

Proposed New York state legislation would subjugate rideshare and delivery app workers to corporatist unions

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A bill recently considered by the New York State Legislature would impose “unionization” on rideshare and app delivery workers, such as Uber, DoorDash, and Amazon Flex workers. The legislation would create two statewide units, with one union covering each category. Collectively, these would encompass approximately 250,000 workers.

Far from providing a mechanism for improving conditions for the highly exploited so-called “gig” workers, this legislation would do nothing to change their status from independent contractors to employees. Gig workers would still have little or no rights or protections, minimal as they are under existing labor laws, such as minimum wage and anti-discrimination regulations, which apply only to “employees.” The proposed legislation is, in fact, an attempt to corral and suppress the extreme anger of these workers and place them under the yoke of unions, which have been thoroughly exposed as agents of big business.

It would create an entirely “top-down” approach, imposing an existing union bureaucracy on a workforce without their active participation, much as the recent failed attempt by the RWDSU to unionize Amazon workers at the Bessemer, Alabama warehouse.

Among the bill’s provisions:

- A union would be recognized when as few as 10 percent of the workforce signed membership cards, without an election, a completely undemocratic imposition on the majority. The state would retain final discretion over whether a particular union would be recognized, effectively ensuring that a union acceptable to the businesses is selected.

- Funds to support the union bureaucracy would be generated not from dues paid by the workers but

through a 10-cent surcharge on each ride or delivery, though the unions could potentially institute dues payment as well. The bureaucrats would thereby have a source of revenue completely outside the control of the workers. Indeed, the unions would have an incentive to maximize the exploitation of their members to increase their own incomes. The potential revenue from the surcharge alone would amount to many tens of millions of dollars per year.

- The legislation would establish a “labor peace” agreement, under which no strikes, protests or other such actions by the workers would be permitted.

Since antitrust laws prohibit collective bargaining by contractors, proposed rules negotiated by the companies and unions would be presented to the state legislature as recommendations, which would be subject to review by a five-person state board, placing any such proposals even further out of the control of the workers and subject to the mercy of bourgeois politicians.

This legislation is nothing more than a mechanism to impose a corporatist union that would exercise control over what are among the most highly exploited members of the labor force, treating the workers as a source of revenue for a privileged bureaucracy whose interests are totally divorced from those of the membership they purport to represent. At the same time, the companies would benefit from having unions to act as police to keep the workforce in line.

Tellingly, the proposed legislation is supported by Uber. It is a slightly dressed up version of legislation, Proposition 22, recently passed in California, supported by Uber and Lyft to the tune of \$200 million, which prohibited the classification of gig workers as

employees and was nominally opposed by the unions. Unions are now trying to get a piece of the action.

This is not the first time that Uber has attempted to create structures to suppress gig workers' struggles in New York. In 2016, it established and funded a front organization, the Independent Drivers Guild, affiliated with the International Association of Machinists, which would likely become the union for rideshare workers if the legislation is adopted.

John Samuelson, president of the Transport Workers Union (TWU), which represents New York City transit workers, at first expressed support. "I had every intention of staying away from it, and now after seeing how much it'll advance gig workers, I'm fully supporting it." He added, "I actually think it becomes a national model." The TWU would likely become the union for delivery workers.

The real motivation for union support of the legislation was inadvertently revealed by the TWU president, who said, "It's going to add tens of thousands of members into the organized labor movement." In other words, it will increase the union bureaucracy's revenue stream, which has been impacted by decades of falling membership due to betrayal after betrayal.

More recently, after the no-strike provision was revealed, Samuelson backed away.

The New York State AFL-CIO is supporting the effort. President Mario Cilento stated in an email: "This is obviously a very complex issue, and everyone is trying to work through the details."

At the national level, the AFL-CIO is currently supporting the Democratic Biden administration's proposed Protect the Right to Organize Act, or PRO Act, a similar piece of legislation which would reclassify gig workers as "employees" only for the purposes of unionizing them, but effectively maintain their status as "independent contractors."

As the true nature of the New York proposal becomes apparent, a number of unions and other groups have come out against the legislation, some no doubt motivated by concerns that it could potentially conflict with the PRO Act or that they would not be cut in on the potential new revenue stream.

Bhairavi Desai, executive director of the Taxi Workers Alliance, an organization of taxi and app-based drivers in New York City, expressed opposition

to the proposed legislation. "The bill reads like Uber's fantasy novel—they get everything they want: ultimate deregulation, a phony union to give them cover, and workers at their mercy with no labor law or right to strike to build their power."

On Thursday, New York's legislative session ended without enacting the proposed gig worker bill. Nevertheless, this legislation represents a clear example of the drive by big business to employ what has become the corporatist trade unions to subjugate the gig workers and suppress the rapidly intensifying class struggle.

Biden's PRO Act and the recent unsuccessful campaign by Democrats and even right-wing Republicans to promote unionization of Amazon workers in Bessemer, Alabama, demonstrate clearly that the ruling class sees the imposition of control over workers by the thoroughly corrupt unions as a necessary weapon to meet the rising resistance of the working class.

However, the enormous force of the working class is beginning to emerge. The ongoing strikes by Volvo Trucks workers in Virginia and coal miners in Alabama following the rejection of UAW- and UMW-negotiated sellout contracts show the open defiance of workers toward these corrupt anti-working class organizations and a willingness to fight.

The only way forward for workers is through the building of new organizations of struggle—rank-and-file committees—in every workplace, that are completely independent of both the trade unions and the Democratic Party and based on an international socialist program.



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