Deactivation with & without Representation

The Role of Dispute Arbitration for Seattle Rideshare Drivers

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Deactivation with and without Representation: The Role of Dispute Arbitration for Seattle Rideshare Drivers

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Contributors

Puget Sound Clinic for Public Interest Technology

The Puget Sound Clinic for Public Interest Technology (PCP) is based in the University of Washington's Information School. PCP works with community-based organizations to build new technologies, and analyze impact of existing technologies on communities throughout the Puget Sound region. Over the last three years, our work has focused on the experiences of gig workers and the evaluation of labor protections in Seattle, WA.
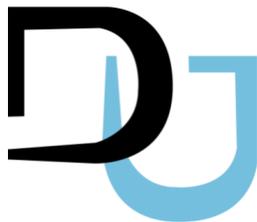
Drivers Union

The Drivers Union represents Washington State's more than 30,000 UBER, LYFT, and taxi drivers. Emerging from over a decade of driver organizing by Teamsters Local 117, Drivers Union advocates for the rights of this largely immigrant and refugee community and operates the state recognized Driver Resource Center, providing outreach and support for thousands of Washington drivers.

Executive Summary

App-based gig work, such as driving for Uber or delivering food for DoorDash, has become increasingly popular over the last decade. Gig workers employed by these apps are classified as independent contractors, and consequently lack many formal workplace rights. For drivers who depend on an app in order to make a living, losing access to their account (or, being deactivated) is the equivalent of being digitally fired. Transportation Network Companies (TNCs) like Uber or Lyft justify frequent and prompt driver deactivations as a matter of customer safety. However, mounting evidence shows these companies do not follow their own deactivation policies to give drivers fair warning and due process. Instead, drivers are frequently deactivated without notice, for issues that are out of their control (such as being rear-ended in a traffic accident), and with little to no information on how to get their account reactivated.

In 2021, the City of Seattle implemented a Deactivation Rights Ordinance that was meant to improve the workplace rights of rideshare drivers. This unique legislation was the first in the USA to grant rideshare drivers the right to legally challenge a deactivation through a dispute arbitration process. Funding for this ordinance also helped establish a Driver Resolution Center that would offer information, assistance, and legal representation to rideshare drivers working in the city of Seattle.

This report evaluates the impact of Seattle's Deactivation Rights Ordinance (DRO) and the performance of the Driver Resolution Center (DRC) from **July 1, 2021** *through* **January 31, 2023**. We rely upon data from three empirical studies: A survey of 134 Seattle-area drivers; Focus groups with 16 Seattle-area rideshare drivers; and, a statistical analysis of ~1400 deactivation cases from July 2021-January 2023. The findings described below contribute to recent research on account deactivation in app-based gig work [1]–[3], but are notably the first to utilize *verified* deactivation data.

Key Findings
- **80% of drivers had their deactivations overturned** when they qualified for representation under Seattle's Deactivation Rights Ordinance, and were represented by the Driver Resolution Center.
- **Over half of all driver deactivations are for minor issues** such as an expired 'for-hire driver' license, the submission of a scanned copy of a document instead of an original, or false findings in an automated background check. Our analysis shows that drivers originally deactivated for these issues had a proportionally higher reactivation rate when compared to drivers deactivated for other types of issues - indicating these types of deactivations are excessively administered yet resolvable.
- **Drivers of color are reactivated at a higher rate than their peers** - We substantiate this significant finding with a statistical test showing Black, Asian, and Latinx groups (combined) are reactivated at a higher rate than White/Non-Hispanic drivers. We argue that this finding reflects a racially biased practice of driver deactivation.

- **Representation significantly improves time to reactivation** - Ineffective communication from Uber and Lyft often creates an extended deactivation timeline for drivers. The median time drivers spend out of work is approximately 11 weeks. Once a driver's case is represented by the DRC the median time to reactivation is just 41 days.
- **Deactivated drivers experience severe financial and emotional harms** - Drawing upon qualitative data we describe how drivers experience *financial harms* due to an extended loss of income, and *emotional harms* due a lack of agency in the deactivation appeals process. Drivers of color and drivers who speak English as a second language experience these harms most acutely.
- **Deactivations based on passenger complaints both enable and exacerbate mistreatment of drivers** - 76% (n = 99) of surveyed drivers report that TNCs don't verify passenger complaints before deactivating a driver, and 89% (n = 112) report 'some' or 'constant' concern regarding false accusations from passengers. Drawing upon multiple sources of data we show how these fears lead to underreporting of verbal, physical, and and sexual abuse by customers.

Recommendations

1. **Provide drivers sufficient and timely information about deactivation** - Our findings suggest that a majority of deactivations can be resolved if drivers are given clear and timely explanations. This should include steps to reactivation, as well as a timeline for when these steps can be completed.
2. **Eliminate bias in investigations of alleged *driver* misconduct** - Our research shows that drivers are being systematically denied due process when accused of misconduct (or violation of a "driver agreement"). When TNCs conduct an investigation they should provide evidence of wrongdoing to drivers, and allow for drivers' input into the case. Disputes over the outcomes of these investigations should be arbitrated by a neutral third-party, which as we show, helps mitigate the inequities of TNC deactivation practices. There should also be stricter criteria for passenger remuneration when filing complaints against drivers.
3. **Solicit and Investigate reports of *passenger* misconduct**- In a small sample of drivers in Seattle we find that passenger misconduct (including physical and sexual assault) is pervasive. Both TNCs and policymakers need to take seriously the harms that drivers are exposed to when customers are not held responsible for harmful actions.
4. **Mandate data-sharing between TNCs and public agencies** - Lack of access to high quality data about gig workers is a major barrier to enforcing regulation passed at the municipal and state level. Policymakers should mandate regular data reporting on issues such as driver deactivations, passenger and driver complaints, and grievance procedures. We also argue that penalties for non-compliance should be steeper to induce greater transparency and accountability.

Contents

Introduction

App-based gig work, such as driving for Uber or delivering food for DoorDash, has become increasingly popular over the last decade. A 2021 poll conducted by PEW shows that 36% of the USA workforce has earned income performing gig work, with 58% of earners reporting that the income was either *essential* or *important* for meeting basic needs [4]. App-based gig workers are not employees of an app, but instead hired on a task-by-task basis as 'independent contractors'. This contingent classification means that gig work falls outside of federal regulations for wages and workplace safety, leaving a growing sector of the USA workforce reliant on income from these jobs but with few rights and protections from unsafe working conditions [5], [6]. A growing body of research documents troubling precarities that are experienced by gig-workers, including low wages [7], [8], physical endangerment [9], [10], and widespread wrongful termination [11].

Account deactivation - restriction or loss of access to a gig worker's account- is the equivalent to being digitally fired from an app. Transportation Network Companies (TNC) like Uber and Lyft are some of the most technologically sophisticated employers in the gig economy. TNCs rely upon automated surveillance systems, third-party hiring platforms (e.g. HireRight and Checkr) as well as passenger feedback to algorithmically manage rideshare drivers [12]. According to their own internal policies, rideshare drivers are supposed to be given a written explanation before they are deactivated from an app. But in practice, drivers are often instantaneously locked out of their accounts by way of an in-app pop-up screen, an SMS message, or email from Uber or Lyft's driver support team (see Figure 1 for examples).

Rideshare drivers often have limited ability to challenge a TNC's deactivation decision. For example, TNC driver support is largely handled via telephone or chat where specialists lack the authority to reverse a deactivation, or even disclose relevant information about the cause of deactivation. Additionally, 'Terms & Conditions' agreements offered by TNCs require that gig workers waive their rights to class-action lawsuits - therefore dispute claims must be filed individually through a costly and lengthy private arbitration process[1] [14]. An individualized appeals process creates financial hurdles for deactivated drivers that have lost a source of income and may lack financial resources to hire independent representation. Previous work also shows that drivers from immigrant populations are at a particular disadvantage because they may lack an adequate understanding of their legal rights in the USA [15].

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[1] Emerging rulings by the National Labor Relations Board could reclassify independent contractors as employees and provide an avenue for collective representation [13]
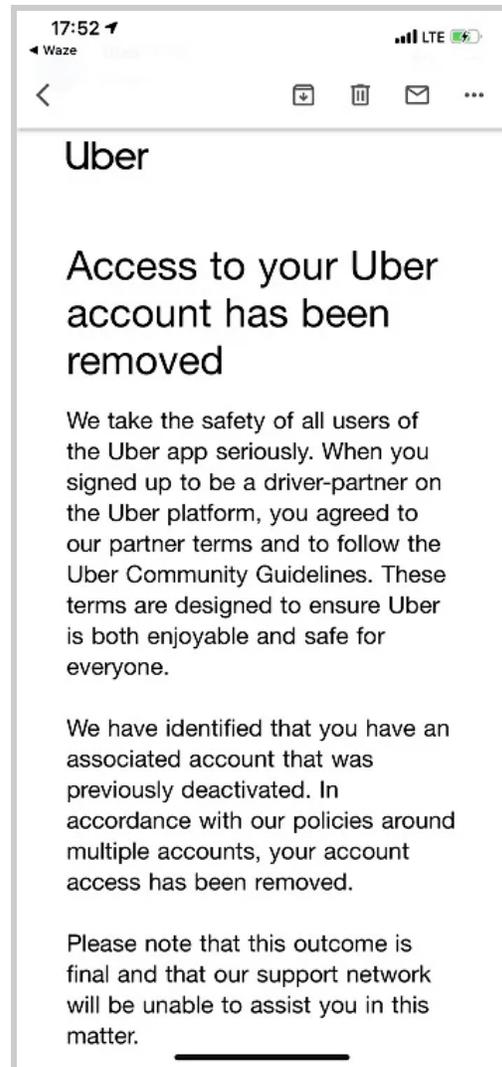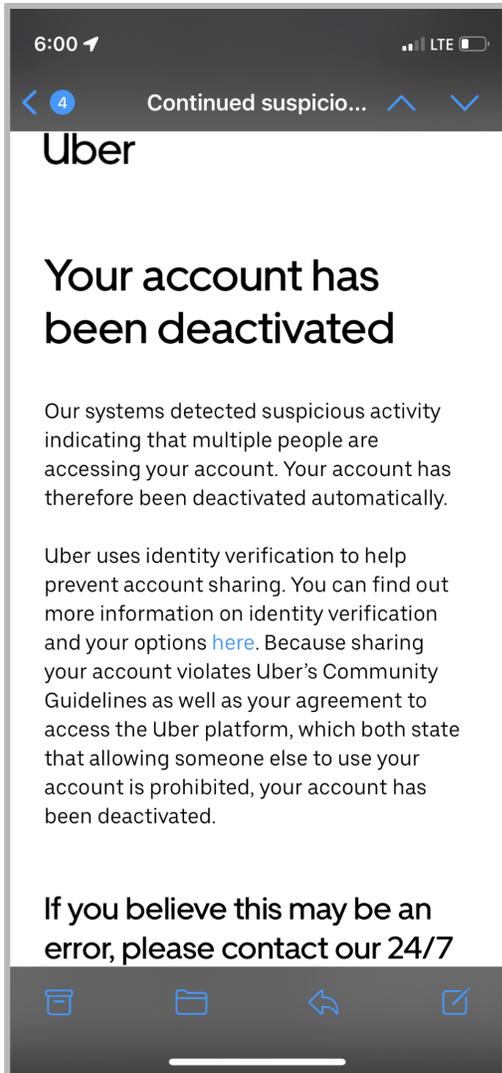
Fig. 1. Deactivation notices sent by Uber

Seattle's Deactivation Rights Ordinance

In 2021, the City of Seattle implemented the Transportation Network Company Driver Deactivation Rights Ordinance (Ord. 125976 , § 2, 2019). This ordinance requires that TNC's provide drivers fair notice about company policies and provide "sufficient justification of an infraction" before making a deactivation decision. The Seattle ordinance also grants individual drivers "the right to challenge a deactivation" through a formal dispute arbitration procedure. This procedure is facilitated by a Driver Resolution Center (DRC) that offers free legal assistance in the challenge and arbitration of deactivation disputes. If a dispute is resolved in favor of the driver they can regain access to their TNC account (in other words they are reactivated). In some cases, a driver can be compensated for wages lost during the period they were judged to be improperly deactivated.

The Driver Resolution Center is operated by the Drivers Union[2], a Teamsters-affiliated advocacy group for app-based drivers located in the Seattle area, and is funded partially through a contract from the Office of Labor Standards [16]. The Drivers Union is built on a foundation of for-hire driver organizing dating back to 2012, and was established in 2020 with the support of the Teamsters Local 117. It is currently the largest organization of app-based drivers in Washington state.

Account Deactivations in Seattle

This report focuses on the experiences of Seattle-area rideshare drivers while Seattle's Deactivation Rights Ordinance was in effect (July 2021-January 2023). It is one of just a few studies to focus on account deactivation in app-based work, and the first to utilize *verified* deactivation data. The findings of this report are based on data from three consecutive studies conducted in collaboration with the Drivers Union of Washington. The sample of drivers in each study includes those that have received aid from the Driver Resolution Center, and those that have not. These studies include:

- A telephone survey of Seattle-area drivers (n=134) conducted in July 2022
- Focus groups with 16 Seattle-area rideshare drivers conducted between December 2022 and January 2023, and
- Statistical analysis of deactivation case data (n=1420) from the Driver Resolution Center in March 2023.[3]

Using data from all three studies, we describe an emerging demography of TNC driver deactivations, the harms experienced by deactivated drivers, and the role of the Driver Resolution Center in restoring due process for drivers. We separate findings of these studies into two broad categories: rideshare drivers experience of deactivation **without** representation and deactivation **with** representation. We conclude with recommendations for policymakers and advocates based on these findings.

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[2] https://www.driversunionwa.org/
[3] The design, methods, and participants for each study are described in Appendix I

Demography of Deactivation

Reliable demographic information about rideshare drivers is scarce. In the USA, some of the most reliable estimates about who participates in the rideshare industry comes from a combination of survey and tax data that is usually only available at the state level [1]. We attempt to overcome some of the limitations in existing data sources about rideshare drivers at the city level by relying upon openly available administrative data that is unique to Seattle, Washington. To be eligible for work as a rideshare driver in Seattle each driver must obtain a 'For-Hire Driver' license. In 2022, there were 8396 licenses issued to rideshare drivers in Seattle. We estimate the race and ethnicity of licensed drivers based on 2010 Census data. With a .85 confidence interval we estimate that around 25% of licensed TNC drivers in Seattle are Caucasian (n=2131) and just over 74% are a person of color (n=6265) (see [17] for description of appropriate confidence intervals for race estimations based on census and surname data).

Our Sample

Since July 2021 the Drivers Resolution Center (DRC) has kept extensive logs of drivers that have sought assistance for being deactivated from a TNC. In the following subsections, we analyze 1,420 verified cases of TNC driver deactivation that were gathered since the DRC began[4]. We use estimates (described above) to compare our sample to the population of TNC drivers in Seattle (Table 1).

Table 1. Description of the drivers represented in our study

	Majority	**Minority**
Race	People of color make up just under 75% of all Seattle TNC drivers, but represent 88% (n=1,199) of deactivated drivers that worked with the DRC since July of 2021. Among these drivers: - 65% (n=880) were Black or African American - 18% (n=241) were Asian - 4% (n=52) were Hispanic - 2% (n=26) represent other racial backgrounds	12% (n=168) of deactivated drivers in our study are White / Caucasian
Language	83% (n=1,102) of deactivated drivers spoke a language other than English as their primary language.	17% (n=230) of deactivated drivers spoke English as their primary language

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[4] These statistics are reported across the 1420 cases. Each set of proportions is calculated using the cases where specific demographic information was reported, so the denominator varies for each. A detailed explanation of our methodology can be found in Appendix I.

Gender	95% (n=1,329) of deactivated drivers identified as male	5% (n=75) identified as female or another gender
Tenure	88% of surveyed drivers had 3 or more years of experience working as a rideshare driver [5] - 53% (n=68) that had 3-5 years of experience - 35% (n=45) that had more than 5 years of experience. 87% (n=111) of surveyed drivers relied on rideshare income for basic needs 84% (n=109) of respondents reported that rideshare driving is their primary source of income 15 of the 16 drivers who participated in focus groups had 3 or more years of experience working as a rideshare driver.	12% of surveyed drivers had less than 3 years of experience working as a rideshare driver 13% (n=17) of surveyed drivers did not rely on rideshare income for basic needs, and 16% (n=20) reported rideshare driving as a secondary source of income 1 driver who participated in focus groups had less than 3 years of experience working as a rideshare driver

Deactivation Demographics

We next turn to describing how and why drivers are deactivated from a platform. In doing so, we use descriptive statistics from both a survey of deactivated drivers in Seattle and case data provided by the DRC.

Deactivation by Platform

During intake with the DRC, drivers reported all TNC operators they worked for at the time of their deactivation, in addition to the TNC from which they were deactivated. Among the drivers in our sample (n=1420):
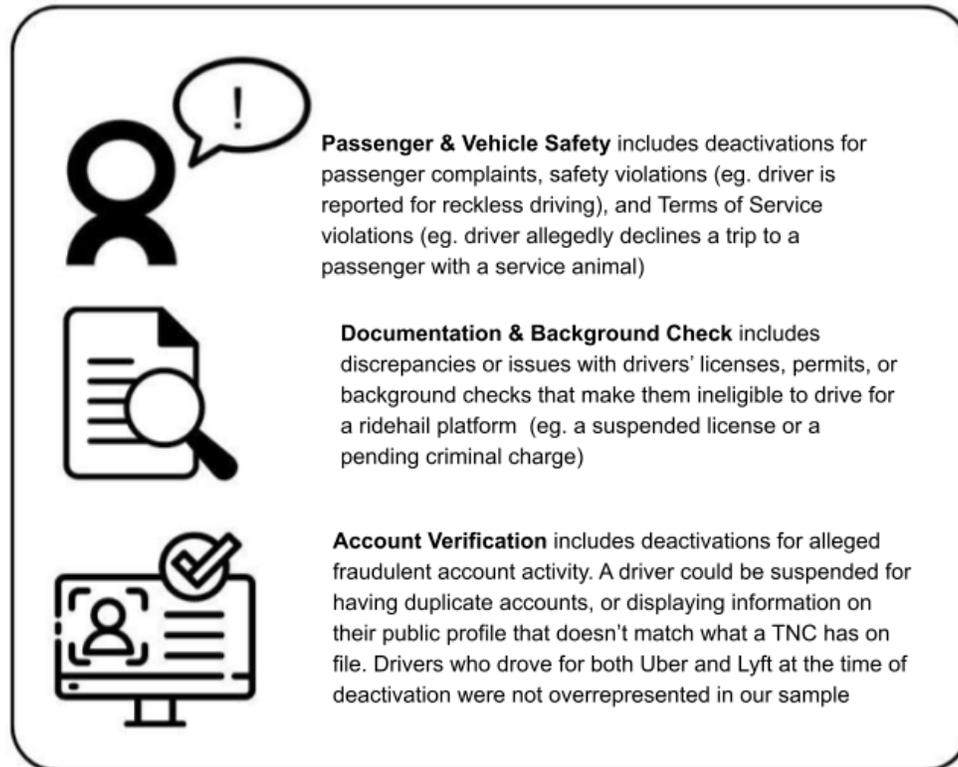
- 57% (n=784) of drivers had been deactivated by Uber
- 44% (n=603) had been deactivated by Lyft[6]

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[5] The makeup of our sample loosely aligns with that of Parrott and Reich's 2019 survey of Seattle-area drivers, but some of our estimates are marginally higher: Among the over 6500 drivers described in their report, half had two or more years of experience working as a driver for 2 or more years; 32% worked 32 hours or more per week for a TNC platform; and 72% of these full-time drivers relied on TNC driving as their primary source of income [20].

[6] Driving for both Uber and Lyft - or 'multi-apping' - is a common practice among drivers. Parrott and Reich's 2019 survey of Seattle-area drivers found that 52% drive for both Uber and Lyft. A recent survey of CO drivers found that 70% drove for both Uber and Lyft. Drivers who drove for both Uber and Lyft at the time of their deactivation were not overrepresented in our sample of deactivated drivers. However, while our findings do not indicate that multi-apping affects how drivers are deactivated, this strategy is in part a response to the inevitability of deactivation. If a driver suddenly loses access to one account for a minor infraction, the other may serve as a safety net for them to be able to work that day.

Reason for Deactivation

Rideshare drivers are supposed to be notified of a reason for deactivation by a TNC (though as we discuss in sections below, this is not always the case). Major TNC operators like Lyft and Uber do not use a standardized classification for why a driver was deactivated. To interpret and compare deactivations across our sample we use three classifications to describe why a driver was deactivated:

Passenger & Vehicle Safety includes deactivations for passenger complaints, safety violations (eg. driver is reported for reckless driving), and Terms of Service violations (eg. driver allegedly declines a trip to a passenger with a service animal)

Documentation & Background Check includes discrepancies or issues with drivers' licenses, permits, or background checks that make them ineligible to drive for a ridehail platform (eg. a suspended license or a pending criminal charge)

Account Verification includes deactivations for alleged fraudulent account activity. A driver could be suspended for having duplicate accounts, or displaying information on their public profile that doesn't match what a TNC has on file. Drivers who drove for both Uber and Lyft at the time of deactivation were not overrepresented in our sample

In our sample of cases handled by the DRC (n=1420) (Fig. 2):
- 44% (n=625) of drivers were deactivated for an issue related to Passenger & Vehicle Safety
- 41% (n=585) of drivers were deactivated for an issue related to their Documentation or Background Check
- 11% (n=156) of drivers were deactivated for an Account Verification issue
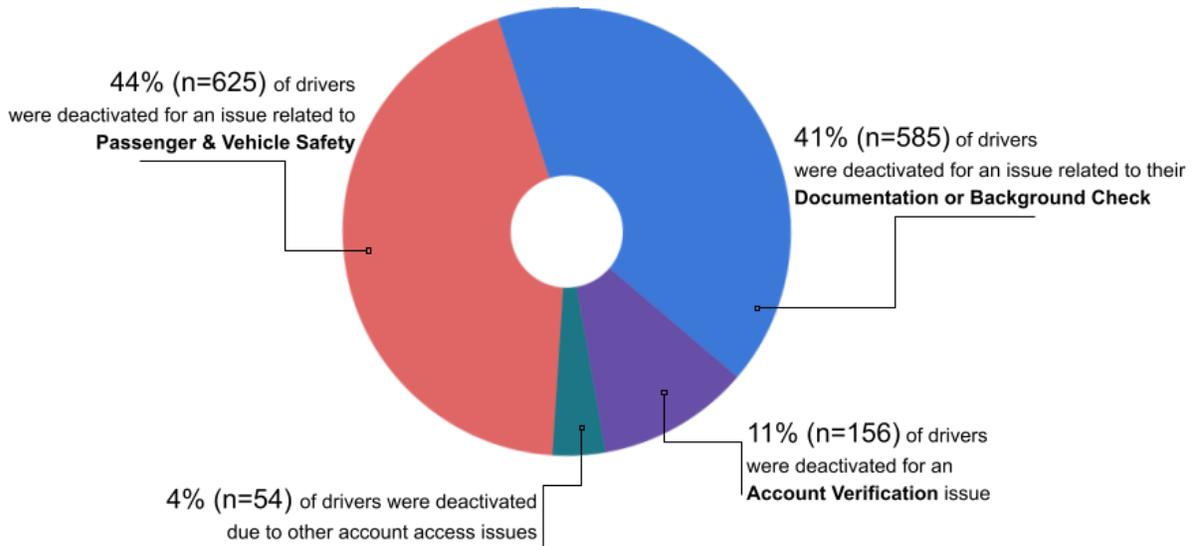- 4% (n=54) of drivers were deactivated for other account access issues

Fig. 2. Reason for deactivation among Seattle-area drivers

Deactivation Issue by Platform

When comparing the two major TNC operators in Seattle, we see a marked difference: Uber deactivates more drivers for "Documentation & Background Check" issues, while Lyft deactivates more drivers for "Passenger & Vehicle Safety" issues (Fig. 3).
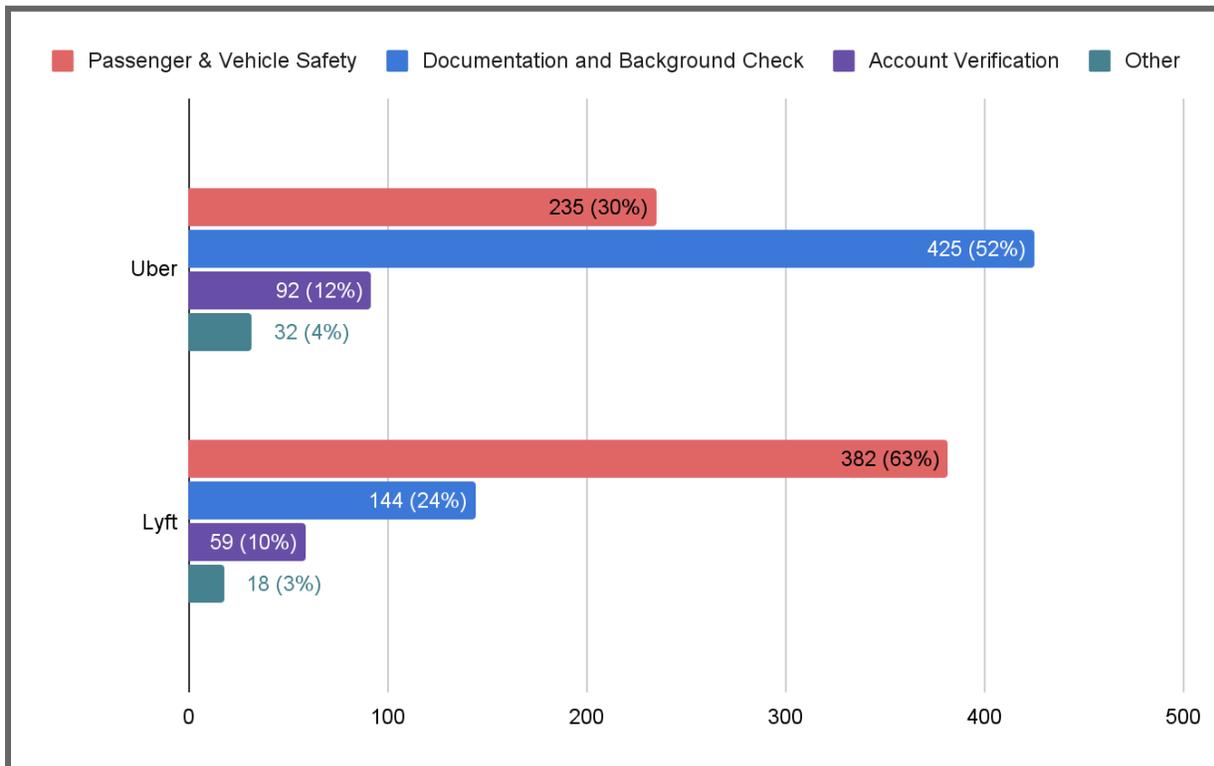

Fig. 3. Deactivation issue by platform

Deactivation Experiences

The three broad categories we use to describe why rideshare drivers are deactivated tell an incomplete story about how drivers experience those deactivations. When a driver is told they will not be able to earn a living because of "fraudulent account activity", it is confusing and destabilizing at best. Drawing on focus groups with deactivated drivers in Seattle (n=16) we describe in this demographic section some of their experiences as a member of these deactivation statistics.

One driver we spoke with in a focus groups described being deactivated twice despite following standard protocol for permit renewal and accident reports:

> *"I've been driving for four years. COVID came in. And Uber did not send in my annual application. I was deactivated because of that. Secondly, there was an accident, where it was a slight accident on the fender. And I uploaded pictures. And this accident was so slight that they couldn't see [evidence of the accident]. And so they said they deactivated me [a second time] because they could not verify the accident." [05]*

Vehicle accidents are commonly experienced by rideshare drivers as a result of how much time they spend on the road [21]. However, many drivers report being deactivated for accidents regardless of whether they were at fault or not. Many drivers we spoke with described being deactivated after accidents where they were hit.

> *"I had an accident. It wasn't my fault. The [other driver's] insurance company paid 100% of everything - hospital bills, car. I have a dashcam showing the accident. I should not be deactivated for merely driving and somebody else making a stupid mistake.*
> *...Why am I being held accountable for somebody else's actions?" [012]*

A second driver chimed in with a similar experience:

> *"...that's exactly what happened with me, with Lyft and Uber.... a guy came from behind me and hit me. He was speeding and I think the police were chasing him and he was speeding so he hit me.... So it doesn't matter: ticket, accident, your fault, not your fault? As long [as] it's there, they just [deactivate you]. From my understanding ... it's not supposed to be [like that]. I'm driving normal and a crazy drunk driver comes from nowhere and hits [me]. Why should it be [my] fault?" [013]*

Another participant argued that deactivations caused by traffic accidents are inevitable, and the consequences are severe:

> *"I put on 70 to 80,000 miles on my vehicles a year, not unheard of... Now, you're putting in that many miles around the city, you're driving around drunks, two o'clock in the morning, you know, you're gonna have a drunk hit you, I've had two hit me over the years ... This stuff happens, the more we drive, the more of a chance it is. .. but the majority of our accidents cost us our position, our job, and it's not our fault." [011]*

In each of these examples, drivers report being improperly if not unjustly deactivated from a job where they earn a majority of their household's income. The resolution to many of these deactivations should be as simple and straightforward as providing proof of insurance, or even a traffic accident report. However, we find that even minor infractions can carry over into drawn-out account suspensions. In the following sections we continue to describe the experiences of drivers being deactivated by TNC operators. We divide our analysis into two parts: 1. How drivers experience deactivation *without* formal representation; and then, 2. How a driver's deactivation experience changes *with* representation from the Driver Resolution Center.

Deactivation without Representation

Rideshare drivers are typically given short notice that their accounts have been deactivated, Reactivation (being allowed back on a platform to perform rideshare work) is oppositely described as a long, arduous, and stressful process for drivers. According to Uber and Lyft[7], drivers have the ability to appeal a deactivation or suspension with TNC support representatives at driver support call centers or local offices. One might expect that correcting infractions such as verifying a driver's identity and uploading correct vehicle documentation should be as efficient and easy as it is to sign up to drive for a TNC. But driver suspensions and deactivations are often opaque processes that are slow to be resolved. This is due to a number of factors, but largely because TNCs share very little information with drivers about the specific reason for deactivation and how a driver should respond.

> **82% (n=102) of drivers who participated in our survey reported that TNCs did not provide clear information on the reason for their deactivation. Over half understood the information provided by TNCs 'not very well' or at all (n=42).**

A deactivation due to a passenger complaint is perhaps the most difficult for drivers to resolve or defend themselves against. This is in part due in part to the fact that rideshare drivers interact with many passengers during a "shift" of driving (e.g. a recent driver poll reports an average of 2.3 rides per hour, and 7.5 rides per shift [22]). When a driver is deactivated because of a complaint filed against them they are not given even basic, anonymized details about the trip where the complaint was filed. Without complete information about the passenger complaint, drivers are robbed of the due process they are owed. They are uncertain of what behavior to amend if the complaint was warranted or, as was the case with many deactivated drivers we spoke with, unable to advocate for themselves against false allegations.

> *"We don't even know who complained and what is the specific complaint .. I mean how would we know exactly what we did wrong? And if we did, we all make mistakes. So if somebody tells me, 'Hey, this is exactly what you did wrong: you used foul language with your rider or you mistreated, you're not a, you know courteous, you use bad language,' or whatever it is. Then you have a reason to correct yourself. But if you don't know what the problem is, then how can you correct yourself? So the ball is still in the company's court and we don't even know what went wrong."* [08]

When a passenger complaint is filed, drivers report receiving messages from TNCs that simultaneously instructed them to respond to tell their side of the story *and* that there was no need to respond (in the same email). In addition to causing confusion, these messages can also be

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unintentionally overlooked among the many advertising emails and notifications drivers receive from TNCs. This lack of clear communication can have long-term consequences – a driver who neglects to respond to one of these emails may be deactivated immediately or even years after a complaint was filed. One driver described being swiftly deactivated from Uber:

> *"Uber deactivated my account about [a] customer complaint, because they say I don't want to respond to the email on time…. I don't see the email. The email [went] to the junk mail. I just worked [for] Uber like a month…[but] they deactivated my account permanently." [01]*

Another driver described being deactivated permanently for missing messages:

> *"I've been driving 3, 4 years. The complaint was that [Uber was] sending me emails and I was not responding. I said, you have my number. For any emergency, you can call. So why send me emails knowing that I don't go to email every day? So [Uber said] we sent you emails and you were not responding so we decided to deactivate your account permanently." [02]*

Challenging Deactivations

For many drivers we spoke with, attempting to challenge a deactivation was arduous - requiring multiple messages, calls, and even attempts to resolve disputes in person at Uber offices. Despite the effort, these interactions largely proved unhelpful. 60% (n=67) of surveyed drivers reported that when they were able to reach a TNC representative, the representative didn't understand the issue with their account, and 75% (n=83) were not provided a clear reason for their account deactivation after reaching out to TNCs.

> **88% (n=112) of drivers who participated in our survey attempted to challenge their deactivation directly with TNCs, yet 70%, (n=77) reported that they were unable to reach a TNC representative who had the power to resolve their deactivation.**

A driver described their interactions with driver support representatives as follows:

> *"They don't have a clue. They have to go and ask someone else. And it's almost like they have to go and email someone to talk to them. They email them to settle the process, and they come back and [they] just really don't solve your problem at all." [05]*

Another common driver experience is a loop of automated messages that makes it frustrating and difficult to get an account suspension addressed:

> *"They keep on sending you automated messages. You're asking a question [and] they're sending you answers that have nothing to do with the question you asked them." [02]*

A lack of clear communication and support from TNCs prevents drivers from resolving the issue that caused their account to be deactivated and delays how soon they can get back on a TNC's platform to begin earning money. We find that this loss of due process contributes to the *bias of deactivation* and *harms of deactivation* (detailed in the following sections).

Bias of Deactivation

Deactivation Issue by Race

We estimate that people of color make up approximately 75% (n=6265) of the rideshare drivers working in Seattle, and 88% (n=1,199) of deactivation cases in our sample[8] (Fig. 4).
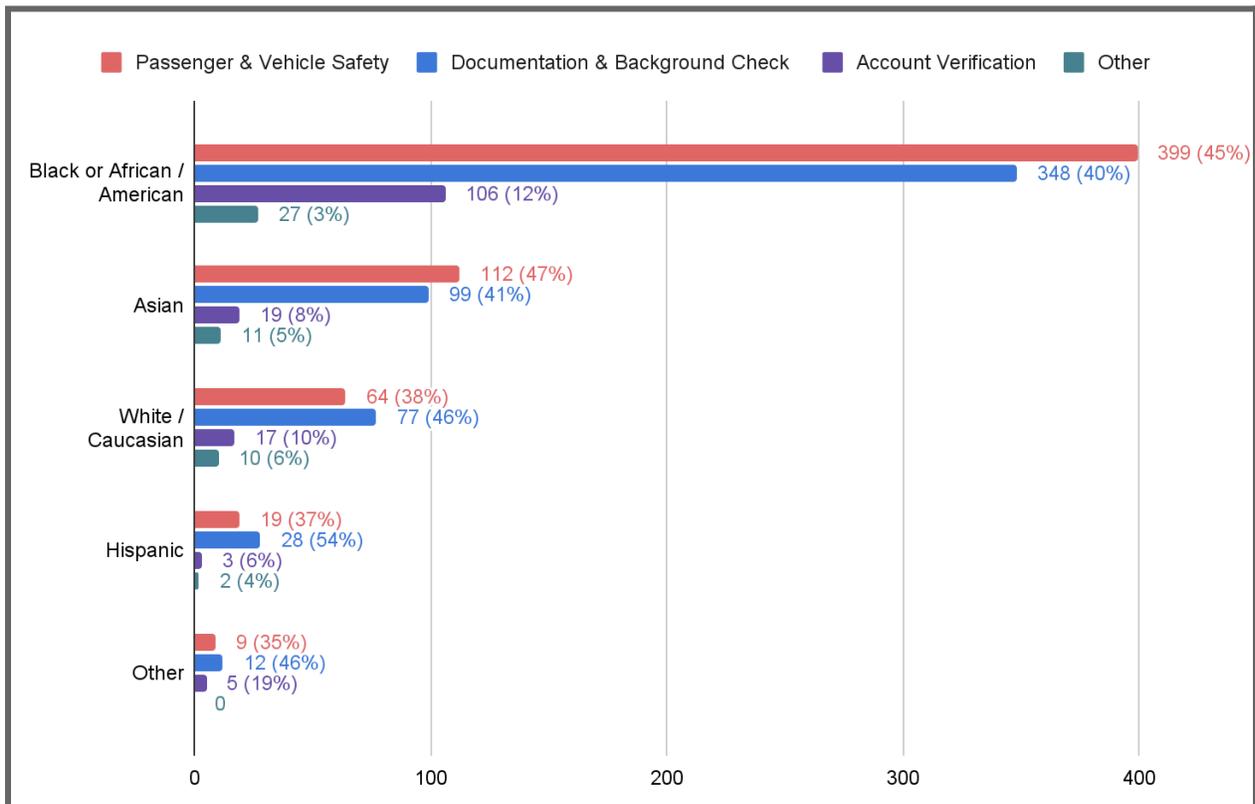

Fig. 4. Deactivation issue by drivers' race

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[8] This could suggest that people of color are deactivated at a higher rate than their White/ Caucasian peers, but we caution against this interpretation without further evidence. There are many confounding variables that could impact the rates of reported deactivation cases to the DRC, our own estimation of driver race, etc. However, we do argue that the between deactivation rates of rideshare drivers based on race is an important question that TNC operators should be interested in answering, or at the very least providing data to inform policy debates in a public forum.

Deactivation Issue by Primary Language

Drawing upon the case data provided by the DRC, we find a statistically significant difference between the rate at which drivers who speak English as a second language versus primary language are deactivated for Account Verification reasons. We do not yet have a clear explanation as to why, however our research shows that access to support services in drivers' primary language has a significant bearing on their experiences of support[9] (Fig. 5).
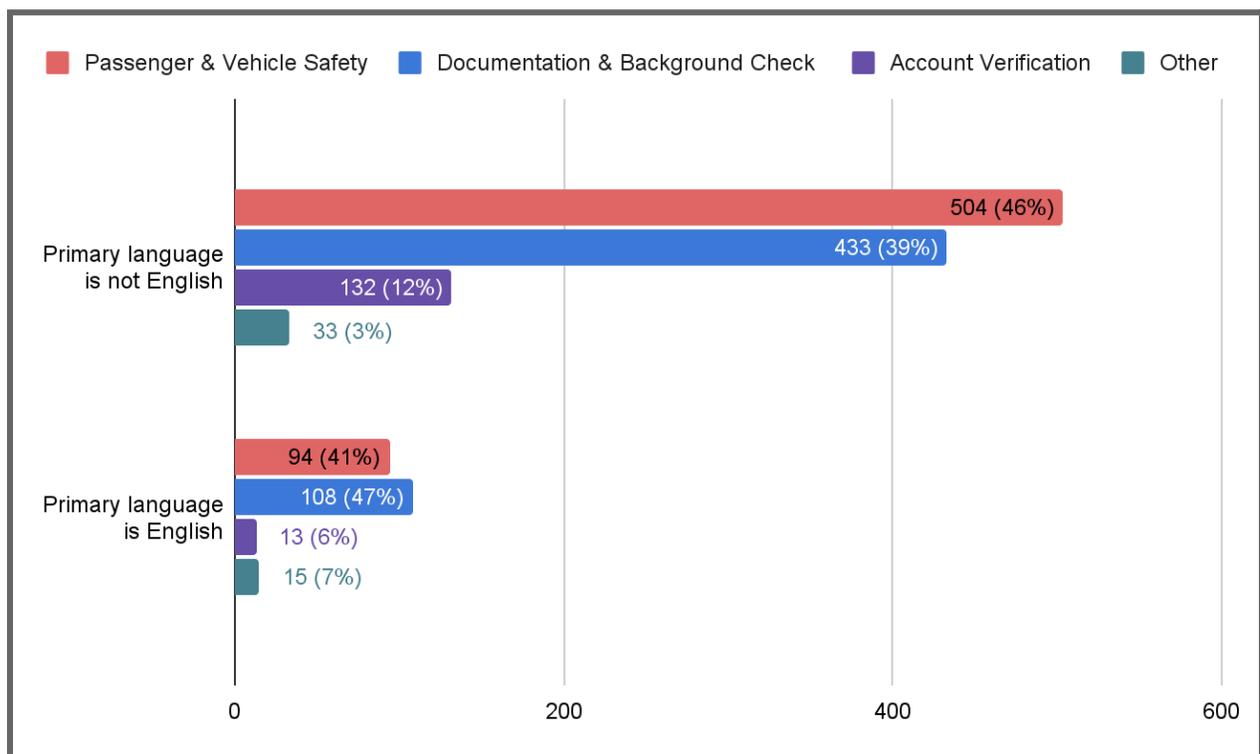

Fig. 5. Deactivation issue by drivers' primary language

Our analysis of the rates of deactivation among Seattle-area drivers does not provide statistical evidence of discrimination against drivers of color and drivers who speak English as a second language. However we cannot evaluate drivers' experiences by the rates of deactivation alone. Through the survey and focus groups conducted with drivers we found that drivers indeed experience biased treatment due to how TNCs solicit and verify passenger complaints. We describe these experiences in the following section.

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[9] We describe this in detail in the *Deactivation with Representation* section.

Loss of due process in investigations

Rideshare drivers are immediately deactivated when alleged of violating a TNC's standards of conduct (e.g. for an accusation of passenger abuse). However, we find that drivers are often robbed of due process when TNCs conduct investigations into the passenger allegations of misconduct.

76% (n=99) of drivers who participated in our survey reported that TNCs do not verify passenger complaints before deactivating a driver.

And, as we described in the previous section, drivers are given little or misleading information about how to respond to a complaint or allegation filed against them, leaving them little opportunity to state their case or provide evidence against false accusations.

> *"Lyft deactivated my account ...and [said], "We are investigating this issue." And I'm going, [that's] really weird. You're not even asking me. You don't even know what I did or I did not. What are you investigating with? What evidence? Do you know what I did or not? You are not asking me what happened." [08]*

> *"...somebody accused me of threatening him with a gun. My account with Lyft was deactivated a couple of months ago, and I tried to find out what happened. [Lyft] said somebody reported that [I was] harassing him with a gun. Well, that is a serious allegation. And I think it's very easy, that it's very easy to know whether I have a gun, or if any member of my family has a gun.. They were supposed to hear from me, to do a little investigation before they started deactivating my account. But they didn't do any of that. So we've been having this problem that whatever the passenger says, they believe it without hearing from you. They don't need to ask you anything. No, whatever a passenger says about you, they believe it. I've been here in America for about five years and never owned a gun. I don't even know how to use one. That's such an accusation." [02]*

In drivers' experiences, TNCs appear indifferent to conducting fair investigations. This ultimately endangers drivers. Passengers have financial incentive to report driver misconduct - they will have their ride refunded - which motivates false reporting. Because TNCs will deactivate a driver independent of the truth or circumstance of an allegation, passengers are further able to leverage complaint channels and the threat of deactivation to harass and assault drivers[10] [2], [23].

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[10] In a survey of 810 rideshare drivers in California, 43% reported being sexually harassed on the job, and 67% reported experiencing discrimination based on their identity. In particular, 52% of surveyed drivers experienced racial bias or discrimination by a passenger - and half of these drivers reported that the passenger filed a complaint against them.

89% (n=112) of surveyed drivers reported 'some' or 'constant' concern regarding false accusations from passengers.

In focus groups, we heard a number of stories from drivers about false accusations that were particularly harmful:

> *"There was a night I dropped [off] a woman, she asked me to follow her in. I said no, I don't do such. This woman spent over 15 minutes in my car before she could leave. 15 minutes [later], I got a message from Lyft, saying I mean, the message like you had a kind of sexual harassment, you know, something like that. I didn't harass anybody. So possibly [it was] that woman out of anger because she didn't get what she wanted. Possibly she said something. She has written something against me. So this is what we go through every time when you don't do what [the passengers] want you to do. They can write anything against you. And whatever they write against you Lyft [and] Uber will believe them."* [02]

> *"...there are so many awful riders. They're having a bad day. Or, "Hey, this guy is not, you know, my color or my type." And you just, they just treat you like dirt. And you have, drivers have to take all the abuses... And I would say, alright, forget it. But these guys, they don't understand that because of their bad attitude. They just complained to the company and the company without ... you know, getting to know the side of the driver as to what the driver has to say, they just deactivate."* [08]

Among the 16 drivers we spoke with in focus groups, many had been deactivated for complaints that were fabricated, retaliatory, or motivated by racial bias. However drivers' anxieties around deactivation and the challenges to getting reactivated leads to underreporting of these unsafe conditions. Though passengers can have their accounts deactivated for violating platforms' standards of conduct[11], drivers frequently avoid reporting passenger misconduct[12] for fear of retaliation from passengers or TNCs [1], [24].

Of the respondents in our sample that reported experiencing unfair treatment by passengers, over half (n=22) reported it happening often daily or multiple times within a month.

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[11] https://www.uber.com/us/en/drive/safety/deactivations/; https://www.lyft.com/terms
[12] TNC's uneven enforcement of conduct standards isn't exclusive to account deactivation but the overall verification of accounts – bad actors can easily create "phantom" passenger accounts to scam or attack drivers, leaving drivers to be algorithmically matched with untraceable assailants [9], [24].

Harms of deactivation

As we described throughout this section, a lack of clear communication and support from TNCs makes it difficult for drivers to resolve the issue that caused their deactivation or respond to an allegation made against them. Drawing from focus groups conducted with drivers, we describe the financial and emotional harms drivers experience as a result of this loss of due process.

Financial

Account deactivation has severe financial implications for drivers. When a driver is deactivated, the time spent locked out of their account can translate into hours or weeks of lost wages, or job loss if the deactivation is permanent. Sudden account deactivation has particularly severe implications for workers who rely on driving for Uber or Lyft as a primary source of income or as a long-term profession. Focus group participants described a number of ways in which deactivation impacted the income they relied on for basic needs such as food and housing:

> *"It's not easy.... I have a family. I got three boys, you know. One in college, one, two in high school. And it's tough [to lose] my source of income, just like that. ...everybody was dependent on me. " [02]*

> *"Lyft went into my bank account and took out $1,400...for rental on the car, which they told me would be taken care of, and a little bit of damage to the car, which they really made into a big deal. So they took it out without notifying me, without anything .... We lived in a nicer apartment. Now, we had to move to a far less expensive place." [03]*

Car payments were also common financial stressors because TNCs set specifications for the makes and models of vehicles allowed on their platforms. Several participants described buying or leasing new cars when they signed up to work for Uber or Lyft, only to be saddled with debt when they were deactivated. Financial insecurity disproportionately impacts people of color and non-native English speakers, who make up 88% of the drivers included in our study. Immigrants and non-native English speakers in particular may face difficulties in accessing social services due to language differences, awareness of legal rights, and other bureaucratic challenges. [15], [20], [25], [26].

The financial impacts of deactivation become exacerbated by procedural delays that prevent drivers from resuming work. Even in cases where drivers receive representation through the DRC (as we discuss in the next section), TNCs can impede the process by delaying responses to information requests and withholding back pay. As focus group participants described, this can result in weeks or months without pay:

"So they just deactivated it like two weeks ago, my Lyft account. So the reason, and I wondered, right? So when I went to the office, they said, 'Oh, you got to bring a paper from the DMV.' I went to the DMV, they checked my account [and] it was active. And the day I told the DMV, they were like, 'Lyft is saying this.' And, you know, like, I need a paper proof. And they gave me [it], and I took it to Lyft, and they said, 'Oh, you're gonna have to wait two weeks to reactivate it.' So I said, 'It took you a second to deactivate me, and then it takes you two weeks to activate it?'" [10]

"'Customer Support' is [a] lack of customer support. And to get a hold of anybody to do something instantaneous, you know if they can deactivate you in five seconds, but yet it takes you 30 days just to have your account reviewed. How would you feel if you were out of work for 30 days? … it's so frustrating. I spend 50 hours a week driving. I'm a Diamond Driver, a 5.0 [rating]. You know, I do all this and I make one mistake and bam, you're done." [12]

Health and Well-being

Deactivation also causes substantial emotional stress for drivers, particularly for those who rely on income from rideshare driving to support their families. Yet even for drivers who are able to get reactivated, the absence of due process creates a lasting moral injury. A number of focus group participants described the impact of deactivation on their sense of justice and fairness:

"…[it's] that feeling, you know, that you do it the best. And just somehow someone can basically accuse you, and you don't have any recourse. You are guilty before you have to prove that you're not. That's not how the law's supposed to be." [06]

"So after paying me, let us believe [Lyft is] gonna pay me [for being incorrectly deactivated], after paying me what happens to the allegation? Am I just gonna put [up] my hands and let it die? Somebody said I was harassing him with a gun. And I need to know, what is the investigation? What did they find out? Who said that?" [02]

Drivers we spoke with connected the loss of due process in deactivation to an overall feeling of expendability. One driver explained that TNCs have no need to verify whether a deactivation was warranted and get good drivers back on the road because there is always another driver waiting to take their place:

"Deactivated, who cares? it doesn't hurt [the company]. … so many people are coming to the office for you know, looking …to become a driver. So since so many people are coming, "Why would I care?" You know, "This guy's gone. I mean, why would I spend my energies on trying to find out?" But [the companies] don't know…that the driver is hurting. And the justice part of it is completely ignored … you keep wondering what in the world did I do wrong?" [08]

In drivers' experiences a TNC is indifferent to the legitimacy of passenger complaints. This leads to unwarranted deactivations, which in turn causes financial and psychological harm to drivers. In the next section we shift to describing the restorative justice of reactivation by presenting the demographic profile of reactivated drivers and their experiences of support from the DRC

Demography of Reactivation

Since July 2021 the Driver Resolution Center (DRC) has provided informational and legal services to drivers that have been deactivated by a TNC operator. Each driver that the DRC represents is treated as a separate "case." As of January 2023, the DRC recorded 1420 deactivation cases and 860 of those cases had been resolved (either in favor or against a driver's challenge to deactivation).. Below, we analyze the outcomes and demographic characteristics of those 860 closed cases.[13] In doing so, we describe the impact of representation on drivers' experiences working in the rideshare industry, and in particular in resolving disputes about their account with TNCs.

Representation

Among the 860 closed cases, 38% (n=325) of drivers were ineligible for representation through Seattle's Deactivation Rights Ordinance (DRO} with no pathway for resolution.[14] In practice, this means that while the DRC attempted to help these drivers get reactivated, TNCs were not legally obligated to engage in dispute resolution for these 325 drivers.

> **When the DRC was legally empowered to mediate a driver's attempt to challenge a deactivation - 8 out of every 10 cases resulted in a driver being reactivated.**

Of the DRC's 535 closed cases where a driver received representation in deactivation disputes under the Deactivation Rights Ordinance, just over 80% (n=429) were reactivated.[15] In the following section we show how these resolvable deactivations disproportionately impact drivers of color. We argue that even when resolved, the harms experienced by drivers attempting to get reactivated are disproportionate to the severity of the infraction.

Reactivation Timeline

We analyzed the 429 cases where a driver was formally or informally represented by the DRC in a deactivation dispute with a TNC. When a driver is represented by the DRC the median time to case resolution is 41 days. However, the median period of total time being deactivated (that is

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[13] These statistics are reported across the 860 cases. Each set of proportions is calculated using the cases where specific information was reported. The denominator varies for each. A detailed explanation of our methodology can be found in Appendix I.

[14] As explained later in this section, the DRC successfully identified a pathway for informal resolution for 59% (n=178) of drivers who were ineligible for representation through the DRO. Despite the DRCs' attempts, TNCs were unwilling to work with the DRC for these 325 cases.

[15] We found no statistically significant difference between the reactivation rate between TNC operators: 49.5% (n=254) of drivers deactivated from Uber have been reactivated, and 47.7% (n=146) of divers deactivated from Lyft have been reactivated.

total amount of time that a driver was unable to work) was 111 days or longer.[16] **This means that in practice the DRC was able to help most drivers resolve a case in about 6 weeks, but over half of reactivated drivers spent 11 weeks incorrectly deactivated and unable to earn money.**

A deactivation timeline - including steps like notification of deactivation, contact with the DRC, and filing a formal challenge - can vary greatly. Given these differences it is difficult to isolate causal patterns that influence the duration of why one case takes substantially longer than another. However, as we describe in the following sections, when we look at why reactivated drivers were originally suspended, we see clear and discernible patterns of racial bias.

Reactivation by Race

It is important to remember that demographic of Seattle-area drivers[17] are reflected in the reactivated driver sample:
- 91% (n=342) of reactivated drivers are people of color
- 94% (n=363) of reactivated drivers are men, and
- 83% (n=292) of reactivated drivers speak English as a second language.

Among the closed cases where drivers' racial background was provided (n=784) (Fig.6):
- 49.6% (n=342) of drivers of color have been reactivated and 50.4% (n=347) remain deactivated.
- 33.6% (n=32) White / Caucasian drivers have been reactivated and 66.3% (n=63) remain deactivated.

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[16] For drivers that were ultimately reactivated (n=429) the average time for their account suspension was 335 days with a standard deviation of 438. Given this range, we believe reporting the median case is more descriptively useful.

[17] Among deactivated drivers who contacted the DRC, 88% (n=1,199) were drivers of color and 12% (n=168) were White
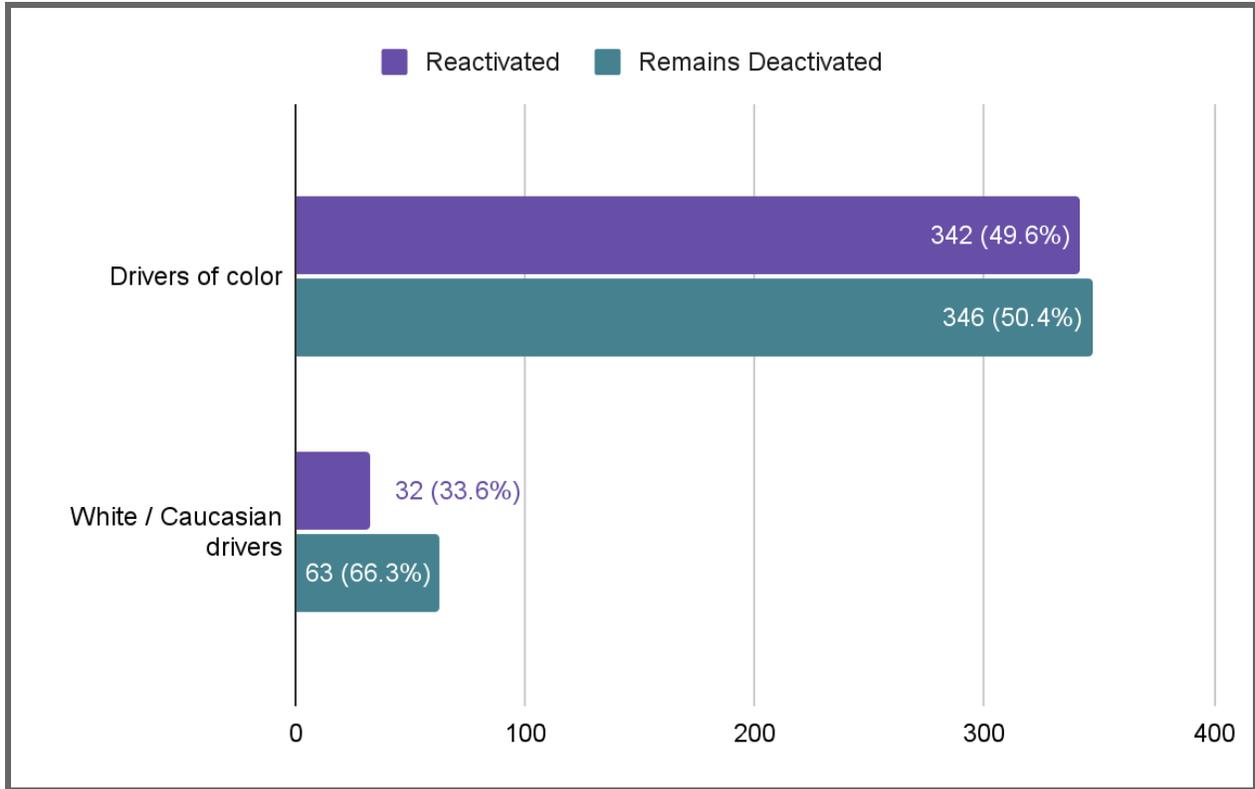
Fig. 6. Reactivation rates by drivers' race

Using a Chi-Square Contingency test to compare these two sub-samples, we find there is a statistically significant difference in reactivation rates based on race. In other words, holding other factors constant we show that **drivers of color have a proportionally higher reactivation rate than white drivers. We interpret this difference as drivers of color being deactivated more frequently for resolvable infractions than their white peers (as discussed below)**. This finding also underscores the value of a Driver Resolution Center (DRC) and the broader legal protections enshrined in the Deactivation Rights Ordinance: With effective representation drivers can be justly reactivated, and drivers of color can fight against systemic inequalities introduced by TNC operator's deactivation practices.

Reactivation by Deactivation Issue
When we evaluate reactivated drivers (n=429) we find that:
- 60% (n=227) represent a resolved Documentation & Background Check issue,
- 31% (n=117) a resolved Passenger & Vehicle Safety issue,
- 8% (n=29) a resolved Account Verification issue, and
- 2% (n=9) due to another issue.

Using a Chi-square contingency test we show that **drivers originally deactivated for a "Documentation & Background Check" issue have a statistically significant higher reactivation rate than drivers deactivated for other types of issues** (Fig. 7)**.**
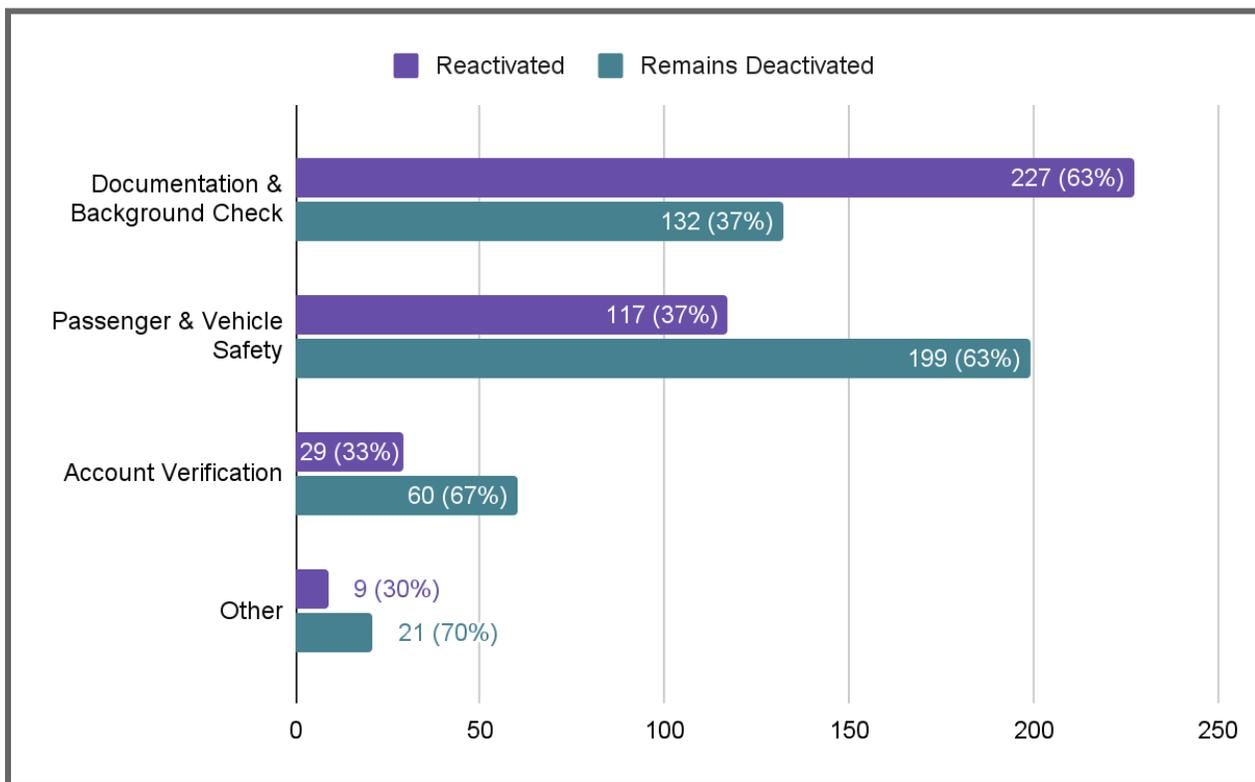
Fig. 7. Reactivation rates by deactivation issue

We believe this finding shows that 'Documentation & Background Check' deactivations are excessively administered. These deactivations represent infractions such as expired 'for-hire driver' licenses (that are supposed to be handled by the TNC), the submission of a scanned copy of a document instead of an original, or false findings in an automated background check – none of which warrant days or months of suspension without pay. While many have argued that TNCs should do their due diligence to verify flags in background checks and driving reports before deactivating a driver [17] we argue this is especially important when TNCs use intermediaries such as HireRight or Checkr - these companies should also be held accountable for ensuring the legitimacy and rigor of a background check process.

Deactivation with Representation

In the following section we describe how rideshare drivers experience protections under the Deactivation Rights Ordinance (DRO) and representation by the Drivers Resolution Center (DRC).

Case Resolution

Each deactivation case was assessed by DRC staff using information provided by the driver in an intake interview. Drivers' eligibility for representation through the DRO and the nature of the deactivation issue were used to determine how the case proceeded. Deactivation cases followed one of three pathways:

1. With **'Arbitration'** cases, drivers were eligible for full representation under the DRO **and** had their cases escalated to TNCs through either formal or informal arbitration procedures
2. **'Limited'** cases - For certain drivers who were ineligible for representation through the DRO, the DRC identified a pathway to escalate their case directly to TNCs.
3. **'Support'** cases represent deactivations that were more easily addressed without escalation to TNCs. DRC representatives assisted drivers in resolving their deactivation on their own - for example, in updating documentation associated with their TNC account. This category includes drivers who were eligible and ineligible for full representation rights under the DRO.

Among reactivated drivers (n=428), 27% (n=116) represent 'Arbitration' cases that reached resolution through the arbitration procedure set through the DRO, while 73% (n= 312) of reactivated drivers represent cases pursued as Limited or Support cases

Among the closed cases (n=859), **those escalated through 'Arbitration' procedures have a statistically significant higher reactivation rate than cases resolved as Limited or Support cases.**
- 65% (n=116) of drivers whose cases reached resolution through 'Arbitration' procedures have been reactivated
- 46% (n=312) of drivers whose cases reached resolution as Limited or Support cases have been reactivated

Drivers' level of representation

Among the drivers who were reactivated through the DRC (n=393):

- 43% (n=169) were provided full representation rights under the DRO
- 45% (n=178) were provided 'Limited' representation rights under the DRO
- 12% (n=46) were provided a 'Support' representative

For the 625 closed cases where drivers' level of representation was provided, each level had a majority reactivation rate (Fig. 8).
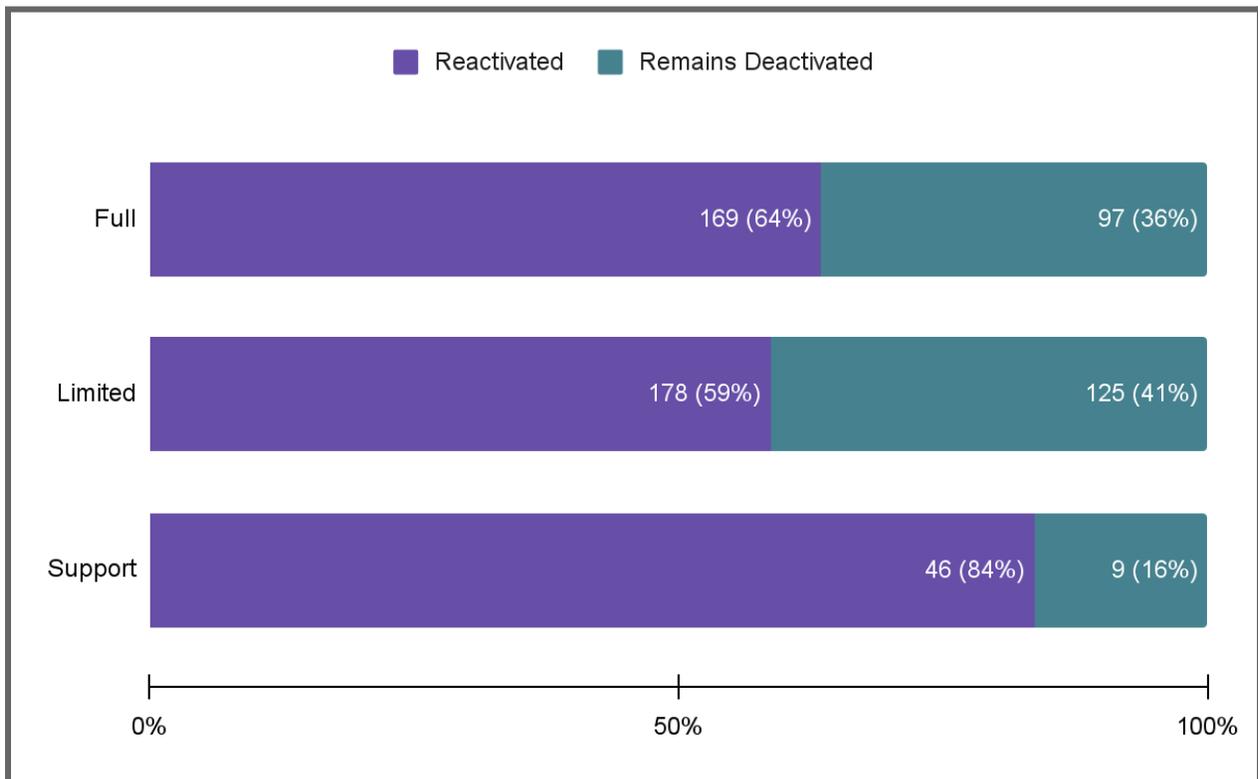

Fig. 8. Reactivation rates by drivers' level of representation

Each of the three levels of representation - Full, Limited, or Support - had a majority reactivation rate: **66% (n=169)** of drivers who were provided Full representation have been reactivated; **58% (n=178)** of drivers who were provided Limited representation have been reactivated; and **84% (n=46)** of drivers who were only provided a Support representative have been reactivated. **Among all closed cases, a higher proportion of drivers were reactivated than remain deactivated. This shows that the mediation of disputes by a neutral third-party was effective at getting qualified drivers back on the road.** Even for cases without escalation to companies, a basic consultation around a deactivation - the kind of support that drivers typically don't receive through TNCs automated messaging services and support hubs - helped drivers resolve their cases.

Third-party representation matters

Drivers' experiences of getting reactivated through the DRC corroborate the successes we described in our analysis of case data and show the holistic impact of third-party representation. The support drivers received through the DRC filled a gap left by the inadequate support of TNCs: Of the drivers who participated in our survey, 80% (n=98) reported that they were able to reach a helpful representative at the DRC. 93% reported that DRC staff understood the issue of their deactivation 'very' or 'somewhat' well.

Drivers placed a high level of importance on cultural competence (defined as the ability to speak with a representative in a driver's primary language and ability to work with a representative who understood a driver's customs and culture) when seeking support from both TNCs and the DRC about a deactivated account.[18] However their experiences with representatives at each organization differed greatly (Table 1).

Table 2. Share of surveyed drivers who 'strongly agreed' with the following statements:

I was able to work with representatives who...	TNC	DRC
...speak my primary language.	47% (n=59)	92% (n=114)
..understand my customs and culture.	42% (n=54)	93% (n=116)

Access to representatives who spoke their primary language and understood their customs and culture strongly influenced drivers' reported experiences of support and perceived benefit of those services. Overall, 75% (n=94) of surveyed drivers 'strongly agreed' that they could work with the DRC to resolve their issue, while only 23% (n= 29) of surveyed drivers felt they could do the same with TNCs. The difference between drivers' reported interactions with TNC staff and DRC staff demonstrates the importance of accommodating a diverse set of languages and customs when providing support services to drivers. Immigrant drivers in particular, who are more likely to face bureaucratic challenges due to language barriers [15] stand to benefit from access to resources that accommodate their needs.

> **89% (n=110) of surveyed drivers reported that representation by the DRC improved their chances of being reactivated.**

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[18] Among surveyed drivers, 80% (n = 101) "strongly agreed" that it's important that TNCs have representatives that speak their language, and 61% (n = 77) "strongly agreed" that it's important that TNCs have representatives that understand their customs and culture. 76% of respondents (n = 94) "strongly agreed" that it's important that the DRC have representatives that speak their language, and 70% of respondents (n = 87) "strongly agreed" that it's important that the DRC have representatives that understand their customs and culture.

Drivers' positive outlook towards the efficacy of third-party representation influenced a similar positive outlook towards labor policy and regulation. At the time we conducted the survey in July 2022, a wage standard and deactivation protections for drivers in Washington state (HB 2076) had passed state legislature and been in effect for less than a month. At this early stage in implementation, 99% of drivers who participated in our survey reported that this state law would benefit drivers[19]. Statistical analysis of the survey results showed that drivers' belief that representation by the DRC improved their chances of reactivation had a statistically significant effect on their positive outlook towards the state policy.[20] We interpret this positive outlook to a spillover effect - Third-party representation in deactivation disputes is an avenue to materially improve working conditions, including reactivation. In the case of the DRC, the efficacy of third-party representation demonstrates the role of public policy, as well as labor organizations like the Drivers Union, in shaping these improvements.

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[19] 64% (n = 81) of surveyed drivers had heard about the state policy at the time of the survey. Among these respondents, 89% (n = 73) reported that the law would be 'very beneficial' to drivers and 10% (n = 8) reported that the law would be 'somewhat beneficial' to drivers

[20] An ordinal logistic regression indicated that drivers' belief that representation by how the DRC affected their reactivation outcome had a statistically significant effect on a driver's estimation of how much a state law would benefit rideshare driver s($\chi 2$ (1, N=73) = 4.937, p < 0.05). A driver's belief that representation by the DRC improved their chances of reactivation positively affected the model (coef: 3.684).

Recommendations

The following are specific policy recommendations based on our findings, related reports about the gig economy, and emerging legislation meant to protect independent contractors. Many of these recommendations have an analogue in the Seattle's Deactivation Rights Ordinance - however our research draws attention to the challenges of implementing and enforcing labor regulations, particularly in the app-based gig economy.

1. Provide drivers sufficient and timely information about their deactivation

Seattle's Deactivation Rights Ordinance has largely worked as intended to support drivers in challenging deactivations with TNCs – *rules for deactivation* and *access to third-party representation* through the DRC have helped hold TNCs accountable to the loss of due process and harms experienced by drivers. But while a process and timeline for deactivations and disputes are spelled out in the law, they also need to be enforced – 82% (n=102) of drivers who participated in our survey reported that TNCs did not provide clear and detailed information about their deactivation. 70% (n = 90) of surveyed drivers were not notified of their deactivation 14 days in advance (as required by Seattle legislation). As it stands, the DRC's legal team often begins a case by filing requests with TNCs for information that should have been shared with drivers, which creates a shared administrative burden and further opportunities for TNCs' non-cooperation - which in turn causes further delays in reactivation.

> **Drivers need sufficient and timely information to understand the reason for deactivation, and any steps that can be taken to resolve.** This includes the evidence used to substantiate the infraction, as well as clear instructions for how to rectify or challenge the infraction. This information will not only clarify the issue or behavior that caused their deactivation, but what documentation they may provide to support their case. Timelines for information-sharing should be streamlined to help qualified drivers get back on the app expeditiously.

> **Drivers need transparent deactivation and arbitration procedures**. Deactivations are a time-sensitive issue, yet drivers are routinely dismissed or delayed by TNCs, and left feeling uncertain about how their case is proceeding. Transparent procedures support drivers' agency when challenging or rectifying a deactivation, help drivers stay informed about their case status, and give the assurance that someone is working on their behalf. These processes need to be broken down into stages, and drivers need to be able to track where their case is on this timeline.

2. Eliminate bias in investigations of alleged *driver* misconduct

Drivers deserve just cause protections from deactivations in cases involving allegations of misconduct. 76% (n=99) of drivers who participated in our survey reported that TNCs don't verify passenger complaints before deactivating a driver, and 89% (n=112) of drivers who participated in our survey reported 'some' or 'constant' concern regarding false accusations from passengers. Many drivers we spoke with had been deactivated based on allegations of misconduct that they believe were fabricated, retaliatory, or motivated by racial bias. Yet drivers in these situations have few opportunities for recourse. These deactivations are not only subject to TNCs biased investigation process, but, because of the allegation, ineligible for appeal through Washington state law (HB2076).

> **The burden of proof should be on TNCs to establish just cause.** TNCs should be required to conduct thorough investigations to determine the credibility of allegations made against drivers and that these allegations substantially meet the legal definitions for these serious allegations.
>
> When companies take passengers' allegations at face value and limit drivers' opportunities for input, they rob drivers of due process in the investigation. **Input and evidence from drivers should be required in any investigation** to help ensure the safety of one group is no longer prioritized over the safety of the other[21].
>
> **Disputes over the outcomes of these investigations should be arbitrated by a neutral third-party.** TNCs should be required to be transparent about the investigation process and to produce and share the evidence used to deactivate drivers. This can be done in a way that preserves the privacy of drivers and passengers - see Recommendation 4. There should be rules regarding eligible sources of evidence - otherwise we invite increased surveillance of drivers and passengers without security checks or reason.[22]
>
> **Establish stricter criteria for passenger remuneration** so that there is less of an incentive for customers to engage in making false accusations against drivers.

3. Solicit and investigate reports of *passenger* misconduct

Passenger complaints are a vector for the mistreatment of drivers - and part of a pervasive and underreported safety issue. Our report represents the experiences of a relatively small sample of drivers - 1523 out of 8396 licensed TNC drivers in the City of Seattle - and yet this relatively small

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[21] This is not to say that assaults against passengers don't happen or that all deactivations are unwarranted. Harms are perpetrated between drivers and passengers alike - and platforms need to be held accountable for the safety of both parties. A fairer process will support both drivers and customer's safety.
[22] A recent murder of an Uber driver in Atlanta [27] prompted Uber to roll out recording capability within the passenger-facing app. Despite Uber's assurances and precautions, this raises substantial civil rights violations for drivers - and may violate privacy protections for states where dual-consent is required. We argue that nitiatives like these are not feasible solutions for increasing safety or accountability.

group reported terrible and traumatic experiences. Of the surveyed drivers that reported experiencing unfair treatment by passengers, over half (n=22) reported it happening often daily or multiple times within a month. Collectively, the 16 drivers who participated in focus groups described multiple instances of sexual and verbal harassment, and false accusations of egregious misconduct.

These experiences are not unique to Seattle drivers. Recent investigations by labor coalitions and advocacy groups have shown that drivers are often subject to harassment, discrimination, and assault from passengers[23][24] [1]–[3], [24]. Despite the frequency and gravity of these incidents, they receive little to no attention in TNCs safety reports, which instead focus on passenger safety [2].

> **TNCs should work with labor agencies and driver coalitions to solicit and investigate reports of passenger misconduct and crimes against drivers.** Fear of retribution from passengers and inaction by TNCs dissuades many drivers from reporting passenger misconduct [1], [2], [23]. Involvement of a local labor agency and driver coalitions will add accountability into the investigation process, and may motivate hesitant drivers to file reports.

> **Policymakers should require TNC operators to share data related to driver safety as part of their reporting mechanisms.** This should include reports of passenger misconduct and crimes perpetrated against drivers, as well as steps taken to investigate each incident and determine any punitive actions taken. These aggregated incident reports will help demonstrate this safety issue at scale and inform the design of preventative measures.

4. Mandate data-sharing between TNCs and public agencies

Regulation that requires accountability, and data-sharing between TNCs and policymakers is a viable way to understand and address the problems of deactivation. The data we draw on for this report is unique - because of TNCs reluctance to share administrative data, there currently is no direct way to measure rates of deactivation and reactivation at scale [29]. While government-mandated data reporting (in cities such as Seattle, NYC, Chicago, as well as states

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[23] According to a 2022 report by Gig Workers Rising, 50 rideshare and delivery workers have been killed on the job since 2017, 63% of these victims were people of color. In a nationwide survey of 906 rideshare drivers, 67% of drivers reported experiencing some form of violence, harassment, or threatening behavior in the last year. Among 362 rideshare and food delivery workers in Denver, 22% reported facing violence or threats of violence on the job, and 20% reported being discriminated against based on their identity. In a survey of 810 rideshare drivers in California, 43% reported being sexually harassed on the job, and 67% reported experiencing discrimination from passengers based on their identity. Yet, 27% of drivers who experienced bias or discrimination lacked adequate information on how to file a complaint. Among the drivers who did file a complaint, only 3% reported that their complaints were investigated and adequately addressed by the companies.

[24] This safety issue is likewise not exclusive to gig workers in the United States. See [28]

such as Massachusetts and California) has been effective at providing insight as to how TNCs employ drivers and comply with regulations, this data has shown to be unreliable. A recent investigation by the San Francisco Transit Authority has shown that TNCs' reports to agencies can be heavily redacted and filled with inconsistent statistics [30]. Information on drivers' wages and working time are also typically shared in aggregate - which limits what researchers are able to understand about drivers' experiences on the ground[25]. Without clear standards and oversight from agencies, data reporting in itself has limited use as an enforcement for regulations [30].

Policymakers should mandate quarterly data reporting on driver deactivations, passenger and driver complaints, and grievance procedures. These reports should include data on individual incidents, investigations, and outcomes. This information would support transparency around deactivations and the design and enforcement of regulations - particularly the establishment of dispute arbitration centers similar to the DRC. Additionally we recommend that summaries of these data reports should be made publicly accessible, which would be of value to workers, labor advocates, and the general public.

Penalties for non-compliance should be steep. TNCs often cite user privacy concerns to limit data-sharing with public agencies. However, the necessary infrastructure to facilitate responsible sharing of sensitive data exists - for example, University of Washington's Transportation Data Collaborative[26] was specifically designed to provide privacy-preserving technologies for the storage and use of transportation data. Regulators need to require the responsible and expedient sharing of data in order to create an environment of accountability in the gig economy. Failing to do so will only exacerbate inequalities and precarities in this industry.

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[25] A recent study conducted by researchers at University of California Los Angeles (UCLA) found that the lack of granularity of data shared by TNCs with New York Taxi and Limousine Commission (NYTLC) limited their analysis of the city's wage standard for drivers. [31]
[26] https://www.uwtdc.org

Conclusion

This report evaluates the design and implementation of Seattle's Deactivation Rights Ordinance, and validates the potential for a dispute arbitration model to support fair working conditions in the app-based gig economy. Policy debates in the USA have predominantly focused on reclassifying app-based workers as employees in order to realize safe working conditions. In a series of studies we show that dispute arbitration is a strong and viable alternative to employment reclassification. The right to challenge deactivations and access to third-party representation can also help improve working conditions on the ground sooner than employee status may be implemented.

We also show that the success of Seattle's Deactivation Rights Ordinance was not an accident. The Drivers' Union played a critically important role in facilitating dispute arbitration processes and promoting the Driver Resolution Center to local drivers through social media and 'Know Your Rights' trainings. Built on a foundation of driver organizing dating back to 2012, the Drivers' Union is an independent union of app-based drivers whose membership represents a diverse set of racial and ethnic backgrounds. This lived expertise enabled the Drivers Union to meet the specific language and cultural needs of Seattle-area drivers and positively influenced deactivated drivers' feelings of support.

The loss of due process and the harms of deactivation are experienced by gig workers throughout the app-based gig economy [32]. The findings and recommendations in this report can help to inform the development of similar dispute arbitration models for app-based workers at large. Locally, our findings should influence Seattle City Council[27] to extend similar deactivation rights to delivery drivers (as they are considering 'PayUp Legislation [33]), as well as the implementation of Washington State's dispute arbitration center (HB 2076). Given the rising calls for just cause deactivation protections from platform worker coalitions across the United States[28] this report should be used as a roadmap to policymakers, advocates, and researchers investigating labor conditions and regulations in the app-based service industry.

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[27] As of 2023, Seattle City Council is debating implementing similar deactivation protections for app-based delivery workers. However, the proposed ordinance has no similar resource for arbitration or in-person support.

[28] For example in Chicago[11] and Denver[34]. At the state level, Minnesota SF 2319, would have established rules for account deactivation and a dispute arbitration process for deactivated drivers. However this bill was ultimately vetoed by Governor Tim Walz. Colorado SB 23-098, would have granted deactivated rideshare and delivery drivers the right to challenge their deactivations in court, but also failed to pass.

References

[1] Asian Americans Advancing Justice - Asian Law Caucus and Rideshare Drivers United, "Fired by An App: The Toll of Secret Algorithms and Unchecked Discrimination on California Rideshare Drivers," 2023. Accessed: Mar. 01, 2023. [Online]. Available: https://www.advancingjustice-alc.org/media/Fired-by-an-App-February-2023.pdf

[2] Strategic Organizing Center, "DRIVING DANGER: How Uber and Lyft create a safety crisis for their drivers," Apr. 2023. Accessed: Apr. 20, 2023. [Online]. Available: https://thesoc.org/wp-content/uploads/2023/04/SOC_RideshareDrivers_rpt-042023.pdf

[3] E. Leverage and S. Dalal, "The Gig Gap: The Reality of Denver Gig Workers 2022 Report," Colorado Jobs with Justice, 2022. Accessed: Nov. 12, 2022. [Online]. Available: http://www.cojwj.org/uploads/2/4/6/1/24613827/cjwj_white_paper_rd4.pdf

[4] M. Anderson, C. Mcclain, M. Faverio, and R. Gelles-Watnick, "The State of Gig Work in 2021," *Pew Research Center: Internet, Science & Tech*, Dec. 08, 2021. https://www.pewresearch.org/internet/2021/12/08/the-state-of-gig-work-in-2021/ (accessed Feb. 04, 2022).

[5] V. B. Dubal, "An Uber Ambivalence: Employee Status, Worker Perspectives, & Regulation in the Gig Economy," Social Science Research Network, Rochester, NY, SSRN Scholarly Paper ID 3488009, Nov. 2019. doi: 10.2139/ssrn.3488009.

[6] N. van Doorn, "Platform labor: On the gendered and racialized exploitation of low-income service work in the 'on-demand' economy.," *Inf. Commun. Soc.*, 2017.

[7] S. Jaffe, "The battle for the future of 'gig' work," *Vox*, May 10, 2021. https://www.vox.com/the-highlight/22425152/future-of-gig-work-uber-lyft-driving-prop-22 (accessed May 22, 2021).

[8] A. Toh and L. Simet, "Grocery App Workers' Rights Are Under Siege," *Human Rights Watch*, Oct. 15, 2020. https://www.hrw.org/news/2020/10/15/grocery-app-workers-rights-are-under-siege (accessed Sep. 16, 2022).

[9] D. Kerr, "Uber And Lyft Drivers Are Being Carjacked at Alarming Rates – The Markup," Jul. 22, 2021. https://themarkup.org/working-for-an-algorithm/2021/07/22/uber-and-lyft-drivers-are-being-carjacked-at-alarming-rates (accessed Feb. 15, 2023).

[10] J. F. Reyes and J. Laughlin, "How incentives in the gig economy put workers at risk," *The Philadelphia Inquirer*, May 31, 2018. [Online]. Available: https://www.inquirer.com/philly/news/gig-economy-worker-safety-independent-contractor-caviar-grubhub-handy-care-uber-20180531.html

[11] CBS Chicago, "Chicago Rideshare Drivers Say They're Being Deactivated Unfairly After Bad Reviews, Call For Hearings Before Deactivation," *CBS Chicago*, Jan. 20, 2022. Accessed: Feb. 15, 2022. [Online]. Available: https://chicago.cbslocal.com/2022/01/20/chicago-rideshare-drivers-call-deactivation-hearings/

[12] F. Siddiqui, "Uber and Lyft to share data on driver deactivations, more than a year after pledging to do so," *Washington Post*, Mar. 11, 2021. Accessed: Apr. 04, 2023. [Online]. Available: https://www.washingtonpost.com/technology/2021/03/11/uber-lyft-driver-database/

[13] National Labor Relations Board, "Board Modifies Independent Contractor Standard under National Labor Relations Act," *National Labor Relations Board*, 2023.

https://www.nlrb.gov/news-outreach/news-story/board-modifies-independent-contractor-standard-under-national-labor (accessed Jun. 27, 2023).

[14] C. Gardent, "Disrupting Work Law: Arbitration in the Gig Economy," *Univ. Chic. Leg. FORUM*, 2017.

[15] A. B. Wolf, "COVID and the Risky Immigrant Workplace: How Declining Employment Standards Socialized Risk and Made the COVID-19 Pandemic Worse," *Labor Stud. J.*, vol. 47, no. 3, pp. 286–319, Sep. 2022, doi: 10.1177/0160449X221110276.

[16] D. Beekman, "Seattle, Teamsters-affiliated group to launch 'resolution center' for deactivated Uber, Lyft drivers," *The Seattle Times*, Jun. 17, 2021. [Online]. Available: https://www.seattletimes.com/seattle-news/transportation/seattle-teamsters-affiliated-group-to-launch-resolution-center-for-deactivated-uber-lyft-drivers/

[17] C. Crabtree, J. Y. Kim, S. M. Gaddis, J. B. Holbein, C. Guage, and W. W. Marx, "Validated names for experimental studies on race and ethnicity," *Sci. Data*, vol. 10, no. 1, p. 130, Mar. 2023, doi: 10.1038/s41597-023-01947-0.

[18] J. Hall and A. Krueger, "An Analysis of the Labor Market for Uber's Driver-Partners in the United States," National Bureau of Economic Research, Cambridge, MA, w22843, Nov. 2016. doi: 10.3386/w22843.

[19] L. Hyman, E. L. Groshen, A. S. Litwin, M. T. Wells, K. P. Thompson, and K. Chernyshov, "Platform Driving In Seattle," Cornell University Institute for Workplace Studies, 2020. [Online]. Available: https://ecommons.cornell.edu/bitstream/handle/1813/74305/Cornell_Seattle_Uber_Lyft_Project_Report___Final_Version__JDD_accessibility_edits__7_14_2020.pdf?sequence=1&isAllowed=y

[20] J. A. Parrott and M. Reich, "A Minimum Compensation Standard for Seattle TNC Drivers," UC Berkeley Center on Wage and Employment Dynamics; New School Center for New York City Affairs, 2020. [Online]. Available: https://irle.berkeley.edu/files/2020/07/Parrott-Reich-Seattle-Report_July-2020.pdf

[21] D. S. Kirk, N. Cavalli, and N. Brazil, "The implications of ridehailing for risky driving and road accident injuries and fatalities," *Soc. Sci. Med.*, vol. 250, p. 112793, Apr. 2020, doi: 10.1016/j.socscimed.2020.112793.

[22] B. Helling, "How Many Uber Drivers Are There in 2023?," *Ridester.com*, Mar. 31, 2023. https://www.ridester.com/how-many-uber-drivers-are-there/ (accessed Jul. 10, 2023).

[23] M. D. Maffie, "The Perils of Laundering Control through Customers: A Study of Control and Resistance in the Ride-hail Industry," *ILR Rev.*, vol. 75, no. 2, pp. 348–372, Mar. 2022, doi: 10.1177/0019793920972679.

[24] Gig Workers Rising, "DEATH AND CORPORATE IRRESPONSIBILITY IN THE GIG ECONOMY: An urgent safety crisis," Gig Workers Rising, 2022. Accessed: Jun. 23, 2022. [Online]. Available: https://www.gigsafetynow.com/_files/ugd/af5398_74d1c1fd564b42d58e95dd8a2d99ee03.pdf

[25] M. Figueroa, L. Guallpa, H. Colon-Hernandez, G. Tsitouras, and A. Wolf, "Essential but Unprotected: App-based Food Couriers in New York City," 2021. [Online]. Available: https://img1.wsimg.com/blobby/go/6c0bc951-f473-4720-be3e-797bd8c26b8e/091321_Full%20Los%20Deliveristas%20Unidos%20-%20Industry.pdf

[26] Manzo, Petrucci, and Bruno, "Improving Labor Standards for Uber and Lyft Drivers in Chicago," 2022. Accessed: Sep. 13, 2022. [Online]. Available: https://illinoisepi.files.wordpress.com/2022/02/ilepi-pmcr-improving-labor-standards-for-uber-and-lyft-drivers-final.pdf

[27] J. Dukes, "Uber rolls out new safety feature for metro Atlanta rideshare users," *FOX 5 Atlanta*,

Feb. 16, 2023.
https://www.fox5atlanta.com/news/uber-rolls-out-new-safety-feature-for-metro-atlanta-ri
deshare-users (accessed Apr. 28, 2023).

[28] V. Bansal, "Gig Workers Are Being Stabbed, Stoned, and Abused in India," *Wired UK*, Apr. 13, 2023. Accessed: Apr. 13, 2023. [Online]. Available: https://www.wired.co.uk/article/india-gig-workers-violence-deadly-attacks

[29] T. Monahan, "Monopolizing mobilities: The data politics of ride-hailing platforms in US cities," *Telemat. Inform.*, vol. 55, p. 101436, Dec. 2020, doi: 10.1016/j.tele.2020.101436.

[30] San Francisco County Transit Authority, "TNCs 2020: a Profile of Ride-Hailing in California," 2023.

[31] UCLA Labor Center, "Analysis of High Volume For-Hire Vehicle Data for New York City," 2023. Accessed: Feb. 09, 2023. [Online]. Available: https://www.labor.ucla.edu/wp-content/uploads/2023/02/Taxi-Commission-policy-brief-2.9 .23.pdf

[32] L. K. Gurley, "'We Are Devastated': Instacart Is Deactivating Workers and They Don't Know Why," Apr. 30, 2021. https://www.vice.com/en/article/93yw73/we-are-devastated-instacart-is-deactivating-work ers-and-they-dont-know-why (accessed May 17, 2021).

[33] "PayUp Legislation - Council | seattle.gov." https://www.seattle.gov/council/issues/payup (accessed Oct. 10, 2022).

[34] E. Alvelar, "Colorado Lyft and Uber drivers strike at Denver International Airport, demand reform," *People's World*, Nov. 29, 2022. https://www.peoplesworld.org/article/colorado-lyft-and-uber-drivers-strike-at-denver-inter national-airport-demand-reform/ (accessed Jan. 15, 2023).

Appendix I: Methods

The studies for this report were conducted by the authors and representatives from the Drivers' Union. Research methods and data management were pre-approved by an Institutional Review Board at the University of Washington. The Puget Sound Clinic for Public Interest Technology (PCP)and the Drivers' Union developed a reciprocal data sharing agreement to outline the terms of sharing raw survey data and resulting analysis.

Survey

In July 2021 we conducted a telephone-based survey of app-based rideshare drivers who were active or former clients of the Driver Resolution Center (DRC). The survey was collaboratively designed by the authors and representatives from the DRC. The PCP developed an initial draft based on mutual research aims developed in monthly meetings. The draft was refined by the Drivers' Union to increase ease of comprehension for drivers for whom English was not their primary language. The questionnaire primarily consisted of ordinal questions that captured drivers' perception of support from platform companies, drivers' perception of support from the DRC, and drivers' perception of discrimination from passengers. It also included multiple-choice questions that captured demographic information and high-level information on drivers' most recent instance of account deactivation.

The survey was administered by six enumerators recruited by the Drivers' Union and trained by members of both research teams. The enumerators were active drivers who represent local drivers to union staff (stewards). They were selected for language fluency, cultural competency and the ability to follow instructions based on past experience, and had not been previously represented by the DRC. The training was conducted at the location of the DRC and included a walkthrough of the survey and opportunity for feedback from the driver enumerators.

To be included in this study, participants needed to be clients of the DRC with active or resolved cases. Eligible participants could work for multiple rideshare platforms, but needed to have experienced deactivation from either Uber or Lyft. Participants were recruited from a list of drivers who completed an online deactivation intake form from the Drivers' Union website and were confirmed to have been deactivated. A list of 589 clients from the DRC was divided among the enumerators, who contacted each individual directly by telephone. Data collection occurred over a two-week period. Each exchange began with a brief explanation of the study and informed consent procedure, and responses were collected through an online survey platform (Formbuilder) using tablets provided by the Drivers' Union. The questionnaire lasted 20-30 minutes and respondents were compensated with a $50 prepaid gift card for their time.

There were 134 respondents to the telephone survey. 88% of respondents had 3 or more years of experience working as a rideshare driver – 53% (n = 68) had 3-5 years of experience, and 35% (n = 45) had more than 5 years of experience. 87% (n = 111) of respondents relied on rideshare income

for basic needs, and 84% (n = 109) of respondents reported that rideshare driving is their primary source of income. The drivers in our sample primarily worked within the City of Seattle limits but over three-quarters reported residing outside of the city, with the three most reported zip codes being in the Rainier Valley and Tukwila areas.

The majority of respondents were Black or African / American men. More than two thirds were immigrants, with the three most reported countries of origin being Somalia (35%, n = 39), Ethiopia (30%, n = 33), and the United States (16%, n = 18). Only 21% (n = 27) reported English as their language spoken at home. Somali (29%, n = 38) and Amharic (20%, n = 26) were the other most commonly reported languages.

Our sample included drivers who were deactivated prior to and after the implementation of the Driver Resolution Center under Seattle policy. 80% of respondents (n = 103) reported that their most recent deactivation occurred after July 2021, which qualified them for full representation in their case. The remainder of respondents (n = 25) were eligible for partial representation. Both types of representation include document review and direct communication with companies, but only full representation cases can be escalated through the formal arbitration procedure set by the City of Seattle. 90% of respondents (n = 114) were clients of the dispute resolution center with active or resolved cases – 66% (n = 84) and 24% (n = 30) respectively. The remaining 10% had not received representation in their deactivation case. Half of respondents had been deactivated from Lyft, and half had been deactivated from Uber.

A total of 134 partially-completed questionnaires were aggregated by the Drivers' Union and shared with PCP for analysis. Incomplete questionnaires were not excluded from analysis, instead we analyzed responses using only complete answers for a particular question. We conducted descriptive analysis of demographic variables to characterize the participant pool. We then used logistic regression analysis to determine the relationships between three primary outcomes: drivers' perceptions of discrimination, drivers' experiences of support from TNCs in deactivation cases, and drivers' experiences of support from the DRC in deactivation cases. We used this method of analysis because of the ordinal response variables in survey data. Ordinal factors were transformed to their integer scale counterparts, binary answers will be transformed to integer values of 0 and 1, with 0 representing false (or no) and 1 representing true (or yes). All other categorical factors were one-hot encoded. In almost all models, we controlled for if the driver was deactivated before or after July 2021, whether or not they were represented by the DRC (excluded when testing TNC hypotheses), and if they were ultimately reactivated or not. Prior to analysis, we pre-registered the study on the Open Science Framework: https://osf.io/x5mqt. The survey instrument is openly accessible there.

Focus groups

In December 2022 and January 2023, we conducted three focus groups with 16 participants total. All participants had been recently deactivated from either Uber or Lyft and were either formerly or currently being represented by the Drivers Union in the appeals process. Across the focus

groups 11 of the 16 participants were currently deactivated and represented by the Drivers' Union. The remainder (n = 5) had been reactivated after being represented by the Drivers Union in their deactivation case. Half (n = 8) had over 5 years of experience working for Uber and/or Lyft, and (n = 7) had 3-5 years of experience. 75% (n = 12) reported working for both platforms. 15 participants were male, and of the 13 participants who reported their race and ethnicity: 4 listed "White", 7 listed "Black" or "African.

Focus groups were held in-person in local public libraries. Each lasted approximately an hour, and the discussion was structured around three broad topics: the financial and emotional impacts of deactivation, drivers' experience working with TNCs and the Drivers Union in the arbitration process, and how these experiences influence drivers' views of their job. The focus groups were recorded using Audacity software. We used Otter.ai to transcribe recordings, which were manually cleaned and anonymized by two members of the research team.

Driver Resolution Center case analysis

In January 2023, a dataset of 1523 dispute arbitration cases was shared by the Drivers Union with the PCP.. Variables that constituted legal protection were removed prior to sharing based on terms outlined in our reciprocal data sharing agreement. The Drivers Union and the PCP met twice between January and March to discuss direction for exploratory and statistical analysis.

The dataset included dispute arbitration cases that took place between July 2021 (when the dispute arbitration center began operating) and January 2023. Data were collected by DRC staff and recorded in the dataset throughout the duration of a case, beginning with a driver's intake interview and ending at closure of a case. Information was recorded using structured and semi-structured vocabulary designed by the DRC, and free text. The dataset included closed cases as well as cases that were active as of January 2023. We focused our analysis on closed cases.

Transformations: All variables were transformed in some way. We made the categorical variables of "race", "primary language spoken", and "gender", binary. Values for race were binarized to 'White/Caucasian or 'Not White/Caucasian'. Values for "primary language spoken" to 'English' or 'Not English'. And values for "gender" to "Man" and "Woman, Nonbinary, and Other." Variables with semi-structured vocabularies (eg. "Issue") were cleaned for typos and re-coded into a structured vocabulary with specific categorization into one of four categories, "Documentation and Background Check", "Passenger and Vehicle Safety", "TNC Driver Profile", and "Other". The same process was applied to "Representation Type" with values of "Full", "Limited", or "Support" representation types. Certain variables were created by binarizing others, for example, "Resolution Type Occurred Under Law" were created from a binary for selecting certain "methods of support made available by the law" values in the "Resolution Type" variable. Other forms of cleaning the data of possible errors include fixing typos in date entry or spelling mistakes, and cleaning of extra whitespace characters.

Statistical models: All hypotheses were tested using Chi-Square Contingency tests with additional Chi-Square Contingency post-hoc tests if the overall proportions are found to be significant. All post-hoc test p-values were corrected using Holm's Sequential Bonferroni adjustments.

Inference criteria: We used $p < 0.05$ as the threshold for statistical significance. This applies to both the overall Chi-Square tests applied to two variables, as well as any of the Holm-Bonferroni adjusted p-values from later post-hoc testing.

Appendix II: Supplemental Tables

Table 3. Deactivation issue by drivers' race

Deactivation issue	Deactivated drivers of color	Deactivated White / Caucasian drivers
Passenger & Vehicle Safety	539 (45%)	64 (38%)
Documentation & Background Check	487 (41%)	77 (46%)
Account Verification	133 (11%)	16 (10%)
Other	40 (3%)	10 (6%)
Total	1199 (100%)	167 (100%)

Table 4. Deactivation issue by drivers' primary language

Deactivation issue	Deactivated drivers who speak English as a second language	Deactivated drivers whose primary language is English
Passenger & Vehicle Safety	504 (46%)	94 (41%)
Documentation & Background Check	433 (39%)	108 (47%)
Account Verification	132 (12%)	13 (6%)
Other	33 (3%)	15 (7%)
Total	1102 (100%)	230 (100%)