

Bringing Justice to San Francisco's Taxi Workers

Summary of Application:

- (A) **Applicant:** Veena Dubal
- (B) **Project Title:** *Bringing Justice to San Francisco's Taxi Workers*
- (C) **Description of Applicant:**
REDACTED

Description of Host Organization - Asian Law Caucus:

The Asian Law Caucus (ALC) has an impressive history of advocating on behalf of low-income Asian American and Pacific Islander communities through creative, sustainable projects that create long-lasting change. Supported by the employment and immigration legal expertise of the ALC, its connections to non-Asian community groups, its language resources, and its existing clinics, I will conduct this work by extending the ALC's traditional base of immigrants to include ethnically diverse taxi drivers, a community that the ALC has not made a prior focus. In drawing upon the expertise of the ALC, I will create a sustainable campaign by addressing and remediating otherwise unmet legal needs of the local taxi workers.

(D) **Summary of Problem:**

Often described as a "sweatshop on wheels," the taxi industry provides some of the most low-paying, dangerous, and economically unstable jobs in the country. In San Francisco, drivers are largely immigrant, and due to their status as "independent contractors," most make far less than minimum wage. Meager pay combined with long, odd hours, poor working conditions, and employer exploitation make cab drivers an increasingly vulnerable and yet underserved community.

(E) **Overall Objectives:**

Through my fellowship, I will address and remediate the labor conditions of San Francisco cab drivers by focusing on two major issues: (1) workplace safety/exploitation and (2) fair wages. Through an innovative combination of legal advocacy and community organizing, the project will provide legal education to taxi workers, empower them to actively struggle for their rights, and support sustainable worker organizing campaigns through policy advocacy and litigation.

(F) **Steps to Address Problems:**

My project will focus on challenging workplace safety/exploitation and unfair wages. Using my language skills and working with community groups, I will conduct outreach and provide know your rights trainings by going to where drivers congregate.

I will set up legal clinics with volunteer attorneys to provide legal services in areas such as workers' compensation, wage complaints, & workplace safety issues. I will also create a CD about drivers' employment rights that can be listened to while driving.

In addition, I will leverage impact litigation to challenge systematic barriers that prevent drivers from earning a living wage. Specifically, I plan to challenge their status as "independent contractors" because this inaccurate label strips them of numerous workplace protections. I will also engage in policy advocacy before the Board of Supervisors and the Taxi Commission to rally city officials behind the movement to convert drivers from independent contractors to employees with basic benefits.

- (G) **Amount Requested: \$37,500** – This amount is consistent with the salary the ALC provides other starting public interest fellows.

Description of Project – Bringing Justice to San Francisco’s Taxi Workers:

(A) Need/Problem Addressed

“Van” is hospitalized with pneumonia from sleeping in his taxi, unable to afford rent on driving wages. “Inder” discovers he has driven long hours for 1 year yet owes his company more than he has earned; in desperation, he ends his own life. We live in an era of the sweatshop reborn.

Most of the nearly 7000 drivers in San Francisco (SF) are immigrants who work full time and make less than one half the median income of the city. In the 1970s, in a cost-saving measure, taxicab companies unilaterally converted their drivers from employees with good pay to independent contractors who suffer from low pay and no benefits. Most drivers do not have the income to meet their families’ basic needs. With long hours, no benefits, high workplace hazards, and the shift to leasing, taxi driving is now an “immigrant job,” the occupation with the third highest concentration of immigrants nationwide. Drivers get no sick leave, vacation, or health insurance. While, according to OSHA, taxi driving is the most dangerous occupation in the country, few drivers seek workers’ compensation for injuries suffered on the job.

Although they cannot unionize because of their independent contractor status, drivers are treated as de facto employees by companies, and endure serious, unlawful abuses. The companies lease taxis to the drivers in complicated hierarchical arrangements and force them to pay exorbitant repair bills in violation of their contracts, take percentages of voucher reimbursements that belong to drivers, illegally fail to insure cabs, and provide drivers with cabs that are battered, lack air conditioning and heating, and belch smog. Despite all of this, companies are rarely held accountable for their actions.

SF’s taxi workers are largely unsupported by any legal or community organizing groups. While the United Taxi Workers functions as a lobbying group to protect the drivers, they operate in a limited capacity without legal expertise or support from the majority of drivers, particularly immigrant drivers. In addition to poor pay, lack of benefits, and harassment, most cab drivers do not know what legal rights they have or how to exercise them. As immigrants, they often risk being fired or deported if they report abuses. SF’s mostly immigrant, low-wage taxi workforce desperately needs a viable resource for legal assistance.

My project will collaborate with legal and other service providers to build an enduring model of community action and change. In demanding justice for taxi workers and their families, I will leverage the experience of the United Taxi Workers (UTW), non-legal community-based organizations, and the Employment Law Center (ELC).

The UTW has already been a tremendous help in identifying issues, building relationships with the drivers, and giving me a history of organizing in the industry. They have facilitated my meetings with drivers and with the Taxi Commission and will continue to be an important liaison for this project.

In addition to using the resources available at my host organization, I will leverage the expertise of the Employment Law Center (ELC) for guidance and assistance on proposed impact litigation regarding wage issues and benefits. The ELC has enthusiastically offered support for collaboration on this project. The ELC has previously brought an important case on behalf of taxi workers, but has not identified the industry as a priority.

In advocating on behalf of multi-ethnic immigrants, I will also benefit from collaboration with non-legal identity groups such as the Association of South Asians Taking Action, the African Immigrant Resource Center, and the Arab Resource Organizing Center. These grassroots organizations will facilitate my connection to drivers from specific communities whose interests might otherwise be overlooked in organizing efforts.

Finally, my project will greatly benefit from the knowledge of activists and advocates in New York City and Los Angeles, including attorneys at the Caucus-affiliated Asian Pacific American Legal Center in Los Angeles, who have initiated similar, successful campaigns in their local taxi communities. In bringing together the experience of these individuals and the expertise of the ALC, UTW, ELC, and local identity groups, I am ready to represent and empower taxi workers.

(B) Project Goals and Impact:

The central purpose of my project is to improve working conditions of SF taxi drivers by meeting the legal needs of a service industry that is grossly underserved. As the nation's oldest legal and civil rights

organization serving Asian Pacific Islander communities, the Asian Law Caucus (ALC) has advocated on behalf of low-income immigrants for decades. Building upon this experience, I will promote and advance the SF taxi drivers' legal and civil rights through a 3-pronged model:

- (1) Community education and organizing
- (2) Policy advocacy
- (3) Legal referrals and litigation.

The project will also inspire leadership among drivers, empowering them to realize their legal rights and to share this knowledge in the community.

Taxi drivers are mobile, and their workplace is public and amenable to organizing. Unlike other vulnerable workers, drivers are not isolated from one another; they commonly interact while awaiting customers. The 3-pronged model above builds upon successful taxi organization and legal outreach in NYC and LA, and implements new strategies, such as the creation of an organizing tool and the cultivation of leadership within the driver community, to ensure a long-term impact. In keeping with the ALC's philosophy of implementing sustainable projects with long-term impact on low-income communities, my work will initiate a lasting campaign for a living wage and workers' rights.

(C) Proposed Action Steps and Timeline:

A. 1-3 Months

1. Conduct surveys & interviews to determine high-priority needs of drivers.
2. Being identifying & recruiting leaders within the taxi workforce to be organizers (with help from the UTW) by conducting outreach outside airport, hotels, & other places where drivers congregate.
3. Conduct Know Your Rights (KYR) workshops on employment & immigration-related rights in English & other languages.

B. 4-7 Months

1. Continue A(2-3).
2. Set up legal clinics with volunteer attorneys to provide legal services in areas such as workers'

compensation, wage complaints & workplace safety issues.

3. Advance impact litigation to promote employee over independent contractor status for purposes of workplace protections.
4. Apply for funding to continue project after fellowship.

C. 8-12 Months

1. Testify before state administrative agencies regarding workplace health & safety & violence in taxi industry.
2. Advocate for policy reform before Taxi Commission & SF Board of Supervisors on independent contractor issue.
3. Produce a KYR organizing tool for drivers entering the industry that is informed by the experience of the past year, such as a CD they can listen to while driving. The tool will educate them on legal rights & the advantage of becoming an organized workforce.
4. Continue B(1-3).
5. Conduct one year project evaluation.

Description of Applicant:

Overview:

My legal, language, cultural, and interpersonal skills will assist me in successfully carrying out this project and creating sustainable, meaningful change. Having worked in a public defender's office, a private law firm, and a host of community organizations, I have concrete lawyering and advocacy skills. As a grassroots activist conducting Know Your Rights work in working class South Asian communities and mobilizing immigrants around pressing issues, I have learned the art of collective organizing. Additionally, my knowledge of Hindi/Urdu, Gujarati, and Spanish gives me access to workers who are underrepresented.

Statement:

Looking away to hide his grief, Kirpal, a taxi driver, spoke to me in a low, broken voice. "I fled to Germany after the Delhi riots. They burned our home and everyone inside – while police watched. Everything was lost. Everything." Hesitant to elicit more horrific memories of this anti-minority violence in India, I let there be a dark silence. Long, sad minutes passed as we sat in the airport taxi waiting area. While he waited desperately for business, I caught glimpses of his extraordinary struggles from the past — and present.

I spent a lot of time at the San Jose airport that summer before applying to law school. After 9/11 my family's and my own vulnerability as immigrants perceived as the "Other" became strikingly apparent to me as my brother was assaulted on the street and my parents were driven out of their home by repeated threats and mailbox bombs. In the face of hostility, why did my family move instead of fighting back? Why did they suffer in silence? With a strong sense for justice, I sought, first, to understand the violence. I set out to record "our" stories, by documenting the lives of an exceptionally visible and vulnerable immigrant community – South Asian taxi drivers.

Armed with Know Your Rights pamphlets and determination, I approached cabbies while they awaited work, and told them that I wanted to hear their experiences since 9/11. I braced myself for dramatic stories of fending off hate mongers, and indeed, I heard many of those. But much more eye-opening were

the stories that I did not ask to hear: stories about the violence of poverty. Suffering from decreased travel post-9/11, illegal limo businesses, and company abuses, drivers could not make ends meet. Since many, like Kirpal, had fled political violence, they harbored defenseless relationships with law and authority and hesitated to seek legal help for problems that prevented them from earning a living.

It was the lives of these men that inspired me to pursue a JD/PhD. With my JD, I wanted to be empowered to protect myself, those that I loved, and people like Kirpal, and with my PhD, I sought to inform my legal work, to understand how the violence of poverty and migration become interrelated when third world workers are let down by their own legal systems and flee to the US looking for means to survive. I wanted to think critically about how the experiences of these workers, like my own immigrant family, make them feel powerless to use the law to realize their rights.

As I near the end of my training, I am equipped with the skills of a lawyer, the passion of an activist, and the knowledge of an academic to transform the stories of low wage immigrant workers from despair and hopelessness to enablement and progress. Having witnessed, through research and activism in India and California, how disempowered individuals can succeed in retaining their rights through legal advocacy when given the means and the opportunity, I have learned how law can be transformed from an instrument of oppression into a tool for social progress.

Supplemental Information

- A. **Description of Organization** – Please see attached letter of support from Asian Law Caucus.
- B. **List of People Involved** – Please see P10.
- C. **Applicant's Resume** – Please see P11.
- D. **Letter of Support** – Please find this letter attached separately.
- E. **Two Letters of Recommendation** – both letters will be sent from the recommenders via email. The first is from Professor Purnima Mankekar, and the second is from Professor Catherine Albiston.
- F. **Overall Budget** –

Salary:

The salary will be based upon the funding received from Berkeley Law Fellowship. Other recent first-year attorneys at the Asian Law Caucus on public interest fellowships have started at a salary of \$37,500 or more, in accordance with the fellowship amount provided.

Benefits:

Veena will be eligible for standard benefits consistent with what the Caucus provides its attorneys, including health, vision, and dental coverage. Three weeks vacation is also standard.

Training:

The Caucus will support external training opportunities for Veena (estimated \$500).

Travel:

The Caucus will cover travel expenses for the project (estimated \$500).

Court filing fees:

The Caucus will cover legal filing costs (estimated \$1,000).

Miscellaneous Program Expenses:

Other standard expenses, including office overhead (phone, copies), will be covered by the Caucus (estimated \$1,000).

(G) **Other Funding**

Funding for this project to cover benefits, training, and program expenses will come from general support for the Asian Law Caucus from law firm donors and individual contributors, as well as from two foundations that currently support the Caucus' existing work on workplace health and safety challenges affecting low-wage immigrants. *In the past, the Caucus has solicited and secured foundation funding to continue projects initiated by public interest fellows.*

Organizations and Individuals Involved:

- (1) **Shirin Sinnar, ALC Staff Attorney** – Ms. Sinnar will supervise Veena on this project. Ms. Sinnar has three years of experience advocating and litigating workers' rights issues, particularly employment discrimination. For six years, she has conducted community education on legal rights, including the rights of workers. As a former public interest fellow, she is also well-positioned to supervise a fellow in initiating a project and accomplishing the project's goals on a one year timeline. Ms. Sinnar will meet with Veena twice a week to brainstorm about outreach strategy and trainings, discuss cases, and help identify systemic issues that emerge. She will mentor Veena to help her develop her skills as a lawyer (client work, legal research, persuasive writing, and administrative and legislative advocacy). Finally, Ms. Sinnar and others at the Caucus will help Veena establish and strengthen connections with local community-based and government agencies that are key to her project.
- (2) **Gen Fujioka, ALC Program Manager** – For the past 18 years at ALC, Mr. Fujioka has served both as a front line staff attorney in the housing and community development project and as assistant managing and managing attorney. He has supervised other attorneys at ALC for the past 12 years and will provide supervision and consultation on this project.
- (3) **Laura Ho and Eumi Lee** – Serving on the Board of Directors of the Asian Law Caucus, both long-time employment attorneys will provide technical assistance and guidance. Ms. Ho, a former Caucus attorney, is a partner at leading employee-side firm Goldstein, Demchak, Baller, Borgen & Dardarian. Ms. Lee is a clinical professor and attorney at the Civil Justice Clinic at University of California, Hastings College of the Law.
- (4) **Asian Law Caucus Staff** – The Caucus has a current staff of 17, including six attorneys who specialize in immigration, civil rights, employment, housing and community development, and juvenile justice. The staff also includes five community advocates who assist attorneys in spearheading outreach and education efforts, communicating with clients, and assisting with casework.
- (5) **Julie Su** – Ms. Su is the Litigation Director of the Asian Pacific American Legal Center (APALC) in Los Angeles. APALC, an affiliated organization with the Asian Law Caucus, has played a significant role in organizing the Los Angeles Taxi Workers Alliance and in exploring potential litigation around taxi workers' rights in Los Angeles. I will consult with Ms. Su and APALC regarding impact litigation on taxi workers' rights.
- (6) **United Taxi Workers** – United Taxi Workers functions as a lobbying group to protect the drivers. The UTW has helped to connect Veena with drivers and introduce her to problems and existing efforts within the community.
- (7) **Employment Law Center** – The ELC has enthusiastically offered support for collaboration on this project. Veena will benefit from her consultation with the ELC and will give drivers legal referrals through the organization.
- (8) **Non-legal Community organizations** – This project will benefit from collaboration with non-legal identity groups such as the Association of South Asians Taking Action, the African Immigrant Resource Center, and the Arab Resource Organizing Center. These grassroots organizations will facilitate connection to drivers from a variety of immigrant communities.