CS 182: Ethics, Public Policy, and Technological Change

Rob Reich
Mehran Sahami
Jeremy Weinstein
Chloe Stowell (Head TA)
Today’s Agenda

1. Is Silicon Valley a meritocracy?
2. What can we do to bring about greater inclusion and more equality in tech?
   • Companies – DEI initiatives
   • Employees – employee activism, worker power
3. What can our public institutions do?
   • Government – quotas, worker classification
   • A new era of anti-trust
4. Individual agency and structural problems
The idea: *positions and goods are distributed in accordance with individual merit*

Recall two ways to understand equality:
- Equality of opportunity
- Equality of outcome

Meritocracy is consistent with *equality of opportunity*, opposed to *formal and arbitrary* discrimination. It is intended to lead to *inequality of outcome*.

Equality of opportunity implies a commitment to merit (in some contexts).
Meritocracy: selection on the basis of ability.

People who are selected according to merit are deserving.

Implication: those who are not selected are not deserving.

Questions: Is admission at Stanford a meritocracy?

Do you deserve your place at Stanford?
Meritocracy at Stanford?
Who is this person?
Stanford affiliates, Bay Area parents charged in college admissions bribery scandal

By Ellie Bowen, Holden Foreman and Elena Shao
March 12, 2019, 6:41 p.m.

Four Stanford affiliates, along with 11 Bay Area parents, have been charged for their participation in a national college admissions cheating scandal involving at least 50 Hollywood celebrities, prominent business leaders and college coaches — including Stanford’s head sailing coach John Vandemoer, who was fired after pleading guilty to accepting $270,000 in bribes for the sailing program on Tuesday.
Sentence to one day in prison, six months of home confinement, former sailing coach apologizes for role in admissions scandal

By Julia Ingram
June 12, 2019, 1:49 p.m.

After accepting $610,000 in bribes to reserve athletic recruitment spots for wealthy families' children, former Stanford sailing coach John Vandemoer was sentenced on Wednesday to one day in prison, six months of home confinement and three years of supervised release.

Vandemoer’s attorneys had asked for a shorter sentence, noting that their client had no criminal record, cooperated with investigators and was heading an sail program that was not involved in the admissions scandal.

But the judge concluded that Vandemoer deserved a punishment unlike the others who had accepted bribes in the scandal.

"This case involves a particularly serious case and required a particularly serious sentence," U.S. District Judge William Alsup said.

Vandemoer had pleaded guilty to one count of conspiracy to commit mail fraud and one count of obstruction of justice.

While he did not admit to any specific acts of fraud, he agreed to cooperate with federal investigators in the admissions scandal, which authorities have said was the largest college admission cheating scheme in U.S. history.

Vandemoer was sentenced to one day in prison, six months of home confinement and three years of supervised release. He will also have to pay $96,000 in restitution and is subject to three years of supervised release.

The case is one of many brought by authorities in the college admissions scandal known as Operation Varsity Blues. Vandemoer is the latest among 22 people who have pleaded guilty or been convicted in the case.

Operations such as college counseling and college prep companies helped wealthy parents navigate the college admissions process. Parents paid large sums of money to get their children into top colleges.

The college admissions scandal has led to a series of admissions frauds, including the admissions scandal at Yale University, which was recently determined to be part of the larger college admissions scandal.

Vandemoer's sentencing is the latest in a series of high-profile cases involving college admissions fraud.

The College Board, which administers the SAT, has also been involved in the scandal, with some parents paying to have their children take the test under false names.

In addition to the criminal cases, authorities have also made significant seizures of assets related to the admissions scandal. The federal government has seized more than $50 million in assets, including homes, luxury cars and cash.

The college admissions scandal has prompted a number of changes to college admissions practices. Some colleges have eliminated athletic recruiting, while others have introduced new policies to prevent fraud.

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Expelled student’s family paid $6.5 million in scandal to secure her admission to Stanford

By Charlie Curnin, Julia Ingram, Elena Shao and Holden Foreman
May 1, 2019, 1:13 p.m.

The billionaire Chinese family of former Stanford sophomore Yusi Zhao paid $6.5 million — the largest known sum in the college admissions scandal uncovered by Operation Varsity Blues — to secure her admission to Stanford.
Economic diversity and student outcomes at

Stanford University
Stanford, California

The median family income of a student from Stanford is **$167,500**, and **66%** come from the top 20 percent. About **2.2%** of students at Stanford came from a poor family but became a rich adult.

A [new study](#), based on millions of anonymous tax records, shows that some colleges are even more economically segregated than previously understood, while others are associated with income mobility.

Below, estimates of how Stanford compares with its peer schools in economic diversity and student outcomes.

**ACCESS**

What kind of students attend Stanford

<table>
<thead>
<tr>
<th></th>
<th>IN THE PAC-12</th>
<th>IN CALIFORNIA</th>
<th>AMONG IVY PLUS COLLEGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Median family income</td>
<td>$167,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average income percentile</td>
<td>80th</td>
<td></td>
<td></td>
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<tr>
<td>Share of students from top 0.1%</td>
<td>3.5%</td>
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</table>

Looking for a different college? e.g. Princeton
## ACCESS

### What kind of students attend Stanford

<table>
<thead>
<tr>
<th>Metric</th>
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<th>IN CALIFORNIA</th>
<th>AMONG IVY PLUS COLLEGES</th>
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<tr>
<td>Share of students from top 0.1%</td>
<td>3.5%</td>
<td></td>
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<tr>
<td>...from top 1%</td>
<td>17%</td>
<td></td>
<td></td>
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<tr>
<td>...from top 5%</td>
<td>39%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>...from top 10%</td>
<td>52%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>...from top 20%</td>
<td>66%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>...from bottom 20%</td>
<td>4%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
How access at Stanford has changed

Peer schools are shown in yellow

**Students from...**
**Bottom 60%**

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**Top 20%**

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**Top 10%**

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**Top 1%**

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IDEAL Dashboards

We are pleased to share the IDEAL dashboards.

Our goal in releasing this information is to be transparent about the composition of the campus community and to help us monitor our progress toward advancing diversity, equity and inclusion at Stanford.

We expect to keep improving and refining the dashboards over time. For example, we would like the data to reflect identities as people in our community experience them, including gender, intersectionality, and invisible differences. We are looking at ways to improve Stanford’s data collection practices in order to expand the way identities are represented.

The first iteration of the IDEAL dashboard was launched in 2019. The student, faculty, and staff dashboards were released in February 2021. They represent the composition of the Stanford community in much greater detail. The data are scheduled to be updated every year at the end of fall quarter.
Population Headcount Comparison

Headcounts by Sex
- Female: 3,334 (48%)
- Male: 3,553 (52%)
- Total: 6,887

Headcounts by Race/Ethnicity Groups
- Undergraduate Students:
  - American Indian/Alaska Native: 498 (7%)
  - Black/African American: 1,096 (16%)
  - Hispanic/Latino: 1,261 (18%)
  - Asian: 2,716 (39%)
  - White: 654 (9%)
  - Two or more, not Hispanic/Latino: 493 (7%)
  - Unknown/Decline to state: 654 (9%)

Population Headcount Comparison

Headcounts by Sex
- Female: 3,867 (49%)
- Male: 3,778 (51%)
- Total: 7,645

Headcounts by Race/Ethnicity Groups
- Undergraduate Students:
  - American Indian/Alaska Native: 547 (7%)
  - Black/African American: 1,339 (18%)
  - Hispanic/Latino: 1,917 (25%)
  - Asian: 2,139 (28%)
  - White: 778 (10%)
  - Two or more, not Hispanic/Latino: 818 (11%)
  - Unknown/Decline to state: 778 (10%)
“Is Silicon Valley a meritocracy, and if so, why do mostly men prevail?”

“If meritocracy exists anywhere on earth, it is in Silicon Valley.”

Source: New York Times, Jodi Kantor’s public Facebook post
Is This A Meritocracy?

- 95% of leaders at Google are White or Asian
- 73% of leaders are men
- 2.6% of leaders are Black, 3.7% Latinx

Source: Google 2020 Diversity Report, AllRaise Data
“Silicon Valley’s obsession with meritocracy is delusional ... Unless someone wants to posit that intelligence is not evenly distributed across genders and race, there has to be some systemic explanation for what these numbers look like.”

Dr. Freada Kapor Klein
“Take Stanford. Because Stanford is filled with students with top high-school GPAs and SAT scores, administrators can pat themselves on the back and say, ‘We only admit the best students. We’re a meritocracy.’ The students are encouraged to think similarly. But is it just a coincidence that the median annual family income of a Stanford student is $167,500 while the national median is roughly one-third that? Did those high-achieving students naturally get high SAT scores, or did they benefit from their parents’ paying for tutors and sending them to private schools? Privilege accumulates as you advance in life.”

Emily Chang, *Brotopia: Breaking Up the Boys’ Club of Silicon Valley*
THE TYRANNY OF MERIT
WHAT’S BECOME OF THE COMMON GOOD?
MICHAEL J. SANDEL
Concern About Meritocracy

College admission is not the only occasion for arguments about merit. Debates about who deserves what abound in contemporary politics. On the surface, these debates are about fairness: Does everyone have a truly equal opportunity to compete for desirable goods and social positions?

But our disagreements about merit are not only about fairness. They are also about how we define success and failure, winning and losing – and about the attitudes the winners should hold toward those less successful than themselves. These are highly charged questions, and we try to avoid them until they force themselves upon us.

Finding our way beyond the polarized politics of our time requires a reckoning with merit. How has the meaning of merit been recast in recent decades, in ways that erode the dignity of work and leave many people feeling that elites look down on them? Are the winners of globalization justified in the belief that they have earned and therefore deserve their success, or is this a matter of meritocratic hubris?

At a time when anger against elites has brought democracy to the brink, the question of merit takes on a special urgency. We need to ask whether the solution to our fractious politics is to live more faithfully by the principle of merit, or to seek a common good beyond the sorting and the striving.
ARE STANFORD STUDENTS JUST EXCELLENT SHEEP?

WILLIAM DERESIEWICZ
author of the forthcoming Excellent Sheep

in conversation with ROB REICH
Faculty Director, Program in Ethics in Society

WED., APRIL 16, 5:00-6:30PM
Cemex Auditorium

McCoy Family Center for Ethics in Society
What Kind of Equality?

We covered two dimensions of equality:
- equality of status (the equal dignity and moral equality of all humans)
- distributive equality: equal outcome and equality of opportunity

Hypothesis:

Equality of opportunity is in tension with equality of status.

Why? Equality of opportunity leads to meritocracy, which produces deserving winners and losers in society, and that undermines the dignity of the losers.
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4. Individual agency and structural problems
In recent years, many of the big tech companies have committed to transparency, publishing diversity reports each year to hold themselves accountable.

We saw some numbers last week. Let’s dig a little deeper.
The Results are Not Good

Racial distribution of tech employees relative to US population

Source: https://www.beamjobs.com/diversity/racial-diversity-in-tech
Data represents 35 tech companies (reports from 2017-2020)
Slow to Change

Few Gains for Blacks and Latinx in Big Tech
Percentage of tech workers by race and ethnicity in 2014 and the most recent report.

<table>
<thead>
<tr>
<th></th>
<th>White</th>
<th>Asian</th>
<th>Latinx</th>
<th>Black</th>
<th>Native</th>
<th>Mixed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apple 2014</td>
<td>54%</td>
<td></td>
<td>23%</td>
<td></td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>Apple 2018</td>
<td>49%</td>
<td></td>
<td>35%</td>
<td></td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>Facebook 2014</td>
<td>53%</td>
<td></td>
<td>41%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facebook 2019</td>
<td>48%</td>
<td></td>
<td>52%</td>
<td></td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Google 2014</td>
<td>68%</td>
<td></td>
<td>34%</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Google 2019</td>
<td>48%</td>
<td></td>
<td>43%</td>
<td></td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Microsoft 2014</td>
<td>57%</td>
<td></td>
<td>35%</td>
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<td></td>
<td>4</td>
</tr>
<tr>
<td>Microsoft 2018</td>
<td>51%</td>
<td></td>
<td>39%</td>
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<td>5</td>
</tr>
</tbody>
</table>

The Share of Women in Tech Jobs Has Grown
Percentage of men and women in tech jobs in 2014 and the most recent report.

<table>
<thead>
<tr>
<th></th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apple 2014</td>
<td>88%</td>
<td>28%</td>
</tr>
<tr>
<td>Apple 2019</td>
<td>77%</td>
<td>23%</td>
</tr>
<tr>
<td>Facebook 2014</td>
<td>86%</td>
<td>15%</td>
</tr>
<tr>
<td>Facebook 2019</td>
<td>77%</td>
<td>23%</td>
</tr>
<tr>
<td>Google 2014</td>
<td>83%</td>
<td>17%</td>
</tr>
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<td>77%</td>
<td>23%</td>
</tr>
<tr>
<td>Microsoft 2014</td>
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<td>17%</td>
</tr>
<tr>
<td>Microsoft 2019</td>
<td>88%</td>
<td>20%</td>
</tr>
</tbody>
</table>

Source: WIRED, company data
Disparities Extend into Leadership

Comparison between the racial composition of employees at tech companies relative to the racial composition of leadership at those companies.

Data from 33 US based tech companies for US employees (2). The diagonal line represents a 1:1 relationship between the % of leaders in a company that are a given race relative to the overall % of employees of that race at a company.

Source: https://www.beamjobs.com/diversity/racial-diversity-in-tech
Data represents 33 tech companies (reports from 2017-2020)
An Alternative Representation

Comparison between the total racial composition of leadership at tech companies divided by the total racial composition of employees at those companies

Data represents 16 tech companies (reports from 2017-2020)

Source: https://www.beamjobs.com/diversity/racial-diversity-in-tech
Reminder: Leaky Pipeline

- Need to address DEI at many stages of the process:
  - CS education
  - Hiring
  - Retention
  - Advancement into leadership

More on this: leakytechpipeline.com
Code.org® believes that every student in every school should have the opportunity to learn computer science. Together with a generous community of institutional, corporate, and individual supporters, we are able to increase access to computer science education globally.

Diamond Supporters ($10,000,000+ contribution)
What Else Can Companies Do?

According to the Tech Leavers Study, there are three ways for companies to address unfairness in the workplace:

- Implement Comprehensive D&I Strategies
- Create Inclusive Cultures
- Develop Effective and Fair Management Processes

Key findings:

- Unfairness drives turnover
  - 37% indicated unfair treatment was a major factor in decision to leave
- Experiences differ dramatically across groups
- Unfairness cost billions each year
  - Based on percentage of tech employees leaving due to unfairness, unfairness will cost tech companies $16B per year in replacement costs
- DEI initiative can improve culture and reduce turnover
  - 62% of all employees would have stayed if their company had taken steps to create a more positive and respectful work environment
A Comprehensive D&I Strategy

1. Having a Diversity and Inclusion director
2. Setting explicit diversity goals
3. Paying bonuses for employee referrals of candidates from underrepresented backgrounds
4. Conducting unconscious bias training
5. Establishing Employee Resource Groups (ERGs)

With all 5 of these in place:

- Overall experiences of unfairness and mistreatment were significantly lower
- Sexual harassment, bullying, stereotyping were significantly lower
- Having all 5 initiatives implemented provided a larger reduction in unfair experiences than any single initiative alone
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A Surge of Organizing and Activism

New coalitions are forming

Worker power in the tech industry

Guided by our vision for an inclusive & equitable tech industry, TWC organizes to build worker power through rank & file self-organization and education.
Worker Power

part 2. THE ATTACK ON WORKER POWER

1950's 1 in 3 is unionized

1 in 10 is unionized TODAY

EMPLOYEES

TEMPS
SUBCONTRACTORS
GIG WORKERS

Source: KQED “The Attack on Worker Power,” illustration by Giselle Chow
Two-Tiered Workforce
Tech company workforces have been made up in large part by **contract workers** with fewer protections, lower wages, harsher working conditions, and less comprehensive benefits

- In 2019, Google had 121,000 temporary, vendor and contract workers (TVCs) globally, 102,000 full-time employees
- Santa Clara County study: while African Americans and Latinos make up only 7% of full-time employees, they account for 26% of white-collar contractors and 56% of blue-collar contractors

“We’re right there looking through the glass at people having this sort of wondrous experience, given loads and loads of perks and benefits. But we don’t get any of it, even though we’re effectively doing the same work” – Google contract worker

“On February 18th, 2020, Kickstarter employees voted to form a union, becoming the first major tech company in the United States to do so. We took this step in order to invest deeply in our collective future at the company we love, to create a workplace that is safer and more equitable for all, and to support organizing efforts across the tech industry and the many creative communities our work touches.”
“Alphabet Workers Union (AWU), also informally referred to as the Google Union, is a trade union of workers employed at Alphabet Inc., Google's parent company, with a membership of over 800, in a company with 130,000 employees.”

Source: https://en.wikipedia.org/wiki/Alphabet_Workers_Union
Hostility to Organized Labor

“Remaining nonunion is essential for survival for most of our companies. If we had the work rules of union companies, we’d all go out of business. This is a very high priority for management here. **We have to retain flexibility** in operating our companies. The great hope for our nation is to avoid those deep, deep divisions between workers and management which can paralyze action.” – Robert Noyce, co-founder of Intel

“There may have been a time and a place for unions, but not sure I see it anymore.” – Marc Andreessen, co-founder of Netscape and GP of Andreessen Horowitz

Source: “Silicon Valley’s Anti-Unionism, Now With a Side of Class Warfare” by Kevin Roose (2013)
Amazon warehouse workers in Alabama file to hold unionization vote

Amazon launches its own anti-union campaign and website

AMAZON UNION NOW!

When workers come together to form a union, they win dignity and respect at work. We, the worker-driven organizing committee at Amazon in Bessemer, Alabama are fighting for just that. Together we can win a real seat at the table with Amazon, make our working conditions safer, fight for needed benefits and ensure good jobs in our community.

Are you interested in joining our BAmazon Union?

HEY BHM1 DOERS, why pay almost $500 in dues? We’ve got you covered* with high wages, health care, vision, and dental benefits, as well as a safety committee and an appeals process. There's so much MORE you can do for your career and your family without paying dues.

* Applies to regular full-time employees.
“The Retail, Wholesale and Department Store Union sought to represent the workers at the Amazon fulfillment center in a vote-by-mail election that took place over several weeks. The union challenged the election results shortly after votes were counted, claiming Amazon had illegally interfered with the election process.

After the National Labor Relations Board held hearings at its Region 10 headquarters in Atlanta, the hearing officer recommended in August that the election should be redone from scratch.”

A new vote is planned. Counting should begin by March 28.

Source: Laura Hautala, “Amazon illegally interfered with failed union vote, federal official says,” CNet Tech, Nov. 29, 2021
Google Walkout

- Google paid $90 million exit package to Andy Rubin after investigations into sexual misconduct in 2018
- 20,000 employees walked out
- Produced a list of demands about the company’s handling of sexual harassment
Discussion

Do you believe you can change companies from the inside? Why or why not?
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What Should Government Do?

117th Congress is the most diverse in US history with 23% of seats held by people of racial or ethnic minorities, 27% held by women.
Quotas for Representation

80 countries have a gender quota on government roles (either around reserved seats or share of candidates)

Belgium – when the quota was introduced, requiring equal numbers of women and men on the ballot, 16% of seats in parliament were held by women, today more than 40%
Global Spread of Quotas

Countries with gender quotas

Type of quota
- Legislated
- Political party
- Local government
- None
- No data

Source: IDEA/IPU
Beyond Gender Quotas
80 countries have a gender quota on government roles (either around reserved seats or share of candidates)

Belgium – when the quota was introduced, requiring equal numbers of women and men on the ballot, 16% of seats in parliament were held by women, today more than 40%

Many European countries have a gender quota on executive board positions and some have tried to pass them for management positions in large companies

A more efficient way to meet representation goals?
Among large-cap companies, California ranks low in board gender diversity

Percentage of companies with at least two women on the board at top 20 states based on number of headquartered companies.

*Market Capitalization greater than $1 billion*

Source: ISS Analytics.
Two Rationales

1. An *intrinsic value* of gender equality and representation

2. An *instrumental value* if gender diversity improves company performance

The most recent meta-analyses of studies on this topic (Post and Byron 2015; Pletzer et al 2015) suggest there is no robust, systematic evidence that gender diversity improves firm performance. Why not?

• The women who get appointed to boards don’t really differ in values, experience, knowledge
• The women may not speak up or may lack influence
• The market may not reward these companies (if investors perceive male-dominated boards as more competent)
California’s AB 979 requires that by the end of 2021 California-headquartered public companies have at least one director on their boards who is from an underrepresented community, defined as “an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native, or who self-identifies as gay, lesbian, bisexual, or transgender.” This followed a prior law that established gender quotas.

### Requirements by the end of 2022

<table>
<thead>
<tr>
<th>Number of Directors on Board</th>
<th>Minimum # of Directors from Underrepresented Communities</th>
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<tbody>
<tr>
<td>Nine or more</td>
<td>Three</td>
</tr>
<tr>
<td>Five to Eight</td>
<td>Two</td>
</tr>
<tr>
<td>Four or fewer</td>
<td>One</td>
</tr>
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Breakout Discussion

Should the US government set quotas for representation in leadership roles in the private sector? Why or why not?

Should the quotas be set for the slate of considered candidates or the final seats/positions that will be filled?
Who Are Gig Workers?

Hispanic, Black and Asian Americans are more likely than White Americans to have ever earned money doing any online gig platform work

% of U.S. adults who have ever earned money by doing any gig platform work

<table>
<thead>
<tr>
<th>Group</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>U.S. adults</td>
<td>16</td>
</tr>
<tr>
<td>White</td>
<td>12</td>
</tr>
<tr>
<td>Black</td>
<td>20</td>
</tr>
<tr>
<td>Hispanic</td>
<td>30</td>
</tr>
<tr>
<td>Asian*</td>
<td>19</td>
</tr>
</tbody>
</table>

*Asian adults were interviewed in English only.

Note: White, Black and Asian adults include those who report being only one race and are not Hispanic. Hispanics are of any race.

How Much Are They Working?

Among current or recent gig platform workers, about three-in-ten say it’s been their main job over past year; majorities rely on this income to meet basic needs

Among gig platform workers who have earned money in the past 12 months on these online platforms, % who say the following

OVER THE PAST TWELVE MONTHS ...

This type of work has generally been their ...

- Main job: 31
- Side job: 68
- DK/Ref: 1

They have spent __ doing these jobs in a typical week, including the time they spent waiting for assignments

- Less than 10 hours: 41
- 10-30 hours: 29
- More than 30 hours: 8
- They don’t do these jobs most weeks: 23
What COVID Did to Gig Workers

The Impact of COVID-19 on California Gig Workers

The UCLA Labor Center worked with the Service Employees International Union – United Healthcare Workers West to conduct 302 surveys of gig workers in companies such as Uber and Instacart. Take a look at the major findings of this study.

- 8/10 gig workers could not cover their household expenses with their current pay
- 3/4 felt their companies were doing little to nothing to protect them
- 1/2 did not receive PPE from their companies, and 95% claimed they would not be reimbursed for purchasing PPE
- 3/4 said gig work was their primary source of income
- 1/2 said they had to stop working because of the COVID-19 pandemic
- 7/10 said the COVID-19 pandemic led to reduced hours

## The Plight of Gig Workers

### Comparison of workplace legal protections for employees and for independent contractors in the United States

<table>
<thead>
<tr>
<th>Labor standard</th>
<th>Employee</th>
<th>Independent contractor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum wage</td>
<td>✓</td>
<td>X</td>
</tr>
<tr>
<td>Overtime pay</td>
<td>✓</td>
<td>X</td>
</tr>
<tr>
<td>Unemployment insurance</td>
<td>✓</td>
<td>X</td>
</tr>
<tr>
<td>Workers’ compensation</td>
<td>✓</td>
<td>X</td>
</tr>
<tr>
<td>Paid sick days</td>
<td>✓</td>
<td>X</td>
</tr>
<tr>
<td>Paid family leave</td>
<td>✓</td>
<td>X</td>
</tr>
<tr>
<td>Health and safety protections</td>
<td>✓</td>
<td>X</td>
</tr>
<tr>
<td>Right to a union</td>
<td>✓</td>
<td>X</td>
</tr>
<tr>
<td>Discrimination and sexual harassment protections</td>
<td>✓</td>
<td>X</td>
</tr>
</tbody>
</table>

**Source:** EPI analysis of federal and state laws. Employees receive these protections in places where they are statutorily prescribed.

Economic Policy Institute
Pass Laws to Protect Workers

In 2019, Gonzalez introduced and passed AB5 to reclassify many gig workers as employees rather than independent contractors.

11 months later: Became a ballot measure, Prop 22.

Tech companies spent >$200mn on “Yes on 22” campaign, most ever in state history.

“I come from a perspective of conflict is good ... You actually get change out of conflict. A polite society ensures the status quo.”
**Proposition Passes**

**California Proposition 22 Election Results: Define App-Based Drivers as Contractors**

Calif. Statewide Results

App-based drivers, such as for Uber or Lyft, would be considered independent contractors, not employees, overriding a 2019 assembly bill on the matter.

<table>
<thead>
<tr>
<th>Answer</th>
<th>Votes</th>
<th>Pct.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>7,212,842</td>
<td>58.5%</td>
</tr>
<tr>
<td>No</td>
<td>5,121,711</td>
<td>41.5%</td>
</tr>
<tr>
<td>Total reported</td>
<td>12,334,553</td>
<td></td>
</tr>
</tbody>
</table>
Break Up Big Tech

How Americans feel about Big Tech

<table>
<thead>
<tr>
<th>Survey</th>
<th>Overall</th>
<th>Democrat</th>
<th>Republican</th>
</tr>
</thead>
<tbody>
<tr>
<td>Think Big Tech's economic power is a problem facing the US economy</td>
<td>65%</td>
<td>59%</td>
<td>70%</td>
</tr>
<tr>
<td>Support breaking up Big Tech</td>
<td>59%</td>
<td>55%</td>
<td>61%</td>
</tr>
<tr>
<td>Approve of Twitter’s decision to suspend President Trump’s account</td>
<td>55%</td>
<td>87%</td>
<td>28%</td>
</tr>
</tbody>
</table>

Source: Vox and Data for Progress
Reimagining Anti-trust

- Anti-trust enforcers have been unsure how to handle the platforms since enforcement is predicated on ensuring that consumers pay a fair price and these companies give their products away for free.

- Better to understand them as platforms or utilities: they provide a core, infrastructural service on which other firms, individuals, and social groups depend.

- A platform exercises power by determining who and under what conditions buyers and sellers can engage – this is particularly troubling when a platform achieves dominance.
Three Models of Regulation

1. Require common carriage/equal access to address gatekeeper power (e.g. railroads, “net neutrality”, public utility)
2. Introduce a “separations regime” to prevent dominant platforms from leveraging their platform in other business lines (e.g. Amazon selling apparel)
3. Tackle accumulation of power/concentration by preventing mergers/acquisitions or breaking up major companies

Note also: Prior discussion of regulation of information exploitation (e.g. GDPR) is also a tool for constraining platform power
Today’s Agenda

1. Is Silicon Valley a meritocracy?
2. What can we do to bring about greater inclusion and more equality in tech?
   • Companies – DEI initiatives
   • Employees – employee activism, worker power
3. What can our public institutions do?
   • Government – quotas, worker classification
   • A new era of anti-trust
4. Individual agency and structural problems
Individual Action: Getting the Data

Where are the numbers?

Tracy Chou  Oct 11, 2013  •  4 min read

“The actual numbers I’ve seen and experienced in industry are far lower than anybody is willing to admit. This means nobody is having honest conversations about the issue.”
Individual Action: Blowing the Whistle

She’s 26, and Brought Down Uber’s C.E.O. What’s Next?

In her first interview since the essay that started a wave of sexual-harassment revelations, Susan Fowler tells her life story and looks to the future.
Individual Action: Stepping Aside

“I've resigned as a member of the reddit board, I have urged them to fill my seat with a black candidate, + I will use future gains on my Reddit stock to serve the black community, chiefly to curb racial hate, and I’m starting with a pledge of $1M to @kaepeick7’s @yourrightscamp”

“I believe resignation can actually be an act of leadership from people in power right now. To everyone fighting to fix our broken nation: do not stop.”