

# 19. Struggles over the power and meaning of digital labour platforms: A comparison of the Vienna, Berlin, New York and Los Angeles taxi markets

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## 19.1 INTRODUCTION

On-demand for-hire transportation platforms like Uber and Lyft are among the most popular and well-recognized digital labour platforms. Despite their global reach, the work performed on these platforms is highly localized and thus informed by local labour market conditions and the features of area transportation ecosystems. In much of the developed world, the platformization of the taxi industry has been the most recent attempt at sectoral deregulation (for example Dubal 2017; Rogers 2015); however, heterogeneous landscapes have engendered myriad responses by policy regulators, capital and labour vis-à-vis these new market actors. Unsurprisingly, these responses have varied geographically.

In this chapter we draw on a reconceptualized power resource perspective and present four case studies where workers' power resources vary along a power distribution continuum. At one end, we locate Austria, which exemplifies a strong position of neocorporatist industrial relations actors and a highly centralized workers' movement with significant institutional power. Germany is chosen as the second European case because of its strong neocorporatist tradition which has nevertheless had a declining influence on labour market structures and practices. In comparison to Austria, no collective agreement in respect of taxi and for-hire car drivers has been reached while institutionally weakened trade unions face a plurality of different business and employers' associations. As members of the European Union (EU) both Austria and Germany's market and industrial relations fields are at least indirectly influenced by a recent European Court of Justice (ECJ) ruling that classified Uber

as a transportation company, requiring it to comply with rules governing traditional taxi companies. The Austrian and German cases contrast sharply with Los Angeles (LA) in the United States where industrial relations systems are comparatively weak and exclude (the often) self-employed taxi drivers. In LA the workers' movement is highly fragmented and pluralistic, and workers have struggled for recognition from transportation firms and policymakers at local and state levels. Between the European cases and LA, we highlight the example of New York City (NYC), where drivers' collective organizations and associational power have helped them to overcome weak institutional power and positioned them to engage in a symbolic struggle over what it means to work on digital labour platforms.

We examine the responses, strategic orientation, struggles and enacted resistance of on-demand transport workers and collective actors in the four cities mentioned above. Our reconceptualized approach is attentive to workers' structural, associational and institutional power resources – and to symbolic power which is understood as the perceived legitimacy of power resources. We view variations in the orientation of workers' and unions' responses to the introduction of digital labour platforms as contingent on workers' power positions in multi-scalar (local, national and transnational) political, economic and industrial relations spheres. We present these power positions as informative in identifying the array of key actors engaged in (re)shaping transportation markets and in establishing the subjective and scalar orientation of these actors' responses and struggles.

The chapter proceeds with an explanation of our theoretical perspective. We then present our four case studies which are followed by a brief comparative analysis as a conclusion. Our findings are based on semi-structured interviews with key stakeholders, including regulators, workers and their collective organizations and representatives of owners' groups in each of these cities. We have also gleaned important insight by monitoring public debates on transportation regulation that have taken place in the legislature and in government proceedings and via media outlets.

## 19.2 ORIENTING WORKERS' COLLECTIVE STRATEGIES: A RECONCEPTUALIZED POWER RESOURCE PERSPECTIVE

Our analysis is based on a reconceptualized power resource approach. Traditional power resource theory views structural and associational power as potential resources workers can draw upon to strengthen their position within market and political fields (Wright 2000; Silver 2003). Structural power consists of the power that accrues to workers 'simply from the location of workers within the economic system' (Wright 2000, p. 962). Tight labour markets or

a strategic position within the production system, for instance, strengthen the bargaining position of labour in relation to employers. Associational power, in comparison, consists of ‘the various forms of power that result from the formation of collective organisation of workers’ (Wright 2000, p. 962), most importantly unions and political parties. A third and fourth type of power, introduced later into the debate, are institutional power, including as legal rules, norms and practices – a form of secondary social power in which past struggles crystallize (Brinkmann et al. 2007) – and societal power (Schmalz and Dörre 2018). Societal power is conceptualized as arising from the cooperative relations of workers and unions with other groups and organizations and the ability to recast the political project of unions as a political project of society generally (Schmalz and Dörre 2018). When successful, interests of workers and of society are aligned and broad coalitions are formed expanding workers’ associational power resources.

We identify two limitations to the existing power resource approaches. The first is the (often implicit) assumption that the class interests of employers and labour are derived from their positions within the economic system which thus presents workers’ and unions’ interests as a fixed set of preferences. Such an approach neglects that workers’ interests are socially constructed and an outcome of distinct struggles informed by the times, places and scales at which they take place. The second shortcoming relates to the prevailing understanding of institutional power as legal rules and norms, underestimating the informal and (often) unconscious symbolic dimension of power relations. Although power resource theory assumes that hegemonic narratives and worldviews play a role in determining the power of workers, the theory has limited capacity to explain the contested legitimacy of power resources and their effects on social inequality within and between groups of labour and employers. This is because traditional power resources theory remains focused on how workers employ society’s prevailing power resources to advance their interests – and does not account for workers’ and owners’ symbolic struggles concerning the (il)legitimacy of such resources.

An analysis of the network of power positions in the taxi industry provides us with insight into the associational, structural and institutional power that is wielded by actors on both sides of the capital–labour relationship; symbolic struggles, meanwhile, occur over the recognition and legitimacy of power resources and the normalization of the stratified social order. Drawing inspiration from Bourdieu (1989, p. 17) we incorporate the concept of symbolic power into our analysis and understand it as a power resource rooted in the perception or recognition of power resources as legitimate. An example relates to the symbolic struggle over the classification of platforms as either technology networks or taxi companies. Unions and state agents have challenged new actors’ claims that they are technology companies – contending instead that

they are taxi companies who are denying drivers' wages and benefits by misclassifying them as independent contractors instead of employees. Independent contractors are rarely covered by labour law and lack collective bargaining rights, so the outcome of these struggles is decisive in shaping the legitimacy and effectiveness of their institutional and associational power resources. In this case, symbolic struggles (re)structure the social space within which the economic, political and industrial relations actors operate. They additionally determine the socio-spatial scale where these struggles manifest themselves. By institutionalizing rules, norms and practices on a local, regional or national scale the outcomes of these struggles shape transportation markets with an impact on present and future repertoires of contention.

To consider the multi-faceted struggles that have taken place in the taxi industry we have adopted a reconceptualized power resource approach that accounts for the multi-dimensional social space and social fields where workers' perceptions, interests and behaviours are constructed.<sup>1</sup> First, workers occupy different positions in a network of 'objective' power relations, being either economic, social or symbolic relations, giving them greater or lesser leverage in their struggles over the distribution of income or over the recognition or perceived legitimacy of their interests. Such power relations vary across scales; for example, some workers may receive recognition as powerful local actors but may be unknown regionally or nationally (or vice versa). Second, workers exhibit particular 'subjective' dispositions and position takings; these are understood as generative principles that correspond to, but are not determined by, the historical and current positions that actors occupy within social and geographic space. This reflects Bourdieu's *habitus* concept (Bourdieu 1990). Thus, in the case of on-demand transport, these features will shape the strategic orientation of workers' responses to the introduction of digital labour platforms and their strategies to influence their respective transportation markets. Workers who occupy, or have occupied, powerful institutional positions derived from their symbolic recognition as 'social partners' and from firmly established collective bargaining rights for taxi drivers are more likely to resume their strategic orientation based on a logic of influence. In contrast, drivers who have historically had less institutional power, or whose unions were not recognized or were even considered illegitimate, tend to orient their strategies towards building associational power; where successful, they are sometimes able to realize new institutional arrangements that better represent their interests.

The introduction of app-based transportation technologies has largely undermined workers' structural power by easing entry to the labour market and undermining occupational skill through the use of algorithms and navigation automation – we therefore consider their structural power to be low and do not discuss it here.

## 19.3 CASE STUDIES

### 19.3.1 Vienna

Austria boasts highly centralized and coordinated business and labour organizations and stable collective bargaining practices. The compulsory membership of business companies in the Chamber of Commerce contributes, in particular, to the country's exceptionally high level of collective bargaining coverage. Almost 100 per cent of private sector employees, including taxi and for-hire car drivers, as well as Uber driver partners, fall under the purview of sectoral collective agreements even though taxi and for-hire car drivers remain low-wage workers. Uber's cheapest service, UberPop, which operates with private vehicles, has been banned in many European cities and countries and has never been operational in Austria. Uber cooperates with for-hire car companies that have less strict regulations than taxis regarding their operational obligations, the qualifications requirements that apply to drivers and fare systems. In particular, for-hire cars must return to the place of business after each journey, a requirement Uber has been found to violate repeatedly.

Whereas institutional power resources in wage setting have remained intact over time, unions have lost some access to public policymaking and, hence, their highly regarded status as neocorporatist actors (Pernicka and Hefler 2015). This development is due to at least two factors. First, Austria's accession to the EU in 1995 shifted some competencies in legislative policymaking and jurisdiction from the national to the supranational level. European decisions such as the European Court of Justice ruling in 2017, which determined that Uber was a transportation company, rather than a digital technology firm, or the European Commission's urging of member states to open their markets to digital service providers and review existing national legislation 'to ensure that market access requirements continue to be justified by a legitimate objective' (European Commission 2016, p. 4), are likely to reshape the perceptions and evaluations of digital platforms in passenger transportation. However, taxi services are still considered part of the public transportation sector and thus, national and local actors maintain a strong interest in regulation. Second, Austrian governments since 1945 have been strongly committed to social partnership and a political culture oriented towards compromise, but this changed with the formation of coalition governments between the People's Party, ÖVP and the populist right-wing Freedom Party, FPÖ (and BZÖ, a splinter group from the Freedom Party), which came to power from 2000 to 2006 and from 2017 to 2019. These governments were hostile to tripartite concertation and denied labour organizations their previous informally granted role in legislative policymaking. Yet the unions and the Chamber of Labour still have close

ties to the Social Democratic Party, SPÖ, currently the second strongest party in parliament, which lends political power to labour organizations and vice versa.

The most recent overhaul of taxi and for-hire car legislation can be partially attributed to the close relationship between the SPÖ and the unions. In February 2019 a former union official and social democratic member of parliament initiated legislation to bring all market players (taxis, for-hire car companies and Uber driver partners) under a common regulatory framework (Austrian Parliament 2019a). Interestingly, all major parties in parliament – ÖVP, SPÖ and FPÖ – eventually proposed legislation that was passed in June 2019 and which induced for-hire car companies, including Uber drivers, to follow the stricter rules of taxi companies (Austrian Parliament 2019b). Only two parties voted against the legislative proposal: the neoliberal Neos and Jetzt, a splinter group from the Green Party.

The policy actors thus created a level playing field that might nevertheless benefit the incumbents, including the two major taxi dispatch centres, over digital platform companies. Federal law has not yet been translated into local rules, however; this includes Vienna, Austria's capital and the only major city where Uber and a smaller Estonian company, Taxify (renamed Bolt in 2019), have operated so far (Kluge et al. 2020).

Since organized labour can still rely on institutional power, political backing and symbolic recognition, unions have tended to orient their strategy towards the logic of influence while engagement with their members and constituencies remains limited. This neglect of workers in the taxi and for-hire car sector has materialized in a very low union membership rate in Vida, the Transportation and Services Union, of less than 1 per cent (Vida, interview, 9 March 2018). The Chamber of Commerce representatives have also actively forged coalitions at national and transnational level (for example in the World Road Transport Organization) in order to influence the regulatory model reshaping the taxi and for-hire car markets (Pernicka 2019). The union relies on a voluntary membership model but the Chamber, however, benefits from compulsory membership and thus has more financial resources and staff.

### **19.3.2 Berlin**

Despite its corporatist tradition, Germany exhibits a diffuse pattern of industrial relations, ranging from significant wage-bargaining coordination in core areas of manufacturing to more decentralized and fragmented industrial relations in the service sector. After the reunification of East and West Germany and, in particular, from the mid-1990s onwards, Germany's industrial relations system and collective bargaining practices began gradually to erode. Since the 1990s the collective bargaining coverage rate has declined from 72 per cent

to 57 per cent in western Germany and from 56 per cent to 44 per cent in the eastern part (WSI 2020). Even though this decline has been less pronounced over the last 15 years, in 2015 unions welcomed the introduction of a general statutory minimum wage of €8.50 per hour. Industrial relations actors in the taxi and for-hire transportation sector, where a collectively agreed minimum wage had not previously existed, observed this development with mixed feelings.

As distinct from many other large German cities, including Munich, Düsseldorf and Frankfurt, the number of licensed taxi operators is not capped in Berlin. This situation has already exerted significant competitive pressures on both taxi companies and their drivers and has depressed taxi companies' profit margins. The introduction of global on-demand for-hire transportation platforms has fuelled greater industry competition and contributed to what a union activist has called 'predatory competition' (ver.di, interview, 11 November 2019). Like in Austria, Uber cooperates with for-hire car companies whose number has sharply increased in recent years (Linne und Krause, 2016, p. 54). Meanwhile regulatory authorities, in charge of granting new operating licences and of enforcing for-hire operating procedures, such as returning to the place of business after each journey, have faced notorious staff shortages (Taxi Innung Berlin, interview, 11 November 2019).

In contrast to Austria, Germany's United Services Trade Union, ver.di, which represents taxi and for-hire drivers, faces a plurality of voluntary and compulsory business association counterparts that operate in the sector. In Berlin there are no fewer than five voluntary business associations as well as the local and federal sections of the Association of German Chambers of Industry and Commerce (DIHK and IHK Berlin), which all taxi and for-hire car companies registered in Berlin are legally required to join. Despite some historical conflicts between the group of voluntary business associations, partly rooted in the previous bifurcation of Berlin into communist east and capitalist west, business representatives seem to share the view that taxi companies can only survive if politicians continue to regard them as a service in the public interest (*Daseinsvorsorge*) (Taxi Innung Berlin, interview, 11 November 2019; Taxiverband Berlin-Brandenburg, interview, 11 November 2019). A union official in charge of ver.di's transportation section in Berlin confirms this view (ver.di, interview, 12 November 2019).

Dependent employees, self-employed drivers and taxi owners all compete against each other. More recently, they have also faced increasing competition from for-hire drivers affiliated with Uber, adding to the difficulty of organizing and mobilizing members. Although a small group of active ver.di members in Berlin has been able to establish a union committee of lay officials, the total number of union members in the sector remains low. Nonetheless, ver.di maintains a strong neocorporatist position in that it remains confident that it

will be able to reclaim the institutional power it has lost. The taxi and for-hire car sector – formally a part of the local public transportation sector – is not considered strategically important enough, however, either in material or in symbolic terms, to justify an increase in the union’s organizing activities. This potentially casts doubt on the union’s ability to cultivate associational power.

The most recent attempt by the Federal Minister of Transport to overhaul the main legislation applicable to taxis and for-hire cars at national (federal) level, the Carriage of Passengers Act (*Personenbeförderungsgesetz*), was met with harsh criticism on both sides of the capital–labour divide. The initial proposal to abolish for-hire cars’ obligation to return to their place of business, in particular, was regarded as an unfair assault on the livelihood of taxi company owners and drivers who are already subject to stricter operating regulations. Both business associations and ver.di engaged in lobbying activities in protest of the proposal, but these efforts were spearheaded by business associations rather than by the union. This might be due to the business associations having comparatively more members (among taxi businesses and self-employed taxi drivers) than ver.di and also because they seem to be more aware of, and affected by, the material and symbolic consequences of Uber’s strategic attempt to drive traditional taxis out of local transportation markets.

### 19.3.3 New York City

The United States is characterized as a liberal market economy with a labour market that is highly flexible and decentralized. While national legislation provides for freedom of association and collective bargaining, there is significant variability between individual states regarding how collective rights are enacted and the regulations regarding union formation and collective representation. Within the private sector, most bargaining agreements are negotiated at the enterprise level. This has led to a fragmented landscape and union membership and rights are continually under attack from legislative reforms which restrict, for example, unions’ capacities to collect dues. Additionally, workers in a number of sectors, including agriculture and domestic work, have historically been excluded from the right to form unions and to engage in collective bargaining (these exclusions are rooted in a strong history of employment segregation and racial discrimination). Such exclusions also include self-employed workers, the employment classification of most taxi drivers throughout the United States.

While national union membership hovers around 10.5 per cent, NYC is unique in having among the highest rates of union membership nationally, rising to 22.3 per cent across the state (Bureau of Labor Statistics 2020a). This is attributed to NYC’s enabling legal framework, high rates of employment in unionized industries and the state’s legacy of pro-worker policies. For



example, NYC has championed social policies including a \$15 minimum wage and paid sick leave policies. Despite these progressive laws, for-hire drivers have rarely benefited because these are employment-related provisions and they are regarded as independent contractors.

The for-hire transport industry regulation falls under the purview of NYC's Taxi and Limousine Commission (TLC). This administrative body oversees the yellow cab industry and black car (limousine) services, the industry sub-sector through which Uber entered the market. The TLC maintains limits on the number of vehicles and regulations on minimum fares and lease prices for yellow cabs; for-hire vehicles, however, remained mostly un(der)regulated until 2018. This undermined drivers' structural power.

Among cab owners there are two distinct models for vehicle access. For years a significant portion of 'medallions'<sup>2</sup> were reserved for owner-operators who were also required to spend a certain number of days per year behind the wheel, although this latter requirement was lifted in 2017. Another category of owners typically owns fleets of medallions, leasing them out to drivers on a daily, weekly or monthly basis.

Fleet owners have historically been members of the Metropolitan Taxicab Board of Trade (MTBOT), a trade association which lobbies the city for favourable industry regulation and rules to facilitate lucrative leasing arrangements (Owner interview, November 2016). The interests of owner-drivers, meanwhile – and particularly since the introduction of Uber – are more closely aligned with lease drivers and are represented by the largest drivers' group, the New York Taxi Workers Alliance (NYTWA), a union without bargaining rights that represents workers in dialogue with the city. The relationship between these groups has historically been tense. Prominent MTBOT members have been publicly associated with worker overcharges and exploitation so, rather than engaging in bipartite dialogue, workers have directed their efforts at ensuring city-wide regulation (Johnston 2017). Since Uber entered the market, the Independent Drivers Guild, an association of app-based drivers, has been formed for the purpose of engaging in bipartite dialogue with Uber. This group, however, has had limited success in this forum and has thus adopted a strategy emulating that of NYTWA. Amidst this fragmented landscape there are also a small number of limousine drivers in select firms who have achieved union recognition, but these have not played a dominant role since the introduction of transportation apps.

The seven years of unbridled competition that transportation apps enjoyed has been attributed to the city's failure to regulate the limousine sector or to cap registration on the number of vehicles. Between 2014 and 2018, the number of black cars on the street increased by nearly 100,000 or over 300 per cent (De Blasio and Joshi 2016). Uber responded to mayoral discussions in 2011 about a prospective cap by successfully mobilizing its user base in

opposition. Around the same time app-based transport companies attempted to implement state-wide legislation to permit widespread operation. In demonstrating their associational might and aiming to secure favourable institutional power resources, NYTWA organized repeated convoys to the state capital successfully to fend off these measures, citing the negative impact that state-wide regulation could have on the TLC's oversight powers and on working conditions for NYC drivers.

By 2018, following a rash of nine driver suicides, largely attributed to the toxic assets that drivers held in the form of medallions and an increasing inability to meet their financial obligations, the city introduced legislation to cap the number of vehicles and to institute a pay standard for limousine drivers. This regulation was pursued heavily by NYTWA, which oriented its efforts towards a broad-based and inclusive approach to membership with the goal of introducing city-wide sectoral regulation that would institutionalize the group's associational power. As part of a symbolic struggle, NYTWA championed a narrative that prioritized drivers' lives over app businesses while building alliances in city government and amongst the public. It also received support at rallies and on picket lines from service sector unions such as the Services Employees International Union. Finally, NYTWA led a dynamic media campaign that differentiated between the technology of the apps and the business model that these companies were perpetuating. A business model where standard practice included unilateral price cuts in the effort to attract more customers would lead app companies to a race to the bottom, NYTWA argued (Interview, November 2016). Discord between drivers would only fuel the erosion of working conditions and wages; in uniting drivers across the sector, however, drivers would be able to resist.

### **19.3.4 Los Angeles**

California has been ground zero for ride-sharing applications and is an important site of struggle for workers and firms vying for associational and institutional power. Many digital labour platforms, including transportation networking companies Lyft and Uber, are headquartered in Silicon Valley which also renders the state an important site in the struggle to determine the narratives, and thus how symbolic power is distributed in the so-called sharing economy. Like NYC, LA is an important taxi market. Thus, the institutional regulatory arrangements established for transportation apps have significant bearing on the financial futures of ride-sharing platforms generally. Both cities, for example, are counted among Uber's five most lucrative markets globally (Uber Technologies 2019).

California boasts a fragmented field of associations representing business/employers and labour. Though the state has the largest absolute number of

union members, this is due to California's sizeable population. Yet unionization has been in decline; after dropping four percentage points over the past decade, it now hovers below 15 per cent (Bureau of Labor Statistics 2020b). While decreasing unionization rates may be one catalyst for the development of coalitional organizing through worker centres, community and faith groups, unions have historically presented a centralized venue for the expression of workers' associational power which has also facilitated cohesion and the organization of businesses as a countervailing force. Thus, declines in unionism may also explain fragmentation and plurality amongst employer-based interest groups.

Like NYC, LA's taxi industry is regulated by municipalities and, as independent contractors and self-employed workers, drivers have been unable to join unions or to engage in collective bargaining since the 1970s. As a result, drivers have mostly organized through groups like the LA Taxi Workers Alliance (LATWA) which, along with NYTWA and affiliates from six cities around the country, is part of the National Alliance of Taxi Workers. Affiliates have adopted similar strategies by leveraging their associational power to create more favourable institutionalized regulation for taxi services. Fleet owners, meanwhile, are represented by the Taxicab and Paratransit Association of California (TPAC); while membership is open to individual owner-operators, larger member groups have greater influence over policy positions (Pernicka 2019). Rules and regulations overseeing limousine services, however, are determined at state-wide level by the Public Utilities Commission (PUC); under these, limousine drivers have long been considered employees and afforded key employment protections including the right to bargaining collectively, although this has never been achieved. Employers, meanwhile, have structured their associational membership at the state level through the Greater California Livery Association, a feature that is perhaps unsurprising given the state's approach to uniform (de)regulation.

In response to the proliferation of app-based transport services, state legislators created a new legal category for platform-based companies that absolved them of their compliance requirements at municipal and city level. This created an unequal regulatory landscape that placed fewer restrictions on platform operators relative to traditional taxis. TPAC responded by successfully lobbying the state to introduce another state-wide measure that provided for the deregulation of taxicab metered rates and, in particular, the elimination of the base fare rate. While this allowed taxi companies to compete more effectively with app-based services, for smaller taxi companies that could not afford to operate state-wide and drivers who bear much of the employment-related economic risk, this move symbolized, as in NYC, another race to the bottom (LATWA, interview, 18 October 2017). Deregulation eroded the institutional framework that was central to the organizing strategy of traditional taxi drivers

in their efforts to achieve more favourable working conditions. Additionally, the trend to pre-empt local regulation with state-wide reform made it difficult for locally embedded groups like LATWA to respond because their struggles had traditionally been framed by their immediate geography.

Despite these challenges California legislators signed Assembly Bill 5 (AB5) into law in September 2019, which introduced a simplified ‘ABC’ employment classification test with the expected result of bringing hundreds of thousands – app-based drivers among them – into a formal employment relationship. This state-wide bill, codified rulings from *Dynamex v. Superior Court of LA*<sup>3</sup> and the legislative intervention that this necessitated had a bearing on the structural and institutional power of drivers and could have breathed new life into union organization. What is more, following the implementation of AB5, California’s PUC issued a ruling that presumed app-based drivers to be employees, thus ensuring access to collective rights. Yet, these protections were not sufficiently institutionalized, and measures to exempt drivers from this legislation were rescinded via Proposition 22, a ballot initiative in the November 2020 election. While employment status represents a hopeful prospect to reinvigorate workers’ struggles, fluctuations in state-wide regulation suggest that drivers’ local strategic orientation may be strengthened by a more geographically expansive approach.

## 19.4 CONCLUSION

Our starting point was the observation that the emergence of digital platforms in taxi and limousine markets had engendered various responses by (organized) labour, capital and public policy actors. We drew on a reconceptualized power resource perspective to explain and comprehend differences in the strategic responses, struggles and enacted resistance of on-demand and traditional transport workers and their representatives. We find that these variations are contingent on organized workers’ (historically evolved) material and symbolic power positions and their subjective dispositions in a multi-scalar and multi-dimensional social space.

Our empirical findings from our European case studies indicate that high and medium levels of institutional and symbolic power in (former) neocorporatist settings coincide with low levels of associational power in the taxi and limousine markets. Union actors are more likely to strategically rely on supporting institutions (collective or statutory minimum wages) and see no need to organize and mobilize members; a disposition and strategic orientation that reflects the historical trajectory of industrial relations and political fields in Germany and Austria where social partnership has been held in high esteem. In contrast to their Austrian counterparts, German unions have partly lost their strong institutional position and have been unable to establish the practice of

collective bargaining in the taxi and for-hire sectors at federal and local/city levels. Ver.di has been neither able nor willing to pursue a coherent strategy on how to tackle the most recent liberalization attempts by the German government in favour of platform transportation companies, a response that could be explained in turn by the union's (traditionally) low membership density in the sector and because the sector was deemed to be of low organizing priority.

Scale also matters in highly institutionalized settings as the example of Austria exemplifies. The national regulation of the passenger transportation sector in 2019 established an equal playing field for digital platforms and traditional taxi and for-hire companies and their drivers. While this was well suited to union representatives' strategic orientation towards a national influence, it remains to be seen how these regulations will play out at the municipal level where authorities regulate fares. The Berlin case occupies a middle ground in terms of institutional power at national (statutory minimum wage) and sectoral levels where symbolic struggles are still taking place to establish a level playing field in passenger transportation; however, the union has chosen a wait-and-see strategy.

In comparison to Austria (Vienna) and Germany (Berlin) we positioned the United States, and especially California, at the opposite end of the power distribution continuum because of unions' weak position within industrial relations and political fields and their difficult symbolic struggles since the 1970s for legitimacy and recognition from transportation firms, policymakers and the general public. NYC, meanwhile, was chosen because it exemplifies how enacted associational power can help to overcome weak institutional power and position workers to engage in the symbolic struggle over what it means to work on digital labour platforms. A key finding relates to the spatial scale where power struggles actually take place. Workers are better able to achieve favourable outcomes when they demonstrate associational power at a similar scale to the regulation they seek and in places where they have greater symbolic power. Unions in NYC used locally embedded associational power to maintain control at that level, which helped to ensure more favourable institutional power arrangements that, in turn, have promoted local governance. This grassroots focus helped to unite the broader labour movement but NYTWA's success also depended on workers' greater symbolic power in NYC particularly.

California exemplifies a situation in which workers' collective organizing efforts neither mirrored the scale of TPAC nor of the PUC. Drivers were engaged locally while the TPAC and Uber had scaled up their power struggle to the state-wide level. This left drivers who were not well connected beyond their immediate geographies poorly positioned to respond and resist deregulation efforts. Workers had weak institutions during these events but, and in

light of Proposition 22, are unlikely to be able to redistribute institutional and symbolic power to drivers in local jurisdictions throughout California.

## NOTES

1. The same reconceptualized approach can be used to examine the power resources of business owners.
2. The transferable permits under which taxi services can be offered in New York.
3. Dynamex is a same-day courier and delivery service.

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