

Struggles over the power and meaning of digital labour platforms

A comparison of Los Angeles, New York City, Berlin and Vienna taxi markets.

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Introduction

On-demand for hire transportation platforms like Uber and Lyft are among the most popular and largest 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 local transportation ecosystems' features. In much of the developed world, the platformization of the taxi industry has been the most recent attempt at sectoral deregulation (see, 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 to examine differences in the responses, struggles and enacted resistance of on-demand transport workers. We view these variations 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 establishing the array of key actors engaged in (re)shaping transportation markets and in establishing the subjective orientation of these actors' responses and struggles.

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, 17) we view symbolic power as a power resource (or capital) rooted in the perception or recognition of other forms of capital as legitimate. An example

relates to the symbolic struggle over the classification of platforms as either technology networks or taxi companies. Labour unions and state agents have challenged new actors' claims that they are technology providers -- contending instead that they are taxi companies who are denying drivers' wages and benefits by misclassifying them as independent contractors instead of employees. Because independent contractors are rarely covered by labour law and lack collective bargaining rights, 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 economic, political and industrial relations actors operate. They additionally determine the socio-spatial scale where these struggles manifest themselves. By institutionalising rules, norms and practices on local, regional, or national scale, the outcomes of these struggles shape transportation markets, impacting present and future repertoires of contention.

To illustrate the importance of power relations for establishing workers' collective responses, we present four case studies that exist 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 neo-corporatist tradition which has nevertheless had a declining influence on labour market structures and practices. In comparison to Austria, no collective agreement for taxi and for hire car drivers has been reached, and institutionally weakened trade unions face a plurality of different business and employers' associations. As members of the European Union the countries' 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 in the United States where industrial relations systems are comparatively weak and exclude (the often) self-employed taxi drivers. In Los Angeles the workers' movement is highly fragmented and pluralistic, and workers have struggled for recognition from transportation firms and policy makers at local and state levels. Between European cases and Los Angeles, we highlight the example of New York City, where associational power enacted has helped drivers to overcome weak institutional power and positioned them to engage in a symbolic struggle over what it means to work on digital labour platforms. Our analysis is 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.

A reconceptualized power resource perspective

Our reasoning 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: 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" (most importantly trade unions and political parties) (ibid.). A third and a fourth type of power, introduced later into the debate, are institutional power (such as legal rules, norms and practices) – a form of secondary social power in which past struggles crystallize (Brinkmann

et al. 2008), and societal power (Schmalz and Dörre 2018). Societal power refers to the societal context or “battlefield” within which workers and trade unions engage. It is conceptualised as arising from cooperative relations of workers and trade unions with other groups and organisations, and an ability to recast the political project of trade unions as a political project of society generally (ibid). The leverage to impose upon society a particular understanding of reality which is in favour of the workers’ interest is also referred to as discursive power. When successful, interests of workers and of society are aligned and broad coalitions are formed expanding workers’ associational power resources.

We identify two limitations of existing power resource approaches. First is the (often implicit) assumption that class interests of employers and labour are derived from their position within the economic system and thus present workers’ and trade 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 took place. The second shortcoming relates to the prevailing understanding of institutional power as legal rules and norms, underrating the informal and (often) unconscious symbolic dimension of power relations. Although power resource theory assumes hegemonic narratives and worldviews to play a role in determining the power of workers (i.e., discursive power), the theory has limited capacity to explain the contested symbolic power relations 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’ struggles concerning the (il)legitimacy of such resources.

We have therefore adopted a reconceptualized power resource approach that takes account of the multi-dimensional social space where workers’ and business owners’ perceptions, interests and strategic behaviours are constructed. First, workers (and business owners) occupy different positions in a network of “objective” power relations (e.g., economic, social or symbolic power relations) giving them more or less leverage in their struggles over the distribution of income or the recognition or perceived legitimacy of their interests. Second, workers (and business owners) exhibit particular “subjective” position takings, (i.e. their social position influences their orientations, interests and strategic behaviours). And third, workers’ (and business owners’) objective power resources and subjective position takings vary spatially and across scales (e.g. workers who successfully organize locally may be unable to challenge national legislation (institutional power) that benefits business owners). This inability may be attributed to their objective power relations or to their subjective perceptions of these power relations. In sum, we understand the perceptions, interests and behaviours of labour and business actors to be shaped by these three factors.

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. Our empirical research is thus guided by the assumption that associational and institutional power are most effective as a means of resistance when they align with high levels of symbolic power (e.g., the recognition and legitimacy of these power resources); whereas low levels of symbolic power (e.g., when labour unions are widely regarded as old-fashioned and outdated) can lead to a weakening of labour even when there is high levels of associational power.

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, in particular, contributes to the country's exceptional high level of collective bargaining coverage. Almost 100 per cent of private sector employees including taxi, for hire car drivers as well as Uber driver partners fall under the purview of sector collective agreements. However, given the relatively low monthly gross wage of EUR 1,285 per month for a 55-hour workweek (as of February 2019) 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, has never been operational in Austria. Uber cooperates with for hire car companies that have less strict regulations than taxis regarding their operational obligations, qualification requirements of drivers, and fare systems. In particular, 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, trade unions have lost some access to public policy making and hence, their highly regarded status as neo-corporatist actors (Pernicka and Hefler 2015). This development is due to at least two factors. First, Austria's accession to the European Union in 1995 shifted competencies in legislative policy making and jurisdiction from the national to the supranational level. At European level pluralist structures of interest association prevail, stripping trade unions off their neocorporatist power in many economic policy fields. European decisions such as the ECJ ruling in 2017 or the European Commission's urging 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 (re)shape the perceptions and evaluations of digital platforms in passenger transportation. However, taxi services are still considered part of the public transportation sector and thus primarily regulated at the national and local levels. Second, all Austrian governments since 1945 were strongly committed to Social Partnership and a political culture of compromise orientation however, 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 of the Freedom Party), which came to power from 2000-2006 and from 2017-2019. These governments were hostile towards tripartite concertation and denied labour organizations their previous informally granted role in legislative policy making. Yet trade unions and the Austrian 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 the labour organisations and vice versa.

The most recent overhaul of taxi and for-hire car legislation in Austria can be partially attributed to the close relationship between the SPÖ and trade unions. In February 2019 a former trade union official and social democratic MP 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, that 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 the party Jetzt, a splinter group of the Green Party. Policy actors created a level playing field that might nevertheless benefit incumbents, including the two major taxi dispatch centres, over digital platform companies. However, federal law has not yet been

translated into local rules; this includes Vienna, Austria's capital and the only major city where Uber and a smaller Estonian company, Taxify (renamed Bolt in 2018), have operated so far.

Since organized labour can still rely on institutional power, political backing and symbolic recognition, trade unions' have barely begun to redirect their attention from the logic of influence to their members and constituencies. This neglect of workers in the taxi and for hire car with driver sector has materialized in a very low union membership rate in Vida, the Transportation and Services Union, of less than 1 percent (Vida, interview, March 9, 2018). In contrast, the Chamber of Commerce' representatives have actively forged coalitions at national and transnational level (e.g., in the World Road Transport Organization) in order to influence the regulatory (re)shaping taxi and for hire car markets (Pernicka 2019). In contrast to trade unions' voluntary membership model, the Chamber benefits from compulsory membership and thus has more financial resources and staff.

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 sectors. After the reunification of Eastern and Western Germany and, in particular, from the mid-1990s onwards, Germany's industrial relations system and collective bargaining practices began to gradually erode. Since the 1990s the collective bargaining coverage rate declined from 72% to 57% in western Germany and from 56% to 44% in the eastern part (WSI 2018). Even though this decline has been less pronounced over the last 15 years, in 2015 trade unions welcomed the introduction of a general statutory minimum wage of EUR 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.

In contrast to many other large German cities including Munich, Düsseldorf and Frankfurt, the number of licensed taxi operators is not capped in Berlin. This situation already exerted great competitive pressures on both taxi companies and their drivers, and drove down taxi companies' profit margins. The introduction of global on-demand for-hire transportation platforms fuelled greater industry competition and contributed to what a union activist has called 'predatory competition' (Verdi, interview, November 11, 2019). Like in Austria, Uber cooperates with for-hire car companies whose number have sharply increased in recent years (Linne and Krause 2016, p. 54). Meanwhile regulating 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, November 11, 2019) .

In contrast to Austria, Germany's United Services Trade Union, Verdi, who represents taxi and for-hire drivers faces a plurality of voluntary and compulsory business associations counterparts that operate in the sector. In Berlin there are no less than five voluntary business associations as well as local and federal sections of the Association of the German Chambers of Industry and Commerce (DIHK and IHK Berlin), to which all taxi and for-hire car companies registered in Berlin are legally required to join. Despite some historical conflicts among the group of voluntary business associations, partly rooted in the former 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, November 11, 2019;

Taxiverband Berlin-Brandenburg, interview, November 11, 2019). A trade union official in charge of Verdi's transportation section in Berlin confirms this view (Verdi, interview, November 12, 2019). Dependent employees, self-employed drivers and taxi owners all compete against each other. More recently, they also face increasing competition from for-hire drivers affiliated with Uber, adding to the difficulty of organizing and mobilizing members (ibid.). Although a small group of active Verdi members in Berlin was able to establish a trade union committee of voluntary officials, the total number of trade union members in the sector remains low. Nonetheless, Verdi maintains a strong neocorporatist position in that it remains confident that it will be able to compensate for the loss of institutional power. However, the taxi and for-hire car sector – formally a part of the local public transportation sector – is not considered as strategically important enough, neither in material nor in symbolic terms, to justify an increase in the trade union's organizing activities, potentially casting doubt over the union's ability to cultivate associational power.

The most recent attempt to overhaul the main legislation applicable to taxis and for-hire cars at national (federal) level, the Carriage of Passengers Act (Personenbeförderungsgesetz), by the Federal Minister of Transport was met with harsh criticism from both sides of the capital-labour divide. The initial proposal to abolish for-hire cars' obligation to return to the place of business, in particular, was regarded as unfair assault on the livelihood of taxi company owners and drivers who are already subject to stricter operating regulations, driving qualification requirements, and fares. Both business associations and Verdi engaged in lobbying activities in protest of the proposal, but these efforts were spearheaded by business associations rather than by the trade union. This might be due to the fact that the business associations have comparatively more members (taxi businesses and self-employed taxi drivers) than Verdi, and 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 the local transportation markets.

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 trade 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, trade unions' capacities to collect dues or to . Additionally, with particular relevance to this chapter on drivers for-hire, workers in a number of sectors have historically been excluded from the right to form trade unions and to engage in collective bargaining. Historically this has included occupations such as farmworkers and domestic workers (the exclusion of whom is rooted in a strong history of employment segregation and racial discrimination), but also includes self-employed workers, the employment classification of most taxi drivers throughout the United States.

While national trade union membership hovers at 10.5 percent, New York City is unique has amongst the highest rates of union membership nationally (22.3 percent state-wide) (Bureau of Labor Statistics 2019a). This is attributed to New York's enabling legal framework, high rates of employment in unionized industries, and to the state's legacy of pro-worker policies. For example, New York City has championed social policies including a fifteen dollar minimum wage and paid sick leave policies,. Despite these progressive laws, as independent contractors,

for-hire drivers have rarely benefitted because these are employment-related provisions. Instead, for-hire transport industry regulation falls under the purview of the City'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 undermining drivers' structural power.

Among cab owners, there are two distinct models for vehicle access. For years, a significant portion of medallions were reserved for owner-operators, who were also required to spend a certain number of days per year behind the wheel, though this latter requirement was lifted in 2017 (NYC TLC 2017). Another category of owners typically own fleets of medallions and leases 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 and 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 was formed for the purpose of engaging in bipartite dialogue with Uber directly. The group, however, has had limited success in this forum and has thus adopted a strategy that emulates NYTWAs. Amidst this fragmented landscape there are also a small number of limousine drivers at select firms have achieved union recognition with the backing of the Machinists, but these locals have not played a dominant role since the introduction of transportation apps.

The seven years of unbridled competition that transportation apps enjoyed was 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 percent (DeBlasio and Joshi 2018). Uber responded to 2011 mayoral discussions about a prospective cap by successfully mobilizing its user-base which 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 to successfully 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 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 black car drivers. This regulation was pursued heavily by NYTWA, who developed a broad-based and inclusive approach to membership with the goal of introducing city-wide sectoral regulation that would institutionalize of the group's associational power. As part of a symbolic struggle, they championed a narrative that prioritized drivers' lives over app-businesses and built alliances in city government and amongst the public and received support from service

sector unions such as the Services Employees International Union at rallies and on picket lines. NYTWA also led a dynamic media campaign that differentiated between the technology of the apps and the business model these companies were perpetuating. A business model where standard practice included unilateral price cuts in efforts to attract more customers, would lead to a race to the bottom as app companies, NYTWA argued (interview, November 2016). Discord between drivers would only fuel the erosion of working conditions and wages, and in uniting drivers across the sector, drivers would be able to resist.

Los Angeles

California has been ground zero for ride hailing applications. Like other regions, California 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 symbolic power, that accompany the sharing economy. Like New York City, Los Angeles is an important taxi market. Thus, the institutional regulatory arrangements established for transportation apps have significant bearing on the financial futures of ride-hailing platforms generally. Both cities, for example, are counted among the Uber's five most lucrative markets globally (Uber Technologies 2019).

California boasts a fragmented field of associations representing the social partners. Though the state has the largest absolute number of union members, this is due to California's sizeable population. The rate of union membership has instead been in decline; after dropping four percentage points over the past decade, it now hovers below 15 percent (Bureau of Labor Statistics 2019b). While decreasing rates of union membership may be one catalyst for the development of coalitional organizing through worker centres, community and faith groups, trade unions have historically presented a centralized venue for the expression of workers' associational power, which also facilitated cohesion and organization of businesses as a countervailing force. Thus, declines in trade unionism may also explain the fragmentation and plurality amongst employer-interest groups.

Like New York, Los Angeles' taxi industry is regulated at a municipal level, and as independent contractors and self-employed workers, drivers have been unable to join trade unions or to engage in collective bargaining since the 1970s. As a result, drivers have mostly organized through groups like the Los Angeles 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 taxicab 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 a state-wide level by the public utilities commission and limo drivers have long been considered employees and afforded key employment protections including the right to bargaining collectively, though this was never achieved. Employers, meanwhile, structured their associational membership at the state level through the Greater California Livery Association (GCLA), 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 the municipal and city level. This created an unequal regulatory landscape that placed fewer restrictions on platform operators relative to traditional taxicabs. TPAC responded by successfully lobbying the state to introduce another state-wide measure that provided for the de-regulation of taxicab metered rates, and in particular, the elimination of a base-fare rate. While this allowed taxi companies to more effectively compete with app-based services, for smaller taxi companies that cannot afford to operate state-wide and drivers who bear much of the employment related economic risk, this move symbolized a race to the bottom (NTWA, interview, October 20, 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 was difficult for locally-embedded groups like LATWA to respond to because their struggles had traditionally been framed by their immediate geography.

Despite these challenges, digital platform workers may benefit from the recent AB5 legislation, which introduces a simplified ‘ABC’ employment classification test with the expected result of bringing hundreds of thousands into the formal employment relationship – app-based drivers among them. This state-wide bill that codifies rulings from *Dynamex* (a same-day courier and delivery service) vs. Superior Court of Los Angeles, and the legislative intervention has bearing on the structural and institutional power of drivers and could breathe new life into trade union organizations. Although AB5 has been appealed and its implementation is suspended until the appeal process is exhausted, the campaign for its passage received extensive support from workers even amidst the fragmented associational landscape. Given its broad impact, this was also true in the preceding *Dynamex* case where amicus briefs were filed in support of the ABC test by numerous worker centres and trade unions in numerous sectors including the International Brotherhood of Teamsters which are historically associated with transport specifically.

Conclusion

Our starting point was the observation that the emergence of digital platforms in taxi and limousine markets engendered various responses by (organised) labour, capital and public policy actors. We drew on a reconceptualized power resource perspective to explain and comprehend differences in the responses, struggles and enacted resistance of on-demand and traditional transport workers and their representatives. Our empirical research was guided by the assumption that these variations are contingent on workers’ material and symbolic power positions in a multi-scalar and multi-dimensional social space. Table 1 depicts the power resources of workers in Vienna, Berlin, New York City and Los Angeles derived from their respective positions within the economic sector (structural or economic power), the industrial relations field (associational power), the political field (institutional power) and the public space, more generally (symbolic power). The outcome column of table 1, meanwhile, portrays the assumed effects of power positions on organised labour’s responses to the emergence of digital labour platforms in the taxi industry.

Table 1: Power resources of taxi drivers and digital platform workers

	Structural power	Associational power	Institutional power	Symbolic power	Strategic orientation
Vienna	Low	Low	High (collective agreement)	High	Orientation towards logic of influence at national level

Berlin	Low	Low	Medium (statutory minimum wage)	Medium	Orientation towards logic of influence at local and national level but low strategic priority of sector
New York City	Low	Medium	Low / Medium (local pay standard)	Medium	Orientation towards membership logic and local control of (labour) market
Los Angeles	Low	Low	Low / Medium (AB5 pending)	Low	Orientation towards membership logic mainly at local level despite deregulation policies at state level

Source: own typology.

Our empirical findings from our European case studies indicate that high and medium levels of institutional and symbolic power in (former) neo-corporatist settings coincide with low levels of associational power in the taxi and limousine markets. Trade union actors are more likely to rely on supporting institutions (collective or statutory minimum wages) and see no need to organize and mobilize members; a disposition that reflects the historical trajectory of industrial relations and political fields in Germany and Austria where social partnership have been held in high esteem. In contrast to their Austrian counterparts, German trade unions have partly lost their strong institutional position and have been unable to establish collective bargaining practices in the taxi and for-hire sectors, at federal and local/city levels. Verdi union was neither able nor willing to pursue a coherent strategy on how to tackle the most recent liberalisation attempts in favour of platform transportation companies by the German government, 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.

In comparison to Austria (Vienna) and Germany (Berlin) we positioned the United States, and especially California, at the opposite end of a power distribution continuum, because of labour unions' weak position within industrial relations and political fields and their difficult symbolic struggles for legitimacy and recognition from transportation firms, policy makers and the general public since the 1970s. New York City, meanwhile, was chosen because it exemplifies how associational power enacted 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. Labour unions in NYC have used locally embedded associational power to maintain local control which helped to ensure more favourable institutional power arrangements that in turn promoted local governance. Perhaps this local focus helped to override fragmentation in the broader US labour movement and was also dependent on

workers' greater symbolic power in this particular city (i.e. Unions elsewhere seen as outdated while NYTWA is regarded as innovative).

California exemplifies a situation in which workers' collective organizing efforts did not mirror scale of TPAC nor of Public Utility Commission. They were engaged locally, while the TPAC and Uber had scaled-up their power struggle to a 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 AB5 is likely to signify a change when it comes to institutional and symbolic power at state-level and in local and national labour courts. Scale matters also in highly institutionalized settings as the example of Austria exemplifies however, while national regulation of the passenger transportation sector in 2019 established an equal playing field for digital platforms and traditional taxi and limousine companies and their drivers, it remains to be seen how these regulations are played out at the municipal level where authorities are in charge to set fares. The Berlin case occupies a middle ground in terms of institutional power at national (statutory minimum wage) and sector levels, where symbolic struggles are still taking place over a level-playing field in passenger transportation however, trade union have chosen a wait-and-see strategy.

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