Twitter Thread by Cory Doctorow #BLM

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@doctorow

I spend a lot of time looking in detail at abusive situations where tech plays a starring role: stalkerware, bossware, remote proctoring, etc. But nothing I'd read really prepared me for the tale of @arisevsinc, an abuser without parallel.

https://t.co/olExnSwEcW

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Arise sells itself as a "virtual call center" and boasts of blue-chip clients like Disney, Carnival Cruises, Comcast, Airbnb, Intuit etc. If you've ever called one of these companies, you may have spoken to an Arise worker.

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But that "worker" was not an employee. Arise is a pioneer in worker misclassification, and treats all the people who work for it as "independent contractors." So even though these workers are more tightly supervised and managed than any regular employee, they have no rights.

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You have to pay Arise for the privilege of working for them. Not just buying your own computer, but also paying to be trained in how to pretend to be an employee of Disney or Airbnb and Arise's other customers.

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Execs at these giant corps listen in on your calls while they are in progress or after the fact - and if they detect so much as a squeak from a child, or a noisy neighbor, they can terminate your contract and you lose the money and unpaid labor you spent on training.

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Likewise, you can be summarily fired for hanging up on - or mildly chastising - a caller, even in the face of sexual harassment, racist abuse, or threats of violence. Being fired means losing your training "investment."

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The company will not assign a regular working schedule: rather, you are assigned 30-minute shifts, scattered through the day. Turning down a shift can mean losing access to future shifts.

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Why would anyone work for this shitty, shitty company? Put simply: it's a pyramid scheme that preys on women, especially Black women. The company deceives the workers it recruits, then rewards them for roping their friends into the job.

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These workers are the most precarious, desperate part of the US labor force, and Arise brutalizes them by remote control. Workers talk about the terror that they'll lose thousands of dollars and their income if their children cry or laugh too loud.

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The whole family goes into lockdown like Anne Frank in the attic as soon as Mom dials into her terrible job. They have to sit in silence while Mom smiles through calls where she can receive death and rape threats, racist abuse, and sexual harassment.

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And here's the kicker: if this all gets too much for Mom and she quits her job, SHE HAS TO PAY ARISE AN "EARLY TERMINATION" PENALTY. This is the kind of thing that happens under worker misclassification: you have to pay to get a job, and you have to pay to quit it.

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Now, Arise are pioneers in worker misclassification and their abuse stretches all the way back to the Obama administration. They were dirty from the start. In 2008, the US Department of Labor launched an in-depth investigation into rampant wage-theft at Arise.

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The investigation took two years and involved interviews with at least 56 workers. It concluded that Arise had stolen $14.2 million from its workers, and that it owed double that in damages to be paid to those same workers.

But Arise didn't pay a cent.

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What nefarious legal trick did Arise use to avoid $28.4m in liability? How did it wriggle free of the Department of Labor's airtight case?

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Well, it's like this. When Arise's lawyers met with the DoL's lawyers in 2010, they "politely disagreed" with the DoL's conclusions, so the DoL walked away from the case.

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In yet another landmark piece of reporting, @propublica's @bykenarmstrong, @JustinElliott and @Ariana_Tobin document how the DoL lawyers dutifully noted that Arise disputed the report and would not be changing its labor practices and then washed their hands of the matter.

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They even have an official notation for when this happens: they mark the file as "RTP/RTC," which stands for "Refused to pay, refused to comply." In the years that followed, top Obama DoL officials narrowed the complaint from $14m to $40k.

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Why did the DoL do this? According to DoL insiders quoted in the Propublica article, the DoL won't take on cases with big firms that can afford to drag out the proceedings and tie up department resources.

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The circular reasoning goes: we need our lawyers and investigators to protect workers. But if we discover a bunch of workers in harm's way, we can't afford to protect them, because then we won't have those resources to protect workers.

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The DoL was a known problem in 2010. The GAO had already identified its inability to fulfil its mission, and they tested the Department with 10 fictitious complaints to see how they'd be handled. Only half of those were even entered into the DoL's database.

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DoL intake staff tried to convince people who filed complaints to drop them, told them that the DoL had no power, lied about what they were doing to address the issue, and failed to investigate a claim of child labor in a meat-packing plant.

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In the years since Obama's DoL walked away from Arise, its misclassifed workforce has grown from 20,000 to 70,000.

The factors that allowed it to flip off the DoL in 2010 are far stronger today, and the company has more than tripled the number of workers it has ensnared.

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Worker misclassification didn't start with Uber, or even with Arise. It really began in the poultry industry, which is why labor economists call it "chickenization." The US has only three monopolist chicken processors.

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These monopolists have carved up the country so that chicken farmers only have one company that can process their chickens and get them to market. That company calls farmers independent contractors, even as it treats them like employees with no labor rights.

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A chicken farmer gets their chicks from the packer, which owns them, tells the farmer what to feed them and when, which meds and vets can be used on 'em, when the lights go on and when they go off.

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Packers design the chicken coops and then order the farmers to borrow the money to build them. Farmers sign nondisclosure agreements so they can't complain, and arbitration agreements so they can't sue.

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Packers tell the farmers what they must and must not do, but there's one thing they NEVER tell farmers: how much they'll be paid. It's only when chickens are sent to market that packers declare a price for them, just enough to service farmers' debt, but not to get ahead.

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Of all US occupations, "farmer" is presents one of the highest risks of dying on the job. But their leading cause of death isn't falling into a threshing machine: it's suicide. And chicken farmers lead farmers in these deaths of despair.

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Arise has chickenized a 70,000 person workforce of call-center workers whose homes are rent-free office space for a wildly profitable company that serves other wildly profitable companies. Most of those workers are women, and most of the women are Black women.

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Biden faces an immediate, urgent test of his willingness to tackle worker misclassification. One of Trump's last-minute regulations was a rollback that protected workers from being misclassified as contractors. The Biden admin could reverse that regulation.

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Then there's the matter of what he does with his DoL, which has shed 25% of its investigators over the past decade, even as labor abuses have skyrocketed.

The Biden admin's actions here will speak far louder than any soaring inaugural rhetoric.

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If Biden cares about gender justice, racial justice, inequality, fairness and corruption, he will immediately reverse the Trump rollback and massively staff up the DoL's investigative division.

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