initiative and minimize internal disagreements. TNC representatives may understate their role in shaping legislation. Legislators may engage in credit-claiming that distorts a causal sequence. Particular weight is given to triangulated claims confirmed by multiple independent sources, to statements actors volunteered without being asked, and to statements that complicate the speaker's preferred narrative.

Chapter 4: Washington

In March 2014, the Democratic-controlled Seattle City Council voted to cap the number of for-hire vehicles operating through Uber, Lyft, and similar platforms at 150 active drivers per company. The cap was an early municipal effort to regulate the new rideshare industry in the United States (Soper, 2014). It did not survive the year. Within weeks, Uber's local government-affairs team had organized tens of thousands of constituent emails to councilmembers, drove a mobile billboard criticizing the cap around City Hall, and helped assemble a referendum coalition that would put the cap directly to Seattle voters (Interview WA-TNC-01, 38:14; Vaughn, 2014). By June, the council had reversed its decision and suspended the cap. Rideshare operations in the city were subsequently formalized without numerical limits (Vaughn, 2014; Soper, 2014).

This chapter tells the story of what happened next in Washington State. In 2014, a voluntary association of Uber and Lyft drivers in Seattle formed the App Based Drivers Association (ABDA), later renamed the Drivers Union. ABDA affiliated with Teamsters 117, a local branch of the International Brotherhood of Teamsters, a union with historic roots in transportation. The Teamsters originally represented drivers of horse-drawn freight wagons, and their insignia still consists of two horses and a carriage wheel. Together, Teamsters 117 and ABDA petitioned the Seattle City Council to address complaints drivers had about adverse working conditions. In response, Seattle eventually passed the country's first municipal collective bargaining ordinance for rideshare workers (Stott, 2014; Garden, 2018). Instead of limiting the growth of the nascent industry, the second ordinance the council passed in December 2015 accepted Uber and Lyft's presence in the city, and instead allowed drivers to set the terms on which they worked (Garden, 2018).

The city's second effort did not survive either. The U.S. Chamber of Commerce, the country's largest business lobbying group, joined by Uber and Lyft, sued the city under federal antitrust law in March 2016 (Chamber of Commerce of the United States v. City of Seattle, 2016). The litigation moved slowly, but in May 2018 the Ninth Circuit Court of Appeals held that Washington State had not clearly authorized municipal collective bargaining for independent contractors and that Seattle's claim to immunity from antitrust law was erroneous (Chamber of Commerce v. City of Seattle, 2018; Goldstein, 2018). This closed the institutional pathway that Teamsters 117 and its allies in the Seattle City Council had spent two years building toward.

Teamsters 117 then reoriented its focus from municipal bargaining toward municipal regulation. In 2019, the City Council announced what it called the "Fare Share" agreement, a legislative package creating income floors, benefits, and a process for drivers to appeal deactivations. Three years later, Fare Share was scaled up into a statewide law, HB 2076. This legislation mirrored Fare Share's architecture and many of its details—with the notable addition of a clause preempting future regulations that might emerge from Seattle. The state law did not, however, include a bargaining framework, which had been jettisoned after its failure in Seattle.

This chapter argues that the absence of bargaining in HB 2076 was not reflective of initial union preferences for another solution or consistent with TNC preferences for regulation over bargaining. Instead, it argues that Washington chose regulation over bargaining due to the combination of bargaining being foreclosed in court, and the lack of a preexisting bargaining blueprint that would have allowed Teamsters 117 and their allies to attempt another effort at the state level. The pathway Massachusetts and California would later adopt (sectoral bargaining for independent contractors) was made possible by finding a loophole exempting it from federal antitrust law. That blueprint, however, did not yet exist in usable form when Washington's legislature acted in early 2022. Unlike the other two cases, only a single union, Teamsters 117, played a decisive role in Washington's rideshare politics. With no rival faction to contest, the reorientation stage was decided solely by what blueprints were available.

4.1 Uber's arrival, the cap's failure, Teamsters 117's preference

Uber was not particularly concerned, to put it lightly, about the objections of regulators when it launched in Seattle in August 2011. "[We] wrote a white paper that's probably still out there somewhere," an Uber executive recalled, "If you're allowing a competitor to operate in a city then we are also going to operate. We wrote this paper and essentially outlined the safety practices that we were going to follow. We shared those with the city, and then we just launched" (Interview WA-TNC-01, 12:08). Seattle, however, responded faster than most cities. By 2013, the City Council had begun looking for ways to bring the new industry inside its for-hire transportation regulatory framework, which until then had governed taxis, limousines, and traditional car services (Soper, 2014).

The first instrument the city reached for was a cap on the total number of rideshare vehicles. In March 2014, the city voted to limit each rideshare platform to 150 active drivers. This number was drawn from the existing taxi medallion structure (Soper, 2014) and the city reasoned that if Uber and Lyft were going to operate as for-hire transportation, they would abide by the same supply constraints. This logic was politically untenable for Uber. As the executive described, "We deployed some, I wouldn't call them aggressive, but interesting tactics at that time. The mass emails that weren't really done that often back then. We had I think tens of thousands of emails sent into the City Council being like 'you can't pass these regulations.' We rented a mobile billboard and drove it around City Hall for like a week straight" (Interview WA-TNC-01, 38:14). Uber offered an alternate law that gave TNCs formal legal standing in the city and removed the cap. The executive admitted that "some of the wording is not good and I actually wrote some of it. I'm not a lawyer and I didn't have any experience in drafting regulation" (Interview WA-TNC-01, 38:14).

Regardless, the campaign was effective. Uber built a coalition of consumers, tech industry advocates, and suburban community groups (Vaughn, 2014) who positioned the cap as an attack on innovation and accessibility, exactly the framing Culpepper and Thelen (2020) identify as the operating mechanism of platform power. By June 2014, the City Council had suspended the cap and accepted Uber's regulatory framework (Vaughn, 2014).

It was after this failure that the City Council's interest in labor regulation began. A coalition of councilmembers and labor advocates who had been involved in the cap fight recognized that Uber's ability to mobilize its user base would not as easily kill regulation framed as improving driver welfare. The post-cap pivot drew on a coalition of Somali and Sikh driver networks already organized in the taxi and for-hire sector, and in particular taxi drivers organized with Teamsters Local 117 (Garden, 2018).

Teamsters 117's relationship with the taxi industry stretched back decades. The union's membership base was initially centered around Seattle's port and freight economy. Later, it extended into the city's taxi and limousine fleet in the mid-2000s when taxi drivers began approaching the union for legal and political support. "Before Uber and Lyft were in our market," a Teamsters 117 organizer recalled, "taxi drivers first started coming to the union" (Interview WA-T-01, 6:23). By the early 2010s the union could stake a jurisdictional claim on the for-hire sector due to its growing membership and working relationship with the industry's immigrant driver associations (Abbott, 1988; Wells et al., 2021). Crucially, taxi drivers in Seattle were classified as independent contractors, meaning the local had already spent years organizing workers who were not employees before rideshare entered the city (Garden, 2018). The Teamsters' second-order preference, bargaining within IC status rather than reclassification, followed directly from its membership base of non-employee taxi drivers.

Many taxi drivers organizing with Teamsters 117's moved to rideshare after Uber and Lyft entered the Seattle market. ABDA, the voluntary organization of Uber and Lyft drivers in the Seattle metro, coalesced in 2013 around concerns about deactivation and declining compensation (Stott, 2014). In 2014, ABDA formally affiliated with Teamsters 117 to provide its drivers legal counsel and political connections. In return, the union gained a constituency in a new and growing industry (Stott, 2014). Brenda Wiest, Teamsters 117's Vice President and Legislative Director, would later testify to the Washington Legislature that by 2022 the Teamsters had "spent two decades on taxi issues and nearly 10 years on rideshare" (Washington House Labor & Workplace Standards, 2022).

4.2 The bargaining pathway: the 2015 ordinance

On December 14, 2015, the Seattle City Council adopted the first municipal law in the United States authorizing collective bargaining for workers classified as independent contractors. The ordinance grew out of lobbying by Uber and Lyft drivers whom

Teamsters 117 supported, and the policy drew on the union's prior experience representing IC taxi drivers (Beekman, 2015; Garden, 2018). Notably, the law did not challenge IC status. Instead, it created a process through which drivers classified as independent contractors could elect a 'qualified driver representative' to negotiate with the platforms over their working conditions, with the city then administering the certification process. The negotiated agreement between the TNCs and the driver representative would require city approval before going into effect. The driver representative would then have a monopoly over bargaining for all rideshare drivers in the city (Garden, 2018).

Why did Teamsters 117 prefer collective bargaining and not reclassification? It was not because reclassification was unavailable, nor, at least according to the union, due to strategy. According to the Teamsters 117 organizer, the union pursued bargaining because it was "a foundational way that working people build power" (Interview WA-T-01, 21:57). "We decide as workers our union," he said, "and then every struggle about what we do together as a union is about getting the corporations and the politicians to recognize us" (Interview WA-T-01, 23:46). The classification of drivers as independent contractors did not, in this view, make collective action conceptually impossible. "We completely disagree with that notion," they said. "No decision by a corporation or a politician about how you classify us … gets to determine for us whether we have a union. [This is] the foundation of our philosophy" (Interview WA-T-01, 23:46). Teamsters 117's job was to organize drivers regardless of their legal status.

The drafters of the ordinance knew its architecture was unusual. Bargaining among independent contractors looks, under federal antitrust law, like price-fixing among competitors. In other words, a cartel. The Seattle ordinance, however, invoked an exception to antitrust law: the *Parker v. Brown* state-action immunity doctrine. *Parker* allows subnational governments to authorize anticompetitive conduct so long as the conduct is "clearly articulated" as state policy and "actively supervised" by the state (Parker v. Brown, 1943; Garden, 2018). The ordinance's drafters attempted to clear both hurdles. The framing emphasized safety (for pedestrians, drivers, and the public interest in regulating an industry that operated in city streets) as deserving of a "clearly articulated" state policy, since many state laws allowed the government to intervene in the labor market to set safety standards (Garden, 2018). To satisfy the “active supervision” requirement, the bargaining process itself would be publicly administered. Contracts would require city approval before going into effect, which was justified by the city’s preexisting authority over for-hire transportation (Garden, 2018). This was the first attempt anywhere in the US to build a usable blueprint for the bargaining pathway.

The ordinance created a staged certification process through which a labor organization could become the exclusive representative of Seattle’s for-hire drivers. First, an organization had to apply to the city for designation as a qualified driver representative (QDR). Once approved, the TNCs were required to provide the QDR with the names and contact information of drivers. The QDR had 120 days to solicit statements of interest from those drivers, and if a city-conducted card check showed support from a majority of the qualifying drivers on the contact list, the QDR became the exclusive driver representative (Garden, 2018).

Teamsters 117, through ABDA, was the only organization that sought certification to represent drivers. Teamsters 117’s jurisdictional claim rested on its identity as a transportation union, its relationships with driver community networks, and on its institutional capacity to act as a credible representative before a city government advancing an experimental labor policy (Garden, 2018; Wells, Attoh, and Cullen, 2021).

The ordinance went into effect in 2016 and shortly afterwards Teamsters 117 began collecting signed interest cards from drivers across the city (Garden, 2018). When asked to provide contact lists for drivers, however, Uber and Lyft refused, asserting that the ordinance was preempted by federal antitrust law and that compliance would constitute waiver of the legal arguments they were preparing (Garden, 2018). Indeed, alongside a range of corporate interests, they soon challenged the ordinance in court.

4.3 Antitrust foreclosure: the Ninth Circuit and legal fatigue

Uber and the U.S. Chamber of Commerce, a paradigmatic ‘repeat-player’ business lobby, filed an antitrust lawsuit against the City of Seattle in March 2016. The suit alleged that the ordinance authorized price fixing among independent contractors in violation of the Sherman Antitrust Act (Chamber of Commerce of the United States v. City of Seattle, 2016). The legal question at issue was whether Seattle's bargaining ordinance fell within the *Parker v. Brown* antitrust immunity exemption.

The district court initially ruled in Seattle's favor and held that Washington State's grant of authority to municipalities to regulate for-hire transportation was sufficient to cover the ordinance's bargaining provisions (Chamber of Commerce of the United States v. City of Seattle, 2016). But the Chamber of Commerce appealed and in May 2018, the Ninth Circuit, a higher court, reversed the lower court's decision. Washington State, the Ninth Circuit held, had not "clearly articulated" a state policy authorizing private price fixing among independent contractors, and Seattle's general municipal authority to regulate for-hire transportation could not be read to encompass a specific authorization of collective bargaining among competitors (Goldstein, 2018). The case was remanded for further proceedings, but the practical effect of the ruling was felt immediately. The Seattle ordinance was perceived among all actors as functionally dead (Garden, 2018; Interview WA-T-01).

The ruling triggered the foreclosure of bargaining in Washington. Litigation dragged on for two more years and Seattle continued to defend the ordinance, but no bargaining took place during this period. The Teamsters continued to recruit drivers, but the question of whether membership would convert into recognized representation remained suspended. The Teamsters 117 organizer described how those years in limbo influenced the union's internal reading of what was possible: "The experience of being held up in court created a level of fatigue. Is it possible to win our demands if we're just going to get held up by the US Chamber in court? And so part of the transition from the 2015 era was a response to the driver demands in the field … We need to win tangible improvements … put money in people's pockets with a pay raise" (Interview WA-T-01, 45:34). That fatigue, when Teamsters 117 gave up on bargaining, marks foreclosure's completion.

4.4 Reorientation: The NYC pay standard and Fare Share

After foreclosure, drivers and their allies began searching for a new path forward. One promising model came from across the country. In December 2018, New York City's Taxi and Limousine Commission adopted a minimum pay rule for rideshare drivers, the first in the United States (Parrott and Reich, 2018). The rule provided an hourly minimum wage for the total time spent driving, net of expenses like gas and car insurance. In effect, it recomposed the piece work payment schedule that defines platform labor into traditional hourly wage labor. [11]

The New York rule was the blueprint that enabled Teamsters 117 to reorient toward regulation. No equivalent blueprint existed for bargaining. The state-action sectoral model Massachusetts and California would later use had not yet been built, so reorientation toward bargaining was impossible. Regulation was thus the only pathway open. Actors in Washington described the New York wage rule as a proof of concept. "That gave a shot of energy," the Teamsters 117 organizer remembered, "a shot of enthusiasm, to that question of like what is possible and where are the pathways" (Interview WA-T-01, 49:01).[12] With no rival faction to contest the choice, reorientation was settled by blueprint availability alone.

On April 10, 2020, at the start of the COVID-19 pandemic, with rideshare demand collapsing and the city facing a different set of priorities, the Seattle City Attorney's Office announced the end of all active litigation. The city said it would now focus on implementing a new plan, which it called the 'Fare Share' agreement. Fare Share was a

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[11] The rule's primary innovation was the use of a 'utilization rate' (the proportion of a driver's working time during which a passenger is in the car) to calibrate the per-mile and per-minute compensation formula. Drivers had long been paid only for 'engaged' time, which left the substantial unpaid hours of cruising and waiting between trips outside any wage calculation. The Parrott-Reich methodology recomposed the piece-rate payment schedule into an hourly wage by requiring platforms to disclose utilization data and adjusting rates so that drivers' total earnings across a working hour, after expenses, met a target hourly minimum.

[12] The rule is widely seen as the first effective minimum-wage standard for app-based drivers in the United States. One interviewee described the New York standards as "an excellent set of standards for the rideshare industry. Of course, it could be better, but it's substantially better than it is in other states" (Interview MA-N-02, 28:35). Another, noting they were normally skeptical of regulatory floor models, acknowledged that the NYC rule "in the real world has had a lot of benefits for drivers in New York" (Interview MA-N-01, 1:11:50).

regulatory package, a “multi-year compensation-and-benefits framework” agreed to by the city, Teamsters 117, and the TNCs, and negotiated between 2018 and 2020 (Seattle City Attorney’s Office, 2020).

The package established pay floors, paid sick leave accrual, and a limited accident insurance scheme (City of Seattle, 2021). More unconventionally, it also created a Driver Resolution Center (DRC) funded by a $5 million city contract and managed by ABDA, which in 2019 had renamed itself the Drivers Union. The DRC provided culturally accessible outreach to drivers and staffed field organizers and attorneys to represent drivers for free during deactivation appeals (Interview WA-T-01, 1:14:22). A Teamsters 117 representative claimed that by early 2022, more than 2,000 drivers had been reactivated through the Drivers Union’s appeals work, and that “millions of dollars have been put back in workers’ pockets” (Interview WA-T-01, 52:33).

Early media coverage characterized Fare Share as a tripartite negotiated settlement between organized labor, the City Council, and the TNCs (Nickelsburg, 2020; Groover, 2020). Key actors involved in the regulation, however, disagreed with this framing. Said the Teamsters 117 organizer: “No, that was entirely oppositional. The TNCs did not agree to Fare Share” (Interview WA-T-01, 1:08:51). According to the organizer, Teamsters 117, Seattle mayor Jenny Durkan, and the City Council fought for the package against active company opposition. The Uber executive agreed, describing how Fare Share, from the TNC’s perspective, was “mostly seen as negative … it set the rates, the permanent per-mile rates, which completely breaks a dynamic marketplace like Uber had. Uber wanted, and I think asked for ‘Hey, we will guarantee a certain floor. And then let us figure it out’” (Interview WA-TNC-01, 1:00:55).

4.5 The limits of Fare Share and the compromises behind HB 2076

Despite being hard won, Fare Share was perceived as unstable from the beginning. This was in large part due to the regulatory architecture it imposed on Uber’s internal market. The Uber executive argued that the regulations “killed the business in lower-income zip codes. I think the trips never recovered post-COVID in Seattle” (Interview WA-TNC-01, 1:03:14). What Uber wanted, they said, was not deregulation but a different regulatory form, “a guaranteed floor” for drivers that still allowed Uber the operational flexibility to set individual rates and fares (Interview WA-TNC-01, 1:00:55).

Drivers also had issues with Fare Share. Its rates applied only to trips originating inside Seattle, and Sea-Tac International Airport sat outside the city’s political boundaries. A driver picking up a passenger at Sea-Tac, or dropping one there from a suburb, earned the lower, ‘market’ rate set by the platforms. As the Teamsters 117 organizer recalled, “Drivers immediately began saying, OK, that’s great that it’s in the city of Seattle that I get higher pay, but I work also in the surrounding suburbs. The airport … there’s a lot of trips there” (Interview WA-T-01, 1:18:34).

A statewide effort to address these issues appeared inevitable. But could Fare Share have been replaced with bargaining, this time extended to drivers across the state? In retrospect, state-action immunity had remained legally available to Teamsters 117 and their allies if Washington State chose to legislate IC collective bargaining at the statewide level. At the time, however, it did not appear likely to survive another court battle. A Washington State Representative, elected with strong labor backing, said “no one knew or was confident that it would be legal considering Seattle’s attempt had failed” (Interview WA-L-01). After four years of litigation, it looked like a longer, and less promising, fight than the one drivers wanted.

What eventually became HB 2076 started with a phone call. A State Representative familiar with the bill’s drafting had an existing working relationship with a senior Uber executive and saw an opening. Uber, in the years since Fare Share, had been operating under a municipal regulatory regime it viewed as expensive and inflexible. The company would, the Representative calculated, prefer a statewide framework that brought regulatory predictability across Washington’s jurisdictions. The two worked out the shape of a deal and only afterwards did the Representative bring the Teamsters into the conversation (Interview WA-L-01). That deal ultimately became a scaled-up version of Fare Share. Could it have been something different? Looking back, the Representative said “maybe we would have tried sectoral bargaining,” and described themselves as a “big fan” of European peak-level agreements. Fundamentally, however, there was “no model to draw upon” for bargaining at the time (Interview WA-L-01).

There was clearly interest in pursuing bargaining as a pathway, but no blueprint was available for actors to do so.

By the time HB 2076 was introduced in January 2022, all parties openly acknowledged the negotiated character of the bill. The legislation's prime sponsor, State Representative Liz Berry, described it as "the product of negotiations between Uber, Lyft, and the Teamsters" that had been ongoing "for years," and later, while amending the bill's compensation formula, stated that "every penny has been negotiated by the TNCs and the Teamsters to the cent" (Washington House Labor & Workplace Standards, 2022).

Labor made two important concessions as the bill proceeded through the legislature. The per-trip minimum compensation outside Seattle dropped from $5.00 to $3.00, which primarily affected drivers in the metro area's outer ring. A preemption clause, implicitly directed at Seattle, barred future local rideshare regulations (Engrossed Substitute HB 2076, 2022). When asked about how the bill text evolved throughout the legislative process, the Teamsters 117 organizer simply stated that "Labor was advocating for pay raises … The companies were obviously advocating on the other side" (Interview WA-T-01, 1:10:07). The TNCs had "a bigger seat at the table at the state level than they did at the municipal level" (Interview WA-T-01, 1:12:43).

HB 2076 closely mirrored Fare Share in its specifics. Statewide pay standards were calibrated by per-mile and per-minute rates, with separate rates for trips inside and outside Seattle (House Bill 2076, 2022). The bill gave drivers one hour of paid sick leave per forty passenger platform hours and workers' compensation coverage during both dispatch and passenger time. The bill also created a statewide version of Seattle's DRC, meant to be managed by a nonprofit organization with "demonstrated experience" representing rideshare drivers in deactivation appeals—a criterion only the Drivers Union could meet (Session Law of HB 2076, Sec. 1(1)(k)). The DRC was funded by a fifteen-cent-per-trip tax on all rides.

As with Fare Share, HB 2076 did not allow for drivers to bargain with TNCs. Furthermore, drivers' IC status was not just maintained, but codified in state law. For Uber, this was the bill's most important provision. As the Uber executive described it, "[Uber] got employment definitions right at the state level … Which was huge because this was definitely a gray area with questions about what's an employee, what's not. That state bill is where Uber essentially got its definitions" (Interview WA-TNC-01, 1:05:03). At no point in any hearing transcript, committee analysis, floor debate, or amendment process did any individual or organization mention collective bargaining as a proposed, considered, or rejected institutional alternative. The entire legislative process operated within a regulatory framework from introduction through enactment.

The law quickly became controversial. The International Brotherhood of Teamsters opposed HB 2076 on the ground that it enshrined IC status. A director of a national labor law nonprofit diplomatically called the divergence between Local 117's position and the international's as "very awkward" (Interview MA-N-01, 50:22). Critics within the broader labor movement were sharper. A member of Rideshare Drivers United, an indie union, described HB 2076 as the example not to follow. Teamsters 117, they said, were a "rogue Teamsters union" and characterized the deal as one in which "the state sold out drivers' rights in order for this Teamsters local to be getting millions of dollars from the company," referring to the funding for the union to manage the DRC (Interview CA-R-01, 1:38:22; Interview CA-R-02, 23:11).

The Uber executive described HB 2076 as a win for Uber because it brought classification certainty and statewide preemption of future, likely more progressive, efforts originating in Seattle (Interview WA-TNC-01, 1:07:46). The Teamsters 117 organizer described it as a win as well because it led to a pay raise for drivers, a deactivation appeals process, paid sick leave, and other benefits. Unmentioned was the state funding for the Drivers Union and, by extension, Teamsters 117 (Interview WA-T-01).

4.6 Assessment

The Washington evidence substantially increases confidence in H1. At the *preference formation* stage, the Teamsters' starting preference was bargaining, inherited from their experience representing IC taxi drivers. This preference was acted on publicly through the 2015 Seattle ordinance. The Ninth Circuit's 2018 ruling triggered bargaining's *foreclosure* by blocking the institutional form that Teamsters 117's advocacy had been built around. At *reorientation*, the blueprint available to Teamsters 117 was Fare Share, itself influenced by the New York City pay standard. The IC sectoral bargaining blueprint that Massachusetts and California would later adopt did not yet exist in usable form in early 2022. Because Teamsters 117 faced no rival faction within the state's labor movement possessing different preferences (such as for reclassification), its reorientation toward regulation went uncontested. The eventual pathway was determined solely by the availability of Fare Share's blueprint. Finally, during the *compromise* stage, Fare Share was scaled up to HB 2076 through negotiation with Uber and Lyft. During these negotiations, key details of the final package were watered down, but the pathway of setting minimum standards through regulation was left intact.

4.6.1 H0a: No meaningful update

In Washington the firms plainly acted on a preference when they challenged Seattle's bargaining ordinance in court. At the foreclosure stage, then, the evidence is equally expected under H1 and H0a. Both hypotheses predict a legal challenge. Potentially discriminating evidence lies in the subsequent stages. H0a predicts that the regulation Washington adopted should reflect the firms' preferred design, but it did not. Uber opposed Fare Share's fixed per-mile and per-minute rates and pressed instead for a flexible floor it could administer itself. HB 2076 nonetheless preserved the "market breaking" fixed rates. The firms won codified IC status, statewide preemption, and a lower outside-Seattle rate at the compromise stage, but they could not dictate the core nature of the regulation itself.

These concessions, however, concern details within the regulatory form rather than the choice of the pathway, which is the outcome H0a predicts. To that point, H0a is silent on why bargaining never resurfaced in 2022. The Uber executive did not report a clear preference for either bargaining or regulation, and instead expressed that the company viewed all significant interventions into its marketplace as problematic. The absence of decisive evidence in the Washington record therefore leaves confidence in H0a unchanged.

4.6.2 H0b: Unions' preferences did not determine why Washington enacted regulation

H0b, that the lead union's preferences alone explain the outcome, fits Washington poorly. H0b argues that a union builds the institution its identity and repertoire dispose it toward. Applied to Washington, it would predict bargaining, not regulation. Teamsters 117's first institutional preference was bargaining, which it pursued through the municipal route for five years and defended in court for three. The union's identity and culture did not change between 2015 and 2022. Instead, what changed was the menu of options available to it. H0b cannot explain why a union that wanted to bargain produced a regulatory law instead. Asked about the tradeoff directly, the Teamsters 117 organizer rejected the implication that bargaining had been abandoned at all: "Nobody's abandoned the idea that workers should bargain … It would be a false dichotomy to say … why did you choose to do this but you are rejecting doing that … These things are complementary, not contradictory" (Interview WA-T-01, 55:54). The Washington case thus lowers confidence in H0b.

Chapter 5: Massachusetts

In 2020, as Fare Share was being finalized, the Massachusetts Attorney General's Office (AGO) sued Uber and Lyft for misclassifying their drivers as independent contractors. Massachusetts had one of the strongest laws for employment status in the country, (known as the 'ABC test' for its three-pronged standard to classify workers as employees) and the AG expected to win in court (Ocampo, 2024). The TNCs, for their part, did not wait passively for the AG's lawsuit to play out. In 2021, Uber, Lyft, and two food delivery companies, DoorDash and Instacart, filed a ballot initiative (funded by a $13 million Lyft donation, the single largest political donation in Massachusetts history) that would have codified IC status by direct vote (Stout, 2022). A Massachusetts court struck down the 2022 petition on a procedural ground, but the platforms returned in early 2024 with restructured petitions designed to clear the previous ruling's hurdle. By spring 2024 it appeared likely the court would allow the revised petitions onto the November ballot.

On the eve of the verdict, the AG chose to settle the case. The settlement secured $175 million in restitution for drivers and established a benefits floor, but it preserved drivers' IC status, the very thing the lawsuit had been designed to overturn. It also required the platforms to withdraw the ballot initiatives they had planned for the November 2024 election, which if approved by voters would have cemented IC status and imposed lower benefits (Loss, 2024; Ballotpedia, 2024).

At the time, in addition to the AG's lawsuit, the labor movement in Massachusetts was split between two competing strategies. One bloc, consisting of two mainstream unions, Service Employees International Union (SEIU) 32BJ and the International Association of Machinists and Aerospace Workers (IAM) 15, had spent three years drafting and lobbying a collective bargaining bill that would retain drivers' IC status. Another bloc, consisting of the Massachusetts AFL-CIO (the state's largest labor federation) as well as the mainstream union Teamsters Local 25, supported a bill that would reclassify drivers as employees. The settlement's terms meant the platforms' own ballot initiatives were now off the November 2024 ballot and the AG was no longer pursuing reclassification. This left space for entirely new ballots to be filed. SEIU 32BJ and IAM 15 converted their sectoral bill into a ballot proposal, while the Massachusetts AFL-CIO and Teamsters 25, by contrast, saw their bill die in the legislature. On November 5, 2024, Massachusetts voters approved the sectoral bargaining ballot measure (then titled "Question 3") by 54 percent to 46 percent. The vote created the first sectoral bargaining framework for rideshare drivers in the United States (Massachusetts Secretary of the Commonwealth, 2024; Tan, 2024).

In Massachusetts, a divided labor movement formed competing preferences, a settlement foreclosed reclassification, the labor movement reoriented toward the surviving pathway that had a usable blueprint, and the firms' terms for accepting bargaining were confirmed by the settlement. Unlike the other two cases, however, elements of the causal mechanism do not follow as strictly chronological a narrative.

5.1 Preference formation: three competing strategies

Question 3 faced a winding path to enactment. In Massachusetts, the contest to raise rideshare working standards saw three parallel labor-side strategies in motion before the 2024 settlement. They emerged from different organizations and drew on different institutional repertoires. Two of the three strategies belonged to competing union blocs whose preferences, as anticipated, tracked the composition of their memberships. The third, the AG's lawsuit, was the state enforcement effort around which the reclassification labor bloc organized.

5.1.1 The Attorney General's lawsuit

In 2020, Attorney General Maura Healey filed a declaratory judgment action against Uber and Lyft. The action alleged that the companies had misclassified their drivers and were therefore operating in violation of the Commonwealth's basic labor laws. The AGO was confident in the outcome of the case because Massachusetts had, according to an attorney in the office, "one of the strongest independent contractor misclassification statutes in the country," and the legislature had specifically expanded the AGO's enforcement authority on misclassification matters in the 1990s (Interview MA-AGO-

01, 0:05). As was anticipated by the office, however, Uber and Lyft declined to settle on the AGO's initial terms and the litigation entered a four-year period of pretrial motions and discovery.

5.1.2 The reclassification statute

While the AGO's lawsuit and the TNC ballot battles played out in court, unions in Massachusetts were developing their own strategies. The largest and most institutionally established response came from Teamsters Local 25 and the Massachusetts AFL-CIO, who in January 2023 introduced House Bill 1158, hereafter H.1158, which would have reclassified drivers as employees through statute. Their strategy was aligned with the AG's lawsuit, and both pursued the reclassification pathway.

Both unions treated rideshare drivers' IC classification as violating existing Massachusetts law, and both pursued reclassification as the natural remedy. Both Teamsters 25 (through its experience organizing freight and logistics workers), and Massachusetts AFL-CIO (which encompassed most private and public sector employees in the state) had organizational identities and bargaining repertoires that assumed employment status. As a result, their preferred institutional outcome was to fold rideshare drivers into the legal frameworks that already applied to their members. Their political strategy was for the AG to win their lawsuit, and then to codify the new legal standard through H.1158. Thereafter, drivers' new employee status would open the normal nationally-mediated path to union representation. Their preference is well explained by the theoretical framework, which predicts that a federation and a freight local whose members hold employee status pursue the reclassification pathway, the institution they are familiar with.

5.1.3 The sectoral bargaining statute

Two other unions, SEIU 32BJ and IAM 15, took a different approach that prioritized delivering bargaining rights to drivers immediately. To do so, they had to navigate a narrow legal window. On one side, federal labor law preempted sectoral bargaining for private sector workers covered by the National Labor Relations Act (NLRA). As a result, any state framework applicable to rideshare drivers had to operate on the assumption that drivers were independent contractors and therefore outside the NLRA's coverage. But, in turn, federal antitrust law prohibited independent contractors from coordinating on price, so any bargaining framework had to clear the *Parker* state-action immunity threshold of clear articulation and active supervision that the Seattle City Council encountered five years earlier. The bill the coalition introduced, House Bill 1099 ("An Act establishing a transportation network driver bill of rights") was an attempt to thread that needle (Massachusetts House Bill 1099, 2023).

House Bill 1099, hereafter referred to as H.1099, scaffolded peak-level representation onto the US enterprise bargaining system. It empowered both rideshare drivers and food delivery drivers to form bargaining representatives and negotiate industry-wide with platform companies (Massachusetts House Bill 1099, 2023). Like Seattle, it invoked antitrust immunity. Because Massachusetts law allowed the state to "displace competition with regulation of the terms and conditions of work," it was therefore "consistent with this policy, to exempt from federal and commonwealth antitrust laws, the formation of industry councils and negotiation of recommended standards" (Massachusetts House Bill 1099, 2023, p. 1). Additionally, the bill specified how the state would engage in meaningful supervision of any terms agreed by the bargaining parties. This design fit within the precedent that the Ninth Circuit had established in killing Seattle's 2015 ordinance. There would be no antitrust violation because there was no private price-fixing, the state policy was clearly articulated, and the bill required active state supervision.

The union coalitions pursued their competing strategies for years, but the Massachusetts legislature did not advance either H.1158 or H.1099. The AG's litigation, meanwhile, progressed slowly through pretrial motions. This stalemate ended, however, when the TNCs began to assert themselves in the state's politics.

5.2 The TNCs' ballot and the pressure behind the settlement

In late 2021, Uber, Lyft, DoorDash, and Instacart (organized as a coalition under the name Flexibility & Benefits for Massachusetts Drivers) submitted ballot petitions for the November 2022 election. The coalition's spokesperson described the ballots' intention as locking in IC status into Massachusetts law for drivers and adding a TNC-managed benefits floor in its place (Stout, 2022). In addition to Lyft's $13 million donation, the coalition promised an additional $2.1 million on television advertising aimed at pressuring legislators to strike a deal before the petitions reached voters.

The Attorney General certified the TNC petitions in September 2021 as constitutionally compliant. Sensing the looming threat, a countercoalition immediately formed under the name Massachusetts Is Not For Sale, anchored by labor unions including the Teamsters and the AFL-CIO and supported by civil-rights and consumer organizations. The coalition invoked the Massachusetts Constitution's "related subjects" rule, which limits ballot initiatives to "either related or which are mutually dependent" subjects (Interview MA-AT-01, 0:42). The TNC petitions, the countercoalition argued, were so comprehensive they failed that test.

On June 14, 2022, the Massachusetts Supreme Judicial Court (SJC) unanimously struck the petitions from the ballot. The SJC held that the petitions improperly bundled two unrelated policies. One was the headline classification provision. The other was a tort-liability clause, "buried in obscure language at the end," that shielded the platforms from liability for drivers' accidents (El Koussa v. Attorney General, 2022, p. 825). Because the two were unrelated, the AG had erred in certifying the petition, and it could not appear on the November 2022 ballot.

5.3 Legal power and the sectoral bargaining blueprint

Of the three strategies in play, the sectoral bargaining bill was the least homegrown. The core insight making H.1099, and later Question 3, possible was developed by attorneys at the Independent Drivers Guild in 2018, after the Seattle ordinance's defeat at the Ninth Circuit had made clear that municipal bargaining for independent contractors would not survive antitrust challenge.

The nonprofit director described the broader pivot of the post-Seattle period: "With Seattle's defeat, there was more of a push to make these sectoral bargaining frameworks statewide because of antitrust considerations" (Interview MA-N-01, 14:42). Much of that early legal experimentation was concentrated in New York City. The Independent Drivers Guild (IDG), formed in 2016 as a partnership between IAM 15 and Uber to handle deactivation appeals for NYC rideshare drivers, was the country's most visible model of worker representation and negotiation that preserved drivers' IC status. However, IDG's relationship with Uber was largely consultative, and it was not allowed to negotiate pay or working conditions. By 2017 and 2018, however, attorneys associated with IDG had begun drafting a more ambitious framework: a sectoral bargaining model designed to be portable across states, built around the state-action immunity doctrine that Seattle's municipal effort had failed to clear, and most importantly, not viewed by the TNCs as a fundamental threat to their business model.

According to one of the policy's architects, "I sat down and just figured it out … We came up with this model that's, I think, best exemplified in Massachusetts, which is a state regulatory model. It's not an NLRA model … What gets you around [antitrust law] is that it's a state action" (Interview CR-A-01, 18:55). The innovation, in their telling, was finding the right legal justification for the bargaining. Appealing to health and safety laws had failed in Seattle, so the IDG lawyer found an alternative source of legitimacy. Their inspiration were sectoral wage boards used in industries from garments to fast food since the early twentieth century to set industry-wide minimum standards. The boards were tripartite bodies with worker, employer, and government representation, which the lawyer aimed to convert into a more pure form of bargaining. "What had never been done before was to use those boards as a way to say, okay, workers, you get to pick who gets those seats … The innovation that I came up with was the government's going to say workers get to pick that" (Interview CR-A-01, 24:18). This is legal power in the specific sense as developed in this thesis. A union's lawyers created a blueprint that found a loophole through which to route the bargaining pathway.

The rest of the labor movement, however, was not receptive. The IDG first attempted to introduce the bill in the New York State Legislature in 2021 but it was quickly killed by other unions. "We wrote up a version of the bill in New York," the IDG attorney recalled. "It got leaked out. And some unions didn't like it, SEIU and UAW [United

Auto Workers] in particular, and killed it in New York in 2021." IDG tried again in Connecticut, "and again, it was killed by the UAW and SEIU" (Interview CR-A-01, 41:22). The rest of the labor movement opposed the sectoral bargaining draft on the grounds that it accepted IC status. As the nonprofit director recounted, "that initiative went nowhere because you're going to ask these workers to bargain from nothing, they're bargaining with no minimum wage or anything. They're not going to have the power to bargain for more" (Interview MA-N-01).

Beyond providing insufficient leverage, most unions viewed IC status as opening the floodgates to fissuring. They feared "that [IC status] would then eventually leak into their industry and a lot of the people that they represent would be considered independent contractors … delivery [in particular] was a big concern" (Interview MA-T-01, 12:58). As the IAM organizer recalled, "the majority of the unions that were the most outspoken were the ones that felt that their membership could be threatened by the gig economy or by reclassification of workers" (Interview MA-T-01, 15:14).

The model's proponents tried yet again in Massachusetts, this time with a different strategy. The conventional view inside organized labor was that state-level reclassification (fighting to get platform workers recognized as employees under the National Labor Relations Act) was the correct path forward, and therefore policies that did not challenge misclassification were a fallback at best. The IAM organizer judged that this view misread the federal terrain. Even if a state succeeded in passing a reclassification statute, federal labor law preempted state action on union representation for any worker who fell under the NLRA. And the federal government's interpretation of whether gig workers were covered by federal labor law changed depending on which party won the presidency. The IAM organizer noted that "The Trump administration had their general counsel for the National Labor Relations Board do a memo in his first term that characterized Uber and Lyft drivers as independent contractors and did not allow them to unionize. So [we were] trying to get the labor movement in Massachusetts to understand that even if you made them employees, they wouldn't have the right to unionize because the National Labor Relations Act … says that they can't unionize. We needed to find another way" (Interview MA-T-01, 17:08).

To smooth tensions with its fellow unions, IAM 15 dispatched a respected senior IAM official (and the father of one of the model's chief proponents) to meet with the president of SEIU 32BJ. The meeting took place in late 2022, in the months between the SJC's June 2022 invalidation of the platforms' first ballot initiative and H.1099's January 2023 introduction. As the IDG lawyer described: "We just talked it out, we explained what we were doing. And they got it. And we said, why don't we do this together? ... And SEIU did a 180. They just completely went from killing these bills in states to becoming the biggest cheerleader for them" (Interview CR-A-01, 1:08:31). The IAM 15 organizer offered a slightly different gloss on the same moment: "At the conclusion of that session, SEIU 32BJ, who I was fairly close with, started really looking at the whole picture and looking into the legalities of unionization, even if they were deemed employees in Massachusetts. They found what we were saying was correct and decided to join us in this fight to bring representation to these drivers. And so that's where our partnership happened" (Interview MA-T-01, 5:28).

The alliance between the two unions provided scale and resources. SEIU 32BJ brought a deep New England membership base, access to politicians, and a fundraising apparatus comparable to the Teamsters', while IAM supplied its own driver base. In Massachusetts specifically, SEIU locals had built institutions that resembled sectoral bargaining in 2006 and 2012 for two categories of publicly funded workers: family child care providers paid through public child-care subsidies, and personal care attendants paid through MassHealth, the state's public health insurance scheme (An Act Establishing a Personal Care Attendant Quality Home Care Workforce Council, 2006; Mass. Gen. Laws ch. 15D § 17). In each case, the workers remained legally self-employed but were represented collectively, through SEIU locals, on a state-supervised council with jurisdiction over wages, training standards, and grievance procedures—similar to the wage boards cited by the IDG lawyer. To pool their resources and experience, the two unions cemented their alliance by forming a new partnership, the App Drivers Union (ADU), which was "mutually owned" by both unions (Interview MA-T-01, 28:00).

The alliance brought legitimacy at a moment when the sectoral bargaining model badly needed it. The IDG had for years faced intense criticism from the rest of the labor movement because many of its operations were funded by Uber. One rideshare organizer in California, speaking about obstacles at the national level, described IDG as "a company union 2.0" which was "fighting the [NYC indie-union] Taxi Workers Alliance, which wanted a real union. While at the same time taking credit for all of the regulations that [the Taxi Workers Alliance] were able to get passed in New York City" (Interview CA-R-01, 12:01). *"*The model of the company union," they concluded "is a fascist formation" (Interview CA-R-01, 1:17:33). A plaintiff-side labor attorney similarly described what SEIU and IAM were building as "essentially company unions, because the companies are okay with having unions that are recognizing the drivers as independent contractors. So it seems a bit collusive" (Interview MA-AT-01, 47:11).

The model's architect was aware of how the effort was perceived. "We were the devil," they said, "If the devil creates something, it can't be good" (Interview CR-A-01, 1:42:15). The IDG funding structure, they continued, "is not okay in some arms of the labor movement. You're being funded by the companies and that makes you a company union and all kinds of awful things. And so, I think that hurt us a lot for a long time" (Interview CR-A-01, 1:43:22). By early 2023, SEIU 32BJ and IAM 15 were supporting H.1099, but could not build a legislative majority. The bill sat through the 2023 legislative session and into 2024, waiting for a political opening.

5.4 Foreclosure and reorientation: The settlement and weekend pivot

After years of parallel litigation and lobbying, the three strategies collapsed into each other over a chaotic weekend. The clean, sequential nature of the mechanism, evident in Washington and California, becomes somewhat muddied in Massachusetts. This section covers both the foreclosure and reorientation together. The AG's settlement was the foreclosure event, and only a few days later the foreclosure process was completed when reclassification's prior supporters abandoned the pathway. Almost immediately, the state labor movement began reorienting toward bargaining. However, and unlike in other cases, the foreclosure event of the settlement was also where the state made compromises with the TNCs. There was no legislative wrangling between labor and the firms months after a pathway had been solidified. Instead, the same event that foreclosed reclassification (the settlement) also delivered the primary compromise with the TNCs (IC status) and finalized negotiations with the firms. As a result, unlike the other two cases, the foreclosure, reorientation, and compromise stages occur mostly simultaneously, rather than in a sequential order.

5.4.1 The end of litigation and the foreclosure of reclassification

The AGO's case went to trial in May 2024, nearly four years after the office had filed the original declaratory-judgment action. At the time, legal observers were confident in the AGO's chances. To demonstrate that drivers were independent contractors, the platforms had to show that drivers were "engaged in work outside the usual course of the company's business," the third prong of the state's ABC test. It did not appear likely, to say the least, that Uber and Lyft could persuade the judge that they were not rideshare companies (Ocampo, 2024).

The trial unfolded over five weeks of testimony and document review, and the office felt they were "on the eve of victory" (Interview MA-AGO-01, 25:14). "We would have been surprised if we had lost," claimed the attorney at the AGO (25:14). However, the office was also reading public polling data, which indicated broad support for the TNC's 2024 ballot measure. "We had this other ballot question that we knew, pretty confidently, based on … what polling was suggesting … was very likely going to pass," the AGO attorney said. "So with all of those things in mind, the thought process behind this was if we could get to a settlement agreement whereby drivers would have access to close to the protections that other employees in Massachusetts have, that would be a better outcome for drivers than the alternative" (Interview MA-AGO-01, 31:08). Additionally, the attorney noted, the platforms would have appealed even if they had lost, and the appellate process would have taken years (Interview MA-AGO-01, 31:08). During that time, the platforms would have continued to operate under the existing contractor framework, and no benefits floor would have been in place for drivers.

The settlement was unprecedented in the AGO's history. "This was the first time, at least in the space where we work, where we settle with a company that has not come into compliance," the AGO attorney said. "A tenet of what we do is making sure that the company moving forward is doing the right thing. And so this was a huge thing for a lot of us, all the way up to the AG, to have to decide" (Interview MA-AGO-01, 53:18). The decision cut against the office's institutional culture. Uber and Lyft, in the AGO attorney's assessment, had been "deliberately ignoring the statute" for years, "their model is they break the rules until the rules change to comport with their business" (Interview MA-AGO-01, 54:02). The settlement did not require either company to admit wrongdoing. Importantly, it also did not change the underlying Massachusetts statute, which on its face still classified rideshare drivers as employees under the ABC test. It did, however, politically foreclose reclassification and the AGO committed not to pursue further enforcement on classification grounds.

5.4.2 The state compromises on reclassification, and gains a regulatory floor

The AGO negotiated three significant pro-driver terms in exchange for conceding its claims of employment status. The first was a $175 million restitution payment, the bulk of which would flow directly to drivers who had been denied benefits during the four-year period the litigation covered. The second was a benefits floor: a minimum hourly compensation of $32.50 with passengers in the car, before expenses;[13] one hour of paid sick time accrued for every thirty hours worked, capped at forty hours; a stipend permitting drivers to buy into the state's Paid Family and Medical Leave program; access to a pooled health-insurance benefit; and eligibility for occupational-accident insurance (Loss, 2024). Third, and most relevant for this chapter, was a clause requiring Uber and Lyft to withdraw their pending 2024 ballot initiatives (Ballotpedia, 2024).

Despite acknowledging the significant setback on employment rights, the AGO attorney framed the settlement as establishing a precedent to build on. "This is intended to be another starting place. We were about to be in a position where drivers would have had

[13] This figure was set by the same economists who designed the NYC minimum wage, using Massachusetts-specific utilization rate data provided by the TNCs, and working out to a holistic hourly income equal to the Massachusetts minimum wage (MA-AGO-01, 52:54).

nothing. So this allows us to be in a place where they have a floor again, and ultimately, through the legislature or potentially through the union process … these things will get built on" (Interview MA-AGO-01, 41:33).

The labor attorney who had led the 2022 ballot challenge captured organized labor's mixed reaction. The AGO had the opportunity to win a judicial ruling and change the platforms' practices. Instead, in their view, the office accepted a settlement that "basically just led to a détente, or a continuation of the status quo" (Interview MA-AT-01, 1:08:14). "I understand the pressure that was on the AG, but at the same time there was a big feeling in the labor community that it was a real missed opportunity … So overall I'd say it was a big disappointment from labor's perspective. Was it understandable and not a big surprise? Yeah, I think it was kind of understandable, but it's just too bad that they didn't extract more" (Interview MA-AT-01, 1:09:08).

But for SEIU 32BJ and IAM 15, the settlement created an opening, albeit a surreally short one. The settlement was announced on Thursday, June 27, and the 2024 ballot-filing deadline for alternative initiatives was the following Tuesday, July 2. The same settlement that had retired the TNC's IC ballot path had also rendered reclassification by ballot politically unwinnable. A union coalition could in principle have filed a competing reclassification petition, but the political case for it was closed. The strongest vehicle for reclassification had been the AGO's misclassification suit. A reclassification petition filed days later would therefore no longer ask voters to win new rights while the AGO prosecuted the companies, it would instead overrule a fresh settlement backed by the state.

The settlement also did just enough to reorient the divided labor movement toward bargaining. Both the reclassification and bargaining bills had stalled because labor was split. Legislators, according to the IAM organizer, "never want to see a divided group" (Interview MA-T-01, 21:01). Once the settlement made IC status the politically acceptable baseline, that division eased: "with a court settlement, there started to be a little less resistance from some of the unions … we talked on Monday and said, hey, we could pass this thing through a ballot and not worry about people being reclassified and hurting the workforce" (Interview MA-T-01). The former proponents of reclassification also helped lower suspicions of IC bargaining. The Attorney General herself endorsed Question 3 on the day it was filed and by doing so, lent significant political credibility to the bargaining pathway.

The bargaining framework H.1099 had represented for three years was now, suddenly, the frontrunner solution. After deliberating over the weekend, IAM 15 and SEIU 32BJ met on Monday, one day before the deadline. As the IAM organizer remembered, "We had one day, literally one day, it crept up on us. One day to make a decision, do we want to go to a ballot question? And we made the decision, or SEIU initially posed it, and we joined them on it" (Interview MA-T-01, 20:36).

That the bargaining initiative went to the ballot, rather than a regulatory one that would have raised the AG settlement's $32.50 floor higher or added stronger deactivation protections to it, was not preordained. Reclassification was politically foreclosed, but the post-settlement field contained more than one alternative. The AG settlement drew sustained criticism from organized labor for what it had not delivered. Drivers expressed particular frustration with the settlement's deactivation framework, which did not address the speed and opacity with which platforms removed them from the apps (Interview MA-AGO-01, 1:01:08).

So why did labor not reorient toward a ballot that would have left the settlement's classification outcome intact but strengthened deactivation protections? The IAM 15 organizer speculated that the reclassification bloc declined to run because it knew the political winds had shifted. The AGO had abandoned the reclassification pathway and shifted its support to bargaining. H.1158 was already stalled in the legislature, and the settlement only made its passage less likely. Converting the bill to a ballot measure over the weekend, as happened with H.1099, did not appear a much better strategy. The reclassification bloc knew any ballot campaign would be "very costly" and, considering that "sixty-five, seventy percent of the voting population" wanted drivers to remain independent contractors, highly uncertain (Interview MA-T-01, 21:32). What decided reorientation, then, was power. An SEIU 32BJ organizer stated that only the bargaining bloc combined the institutional resources to mount a multimillion-dollar ballot campaign with a driver base and the public standing to make it credible (Interview MA-S-01, 13:06). The reclassification bloc, meanwhile, had comparable resources but no associational power of its own and chose to stand down.

5.5 Question 3 is put on the ballot

SEIU 32BJ converted H.1099 into Question 3 and preserved its core details, including the state-action architecture and 5-percent and 25-percent organizing thresholds. Within weeks, the SJC cleared the petition for the November ballot (Craney v. Attorney General, 2024). A “Yes on 3” coalition formed around SEIU 32BJ and IAM 15 and drew endorsements from the state’s Democratic congressional delegation. The sharpest opposition came from within labor. Massachusetts Drivers United, a loose grouping of drivers, and Veena Dubal, a high-profile legal scholar, attacked Question 3 as a company union structure that accepted IC status. Sara Nelson, president of the Association of Flight Attendants and a prominent labor leader, asked publicly whether the campaign was “building a fighting movement or … just trying to get people to pay dues” (Goldstein, 2024). In a high-profile snub, the state AFL-CIO refused to endorse the measure (Interview MA-T-01, 05:28).

The most telling feature of the campaign, however, was what did not happen. Uber and Lyft stayed neutral and funded no opposition at all, in a sharp break from the millions they had spent on their own 2022 initiatives (Ballotpedia, 2024). With IC status already locked in by the June settlement, the firms had little to gain from a fight and much to lose months after a $175 million payout. The IAM organizer assessed that it was “too much of a hill to climb” (Interview MA-T-01, 26:14) and on November 5, 2024, voters approved Question 3 (Massachusetts Secretary of the Commonwealth, 2024).

5.6 Assessment

The Massachusetts evidence substantially increases confidence in H1. Each of the four stages of the mechanism is visible in the Massachusetts record. For *preference formation*, the state labor movement split between a reclassification bloc and a bargaining bloc, with preferences shaped by the composition of their membership. For *foreclosure*, the Attorney General's settlement closed reclassification and made IC status the accepted baseline while leaving both bargaining and regulation standing. Foreclosure was completed when the reclassification bloc accepted the bargaining pathway by filing no competing ballot and letting its bill die in the legislature rather than fighting to overturn a fresh state-backed settlement.

For *reorientation*, the question is why the labor movement turned to bargaining rather than regulation, since regulation remained a buildable pathway with usable blueprints (like the settlement). This chapter suggests that only the bargaining bloc paired a surviving pathway with the power and will to enact it. The reclassification bloc could in principle have pivoted to a regulatory ballot, but it had no driver base of its own to win a ballot campaign, and with the Attorney General's endorsement of bargaining, little political support for a new piece of legislation so similar in content to the settlement.

Finally, for *compromise*, the firms negotiated intensely with the AGO, and by the time of the ballot campaign had already stood aside. In Massachusetts, unlike the other cases, the compromise stage overlaps with the foreclosure event. The TNCs' price for accepting bargaining was already paid in the same settlement that closed reclassification.

5.6.1 H0a: TNC preferences did not determine why Massachusetts enacted bargaining

The empirical record lowers confidence, meanwhile, in H0a. H0a holds that, among the non-classification settlements the TNCs would accept, the firms' ranking of regulation against bargaining determined the institutional form. For Massachusetts, H0a predicts that the TNCs preferred bargaining to regulation. However, at no point did the firms express or act on such a ranking. Having secured IC status in the settlement, Uber and Lyft were neutral toward Question 3 and funded no opposition. The IDG lawyer's observation that the model was not viewed by the TNCs as a fundamental threat to their business model suggests that the TNCs tolerated bargaining because it preserved contractor status, but not that they discriminated between non-reclassification options.

5.6.2 H0b: Unions' preferences did not determine why Massachusetts enacted bargaining

Massachusetts's empirical record lowers confidence in H0b on two counts. First, the case had not one influential union, but two competing blocs with opposing preferences, so union preference cannot by itself say which prevailed. Indeed, Massachusetts AFL-CIO, encompassing nearly the entirety of the state's labor movement, possessed at least as much institutional power as the bargaining coalition (if not clearly more). What broke the tie was the foreclosure event that closed reclassification and the non-institutional power the bargaining bloc held to enact its alternative. Second, unions' second-order preferences changed over time. SEIU had helped kill the IC bargaining model in New York and Connecticut before reversing itself in Massachusetts. H0b cannot explain why the union changed its mind.

Chapter 6: California

California's road to sectoral bargaining began with one of organized labor's most crushing defeats in generations. Prop 22 codified IC status in 2020 and appeared to cement TNC dominance in rideshare politics. This chapter traces how, five years later, the state enacted legislation spurring the largest private unionization drive in US history. In 2019, the entirety of the labor movement in California had unified behind AB 5, a bill that would classify rideshare drivers, and many other gig workers, as employees. By doing so, it would give them access to California's comparatively generous labor protections and benefits. The bill became law, but the TNCs immediately introduced a ballot measure, Prop 22, to overturn it. The ballot measure's passage began the foreclosure of reclassification in the state.

In the four years that followed, unions and their allies contested Prop 22 in court and pursued wage-claim enforcement against the platforms, but they could not develop a regulatory package comparable to Seattle's Fare Share because Prop 22's requirement that future regulations pass with a seven-eighths majority made rideshare legislation unattainable. In 2023, an appellate court threw unions a lifeline by removing the measure's seven-eighths majority clause. That opening (the ability to legislate by simple majority, within IC status) provided a narrow opening through which AB 1340 would be built. A legislative majority would prove even more essential after the California Supreme Court conclusively upheld drivers' IC status in 2024.

6.1 Preference formation: Dynamex, AB 5, and the early organizing of RDU

Nowhere was the battle for reclassification stronger, and its impact more consequential, than in California. In April 2018, the state Supreme Court announced its decision in a landmark case, *Dynamex Operations West v. Superior Court*. In *Dynamex*, the court was being asked to adopt a version of the ABC test modeled on the Massachusetts standard to resolve a long-running misclassification lawsuit brought by package delivery drivers. As in Massachusetts, the test placed the burden squarely on hiring entities to prove that their workers were engaged in work outside the usual course of the company's business. Unlike in Massachusetts, however, the litigation proceeded to a final judgment. But rather than ruling on the specific employment status of rideshare drivers, or any other platform worker, the Court focused on redefining the broader legal standard for the state *(*Dynamex Operations West, Inc. v. Superior Court, 2018). Following *Dynamex*, TNCs would have to argue that driving passengers fell outside their core business model.

At the time of the decision, the state labor movement was pursuing two efforts to improve conditions for platform workers. SEIU California, the California Labor Federation[14], and the Teamsters' Joint Councils 7 and 42 representing Northern and Southern California respectively, worked on the bill that would become AB 5. The bill aimed to codify *Dynamex* and take the entire issue of classification out of the courts. Meanwhile, Rideshare Drivers United (RDU), an indie union founded in 2018 out of driver organizing at Los Angeles' airport, was building a statewide driver base and suing the TNCs for wage theft (Interview CA-R-02).

RDU proved to be a uniquely influential indie union. Its initial organizing crystallized around improved pay, deactivation protections, and employee-level benefits, and promised direct action against the TNCs if they were not met. In March 2019, Uber and Lyft announced pay cuts ahead of their initial public offerings. RDU mobilized in response, striking both companies in Los Angeles on March 25, 2019 for twenty-five hours to protest a twenty-five percent wage cut. The action propelled RDU to nearly 5,000 members, and two months later, the group led a global strike on May 8, 2019, on the eve of Uber's IPO. Drivers in twenty-five U.S. cities and on five continents went on strike against the company. The actions gained huge media attention and Democratic presidential candidates Joe Biden, Bernie Sanders, Elizabeth Warren, Kamala Harris, and Pete Buttigieg tweeted their support. Veena Dubal, a prominent labor law scholar, called the action a "huge, unprecedented victory for service workers in the on-demand platform economy" (Dubal, 2019).

[14] Equivalent to the Massachusetts AFL-CIO

The rideshare firms' public framing in this period anticipated the Proposition 22 campaign that would follow. The CEOs of Uber and Lyft jointly authored an opinion piece on June 12, 2019, titled "Open Forum: Uber, Lyft ready to do our part for drivers." The op-ed framed driver attraction to rideshare as driven by flexibility and signaled the companies' willingness to extend benefits and earnings guarantees to drivers within an IC framework, but not to support employee classification (Khosrowshahi et al., 2019).

RDU and its members joined the state's large unions to advocate for AB 5, which passed the California legislature in September 2019 and was signed into law that month. The statute codified *Dynamex's* ABC test across state law (California Assembly Bill 5, 2019). One month later, the TNCs responded by filing a ballot proposal that would return drivers to IC status. In June 2020, the proposal was certified to appear before voters in the November elections. The certification could not come soon enough for the TNCs. In August, a San Francisco Superior Court had issued a preliminary injunction requiring Uber and Lyft to reclassify drivers as employees. In response, the companies announced they would suspend operations in California, but before they carried out the threat, an appellate court issued a temporary stay (Paul, 2020). The litigation around AB 5's application to rideshare was still unresolved when the November 2020 ballot arrived.

6.2 Foreclosure begins: Proposition 22, labor's 2020 defeat

Organized labor and its allies spent roughly $20 million opposing Prop 22. The California Labor Federation, SEIU, the Teamsters, and the United Food and Commercial Workers provided the majority of union funds, while RDU mobilized most drivers. RDU's co-founder, Brian Dolber, recounted how the pandemic forced organizers to use unconventional approaches to reach voters, including holding Zoom rallies and car caravans, and prioritizing short-form viral videos (Dolber, 2020b). In total, RDU members contacted approximately one million voters before election day. However, the fundamental asymmetry in resources between the two sides remained. "You open Google, you open Facebook, you turn on your TV, whatever, they're there with a single mother who is so happy that she can do this job, and this will give her more rights" recounted an RDU organizer. "We couldn't actually overcome the $220 million" (Interview CA-R-01). Proposition 22 was the event that triggered foreclosure in California. Foreclosure's completion would occur years later, however, when Prop 22 was upheld in court, and unions stopped fighting for reclassification.

Proposition 22 passed in November 2020 with 59 percent of the vote. Post-election reporting found many California voters reported regret after the vote and attributed their choice to advertising they later believed had been misleading (Siddiqui & Tiku, 2020). Uber's CEO framed the result during an earnings call as a platform on which to build a national strategy: "Going forward, you'll see us more loudly advocate for new laws like Prop 22" (Ongweso Jr., 2020).

In exchange for denying drivers employee status, the platforms promised a benefits package and a pay guarantee they claimed would leave drivers better off than the minimum wage. The reality was more modest. The law's minimum pay applied only to 'engaged time' with passengers in the car, leaving the substantial time drivers spent waiting between rides outside the wage calculation. The law promised a healthcare contribution, but it kicked in at high, and varying, weekly thresholds. Drivers were reimbursed for expenses like gas and maintenance, but only at a fraction of total costs. Importantly, all were unilateral standards set and overseen by the platforms (Interview CA-R-01).

6.3 Castellanos and reorientation: litigation, mistrust, and labor's split

After Prop 22, the state labor movement's legal and grassroots efforts continued to run in parallel. SEIU California and other mainstream unions contested Prop 22 in court, in a lawsuit known as *Castellanos v. State of California,* while RDU continued to both sue Uber and Lyft for unpaid wages and build out its organizing capacity. RDU's legal strategy operated on the premise that, since Prop 22 was not retroactive, drivers had been employees between AB 5 and Prop 22. RDU drew on California's existing wage-and-hour enforcement regime, and supported lawsuits demanding back pay for unpaid minimum wages, unpaid wait time, and unreimbursed expenses (CA-R-02, 38:59; CA-R-01).

In addition, RDU threw its weight behind the federal Protecting the Right to Organize (PRO) Act, which would have overridden Prop 22 by reclassifying gig workers nationally. To garner support, RDU created a new advocacy campaign. As a senior RDU member recalled, “We went on strike for legislation, and this goes against everything that we do in US labor. So people generally don’t understand: ‘Oh, like, what are you? You’re not asking for money from the companies?’ No, we were trying to shut down the companies and protest for the legislation” (Interview CA-R-02, 22:18).

However, with the PRO Act stalled in Congress, and the state route to reclassification narrowing, RDU began developing a backup strategy. Bolainez, an organizer for RDU, pointed to the New York City Taxi and Limousine Commission’s 2018 minimum-pay regulation as a second-best model, “It’s a pretty simple solution: regulate pay in a way that gives the state a way to enforce it and meet pay goals, all while ensuring that under labor rights drivers have all the benefits of all other workers” (Logics Magazine, 2024). Drivers might not be able to automatically access all their rights through employee status, but the state still had the authority to recreate minimum working standards in the aggregate.

Meanwhile, distrust between RDU and SEIU California was growing. In the run-up to AB 5, leaders at RDU had felt that SEIU and the Teamsters were seeking to use *Dynamex* as leverage to negotiate a backroom deal with Uber, Lyft, and the governor, rather than do the hard work of organizing drivers (Interview CA-R-02, 12:01). Specifically, RDU was concerned that SEIU and other mainstream unions in the state would create a California version of the IDG in New York, an organization that “looks like [it] represents labor interests, but really [is] just company-backed,” in Dubal’s words (Goldstein, 2024). “Our fear,” expressed an RDU organizer citing the example of IDG in New York and Massachusetts, “was that they were trying to cut a deal that was going to lock drivers into independent contractor status” (Interview CA-R-02).

The SEIU-led effort to overturn Prop 22 culminated in two appellate rulings. First, in 2023, the First Appellate District severed Prop 22’s seven-eighths supermajority requirement for writing future labor laws on the ground that the proposition unlawfully defined what constituted an amendment and could not limit the legislature’s authority to enact legislation related to rideshare (Castellanos v. State of California, 2023). Second, in 2024, the California Supreme Court unanimously held that Prop 22's classification provision did not conflict with the state constitution's grant of legislative authority over workers' compensation. The combined effect of the two rulings meant that Prop 22's IC classification stood, but the legislature retained authority to enact further legislation by ordinary majority.

By the summer of 2024, reclassification was foreclosed, as any post-Prop-22 statute had to operate within an IC framework. That left the labor movement two available pathways and a choice between a regulatory minimum-standards package, drawing from New York City and Washington, or sectoral bargaining, drawing from Massachusetts. RDU reoriented toward regulation, and began developing a minimum wage bill with Assemblymember Ash Kalra of San Jose, specifically citing New York City and Seattle as inspiration (RDU, 2025).

SEIU California, however, reoriented toward pursuing sectoral bargaining. Why? Like its Massachusetts locals, SEIU unions across the state had built similar wage boards for the fast food and healthcare sectors. A researcher at the UC Berkeley Labor Center described SEIU's orientation as doing for rideshare drivers "the same thing as it did with fast food restaurants" (Interview CA-N-01). But those boards had serious limitations. As the IDG lawyer put it, the wage board approach carried "a parasitic element": the staffers who ran California's fast-food council "didn't get money from fast food workers, because they hadn't organized fast food workers," and were instead "using salaries being paid for by janitors." State appointed representation without dues, they had concluded, "isn't sustainable," because "you can't build a labor movement that doesn't have a revenue stream" (Interview CR-A-01, 18:30). Massachusetts's Question 3 was the missing link: a sectoral framework that not only set standards but let drivers elect their own representative and pay dues. The blueprint meant SEIU could turn its wage board experience into an institution that would also increase its membership.

But why SEIU and not another union? Its case for leadership among other mainstream unions was straightforward. "It's not surprising" that SEIU led the legislative push, the

Berkeley researcher said, because “fast food and gig, these are all service industries. So it makes sense for Service Employees International to be taking the lead on that.” But in beating out RDU, it came down to power: “Also, I don’t think they would have been that successful without the fact that they have a lot of members and [legislative] power in California” (Interview CA-N-01, 13:26). Ultimately, RDU was “as a statewide organization, compared to SEIU California … much smaller” (Interview CA-L-01, 32:27). As an RDU organizer put it, “SEIU is the money” (Interview CA-R-02).

6.4 AB 1340 and SB 371: The blueprint and the compromise

Initially, AB 1340 had nothing to do with rideshare. As introduced by Assemblymembers Buffy Wicks and Marc Berman in February 2025, the bill changed five words of the Metropolitan Transportation Commission Act. In April, it was amended to become the “Transportation Network Company Drivers Labor Relations Act.” SEIU California had approached the authors’ offices in January or February, and a senior legislative staffer recalled that both the union and the legislature were “engaged in and very familiar with the other models. We were working with some of the same labor attorneys that helped to write those models” (Interview CA-L-01, 18:42). SEIU brought the initial bill text, written in part by the same attorneys who had drafted H.1099 in Massachusetts and the failed bills in New York and Connecticut, to the legislators’ offices for introduction. Asked whether the bill was essentially written by SEIU, the staffer argued this was “a little more nuanced,” but did not dispute that SEIU was “the architect of the language” (Interview CA-L-01, 21:42).

SB 371, the package’s other half, had a similarly winding path to enactment. Introduced in February 2025 by State Senator Christopher Cabaldon as technical amendments to the Public Utilities Code, it was transformed by a March amendment into a measure reducing Uber’s and Lyft’s insurance requirements, which the companies claimed raised fares by 32 percent statewide (Katzenberger, 2025c). Consumer advocates and plaintiffs’ attorneys opposed the reduction because it financially exposed accident victims (Interview CA-L-01, 32:18). RDU opposed it because the lost coverage would fall on drivers. The measure stalled in committee through the spring and appeared to be going nowhere on its own.

AB 1340, meanwhile, was building momentum. Wicks framed the bill as a legally safe measure, in contrast to the years of mostly unsuccessful reclassification litigation. “AB 1340 meets the legal requirements of the State Action immunity doctrine,” she said, “because it furthers state policy to encourage and protect rideshare drivers’ freedom of association and ability to join together to negotiate improvements, and it provides for the necessary state oversight or supervision of the organizing and collective bargaining process” (California Assembly Labor & Employment Committee, 2025). Berman described the bill as chiefly about giving rideshare drivers collective voice, “a seat at the table in deciding the future of an industry for which they are the ones who are taking on the risk.” At committee hearings, proponents shared data from a study finding California rideshare drivers’ net earnings without tips were about a third of the state minimum wage (California Assembly Labor & Employment Committee, 2025).

RDU testified in support of the bill, with reservations. “We need the strongest bill possible,” its president told the committee, “to ensure that we have the right to strike for a fair contract” (California Senate Transportation Committee Transcript, July 8, 2025). The bill, however, never clearly guaranteed that right, and without it, the Berkeley researcher noted, “there is a question about the effectiveness of the organizing” (Interview CA-N-01, 16:32). Uber and Lyft testified in opposition, claiming the bill “would override the will of California voters” and opened “a slippery slope that could impact Prop 22” (California Senate Committee on Transportation, 2025).

Formal negotiations between the authors, SEIU California’s executive director, and the firms’ senior policy officials began in mid-July 2025 and concluded in roughly six weeks. On August 29, Governor Newsom announced the package with SEIU, Uber, and Lyft all lending support (Katzenberger, 2025b), and on September 2 the bills were formally linked: SB 371 would become operative only if AB 1340 was enacted (SB 371, 2025). Without the package, the staffer explained, “we weren’t going to get the kind of political détente that we needed to not only secure the governor’s signature, but also have the companies not dragging the statute into court and trying to pick it apart”

(Interview CA-L-01, 41:22). The insurance bill let the firms win on an issue where they had been “intransigent,” and gave labor’s representatives a reason to tolerate the concession (Interview CA-L-01, 47:12). Berman called the result a “huge win both for hundreds of thousands of California workers and for millions of California consumers” (California Senate Labor Committee Transcript, September 3, 2025).

But not everyone was happy. A late amendment required any organization seeking certification to be the drivers’ representative have prior experience negotiating contracts. RDU, which as an indie union could not officially bargain until AB 1340, did not meet the requirement. SEIU, however, could. The staffer acknowledged the amendment made recognition “easier for organizations of a certain size” and “laid bare” for RDU that certification “is going to be a really steep hill to climb” (Interview CA-L-01). RDU, meanwhile, had already been suspicious of SEIU’s intentions before the amendment. The indie union viewed the insurance package as “the first CBA negotiation” that “already screwed over drivers before they even got collective bargaining rights” (Interview CA-R-02, 1:14:09). The bargaining experience clause merely confirmed RDU’s suspicion, held since 2018, that SEIU was engineering a monopoly on representation. “What they’re saying” an RDU organizer contended, “is you can’t form a union outside of what’s already been established” (Interview CA-R-02). SEIU defended the requirement as an anti-company-union protection (Katzenberger, 2025a). By fall, RDU had flipped its official position to opposition, joining the California Chamber of Commerce and other business groups.

RDU instead pushed a regulatory alternative modeled on the New York City and Seattle minimum wage rules. it bill would have set minimum wage and benefits across all working time (not merely ‘engaged’ hours), a cap on the platforms’ commission, and just-cause deactivation protections (RDU, 2025). And while RDU had a highly mobilized base, it did not have votes in Sacramento. Its bill never found a sponsor.

6.5 Assessment

The California evidence substantially increases confidence in H1. At the *preference formation* stage, the California labor movement shared one ultimate goal in reclassification but possessed divergent second-order preferences. In 2019 the whole movement unified behind AB 5 to win reclassification. After Prop 22's initial passage suggested reclassification was out of reach, SEIU and RDU's preferences diverged. SEIU California had experience building sectoral wage boards in fast food and healthcare and had deep relationships in the state capital. RDU, meanwhile, was rich in members and legitimacy among drivers, but lacked political capital. RDU wanted reclassification, and failing that, minimum standards. Bargaining, it argued, could never deliver the roughly threefold raise it argued drivers needed merely to reach the minimum wage (Interview CA-R-01). SEIU, on the other hand, pursued sectoral bargaining using Question 3's blueprint.

Foreclosure came in two stages. Proposition 22 initially took reclassification off the table in 2020, and the California Supreme Court's 2024 *Castellanos* settled the resulting appeals and confirmed IC status. As in Massachusetts, the foreclosure left two pathways standing: a regulatory floor drawing from the New York City and Washington blueprints, and sectoral bargaining from Question 3.

H1 predicts that institutional power determines *reorientation* when two buildable blueprints compete. Here, California departs from Massachusetts, where two mainstream blocs of comparable institutional power competed. In California, by contrast, the contest was between an indie union with a deep driver base, and a mainstream union with size and political connections. The mainstream union won. SEIU could move its preferred bill through Sacramento and keep the platforms from killing it, while RDU, despite its membership, could not even find a sponsor for its rate-card bill. Finally, and as in Washington, the *compromise* stage came at the end. The TNCs had opposed AB 1340 initially but switched to supporting it after it became paired with SB 371, the insurance relief measure.

6.5.1 H0a: TNC preferences did not determine why California enacted bargaining

The empirical record in California lowers confidence in H0a, which holds that firms' ranking between regulation and bargaining determined the institutional outcome. For California, H0a predicts that the TNCs preferred bargaining to regulation. There is no indication in the empirical record that they did. In fact, both companies' CEOs suggested they were open to some kind of regulatory solution. Uber and Lyft opposed AB 1340 in committee, warning that it would "override the will of California voters" and open "a slippery slope" for the protections Prop 22 had given drivers (California Senate Committee on Transportation, 2025). Their opposition lifted only once SB 371 was placed on the table (Interview CA-L-01, 47:12). The firms never chose bargaining over regulation, but rather opposed the bargaining bill until they were paid to stand aside. As in Washington and Massachusetts, the most that can be said is that bargaining was tolerable to the TNCs because it preserved IC status, and not that they discriminated between non-reclassification options.

6.5.2 H0b: Unions' preferences did not determine why California enacted bargaining

The data presented in the California chapter similarly lowers confidence in H0b, which predicts that initial union preferences alone determined institutional form. Like Massachusetts, California had two influential unions with competing preferences. As a result, union preference cannot by itself predict which pathway prevailed. California makes this point especially clear. RDU, the union with the stronger claim to speak for drivers due to its longer presence and larger membership base, was unable to enact its preferred policies. SEIU, the union that prevailed, did so through its institutional power rather than its associational strength. Had rootedness or the capacity to mobilize drivers determined the outcome, RDU's regulatory preference would have won. Instead, SEIU's bargaining preference prevailed because SEIU could move legislation through the legislature and RDU could not.

Chapter 7: Conclusion

This thesis offers a comparative analysis of why three Democratic-controlled states, seeking to regulate the same two firms under the same federal labor law, produced different institutions for rideshare drivers. By tracing how unions navigated a legal environment hostile to collective action, it attempts to center the legal system, and the lawyers who operate within it, in studies of labor's power resources.

Conventional expectations provided by research on platform work are not well suited to account for the observed variation in US rideshare policy. That literature has been largely pessimistic about collective bargaining among platform workers who remain independent contractors on the grounds that such workers have no employer obliged to recognize them, and that their coordination violates antitrust law (Johnston & Land-Kazlauskas, 2018; Hendrickx, 2023; Piasna, 2024b). It has further held that bargaining can follow only once workers are reclassified as employees, and that mainstream unions are poorly suited to organize a dispersed, immigrant-heavy workforce (Bertolini & Dukes, 2021; Joyce et al., 2023).

Massachusetts and California, however, established bargaining while drivers remained independent contractors, suggesting that reclassification may not be the precondition the literature assumes. In all three states, mainstream unions led the decisive political efforts. And in each case the contest was resolved through legislation or a ballot measure rather than in the courts emphasized by much of the scholarship (Hendrickx, 2023; Piasna, 2024b).

Table 2. Matched conditions and divergent outcomes

Variable	**Washington**	**Massachusetts**	**California**
Outcome			
Final policy regime	Regulatory standards	Sectoral bargaining	Sectoral bargaining
Context			

Variable	Washington	Massachusetts	California
Partisan control[15]	Democratic trifecta	Democratic trifecta	Democratic trifecta
Union Density[16]	18%	14.6%	14.9%
Business Power	Same two firms	Same two firms	Same two firms
Preexisting regulation of TNCs	Yes	Yes	Yes
Unionized taxi drivers	Yes (Teamsters)	Yes (United Steelworkers)	Yes (Taxi Workers Alliance)
Unemployment[17]	4.2%	3.9%	5.4%

This thesis develops a four-stage mechanism to address this puzzle. Unions first form preferences over how to improve drivers' conditions. A legal or political event then forecloses one pathway and forces a reorientation toward another. The movement can turn only to a surviving pathway for which a usable blueprint already exists. When more than one pathway remains, the final direction is set by which union holds the power to write its design into law. Finally, that design is negotiated with the TNCs, who compromise on pay and benefits but not on classification.

This account offers a plausible explanation for the divergence across the three cases. In Washington, Teamsters 117 preferred bargaining and pursued it for several years, but the pathway was foreclosed before any blueprint for bargaining within IC status had been developed. Absent a rival faction pushing for reclassification, Teamsters 117 followed its comfort with IC status and reoriented to regulation.

Unlike Washington, both Massachusetts and California had divided labor movements. In Massachusetts the 2024 settlement led the reclassification bloc to stand down, and

[15] A trifecta is when one party controls the executive (Governor) and both chambers of the legislature
[16] From the Bureau of Labor Statistics (BLS) at the time of each law's passage
[17] From the BLS at the time of each law's passage

the broader movement followed SEIU 32BJ and IAM 15's lead in reorienting toward bargaining. In California, the division between SEIU California and RDU persisted. SEIU, the union with the greater institutional power prevailed over RDU, the union with the larger driver base—an outcome consistent with the power resources account (Schmalz et al., 2018).

7.1 Contributions

This thesis makes several contributions to the literature on platform capitalism and labor. First, comparative studies of platform regulation have concentrated on differences across countries (Thelen, 2018) or across cities (Seidl, 2022; Valdez, 2023; Gross, 2026) and have tended to measure the presence or strength of regulation rather than qualitative variation in institutional outcomes. These three cases suggest that states sharing a party, labor law, and a pair of firms may nonetheless diverge in the kind of institution they build. The findings also lend support to accounts that question the inevitability of platform firm dominance (Culpepper & Thelen, 2020; Valdez, 2023), since in each state labor and state actors were able to impose limits on the platforms' control over their internal labor markets, though, as the cases also show, never to the point of disturbing IC status itself. Finally, the findings challenge the prediction that countries without developed sectoral labor market institutions will struggle to absorb platform workers into collective bargaining structures (Cini et al., 2022).

This thesis also makes a contribution to the study of organized labor's power resources. That literature has catalogued the structural, associational, institutional, and discursive capacities workers can deploy (Schmalz et al., 2018), but it has had comparatively little to say about the law as its own resource. This thesis suggests that recent developments in US rideshare labor policy are difficult to explain without paying attention to how unions and their allies engaged the legal system, and to the lawyers who designed the institutions that survived challenge. What this thesis terms legal power, the capacity to navigate a hostile legal regime and to design within it an institution that can survive challenges, helps to account for variation that existing power resources leave unexplained. The sectoral bargaining model enacted in Massachusetts had been developed years earlier by attorneys whose initial versions failed in New York and Connecticut, and California adopted the Massachusetts statute with relatively little modification. This thesis illustrates how unions, and not just business, can be "repeat players" in American politics. By drafting and redrafting a single design across successive state campaigns, a labor coalition accumulates legal expertise and precedent accessible by actors across the country.

7.2 Limitations

This thesis draws on candid interviews with many actors directly involved in the three laws studied and contextualizes the interview data with a wide range of legislative texts, bills, court filings, and press releases. The findings are nonetheless subject to several limitations. The most evident is the small number of cases. Three liberal states cannot establish that the mechanism operates in more conservative states, or in industries beyond rideshare. The negative cases of New York and Connecticut, while discussed in the thesis, were discovered too late in the research process to receive their own separate analyses. The evidence base is also uneven. Representatives of Teamsters 25, the Massachusetts AFL-CIO, and SEIU California declined repeated requests for interviews. Each union's preferences and actions had to be reconstructed and triangulated from the accounts of legislative staff, rival unions, allies, and the TNCs. Finally, the analysis concentrates on state actors and may therefore under-weight the part played by national union leaderships in shaping or constraining the state campaigns.

7.3 Future research

Rather than treating collective bargaining for independent contractors as implausible, as much of the literature continues to do (Gross, 2026; Johnson et al., 2026), future work might more productively ask where its diffusion leads. The model studied here builds what is in substance collective bargaining while presenting it as state regulation. As that design spreads across liberal states, it may come to represent a 'conversion' (the redeployment of an existing rule toward an end it was never designed to serve) of *Parker*-immunized regulatory authority into a paradigm-shifting form of sectoral bargaining (Streeck & Thelen, 2005; Mahoney & Thelen, 2010). Will Question 3 and

AB 1340 mark the first steps toward an entirely new set of peak-level bargaining institutions in the US?

A second concerns the durability of the mechanism itself. The contests examined here were animated by disagreement within labor over what drivers should pursue. That disagreement may not persist as the model diffuses. Where a later state adopts bargaining largely because it has become the conventional choice, little may remain to foreclose or to reorient, and the mechanism may give way to more straightforward emulation.

A final question concerns whom these institutions will ultimately serve. The drivers and the independent unions that first organized the sector were seldom the actors that determined what institutions their mobilizing produced. In California, the union with the deepest roots in the industry was outflanked by one with greater legislative influence. It remains to be seen whether sectoral bargaining develops into a durable source of power controlled by drivers themselves or becomes principally a revenue-generating mechanism for mainstream unions that leaves drivers thinly organized.

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Appendix

A. Relevant unions and their power resources

Table 3. Relevant unions

State	**Union / actor**	**Type**	**Sectoral origin**	**Initial preference**
Washington	Teamsters 117 (in partnership with the indie Drivers Union)	Established	Taxi, freight transport	IC bargaining
Massachusetts	SEIU 32BJ (with App Drivers Union)	Established	Property service, care work	First reclassification, switches early to bargaining
Massachusetts	IAM 15 (with IDG in NYC, ADU in MA)	Established	Aerospace, transportation	IC bargaining
Massachusetts	Teamsters 25	Established	Transport, trades	Reclassification
Massachusetts	Massachusetts AFL-CIO	Established Federation	Cross-sector	Reclassification
California	SEIU California	Established	Services, care	First reclassification, switches to bargaining
California	Rideshare Drivers United	Indie	Driver self-organization	Reclassification
California	California Labor Federation	Established Federation	Cross-sector	Reclassification

Table 4. Power resources of relevant unions

Union	Associational (members, mobilization)	Institutional (lobbying, funds, staff)	Discursive (legitimacy as drivers)
Teamsters 117 (WA)	Strong	Strong	Moderate
Rideshare Drivers United (CA)	Strong	Weak	Strong
SEIU California (CA)	Weak	Strong	Weak
SEIU 32BJ IAM 15 (MA)	Strong	Strong	Moderate
Teamsters Local 25 MA AFL-CIO (MA)	Weak	Strong	Weak

B. Foreclosed and remaining options

Table 5. What pathway was foreclosed and ultimately enacted

State	Classification	Bargaining	Regulation
Washington		X	✓
Massachusetts	X	✓	
California	X	✓	

C. Data collection

Table 6. List of featured interviews

Code	Organization	Role
WA-T-01	Teamsters 117	Organizer
WA-L-01	Washington State Legislature	State Representative
WA-TNC-01	Uber	Executive
MA-T-01	IAM District 15	Organizer
MA-AGO-01	Massachusetts AGO	Attorney
MA-AT-01	Plaintiff's law firm	Attorney

Code	Organization	Role
MA-N-01	Nonprofit	Director
MA-N-02	Harvard research center	Director
MA-S-01	SEIU 32BJ	Organizer
CR-A-01	IDG	Lawyer
CA-R-01	RDU	Organizer
CA-R-02	RDU	Organizer
CA-R-04	RDU	Organizer
CA-L-01	California State Legislature	Staffer
CA-N-01	UC Berkeley research center	Director

Ethical approval was obtained before conducting interviews [Central University Research Ethics Committee (CUREC) reference 2832782].

Table 7. Interview protocol

Table 7 describes the types of questions asked in each interview.

Stage of H1	What is established	Representative questions	Discriminating probe
Preference formation	Each actor's initial pathway preference and division within labor	How did your organization first get involved with rideshare drivers, and what kind of fix did you think the situation called for? How did you see other organizations' competing approaches?	H1: initial, sector-shaped preferences H0a-b: a settled preference that determines outcomes
Foreclosure	That a pathway was closed, and that it stayed closed	When that decision came down, what was the reaction, and what did you perceive the remaining options to be? Was the closed-off approach revisited while the legislation was drafted?	H1: a genuine narrowing of options.
Reorientation	The pivot to a surviving pathway, where its design came from, and which union led	Why this institutional form rather than another? Who drafted the language?	H1: form follows blueprint availability and the institutional power of the union that could legislate.

Stage of H1	What is established	Representative questions	Discriminating probe
		Was an out-of-state model looked at for inspiration? Did other organizations have different preferences? Who got their way and why?	H0a-b: outcome follows the initial preference of a key actor
Compromise	What the TNCs conceded and what they extracted in return	The TNCs moved from opposition to acceptance. What changed? Was anything offered in exchange for their support?	H1: firms accept the pathway and bargain only over details. H0a: the outcome reflects the firms' preference
Cross-cutting	Diffusion channels between states and the actor's own account of variation	Were you aware of developments in the other states, and did any influence your design? Washington produced regulatory standards but California and Massachusetts produced bargaining. Why do you think they diverged?	H1: learning travels with blueprints, and the account tracks foreclosure, blueprints, and union power. H0a-b: Variation determined by varying union/TNC preferences

D. Bayesian evidence assessment

Appendix D makes explicit the evidentiary logic underlying the case assessments in Chapters 4–6. It does not assign numerical probabilities but rather uses informal Bayesian reasoning to show how evidence updates confidence in H1 (Fairfield & Charman, 2019; Beach & Pedersen, 2019).

Table 8. Bayesian updating process

Table 8 defines how confidence in each part of the mechanism is updated.

Update category	Meaning
Substantially increases confidence	The evidence is much more expected under the proposed hypothesis than under the relevant alternative.
Moderately increases confidence	The evidence is more expected under the proposed hypothesis than under the alternative, but the alternative can still accommodate it.
Weakly increases confidence	The evidence is consistent with the hypothesis but has limited discriminating value.
No meaningful update	The evidence is equally expected under the hypothesis and the alternative, or is too ambiguous to move the inference.
Lowers confidence	The evidence is more expected under an alternative account than under the proposed hypothesis.

Table 9. Predicted evidence

Table 9 lists the observations expected at every stage if H1 is correct about why each state's outcome took the form it did.

		Washington	Massachusetts	California
Mechanism	**Preference Formation**	Different unions have different institutional preferences derived from the industrial composition of their memberships and organizational culture	Different unions have different institutional preferences derived from the industrial composition of their memberships and organizational culture	Different unions have different institutional preferences derived from the industrial composition of their memberships and organizational culture
	Foreclosure event	An external decision decisively closes off bargaining, leaving regulation and classification	An external decision decisively closes off classification, leaving regulation and bargaining	An external decision decisively closes off classification, leaving regulation and bargaining
	Reorientation	The formerly divided labor movement coalesces around regulation, chosen by the institutionally strongest union	The formerly divided labor movement coalesces around bargaining, chosen by the institutionally strongest union	The formerly divided labor movement coalesces around bargaining, chosen by the institutionally strongest union
	Compromise	Labor and their allies water down provisions to win TNC acquiescence	Labor and their allies water down provisions to win TNC acquiescence	Labor and their allies water down provisions to win TNC acquiescence

H0a: TNC preferences		TNCs preferred regulation to bargaining	TNCs preferred bargaining to regulation	TNCs preferred bargaining to regulation
H0b: Union preferences		Unions preferred regulation to bargaining	Unions preferred bargaining to regulation	Unions preferred bargaining to regulation

Table 10. H1 evidence table

Table 10 organizes the collected data to overlap with Table 9's predictions. The mechanism's stages are bolded. Key features of certain stages are added in subsequent rows for clarity.

	Washington	**Massachusetts**	**California**
Preference Formation	Teamsters 117: Sectoral bargaining via municipal ordinance (WA-T-01; WA-TNC-01)	IAM District 15 and SEIU 32BJ: state-action sectoral bargaining (NYC IDG model) MA AFL-CIO, Teamsters 25: reclassification (CR-A-01; MA-T-01; MA-AT-01)	RDU: reclassification through AB 5 SEIU: reclassification through AB 5 and sectoral legislation (CA-R-02; CA-R-04; CA-R-01)
Foreclosure	Ninth Circuit rules in 2018 that IC collective bargaining was not authorized (WA-T-01; WA-L-01; WA-TNC-01)	AGO settlement with Uber and Lyft on eve of verdict (MA-AGO-01; MA-AT-01)	Prop 22 passes in 2020, Castellanos upholds it in 2024 (CA-R-02; CA-L-01; MA-N-02; MA-AT-01; CA-R-04; CA-R-01)
What was foreclosed	Bargaining (WA-T-01; WA-L-01; WA-TNC-01)	Classification (MA-AT-01; MA-AGO-01; MA-N-01)	Classification (CA-R-02; CA-L-01; MA-N-02)
Reorientation	Toward regulation (no rival actors to Teamsters 117)	Toward bargaining and SEIU 32BJ + IAM 15 (CR-A-01; MA-T-01)	Toward bargaining and SEIU California (CA-N-01; CA-R-02; CA-L-01)

Blueprints post-foreclosure	Regulation (NYC pay standard, Fare Share) (WA-L-01; WA-T-01)	Sectoral bargaining (H.1009) Regulation (AGO settlement, NYC pay standard, HB 2076) (CR-A-01*;* MA-AT-01; MA-N-02)	Sectoral bargaining (Question 3) Regulation (RDU bill, NYC pay standard and Fare Share) (CA-L-01*;* CA-R-02*;* CA-R-01*;* CA-R-04)
Most institutionally powerful union	Teamsters Local 117 (WA-L-01; WA-T-01)	SEIU 32BJ + IAM District 15 (CR-A-01*;* MA-T-01)	SEIU California (CA-L-01*;* CA-R-02*)*
Compromise	Regulatory floor (pay, deactivation, UI/PFML)	Sectoral bargaining via ballot	Sectoral bargaining via legislature + paired insurance relief
Counterfactual	*Could WA have enacted sectoral bargaining if the legal solution had been available in 2022?* Yes, but no blueprint available (WA-L-01)	*Could MA have enacted a regulatory floor instead of sectoral bargaining?* Yes, but politically untenable given the AG-settlement (MA-AGO-01*;* MA-AT-01)	*Could CA have gotten a regulatory floor instead of sectoral bargaining?* Yes, Prop 22 supermajority requirement overturned in 2023 (CA-R-02; CA-L-01; CA-R-01)