

# Drivers of Dissidence: A Discourse Analysis of Vancouver's Road to Ride-Hailing

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**Abstract.** In 2012, Uber launched their ride-hailing service in B.C. to a mixed public reception. Initially met with fines from the Passenger Transportation Board (PTB), many fought for UberX (Uber's ride-hailing service, hereafter simply Uber), and ride-hailing was subsequently allowed to run in 2020. During Uber's eight-year road to legality, a lengthy public negotiation in Vancouver took place, pitting the ideals and history of B.C.'s taxi regulations against the purported innovation, efficiency, and customer utility of Uber. While numerous studies attempt to understand how the public and legislators have debated ride-hailing elsewhere (e.g., Brail, 2018; Pelzer et al., 2019; Serafin, 2019), in the unique legislative setting of Vancouver, no analysis of their advertising campaign has yet been undertaken.

My study uses NVivo to analyze key public documents regarding Uber's introduction into Vancouver (2014-2020), pulling from 103 major media articles and four government documents to create a history of Uber's arrival and analyze the frames (terms used to describe Uber, the taxi industry and ride-hailing) which supplemented the debate. I found that Uber's contention that they are an economically sustainable technology service, not a transportation service, played a key role in justifying the final legislation in favour of Uber; able to offset their similarity to the already existent taxi regime, and in conjunction, the paying public's responsibility to the harm Uber's service posed to the already low-paid, marginalized work of taxi driving.

## Introduction

On January 24th, 2020, the “largest city in North America” without ride-hailing allowed Uber and Lyft onto their streets (Ligeti, 2020). Vancouver supporters who had long awaited the announcement took to Twitter to voice their excitement: “Finally,” one tweet wrote, “Feels great to be part of the modern world” (D.H., Staff 2020). The Vancouver Taxi Association, however, did not share in the celebrations. An organization representing Vancouver’s largest taxi companies – MacLure’s Cabs Ltd., Yellow Cab Company Ltd., Black Top Cabs Ltd., and Vancouver Taxi Ltd. – the Vancouver Taxi Association (hereafter VTA) came to represent the taxi industry against ride-hailing’s advance in public opinion, government consultations, and eventually, the B.C. Supreme Court. In her decision, the B.C. Supreme Court Justice, Veronica Jackson, concluded that the “launch of Uber and Lyft in Vancouver did not arrive unannounced,” and further, that the “public interest favours the status quo” (*Canadian Press*, 2020). Responding to the failed injunction, VTA spokeswoman Carolyn Bauer declared: “The public has always been against the taxi industry” (*Canadian Press*, 2020).

In garnering legitimacy for their service, how platform products like Uber are presented in public discourse plays an important role in framing public opinion and, eventually, legislation regarding their service (Lesteven & Godillon, 2020; Serafin, 2019). As Uber representative (and former Obama campaign manager) David Plouffe told the Vancouver Sun in 2015: “I think the key thing is just a lot of public education... It’s more about political will than the details, we have found” (Lee, 2015). In agreement with Plouffe, it is the relationship between Uber’s public education and B.C.’s political will that is my core concern. The role of media in portraying ride-hailing’s rhetoric is essential to how the public understands and evaluates Uber’s service – able to thematize major controversies and signal to the public what must be done.

Despite extensive coverage of Uber by the media, few studies have analyzed the effect of media coverage on the final legislative documents (Lesteven & Godillon, 2020). In Montreal and Paris, Lesteven and Godillon (2020, p. 7) have noted how media coverage played a key role in dramatizing the conflict between the taxis and Uber, finding that the media functioned as an “echo chamber” for Uber and taxi representatives. But once the frequent frames are established, media scholars like Lesteven and Godillon have often fallen short of the key endeavour: interpretation of what gives those descriptions their persuasive force in legislation (the new status quo). This is where my analysis comes in, aiming to research not just *that* Uber used the media to legitimize its activity (Lesteven & Godillon, 2020, p. 7), but interpret *how* those media representations appealed to Vancouver before being consecrated into law.

My study adds to the growing literature on Uber’s presentation in public discourse with an empirical contribution of a new context, seeking to explain their unique campaign

in one of the last ride-hailing holdouts in North America. With some of the longest taxi wait times and steepest prices in the country, the relationship between the Vancouver public and the taxi industry was fractured not just by Uber, but through a long regulatory and ideological history. This history informs the beginning of my analysis, where I place the relationship between the Vancouver public and taxis in a historical perspective before the introduction of Uber. This sets the stage for Uber's attempts to wield the discontent for Vancouver's taxi service: petitioning city council, launching letter-writing campaigns, holding a TED talk, and creating targeted ads. My discourse analysis analyzes these key moments in the campaign through media and legislative documents, creating a historical account of each discourse that begins with the origin of four themes (taxi corruption, technological futurity, safety, and flexible work) in public discourse before analyzing its impact on B.C. transportation law. The discussion then attempts to explain the rhetorical success of these four themes through the economic shift Healy and Fourcade (2013) have noted regarding boundary and within-market classifications.

## Literature Review

### Investigating Ride-Hailing's Moral Appeal

Beginning within the grey area, ride-hailing platforms like Uber struggle over different social solidarities to convince publics that the old ideas around transportation are antiquated and that a change in the moral economy is in order (Brail, 2018; Serafin, 2019, p. 187). They originate as an illegal or quasi-legal platform that bids for a change in the moral economy to accept their service (Pelzer et al., 2019) and can therefore be theoretically understood as an illegal market service that bids for legality (Beckert & Dewey, 2017). The success of Uber's technology then depends on their ability to appeal to a public's notion of what legitimate economic behaviour entails (Serafin, 2019). This is effectively what economic sociologists have called the *moral economy*, coined by E.P. Thompson (1971, p. 79) to explain the values and customs which influence how economic behaviour is perceived as despicable or desirable. This reflects an interplay between our understanding of what the economy *is* and what our economy *should be*. Economic services seek our support by influencing how we understand the service (cognition) whilst appealing to the type of service that is thought to be fair (values), therefore leading actors in favour of Uber to distort or emphasize Uber's more desirable qualities.

Uber must prove they are a legitimate economic service by carefully balancing comparison and distinction from their closest relative: the taxi industry. Whereas the taxi industry upheld traditional regulations regarding minimum fares, driver caps, and safety regulations, Uber's model seeks no limitations on the number of drivers and calculates fares according to their market-determined "dynamic-pricing model": "a flexible

approach to setting the cost of a product or service” in which “prices may vary to reflect changing market conditions or to incentivize the behaviour” (PTB, 2020, p. 79). Uber has mobilized this difference to great effect, arguing that their pricing and app is the key innovation of their service over that of the taxi industry (Brail, 2018; Mishra & Bathini, 2020; Murillo et al., 2017), allowing them to argue that their service is both distinct from the taxis and better endowed to provide the same service.

In his study of the Uber court trials in Warsaw, Serafin (2019) found that each initiation of Uber was a political and moral event that affected the ongoing debate over its legitimacy. Serafin argued that the way Uber was debated in the media eventually influenced how Warsaw citizens perceived their transportation ‘problem,’ and, in conjunction, how they interpreted the wrongness of Uber drivers who were put on trial for operating without a license. Serafin argued that there was a confluence *between* public arenas, meaning that the acceptance of a frame in one public arena (city council) held repercussions in other arenas (the courts). Serafin’s focus, however, sticks primarily to an account of the final court proceedings in Warsaw. My account, in contrast, emphasizes Uber’s rhetoric as presented in the public discourse and on the key events that informed public opinion, and with time, legislative documents. Like Serafin’s research, my discourse analysis understands the public debate in the media with respect to the context of the final legislative decisions.

### Discourse Analysis

Uncovering the intent behind Uber’s framing is an important but necessarily ambiguous task. As Berger et al. (2018, p. 198) found, “Uber’s strategic decisions are deliberately opaque,” and so to uncover how a *frame* – the conscious usage of descriptions to give meaning to an often-contested phenomenon (Pelzer et al., 2019, p. 3) – is perceived as promising or harrowing, a method able to interpret and justify the meaning behind that persuasion is required. This ambiguity is why I selected discourse analysis, an interpretive method, to understand Uber’s campaign. Discourse analysis is an interpretive research method that pays critical attention to *how* a debate is conducted – looking for contested and dominant frames, exaggerations, metaphors, and silences (Carpentier & De Cleen, 2007).

My discourse analysis utilizes two concepts from Beckert and Dewey’s (2017, p. 14) study of emerging illegal markets to make sense of the debate. In investigating public tolerance of illegal services, Beckert and Dewey found that the perceived externalities and hopes for the service were essential to their legitimacy. Initially excluded by current regulation, ride-hailing platforms like Uber present to the public potential “hopes for the future” if their service is allowed: offering to solve long wait times, high prices, and awkward interactions (Beckert & Dewey, 2017, p. 14). Correspondent with this potential hope, however, is the potential harm: the possible negative effect on working conditions,

increased congestion, and harm to the taxi industry (Beckert & Dewey, 2017, p. 4). As part of their quest for legitimacy, new digital platforms like Uber frame their service in such a way that their benefits outweigh the externalities. A public's view of these hopes and externalities are then impacted by Uber's framing in public discourse – describing what Uber is and foreshadowing what it could be.

### **An Overview of UberX's Externalities and Hopes for the Future**

For a global product like Uber, a discourse not only reacts to its local context but also reacts to frames used elsewhere to describe Uber's service (Serafin, 2019). It is then important to consider Uber's controversies and hopes elsewhere, as these concerns and hopes are often attached to any debate regarding their service. Since Uber's beginning in San Francisco in 2009, their ride-hailing service, UberX, has expanded their domain to over eighty countries, everywhere challenging traditional transportation and employment regulation (Brail, 2018; Pelzer et al., 2019; Ranchordás, 2017; Serafin, 2019). The ride-hailing phenomenon has challenged the regulations undergirding the taxi industries, polarizing publics and scholars into being for or against some variant of ride-hailing. Despite protests, Canada has since allowed Uber in all major cities (Bussewitz, 2019).

While many articles are critical of Uber and suggest that their public popularity is due to rhetoric or exploitation of class divides (e.g., Hua & Ray, 2018; Murillo et al., 2017; Prassl, 2018), the public tolerance for services like Uber comes from genuine hopes for their future. The most obvious reason is their app: Uber's app is easy to use and simplifies the relationship between driver and customer by organizing payment and the drop-off/pick-up spot beforehand (Dudley et al., 2017). In Vancouver and worldwide, Uber's service is cheaper and has lower wait times than taxis (Zussman, 2019). As opposed to the taxi industry, which has restricted "originating boundaries" (i.e., Vancouver cab companies can only pick up customers in Vancouver) that result in drivers wasting gas and time to return to their jurisdiction after driving a customer outside their original boundary (known as deadheading), Uber does not have boundaries and therefore mitigates deadheading (Hara, 2018).

There are, however, ample externalities that Uber must either quiet or overcome. Many publics have centralized concern for Uber's safety. In the years 2017-2018, 5,981 sexual assaults were reported out of Uber's 2.3 billion rides in the U.S. (Uber Technologies Inc, 2019). Before this report, the State of California had already forced Uber to stop making public claims about their safety (Zwick & Spicer, 2018). Scholars have also noted how the rating system leaves many drivers subject to racial discrimination, as white 'English fluent' drivers are on average given higher ratings (Hua & Ray, 2018; Jordan, 2017). As the taxi industry is composed primarily of first and second-generation immigrants, this racist feature is even more damaging for taxi drivers who are forced by lowering conditions in their industry to join Uber or Lyft (Hua & Ray, 2018).

Numerous studies have found that the cheaper and unregulated competition of Uber has resulted in many drivers reporting they are paid under minimum wage (Bartel et al., 2019; Mishel, 2018; Wang & Smart, 2020), and further, that by defining workers as ‘independent contractors,’ Uber leaves them without support or workers compensation (Bartel et al., 2019). Simultaneous to poor conditions for their workers, Uber has also been found to reduce industry standards, specifically impairing the local taxi industry. In the first comprehensive quantitative study of taxi wage fluctuation in the U.S. after introducing Uber to a city, Berger et al. (2018, p. 2) found that taxi wages decreased 10% on average after Uber. In ex-Uber CEO Travis Kalanick’s own words, the essential benefit of the Uber model is that it allows their business to “leverage other people’s labour and property rather than buying it yourself” (Lashinsky, 2017, p. 81). Indeed, as many academics have pointed out, including Dr. Garland Chow of UBC, Uber’s business model relies on the classification of drivers as “independent contractors,” thereby allowing them to bypass labour and regulatory costs which the taxi companies incur (Select Standing on Crown Corporations, 2018; Mishel, 2018; Palmer, 2015; Tucker, 2017).

### **Ahistorical Innovation**

When considering the challenge Uber poses to the traditional industry and regulations, it is important for legislators and the public to also consider where these traditions even originate. Without attention to the past, new ride-hailing technologies can justify their neglect of the traditional rules governing the transportation industry (Brail, 2018). As Uber is seen as entirely new, the *ahistorical* frame implies that legislators disregard the relevance of prior transportation regulations for Uber due to their irrelevance for an entirely new service (Brail, 2018). This disregard for taxi history was established in Ontario Law when in 2015 the language used to define the taxi industry was ruled by Ontario Supreme Court Justice to not matter for Uber (Brail, 2018). This indicates a critical frame for understanding Uber. If ride-hailing does not meet the same parameters as the taxi industry, the history of the taxi industry’s regulation is not included in the judgement – thereby excluding the taxi industry’s history despite its potential relevance for Uber. To include this in my research, part of my investigation compares the history of B.C.’s taxi regulations to the current context and considers how the history of taxi regulations on caps, metres, and jurisdictions is framed in media and legislation.

### **Methods & Materials**

My study purposively sampled 103 articles from Vancouver’s leading publications from 2014-2020 (*The Province*, *The Vancouver Sun*, *The Globe and Mail*, *The National Post*, *CTV*, *CBC*, *Vancouver Courier*, *The Georgia Straight*, and *The Daily Hive*), four historical

investigations into the Vancouver taxi industry, and four government documents regarding Uber's legislative approval. All of the media articles were searched on the websites of major stations for their popularity and usage of 'Uber,' 'Ride-Hailing,' 'Taxi,' and 'Vancouver,' and then determined by their conformity to important events. All the articles were then organized chronologically (Appendix A) where important years regarding Uber's introduction were overrepresented. Because my method of analysis is interpretive and not frequency-based, representation of multiple stations was achieved but not equal representation (quota sampling). This allowed me to include multiple perspectives in my analysis but not overrepresent small stations and forsake the fact that some stations (like *The Province*) published more influential pieces on Uber. As my analysis spans a wide time period (2014-2020), I ordered my corpus chronologically and according to important events. Figures 1 and 2 (see appendix A) show a timeline of key events pertaining to Uber's arrival in Vancouver, where articles were kept based on their description of the key events.

After the articles and government reports were collected, I uploaded them into NVivo where they were read with attention to the context of the discourse. After an open reading, I divided the issues present in the media into Beckert and Dewey's (2017, p. 14) two concepts, "externalities and hopes for the future," while paying attention to the time and narrator framing Uber's legitimacy or illegitimacy. The externalities voiced in the literature, such as lower wages and safety concerns, were compared alongside the hopes expressed by Uber representatives and finally taken up by the government in legislative decisions. I used an interpretive method (discourse analysis) to allow room for me to reason and justify my understanding of the context and influence of Uber's frame on the broader debate. The narrator (an individual often vouching for an institution's goals, who is purposefully selected to speak about the issue), the arena (in this case, Vancouver media and regulatory networks), and the time all form the relevant context of my analysis. The codes noticed in the media were then compared to four influential government documents regarding Uber's introduction: the 2018 TNC Report, the 2018 Hara Report, the 2019 TNS Report, and the 2020 PTB decision on Uber (Appendix B). I picked these documents because they were cited by the PTB (2020) decision as the "Background Materials" to allow Uber in the Lower Mainland.

The method of my study has two notable limitations: selection and observer bias. The media articles are purposely sampled and may not represent the average article (selection bias). Likewise, the systematic ignorance of facts (the observer bias) is something interpretation is always inherently at risk of. Any assertion of meaning (interpretation) can tend toward ignoring facts which dilute the power of the conclusions. While I have attempted to protect against both defects by carefully considering a large corpus of literature and media with contrasting interpretations of Uber, discourse analysis is nonetheless based on *argumentation* and not conclusive *assertion*. The reader should interpret for themselves whether my conclusions follow the evidence. For these trade-offs, discourse analysis lets me (a Vancouver local) use a diverse array of data to justify what the complex

evidence meant at each turn in the debate.

To answer my research question, whether Uber's rhetoric had any effect on the legislative outcome, I interpreted the conclusions of the government documents with respect to the narratives and silences present in my media discourse. This involved reading and interpreting the PTB decision in light of three questions that the PTB had to affirm for Uber to be licensed:

1. Is there a public need for the service that Uber proposes to provide under the special authorization (s. 28(1)(a))?
2. Is the applicant a fit and proper person to provide that service and is the applicant capable of providing that service (s. 28(1)(b))?
3. Would the application, if granted, promote sound economic conditions in the passenger transportation business in British Columbia (s. 28(1)(c))? (PTB, 2020)

Throughout noting common externalities and hopes for Uber's future in the discourse, I will return to the PTB's response to these very qualitative questions. As the decision was made *after* public opinion was firmly in favour of Uber, I argue that their conclusions aligned with narratives disseminated by Uber and generally accepted by the media.

## Findings

### Castigating the 'Cartel'

In 2014, Uber's advertising push and petition (over 10,000 signatures) earned them a hearing at Vancouver City Council (*CTV Vancouver*, 2014). At the hearing, Uber spokesman Jeff Schafer framed the urgency of their arrival. "This is an opportunity to embrace all the opportunities of ride-sharing" he told council, continuing: "You risk losing that opportunity. If you leave it to the big four taxi companies, frankly they haven't innovated in years" (*CTV News*, 2014). As Schafer puts it, Uber is providing Vancouver with an opportunity: either choose the benefits that ride-hailing provides or be left with the uncreative incumbent industry. Ex-Uber CEO Travis Kalanick, lawyers, and unaffiliated Uber supporters often referred to Vancouver's taxi industry as a cartel – signalling the monopolistic illegality of a legal institution as they launched a then-unlicensed operation (Morton & Sinoski, 2014; Klassen, 2014; CBC, 2020). As Uber representative Jeff Weshler framed it to the *National Post*: "We should be creating a policy to serve the public, not



the entrenched” (Ahsan & Hensley, 2015). The view of the VTA and BCTA (B.C. Taxi Association) as ‘against the public’ then became common parlance for Uber supporters.

The taxi industry, unsurprisingly, attempted to oppose this frame to maintain their legitimacy. VTA spokespeople like Carolyn Bauer voiced this desire for a “level-playing” field with ride-hailing: their claim that if ride-hailing is allowed, it should conform to the same economic laws as the taxi industry (such as price minimums and fleet maximums), making for even market competition. But, to argue the level-playing field, the taxi industry had to justify the prior regulations, regulations which resulted in higher fares and longer wait times. With only attention to the consumer benefit of lower fares and longer wait times and not the reasons behind these regulations, taxi justifications could be dismissed as monopolistic greed. This justice, however, originated from the history of the taxi regulations and the attempts at its repeal. Lacking a historical perspective, the reasons behind the regulations are easily lost, and thus the taxi industry’s defence of them quickly appeared arbitrary and corrupt. Cast as a self-serving cartel, the taxi industry was understood as uncompetitive, un-capitalistic, and, according to lacking the first two, no longer in service of the greater good – the ‘public’ (customers). No articles, however, bring up the reasons why this ‘cartel’ was established in the first place, prompting the obvious question: why did the economic regulations on taxis exist?

Structured within B.C. taxi regulations were sets of pragmatic and moral values (like increased criminal record checks and competition limits) that attempted to pursue desirable outcomes for taxi transportation. While perhaps outdated, these values were not formulated arbitrarily but came through distinct historical circumstances and needs. In B.C., the caps on taxi cabs and limits on pricing were established during the Great Depression (Davis, 1998). When the price of cars was becoming cheap, and more people took to the road and competed with taxis, a devastating collapse in taxi wages resulted (Davis, 1998). Desperate to salvage their business and their employees, *owners* of Vancouver’s biggest cab companies formed a coalition to petition the government to establish a minimum fare. This resulted in the establishment of the initial VTOA (Vancouver Taxi Owners Association), which would later become the VTA (Davis, 1998). This system of establishing greater regulation, limits on taxi drivers, minimum fares, and strict pick-up jurisdictions per taxi company (called originating territories) have since become commonplace worldwide (Davis, 1998). Achieving these regulations, Davis writes, the taxi industry then began to operate in a “less chaotic, more ethical way” (p. 7). It is debated whether the taxi industry and employee conditions could survive without these protections. In Lanyon’s (1999, p. 38) report on B.C.’s taxi industry, he cited Seattle’s attempt in 1979 to repeal the economic regulation which resulted in “ruinous competition” and warned against the same being done in B.C.

These regulations made the Vancouver taxi service inflexible to the growing demands and standards of their consumer base. As Hara (2018) noted in his final report on the taxi regulations, while the cap is beneficial for current drivers, because driver caps

limit competition and predatory pricing, this has resulted in the lowest taxi fleet per capita in Canada and long wait times. Moreover, the price of taxi licenses in Vancouver skyrocketed as the city grew exponentially faster than their taxi fleet. Multiple articles have speculated on just how much they sell for, writing that “taxi medallions” (licenses) were traded for up to \$800,000 each (Klassen, 2014; *CTV News*, 2014; Meddah, 2016). As a result, many drivers and owners have placed considerable financial weight on these investments and could be devastated should a rapid drop occur (Hara, 2018).

In the 2018 Select Standing Committee gathered to investigate whether ride-hailing would be appropriate for B.C., there is continued note on the need to investigate the current taxi economic regulations: resulting in the decision to hire Dan Hara to investigate how taxi regulations should be *modernized* to keep up with ride-hailing (Hara, 2018, p. 1). Concerning Uber’s lack of economic regulations, however, it was assumed that the market should regulate the service: a decision justified by the “lack of an empirically substantiated basis” on whether unlimited fleet size affects taxi outcomes (PTB, 2020, p. 76). This decision is made despite an earlier clause that stated: “Fleet size was a contentious issue for the taxi industry historically. In times of economic recession, drivers would flood the market, resulting in lower returns for all drivers” (PTB, 2020, p. 66). The historical evidence, however, is dismissed as carrying no import for Uber’s ‘new’ service. Uber’s technology and advertising aimed to take advantage of the lack of historical framing by vilifying for the customer the inefficiency (‘backwardness’) of the taxi industry, allowing Uber’s less-regulated business model – no limits on supply, more competition, and therefore lower prices – to be used as the *modern* benchmark in which to evaluate the taxi industry, despite its resemblance to the very system the taxi laws were designed to overcome.

### **Keeping Pace with the Times**

Much of Uber’s distinction from the taxi industry rests conceptually in their claim to be merely a technology company (Pelzer et al., 2019; Mishra & Bathini, 2020). As Uber does not own any of their vehicles, nor technically employ their drivers, who are understood as only ‘customers’ of Uber (Rosenblat, 2019) – they describe themselves as a solely technology-based company. Throughout Uber’s introduction to Vancouver, articles stressed Uber’s point: “It is a technology service, not a transportation service” (Bailey, 2015). As Brail (2018) argued, Uber exaggerates their innovation to elicit new attitudes towards their regulations. Combined with the vilification of the traditional regulations regarding the taxi industry, the technological frame allows Uber to argue that the old regulations fail to account for their invention. Uber spokeswoman Arielle Goren summed this contrast up well to the *Vancouver Sun*: “Many jurisdictions have recognized that their current outdated regulatory framework doesn’t account for new technologies such as ours, and we look forward to working with policy-makers to create smart regulations that would recognize Uber’s role in Vancouver’s transportation ecosystem” (Constantineau, 2014).

Descriptively distinct from the taxi industry, Uber's touting themselves as a technology company also allowed them to align themselves with the values of Vancouver's 'forward-thinking' economy. In Vancouver, this became the sticking point of their legitimacy – Uber is the inevitable innovation and progression required to loosen the outdated taxi system. In 2016, when Uber spokesman David Plouffe was asked about what changes he expected for Uber in the future, he replied that “The thing about Vancouver is that it's a city renowned for embracing tech innovation, such a global tourism hub, so many millennials moving into the city... It's tailor-made for ride-sharing for all those reasons” (Ip, 2016). As a “city renowned” for embracing tech innovation, Plouffe asserts that Vancouver's reputation leads us towards being open to innovation. Plouffe aligns the idea of Vancouver as a young and innovative city with Uber's mission, which is portrayed here only as a technological innovation.

Nearing the end of 2016, it appeared B.C. was falling behind the technological status quo. Speaking to the Vancouver Board of Trade, David Plouffe framed the misnomer that Vancouver was becoming without Uber: “It is the largest metro area in North America without ride-sharing... We think that is a shame and so we are eager to work with local government officials, the provincial government, to find a pathway forward to bring ride-sharing” (Lupick, 2015). This appearance was helped by an Uber ad, letter-writing campaign, and “future view feature” that ran in 2016. The ad featured Vancouver pedestrians who declared their frustration about Vancouver's lack of Uber. Beginning with a man standing in front of B.C. place, who says, “I'm not sure why Uber isn't in Vancouver. It boggles my mind,” the ad runs through Vancouverites who complain about the senselessness of not having Uber (Moriarty, 2016). Likewise, Uber representative Jeff Weshler commented after the ad on Vancouver's slowness to take on ride-hailing, saying that he “believe[d] that Vancouver should not be left behind” (*Daily Hive*, 2017). The key point of Uber's rhetoric was clear: Vancouver is the last big city in North America without ride-hailing. Vancouver was falling behind the times – why?

Province writer Smyth (2017) gave us his answer in his article written at the height of public impatience, “Uber Political Games Leave Public out in the Cold.” In this article, Smyth declares, “Vancouver now has the dubious distinction of being the largest North American city that still bans Uber, Lyft and other popular ride-for-hire services.” Focussing on the delay of John Horgan's government on their promise to integrate Uber, Smyth continued to tell readers: “Don't kid yourself. The government isn't delaying because ride-for-hire is so ‘complicated.’ This is a stalling tactic by a government beholden to the taxi monopoly.” Smyth finishes with a rallying cry for the government to speed along the service and finally give in to public demand: “It's time for all of them to put up or shut up about making this minority parliament work for the people. It's time for ride-sharing in B.C., and it's time to get it done right now.” Published at the peak of public frustration with the government's delay of Uber – and a year after Travis Kalanick's TED talk, Uber's ad and letter-writing campaign – Smyth's call attempts to capture this sentiment: the B.C. government and taxi industry have selfishly withheld ride-hailing to

the detriment of their public.

Smyth (2017) describes the government delay (which is made more extreme by Vancouver's delay behind the status quo of other major North American markets) as one due to their corruption by the taxi industry – dismissing the complications behind integrating ride-hailing. This sentiment began to grow as 2019 approached and ride-hailing was still not approved; and was finally met with relief when ride-hailing was accepted by Parliament in 2019, causing journalists to hail the decision. As Lupick (2019) of *The Georgia Straight* put it: “After years and years (and years) of public debate, endless consultations with the taxi industry, and two different premiers promising they would be available soon, ride-hailing apps like Lyft and Uber are finally—finally—coming to Vancouver.” The widespread lauding of the Uber decision by journalists was enough to prompt criticism from *Vancouver Courier* journalists Kudo and Kvetches (2020): “Now that ride-hailing is officially here,” they wrote, “journalists need to put down their pom-poms and do their job.”

The impatience for ride-hailing, however, was justified because Vancouver was perceived as lacking a service that was obviously for the public good. Vancouver's temporal framing as behind the technology, innovation, and status quo of other major markets had caused reason to blame a political system that was behind the times. Like the perceived backwardness of the taxi regulations, Vancouver's backwardness had to be explainable by corruption in the legal body. Uber had pitched themselves as the future, and cities worldwide confirmed this prophecy by accepting their service. Vancouver had to accept Uber if it was to avoid the ‘dubious distinction’ of being a city stuck with the *regulations* of the past.

Uber thus pitched to the public that they provided a more modern, technological approach than the taxis, and the legislative decision confirmed this consensus. In endorsing Uber's “dynamic-pricing model” to determine supply and wages, the Select Standing Committee suggests that “a more *modern and dynamic approach* would be more appropriate to encourage equitable distribution of service and supply rather than the current model of vehicle caps” (Select Standing Committee, 2019, p. 18 [emphasis mine]). Similarly, in answering whether there was a public need for Uber's service, Uber's framing as *only* a technology service figured heavily in the PTB's final decision. In the highly awaited first investigation of Parliament into whether ride-hailing should be allowed, the Committee begins with Uber's definition of their service as a technology platform, not a transportation company. As they find, Uber “engages *exclusively* in app-based ride-hailing services, connecting passengers with drivers willing to use their personal vehicles to drive paying passengers” (Select Standing on Crown Corporations, 2018, p. v [emphasis mine]). This note on Uber's exclusivity justifies Uber's distinction from the taxi industry and their regulations, as their app-based service is considered unobligated to drivers. In addition to citing the Select Standing decision, the PTB also decided in 2020 that Uber's public need corresponds to their popularity and *uniqueness* from the taxi industry. “TNC's are

unique,” (31) they argue, and cite Uber’s argument that if Uber “was just another type of taxi” (31), how would that explain their popularity over the taxi industry in other Canadian cities (PTB, 2020)?

This frame then contends that Uber’s popularity and public need is demonstrated by the ‘innovation’ of their service in comparison to the taxi industry, therefore ‘overcoming’ the opposing argument that Uber’s popularity is based upon their avoidance of economic regulation. But, as Professor Chow put forth to the Select Standing Committee, Uber is popular *because* of the low prices which result from their avoidance of traditional limits on supply (Select Standing on Crown Corporations, 2018, p. 8). The regulatory committees, however, took the view that Uber’s success was due to the promise of their innovation. The resulting decisions thus emphasized the public need for Uber’s technology over the externalities that could ensue – externalities that would have figured more prominently if the import of past regulations were considered relevant to ride-hailing.

### **A Wild West: Characterizing the Public and their Safety**

Similar to how technology and better market pricing were used to complement Uber’s service and cast doubt over the taxi industry, public safety was used to cast doubt over Uber. Lacking the same requirements for criminal background checks as taxis in other cities, many were skeptical of Uber’s ability to ensure public safety. Describing Uber’s relaunch in 2014, Klassen summarized the debate for and against ride-hailing as follows: “While proponents argue free-market capitalism, critics warn of an unlicensed wild west where passengers are at the mercy of potentially dangerous drivers and un-metered pricing determined by supply and demand.” Like Klassen, other articles report that “the critics” of Uber believe they are a “bandit taxi” (Lee, 2015; Ahsan & Hensley, 2015). The dramatic insinuation of the word “bandit” and “wild west” portrayed Uber’s safety risks as bringing in a new, dangerous, and uncontrolled frontier town.

In 2014, after relaunching their service illegally in cities across Canada, concerns were raised about Uber’s care for safety legislation. Championed primarily by transportation regulators, the worry that Uber would not meet the same standard as the taxis became a central concern for public safety. In response to the increased advertising for drivers in 2014, Transportation Minister Todd Stone threatened Uber with raised fines, saying to the *Vancouver Sun* that while he “certainly support[s] additional choice and convenience for customers,” he would not do so at “the expense of safety” (Constantineau, 2014). Like Stone, the subsequent NDP Transportation Minister Claire Trevena used the same defence in response to the public’s accruing pressure on the government’s slowness in adopting the service. Trevena mimicked Stone’s initial statement, saying: “British Columbians absolutely want more options and flexibility in how they get around, but with checks in place to make sure their ride is a safe one” (Zimmer, 2018).

After continued allegations against the toxic work culture within Uber itself, in 2017, Uber announced a slew of changes to address their poor treatment of women in the workplace – including the ‘resignation’ of CEO Travis Kalanick and his replacement with Dara Khosrowshai (Eagland, 2018). In Vancouver, this was recounted by Rob Khazzam, the new general manager of Uber. With the replacement of Kalanick, Khazzam argued that the “company values have grown stronger” and that to improve safety, Uber implemented a limit for the driver’s use of the app to 12 hours at a time, with at least six hours of rest (Eagland, 2018). Despite this limit still being four hours beyond the standard workday, the public began to move increasingly towards ride-hailing, and by the end of 2019, ride-hailing legislation had passed in B.C. The solution by Parliament, however, was to implement the same safety regulations in place for taxis – a decision that Uber representatives much-derided (Orton, 2019).

For the PTB, the second question, “the potential risk of harm to the public” (PTB, 2020, p. 38), covered Uber’s safety externalities. In response to concerns over their safety, Uber referred to their change of heart, arguing that they were not the “Uber of yesteryear” (PTB, 2020, p. 43) and cited their new programs and record of compliance with other Canadian jurisdictions. To ensure protection, however, the PTB and Select Standing Committee both decided that tantamount safety regulations with that of the taxi companies should be expected of ride-hailing (Select Standing Committee, 2018; PTB, 2020). Uber and Lyft had to perform the same amount of safety inspections as that of the taxi companies and their drivers had to obtain Class 4 (commercial) licenses. The *economic* “level-playing field” that the taxi industry had asked for, however, did not make it into the final legislation. One side of public safety, it seems, had been left out.

### **Partitioned Publics: Who Speaks for the Workers?**

Throughout my corpus, Uber representatives deflected worker-related concerns with the hope their ‘flexibility’ could provide for workers. Uber attempted to valorize the autonomy they allow for workers through their appeals to flexible work times and accessible entry – something Rosenblat (2018, p. 3) called the “fool’s gold” of Uber’s rhetoric for its concealment of the low wages and labour exploitation correspondent with the ‘flexibility.’ Uber representatives often framed their service as a “productive way to make money” (Ahsan & Hensley, 2015), to “empower people to earn extra income” (Ip, 2016), and good for those who want to “top up their income” (Zeidler, 2018). As Plouffe put it in 2016, Uber was the answer to the economic problem of the modern age, as “every government around the world” struggles with the question, “How do we create more flexible work for people?” (Ip, 2016). Uber framed the promise of their service for workers as an opportunity to make good money according to their schedule. But, as Hua and Ray (2018) point out, this part-time flexibility that Uber touts still relies on the existence of a population willing to work extra or be on standby for cheap wages. It also pits part-time drivers against full-time drivers (often ex-taxi drivers) who seek to make a living in this

industry (Hua & Ray, 2018). For Uber and their supporters, however, this was justified because it allowed their workers paying gigs at their ‘convenience.’

Counter-discourses from taxi and Uber drivers themselves were rare in my media discourse, where the most concerns for drivers were voiced through the VTA. As Carolyn Bauer lamented after the approval, the constantly reiterated fear was that Uber would bring about “destructive competition” (Sheppard, 2017). But, configured as a cartel, the concerns voiced *by* the taxi owners and not the drivers may have been dismissed by a skeptical public. Thus, as Pelzer et al. (2019) and Levstevan (2020, p. 7) have also found, the media served more as an “echo chamber” for the political controversies of Uber and the taxi industry than as a place for the divulgence of the views of drivers or more impartial agents. The historical or current evidence of “destructive competition” likewise did not come to the forefront of the media, and the taxi industry representatives could have been perceived as only attempting to “politic” their institutional goals by voicing sympathy for their drivers (Pelzer et al., 2019, p. 12).

In the legislative decisions, the economic regulations protecting drivers from Uber’s “dynamic pricing model” were what was left out. In response to the PTB’s third question, whether Uber would bring about sound economic conditions in B.C., many sent in their concerns that Uber’s unregulated service would be devastating for the working conditions of drivers: with the VTA submitting that to allow Uber no restrictions on minimum wage and fleet size would be to write them a “blank cheque” (PTB, 2020, p. 62). In their verdict, however, the PTB dismissed the need for economic protections for drivers, arguing that “We live in a market economy and competition is the norm in marketplaces” (PTB, 2020, p. 101). Citing the Select Standing Committee, they agreed that the “dynamic-pricing model” figured too “prominent” a role in Uber’s business model and therefore “should be encouraged” (PTB, 2020, p. 84). The protections for employees were decided in favour of a solely market-based approach, despite concerns about the implications for workers and, specifically, the precarity of the transportation industry. For customers, the service was to be improved, and for transportation workers, their conditions were to be determined by the market.

## Discussion

As is evidenced by the outcome of the final legislation, safety regulations on the same plane as the taxi industry were what was finally cemented into law. The other side of the “level-playing field,” however, failed. Economic protection of labourers was what was deflected by Uber throughout this discourse. Through the attempts of Uber spokespeople to claim they were merely a technology company, focused entirely on consumer choice, more efficient for the environment and more flexible for work, Uber was able to saturate

the public discourse with articles that reflected these themes. The media's attempts to define Uber focussed on the convenience of the technology, consumer choice, and status quo as opposed to other possible goals such as the improvement of working conditions. What, then, happened to those stipulations? Why was one side of the externalities accounted for and the other not? I think this silence on externalities for working conditions was symptomatic of public distrust of the taxi industry, underrepresentation/stigmatization of taxi drivers in the public discourse, and Uber's appeal to a new moral conception of how our economy should be organized.

As Lanyon (1999) has noted, the B.C. taxi industry is also an industry with a tendency to underreport working conditions to the public. As a result, I think the supporters of the taxi industry could not easily figure out if it was the driver's livelihoods they were supporting when they advocated a "level-playing field," or if it was the taxi owners. In addition, the taxi industry of Canada, as has been remarked by Hua and Ray (2018, p. 272) of the States, exemplifies an industry that has been racialized, primarily relying upon labourers without access to "social and economic networks of support." The same holds for Canada, where many taxi drivers in major cities are first- or second-generation immigrants (Xu, 2012). In Vancouver and Toronto, this is especially true, where over 80% of cab drivers are immigrants (Xu, 2012). Li Xu's (2012, p. 1) study also finds that though taxi work is classified as Skill Level (C) in the National Occupation Classification, about 20.2% of immigrant taxi drivers in Canada have a bachelor's degree or better (255 of which held a degree in medicine) – suggesting that they are often overqualified for their position and take on the job due to discrimination faced elsewhere. This contrasts with Canadian-born drivers, where only 4.8% have a bachelor's degree (Xu, 2012, p. 2).

That is not to say, however, that the concern for the effect of Uber on the taxi industry was not sympathized with at all. Taxi drivers were often depicted as the wary and helpless group, at the whim of the mechanisms of power. If not, they were depicted as part of the self-serving taxi bureaucracy. What was rarely sought out, however, was their actual situation and attitude towards the incumbent industry. The discourse instead focussed on reiterating the basic disagreements and pities of either Uber or the taxis, rarely attempting to divulge the interests of workers who would be affected by this monumental change. So how is it that the clearly indicated risk of Uber's negative effect on working conditions was overcome by the public's view of Uber's hope?

This, I think, is not mere crass neoliberalism or free-market innovation but a more subtle shift in common economic sense, the shift noted by Fourcade and Healy (2013) as favouring the fairness of objective formulas that coordinate services according to the logic of the market; to a future of economic justice that is indeed market-driven but trusted in the hands sophisticated procedures that purportedly consider 'all' equally. The argument given by Uber was primarily one that appeals to a desired future of democratization, to the opening of service to more people, the expansion of the rigid taxi boundaries with flexible Uber work, and the accessible technology which ties it all together.



The same moral logic that Fourcade and Healy (2013) have noted regarding the shift in “boundary classifications” to “within market classifications” in the American credit-scoring system applies to the Uber case. Prior to Uber’s arrival, the taxi industry was a highly vetted service, one with a strict “boundary classification” (the public convenience and necessity regime): meaning strict regulations filtering who could work for their service, based upon purchase of forcibly limited taxi medallions. Uber, on the other hand, represents a service that is open to all with the basic requirements, where the driver is vetted solely on the good ratings of passengers and compensated by the formulaic “dynamic-pricing model.” Uber’s pricing model is thus a system of “within-market classification,” one in which the pricing algorithm “objectively” ranks, measures, and scores on an opaque and automated metric (Healy & Fourcade, 2013, p. 562). The within-market classification was proposed to the public not to reduce regulation but to integrate a *new* type of regulation (supported by a different constellation of justifications). This within-market classification is preferred because it formalizes the procedure of rating the ‘deserving’ price of the service. Formalized systems that operate without the bias of an “interest group” and only in the supposed procedural equality of the whole are important to a society that covets what Weber (1925, p. 186) called “legal-rational authority.” Procedural equality seeks to curtail any corruption (self-interest) in its application by mechanizing the equal treatment of the entire “public” categorized under the jurisdiction of that law. But it is misleading to believe that this mechanism can be devised with the interests of the whole public in mind – or that a unified public even exists.

Most importantly, however, is how trust in ‘open’ and ‘democratic’ economic procedures leads to silence on its unequal consequences. The virtual interface of Uber’s app, combined with its within-market classification, offers us the guise of procedural equality. It provides a worker willing to drive, confirms the established price beforehand, and allows customers to rate the workers they prefer. This system presents a view of economic behaviour which is apparently only connected to the due diligence of the driver to work for the market price. In this sense, Uber has opposed an industry that was legitimated by a boundary classification and transitioned it to a system of within-market classification. In the new market-based, democratic, Uber and Lyft model, however, the same discriminations which excluded educated taxi drivers from other work networks still exist but are instead structured into the norms of supply and demand. If this dynamic is believed in by faith, the market veils the structural factors that determine which workers are dependent upon gig work. As Healy and Fourcade (2013) remind us, “markets see social differences very well, and thrive on them” (p. 562). Indeed, new markets and technology obviously do not affect publics equally, and it is often the case that where new tech provides hope to one population, another faces its externality: a hazard that can only come to light through effective public discourse.

## Conclusion

Uber garnered legitimacy through their ability to align themselves with Vancouver's notions of economic progress. The efficiency, objectivity, and boundary-defying facets of their app and "dynamic pricing model" were contrasted against the stagnating, self-serving and tightly regulated taxi industry. Uber's ability to fit their service with the goals of the public complimented their agreement with public demand, as the taxi industry's selfish desire to maintain their working conditions was viewed as against the better interest of the public. In the end, this resulted in support of safety regulations for Uber but not for their economic regulations – since the more legitimate economic regulations already existed, and were established by the market. This aim was complemented by the "ahistoricity" of Uber's presentation, which allowed legislators, media, and Uber to justify that the taxi regulations were not analogous to ride-hailing nor to the goals of Vancouver's future.

Like the public documents themselves, studies of public discourses run the risk of neglecting what the documents ignore. As Fourcade (2017, p. 666) insightfully points out, "the real action in the moral economy may be in the discursive and institutional silences, those areas of social life that do not need to be spelled out or fought about because they have receded into the taken-for-granted background." I have tried to account for this in my section about the exclusion of taxi drivers from the debate, but lacking primary data, I am unable to draw any conclusions about their experience during this remarkable time for their industry. Unable to conduct interviews of taxi drivers and potential Uber drivers, a key demographic of this discourse was concealed. In the future, I aim to correct this shortfall by conducting more open-ended research on taxi and Uber drivers to gather their views on this remarkable transition in their industry.

Though the legal order in Vancouver has affirmed the rhetoric of ride-hailing, the contest over their legitimacy continues to be expressed. The wake and direction of this current continues with every new Uber driver, every contest over the legitimacy of the independent contractor stipulation, and with the woeful cries of a shrinking taxi industry. Yet, like the taxi regulations themselves, the official assurance of Uber's service risks complete habituation. If the impacts of the gig economy are to continue to concern the collective conscience, the negotiation and study of its legitimation must continue. Studying the rhetoric that latently supports our social institutions and comparing it to the rituals which are manifest provides a dialogue in which we can publicly reaffirm or deny the sources of an institution's legitimacy. Through sincere scrutiny, the unidimensional image of legitimate systems can be rediscovered as manifold – potent with myths, potential harms, hopes, and long-neglected silences.

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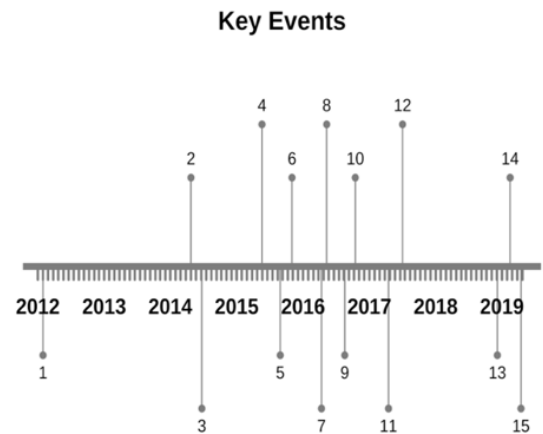
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## Appendix A

### Media Data in Chronological Order

Figures 1 and 2. Key Events Regarding Uber’s Introduction.

#	Date	Description
1	2012-04-01	Uber’s ‘soft launch’
2	2014-09-01	Rumours of Uber’s return
3	2014-11-05	Vancouver cab companies sue Uber
4	2015-10-30	Vancouver Council rejects Uber licenses
5	2016-02-16	Travis Kalanick’s TedTalk
6	2016-04-26	Green Party proposes first Uber legislation
7	2016-10-19	Vancouver council votes to delay Uber another year
8	2016-11-19	Uber launches ad campaign
9	2017-03-07	Liberals promise Uber if they win election
10	2017-05-09	NDP wins BC election
11	2017-11-23	Provincial committee created to investigate ride-hailing
12	2018-02-15	Provincial committee supports ride-hailing
13	2019-09-04	Ride-hailing legislation passes in B.C.
14	2019-11-19	Vancouver taxis take PTB to court over legislation
15	2020-01-23	Ride-hailing approved to operate in Lower Mainland



**2014**

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