

# THE UNION OF THE FUTURE

## **Thought Brief by Michelle Miller, Coworker.org**

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## **INTRODUCTION**

For the past 70 years, what the public understood of labor advocacy stemmed from the industrial trade union model of 1935's Wagner Act. This presumes a direct employer–employee relationship, a single workplace, and responsibilities that can be managed via a set contract that remains in place for a number of years. This model, which grew out of the desire to create economic stability for both workers and businesses in the 1930s, established the American middle class of the last century.

Many government policies, insurance programs, and agencies were created to complement the employer–employee relationship. Access to workers' compensation, unemployment, Social Security, and Medicare was managed through that relationship. Taxes were automatically deducted from paychecks and employers paid into funds to create a safety net for workers without placing an undue burden on individual workers to pay for or manage these systems.

This entire structure has hinged on a full-time employer–employee relationship, but work is increasingly being casualized. Over the past 20 years, technology has fundamentally changed the nature of our working lives. The Internet and mobile technology make it possible for many of us to work remotely. Offices and factories no longer require us all to be in one place to communicate en masse. Mobile phones,

computers, printers, and similar equipment are no longer major economic investments that require a lot of capital; instead, they are standard household items to which most workers have access.

As remote work has become easier, so too has the transition to the use of independent contractors instead of full-time employees. If it is not critical for all of the staff to be in one place to access work assignments and communicate with one another, there is far less incentive for employers to make someone a full-time employee. From the employee side, the ability to manage one's own time and work away from the watchful eye of a boss or difficult manager has great appeal. Many workers in the information and creative sectors have been moving steadily to independent and freelance work for the past two decades.

But this trend is going far beyond office work and the creative sector. Global supply chains rely increasingly on temporary staffing agencies and guest worker programs in warehousing, food processing, construction, factories, and farm work. A study released by the Freelancers Union last fall noted that 34 percent of the current workforce—that's 53 million Americans—are freelance, contingent, or independent.<sup>1</sup> That number is expected to grow to half of the workforce in just five years.

Concomitantly, cloud technology and the growth of mobile have enabled a whole new way of managing independent or contract workforces. This emerging sector, often described as the “sharing,” “gig,” or

A GLANCE AT THE GIG ECONOMY	
ON-DEMAND SERVICE PROVIDERS	
Uber	Request a taxi or black car via smartphone app
TaskRabbit	Matches people for short-term assistance (cleaning, moving, home repairs, etc.)
InstaCart	On-demand grocery delivery; requestors make a grocery list and InstaCart workers shop for and delivery groceries in 2-4 hours
Postmates	Delivery service for anything; micrologistics
Handy	On-demand housecleaning
PEER-TO-PEER MARKETPLACES	
Etsy	Online marketplace for artisans and crafters
Airbnb	Short-term room rentals for travelers in the personal homes of providers
Lyft and UberX	Drivers provide rides using their own cars, flagged through an iPhone app
RelayRides	Short-term borrowing system for people to rent out their personal cars to others
CROWDTASKING	
Mechanical Turk (Amazon.com platform)	Coders and developers are hired for micro-tasks called HITs (human intelligence tasks) by individuals and companies
Crowdfunder	Crowd-based platform for collecting, cleaning, and labeling data
Elance-oDesk	Digital hiring hall for freelancers and temps who perform office tasks.

“peer” economy, is dominated by transportation platforms like Uber and Lyft, courier and delivery services like Postmates or InstaCart, short-term service jobs like Handy or TaskRabbit, office work via Elance-oDesk, and crowd tasks like Mechanical Turk.

In the tech-enabled gig economy, jobs are accessed through digital platforms and mobile apps that match workers with short-term work assignments. They act

as a sort of hiring hall for the 21st century: Workers “show up” on the platform and are chosen for jobs by consumers based on their skills and ratings for prior work. Once their task is performed, workers return to the platform for another assignment. Note that many workers are accessing work from multiple related platforms, which means they identify more by occupation than employer (e.g., if you’re a driver for Uber, Lyft, and Sidecar, you’re “an app-based driver” and you get gigs from anyone).

So far the platforms have been used to enable micro-entrepreneurs and individuals to access labor for individual tasks. But it is easy to imagine that the temporary workers currently populating warehouses, factory farms, offices, and construction will transition from being managed by staffing agencies to being assigned tasks and work via these same kinds of apps.

## COMPLICATIONS WITH THE CHANGING NATURE OF WORK

In essence, we have an entire government and union structure designed to ensure economic stability for workers—but one that no longer matches the situation in which many people actually work.

The federal definition of an employee doesn’t apply to this workforce, removing—at least up to now—the employer’s responsibility for workers’ safety, equipment, workers comp, and liability and health insurance.

There has been some effort, via litigation, to define these workers as employees of the platforms. The platforms maintain that they simply provide technology that connects independent contractors to customers. But cases against Handy,<sup>3</sup> Crowdfunder,<sup>4</sup> Uber, and Lyft<sup>5</sup> have all argued that the centrality of the tasks performed by these workers to the basic functions of the companies and the control exerted over the manner in which those workers were paid and were able to access the tasks indicated that the

platforms were functioning far more as employers than just technology providers. Rulings in these cases have indicated some favor to workers as they’ve wound their way through the courts. But determining full-time employment on a case-by-case basis is resource-intensive and time-consuming. It will not create broad-based economic stability for workers, even if juries ultimately decide in their favor in these particular cases.

In the absence of any kind of institutional or federal support, gig workers *could* advocate directly to platforms to provide stability or a support system. However, this workforce is disaggregated and disconnected due to the lack of physical workplace or easily identifiable shared employer. In addition, individuals who rock the boat can be erased from the app within seconds. Drivers for Uber in Boston, Albuquerque, and Dallas have all reported being “deactivated” from the app after making critical comments about the company on social media.<sup>6</sup> Therefore, any direct advocacy needs to be engaged in collectively. The same kind of platform and cloud technology that helps these workers connect to work should make it possible for them to connect with one another.

Even then, it will be critical for workers to identify the ultimate power brokers as they are advocating for changes in their conditions. The economic power is difficult to identify in these setups—workers are often hired directly by consumers who are requesting tasks. The platforms position themselves as matching services, not employers, because workers using them choose how, when, and where to complete tasks. The platforms say that they are simply establishing an online space where they match individuals, who then engage in transactions that benefit both parties equally. The stated intent of this structure is not to provide enough work to replace full-time employment but to instead create opportunities for people to put their skills or assets to work for a little extra cash. Workers, therefore, are classified and treated as independent contractors, not as employees. But the platforms have the power to manage the conditions of those transactions, encourage fair behavior by

consumers, set wages, monitor health and safety, and protect parties from one another.

In exchange for facilitating and managing the transaction, the platform takes a small percentage of fees paid to the worker. However, the platform controls the manner in which work is assigned to individual workers, the mechanisms through which money is paid, and the entire system through which the transaction takes place. Therefore, it has far more power than either individual in the transaction.

Given the current situation and the complications outlined above, we need to answer the following questions:

- What are some ways to create stability for workers in the gig/freelance economy?
- What are trends and signals of the way organizing and representation may be changing, and how could those be applied to the future of the union?
- What questions should policymakers consider?

## WHAT WILL THE UNION OF THE FUTURE LOOK LIKE?

The union of the future will be structured radically differently to meet the needs of workers in the emerging platform-based economy. It will transition from focusing solely on generating and supporting collective bargaining agreements to providing a variety of services to these workers. It will only thrive in a federal policy environment that is willing to reimagine its own definitions of work. The union of the future will combine elements of platform-based global networks of employees, facilitated mutual aid, and revamped trade unions.

## PLATFORM-BASED GLOBAL NETWORKS OF EMPLOYEES

People will connect with one another and organize around issues through platform-based global networks of employees. Because work will be distributed via

platforms assigning specific tasks, workers will be part of multiple digital networks that relate to the kind of work they are performing. The networks will consist of people all around the world who perform similar tasks or occupations. They will be task-oriented rather than employer-oriented. These online spaces will function as digital union halls—places for workers to discuss issues they are experiencing related to their work, share information, rate platforms and employers, and recruit supporters for campaigns. The campaigns and organizations that emerge from these networks will be worker-initiated. A team of organizers, researchers, campaign experts, and facilitators will provide support to the networks as needed.

Within the task-based networks will be sub-networks by platform. Within these sub-networks, workers will share specific information about what it's like to work on those platforms and will advocate as collectives to those platforms when necessary. Because the physical location of work will be disaggregated, digital networks will be global. This will require that a significant enough percentage of the workforce must combine their voices/actions to persuade the company to make a change rather than in the single employer model, where workers could disrupt operations at one location. This digital density has to be achieved via networks that can quickly connect many people in a single “space” to coordinate advocacy.

So, what does this look like?

### *Case Study: Dynamo for Mechanical Turk Workers*

The team behind TurkoOpticon, an online community of Mechanical Turk gig workers, created a web platform called Dynamo that focused specifically on collective action. “We framed Dynamo around creating publics that are just large enough to take action—unities without unions,” they wrote.<sup>7</sup> “Based on our interactions with workers, we focused Dynamo’s design on three affordances: trust and privacy, assembling a public, and mobilizing.”

Turkers pitched ideas for campaigns to the community and the most popular ones were identified through up and down votes. Once priorities had been chosen

by the community, the Dynamo team helped the collective create campaign plans, negotiate and debate next steps, and engage in collective action through a simple online forum. Campaign organizers also posted a HIT that was a three-minute paid vacation inviting people to learn about Dynamo and participate in the letter-writing campaign. In the first six months of Dynamo's deployment on the web, 470 unique Turkers registered, and the site had more than 5,800 unique visitors and more than 32,000 views.

Two outcomes have emerged from this process: First, a letter-writing campaign to Amazon head Jeff Bezos that launched in October 2014 to "humanize" Mechanical Turk workers was endorsed not just by Turkers using Dynamo but also by individual Turkers who publicized the movement within their own communities. The campaign has received global attention from such media as *The Guardian*, *Daily Beast*, and two European radio stations. Second, a 23-page set of guidelines for academics who use the platform for their research recognized the rights of Mechanical Turkers. In just one month, 45 researchers (as well as 171 workers) signed onto the guidelines, and requests for the guidelines by researchers have been increasing steadily. A key feature of the Dynamo community is that it combined technology that enables peer-to-peer collaboration with background support from expert facilitators and organizers to push action forward. These organizers dealt with the community's two main difficulties—stalling and friction—through strategies such as setting deadlines and making it easier to act-and-undo in the face of objections or negative outcomes. Most of the Turkers the Dynamo team spoke with considered unions as impractical in this quick-hit online environment and had concerns that collective action would create risks to their worker account, work environment, or reputation as online workers. The union of the future must address these various difficulties and concerns, find (or build) the technology to connect people who can instigate their own movements, and feature smart, experienced organizers who can help workers to engage in collective action.

## THE ROLE OF COWORKER.ORG

Investments in the digital infrastructure to support these networks are already being made. Workers with traditional employer–employee relationships (as well as gig workers) are using platforms like Coworker.org to test early forms of digital employee network-building via user-generated petition campaigns. Currently, Coworker.org boasts over 200,000 subscribers after just two years—among these are tens of thousands of workers at Starbucks and American Airlines, and thousands at Darden Restaurants, Wells Fargo, and other employers.

Late one night in August 2014, a Starbucks barista in Atlanta named Kristie Williams was frustrated about a company-wide policy banning visible tattoos—an issue made acute when her store's air-conditioning broke. Kristie had never before engaged in any workplace activism, but she launched a Coworker.org petition and shared it with a few barista Twitter accounts. We at Coworker.org began working with Kristie to get the word out, using Facebook ads to recruit baristas in 17 countries and reaching out to journalists. We also worked with her on her idea to invite employee signers to share their tattoos on Instagram and tag them with Starbucks' own #tobeapartner hashtag.

The campaign persuaded Starbucks to update its dress code and became an inspirational example of employees getting corporations to listen. But what most don't know is that Kristie also built an army of some 18,000 Starbucks employee subscribers—7 percent of Starbucks' global workforce—that continue to press for improvements on everything from recycling to hair dye to wage increases. Hundreds participated in a survey that revealed Starbucks is misrepresenting itself in public statements about its scheduling practices. And a handful of employees are now participating in a pilot leadership circle, where Coworker.org staff are helping build leadership skills to tackle more complex issues, such as instituting fair scheduling practices and supporting workers on campaigns.

The icing on the cake? Kristie just received a promotion to shift manager.

Coworker.org's organizing is supported by a combination of expert intervention, closed networks through which supporters can reach one another in confidence, and the use of both social and traditional media. While commercial peer networking platforms help workers find and connect to the campaigns, intentional technology infrastructure that protects workers, connects them to expertise and research, and nurtures the networks that are created over time are critical to their continued growth.

Coworker.org's current iteration as a campaigning platform will give way to a more robust infrastructure that supports the kind of peer-to-peer network building that is critical to creating the union of the future.

## WHAT WE DO

### NOW

Facilitate the creation of networks through worker-led campaigns and build a shared sense of being in a collective among workers. This first step is a critical component to laying the foundation for a thriving digital community workplace whose leaders can take advantage of the full promise of cloud and platform technology.

### SHORT TERM

- Co-design platforms for worker-to-worker collaboration with our early employee networks like Starbucks.
- Generate positive innovation and problem-solving approaches that move beyond the reactionary model of worker advocacy.
- Facilitate shared support systems for global networks of workers.

### LONG TERM:

Deploy advanced technology infrastructure that allows gig workers to access multiple networks of coworkers, connect with workers centers and trade unions for deeper support, conduct research, share ideas and, when necessary, run campaigns.

## FACILITATED MUTUAL AID

The union of the future will also contain networks that may become sources of peer-to-peer economic support through shared resources. As the overall sector of independent, freelance, contingent, and temporary workers increases, the demand for services that introduce stability, consistency, and basic protections into this workforce is growing. Several organizations are experimenting with services and products that meet the growing needs of the "1099" workforce. Some examples of mutual aid:

- While the **Freelancers Union** is no longer an insurance provider, it continues to provide benefits to its members, including advice on navigating the health care exchange, retirement plans, corporate discounts, and contracts. As it continues to build membership through these services, it is providing members with growing collective advocacy efforts through after-hours programs, bricks-and-mortar meeting spaces, and online discussions.
- **Peers.org**<sup>8</sup> is an advocacy organization for people who work in the "sharing" or "peer" economy. Peers.org recently launched several products aimed at making work in the platform-based economy more stable, from their Keep Driving program, which provides UberX and Lyft drivers replacement cars after an accident, to home-sharing liability insurance for Airbnb providers. It has also increased transparency by creating an online system for workers to rate platforms, share information, and display average earnings.
- **Even**<sup>9</sup> is a new financial product that helps workers with unpredictable paychecks manage their cash flow. For \$5 a week, participants allow Even to manage their bank accounts and cut them a consistent check based on their overall earnings. If they don't make enough money in a week to cover their expenses, Even loans them the balance, which they pay back interest-free in the future.

The benefit of each of these approaches is that they provide immediate relief and stability for people entering these precarious ecosystems. The Freelancers Union's services are provided within the larger framework of building on the collective power of freelancers to support one another. By both providing opportunities for independent workers to build networks and for members to connect services to intellectual concepts like social unionism and new mutualism, the Freelancers Union leverages the provision of services as an organizing model.

But Peers.org and Even are both market-based solutions that ultimately rely on the profitability of the services they're providing to survive. Therefore, they promise merely short-term stability that will fluctuate with the demands of the market. Further, it is questionable whether workers in the gig economy are making enough money to actually pay for these services as individuals. It's reasonable to assume that the less money you're making, the more you'll need the added stability of these safety nets, but less money makes it difficult to rationalize participation. These services provide temporary relief from the pain of precarity without building the collective muscle of independent workers to alter it.

The power of integrating mutual aid models into the technological infrastructure that will support the employee networks described above is that it allows gig workers to create independent modes for sharing resources so that they are not reliant on generating surplus profit to continue to thrive. The management of these kinds of systems requires expertise and high levels of trust, which will need to be built over time. In the best case scenario, the Freelancers Union will continue to grow as a resource for workers to engage in mutual support.

## REVAMPED TRADE UNIONS

Much of the work of trade unions in their current form involves contract negotiation, processing of grievances, mobilizations around key political and workplace issues, grassroots organizing, lobbying,

legal support, and coordinating/connecting activists to one another. In the past, they provided access to networks, media, research, and communications that required a certain level of expertise, expensive in-house technology, and centralized information databases. Cloud technology has dramatically altered all of these.

### Some major changes in traditional functions:

- Peer-to-peer contact and communication no longer needs to be facilitated by an institution; a single organization doesn't need to function as the "holder" of a list of contacts. Instead, people can find one another online without that facilitation.
- There is an expectation that access to information and research is universally accessible, navigable, and actionable online. If I want to learn Arabic, use a circular saw, or file a FOIA request, I can find out how online. People do not want to go through the process of institution-building to address issues at work; they want to apply existing tools to the problem like they do with anything else.
- Mass communication is more accessible via social networks and journalists' ability to directly reach people.
- Direct action can be coordinated in a decentralized manner.

In an environment where trade unions are neither structured to adequately represent workers in this economy (because of the dissolution of the employer–employer relationship) nor needed to perform *some of* the functions that added value to movement-building, are they totally irrelevant?

Not at all. Worker centers provide a compelling example to trade unions for models of organizing and representation outside the NLRB-dictated models. Many grew out of geographically based organizations that provided legal services and advocated for workers who were out of reach for trade unions—domestic workers, guest workers, day laborers, temporary workers, and low-wage service sector

workers (restaurants, retail, etc.). Alt-labor models have worked in small businesses, contractor-based employers, and national chains. These organizations do not behave like trade unions in any traditional sense; they do not act as exclusive representatives of the workers, bargain contracts, or run NLRB-style elections.

Organizations like the National Domestic Worker Alliance (NDWA), the National Guestworker Alliance (NGA), and Restaurant Opportunity Center (ROC)–United have grown into powerful advocates, advancing solutions for workers on a national scale through policy and legislation, large-scale protest, media and brand pressure, and innovative services for workers.

Here are a few other ideas for how trade unions can play a role in the future of the labor movement:

## EXPERT NAVIGATORS

Instead of acting as instigators and mobilizers for organizing and corporate campaigns, unions will provide expert research and support to campaigns instigated by workers in the digital networks. While information and research may be readily available online, making sense of them—how laws apply to a specific campaign, for example—is something that will be a unique strength of a union. The key difference is that they will be acting in response to worker-led efforts as opposed to launching efforts around which they mobilize workers.

## COWORKING, COMMUNITY, AND SUPPORT SPACES

An asset of increasing value that trade unions can offer is their real estate. Older brick-and-mortar union halls feature more than offices; they often contain conference rooms, kitchen facilities, even bars and social halls. Unions could reimagine these spaces as gathering spaces for app-based workers. As work becomes more disaggregated and individualized, people will hunger to connect with their peers and

seek out places where they can be together. In addition to creating a place for workers to gather, these spaces will reduce the feelings of social isolation that are connected to solitary work. Access to the spaces can be linked to access to navigation support services as well as serving a cultural and social function for these workers.

## INFRASTRUCTURE FOR MUTUAL AID AND FINANCE MANAGEMENT

Trade unions could provide similar infrastructure to support third-party insurance and risk-sharing products to ease the burden on gig economy workers. Providing these kinds of services may be a first step in establishing the kind of collective power necessary for workers to successfully negotiate with platforms in their own interests.

## POLICY FRAMEWORK

Even the most powerful digital networks, mutual aid systems, and union allies will not be able to produce the level of stability for gig workers that full-time employees have seen in a strong economy. What is also essential are policy adjustments on the federal level. A few considerations that may guide the thinking of policymakers:

- Instead of focusing on whether gig workers fit into existing status labels (full-time employee vs. independent contractor), can we create a system that makes the same benefits that stabilize the economic lives of full-time employees available to gig workers? Former NLRB chair Wilma Liebman has suggested a third category—dependent contractor<sup>10</sup>—for workers who may perform their work according to their own schedules, like independent contractors, but don't control the means to access that work or the power to negotiate for their wages.
- Are the platforms entirely new, or do they fit the model of labor aggregators,<sup>11</sup> as posited by Rebecca Smith, Deputy Director of the National

Employment Law Project? Labor brokers are already regulated by certain state and federal laws that require them, for example, to register with various regulatory agencies; disclose some of their practices, such as deductions; and be liable for reckless disregard of unlicensed contractors. There are many omissions in these laws, including that the laws often do not regulate everyone in a supply chain.

- As workers form new kinds of collective advocacy bodies, how do we make basic labor and employment law more accessible to individual or unrepresented workers? Agencies within the Department of Labor, such as OSHA and the Wage and Hour division, are nearly impossible to navigate without the expert guidance of a lawyer. Technology improvements, such as predictive text for site searches, can make it far easier for workers, using their own words, to understand the laws that protect them, file complaints, and get relief. An interactive guide to labor and employment law that helps workers describe their issues and connect them to the correct department would be hugely useful.
- Workers' ability to connect to one another, coordinate efforts, and communicate online are made possible by a free and open Internet. Policymakers who are interested in supporting the rights of workers to organize should consider issues like net neutrality a critical piece of policy infrastructure that makes this possible, Protection from corporate and government surveillance and data collection are essential components of this infrastructure as well.

emerging forms of power. It will not be sufficient to retrofit these new classes of workers into existing models of unionization. Instead, the collective efforts of workers wrestling with this world of employment will produce the needed changes. Agencies and regulations meant to provide economic stability for workers will also have to be reimagined, expanding the way we define a worker, increasing access to basic protections and programs beyond full-time employees, and moving beyond institutions as the single source of power for workers.

## CONCLUSION

The union of the future will grow out of a fundamentally different way of understanding both the nature of work and the formation of a collective. The introduction of platform-based technologies that manage and distribute tasks to workers on a global scale is fundamentally changing the meaning of employment, requiring new or revamped structures and institutions that are designed to navigate these

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