PORTABLE BENEFITS: BUILDING PROTECTION AND POWER IN THE NEW NON-STANDARD SAFETY NET

By

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ABSTRACT OF THE DISSERTATION


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Workers today are Uber drivers, Task Rabbiters, domestic workers, and freelance consultants, with work arrangements as varied as the jobs themselves. Considered “non-standard,” these workers exist outside of traditional W2 relationships between employer and employee, leaving them without the protective benefit structure that a company typically provides (Kalleberg and Marsden 2015; Kalleberg 2018). One proposed solution to this is ‘portable benefits’ – i.e. benefits that are tied to the worker instead of the company, allowing a benefit structure to follow workers wherever their work brings them. In this dissertation, I examine the heterogenous group of actors and organizations that, while having disparate interests and orientations, have all coalesced around a portable benefits solution. This group includes policy actors looking to regulate non-standard work, worker-power and advocacy groups aiming to make non-standard work more secure, private employers of non-standard workers who want to enshrine the non-standard employment relationship, and for-profit benefit providers who see a business opportunity in the growing ranks of non-standard workers. Specifically, I undertake a qualitative exploration of this large and complicated portable benefits ‘field’ (Fligstein and McAdam 2011, 2012; DiMaggio and Powell 1983), drawing on in-depth interviews with heads of organizations designing portable benefit solutions,
advocacy workers responsible for their implementation on the ground, think tank and
thought leaders in the space, and observation of government boards tasked with
recommending them and events held by organizations modeling them. Outside of the
portable benefits field, groups that advocate for workers tend to wield typically less
power, as in financial resources, political sway, and sheer membership size, than the
private employers they often oppose. Yet, I find that in the portable benefits field, non-
profits, advocacy groups, unions, and worker-led cooperatives have found ways to
leverage the existence of the large, for-profit “tech” companies within the field to garner
greater power for their own causes, both within and outside of the field. In rallying
behind a solution that private employers also sanctioned, these worker-centered
organizations knowingly and strategically joined these employers, and I look to the
implications of these strategies for these organizations’ larger goals. Each chapter takes
on a distinct element of these field dynamics. Chapter 1 provides context, laying out the
organizational actors and models. Chapter 2 explores how organizations are embedding
worker-centric values in their model design, using four mechanisms that I call (1)
communal enrichment (2) reclaiming technology, (3) redistribution, and (4) revenue
safeguards. Chapter 3 identifies two distinct frames that organizations use to describe
non-standard work: (1) the independent frame, which sees non-standard workers
heralding in a new, fluid style of work that is defined by flexibility and freedom; and (2)
the standard frame, which suggests that this work is just standard employment by another
name, the lack of recognition of which keeps non-standard workers in positions of
precarity and vulnerability. Chapter 4 looks to understand how goals for building worker
power brought actors to share the common field space, while the adoption of tech-
company practices around innovation, iteration, experimentation, and ‘minimum viable products’ helped non-profit, worker-centered organizations reap greater success within the field. Finally, Chapter 5 examines the effect of the COVID-19 crisis on the work of the portable benefits field, employing the pandemic as a heuristic in understanding the impact of the field’s work. Though these chapters tackle discrete parts of the portable benefits field, my final argument is about the field structure itself: I assert that the heterogeneity of the actors within the same field did not mean that the powerful outmaneuvered the less powerful. Instead, in joining the field, these worker-power organizations collaborated with employers and often emulated them, mimicking their profit-based forms, technological aggregation systems, narratives around non-standard work, and practices around innovation. This dual approach of collaboration and emulation has yielded some forms of success for worker-power groups, who have enjoyed an influx of large and unrestricted grants from philanthropic partners and, in some cases, private capital. It has also resulted in one of the only successful portable benefits policy mandates to date in Philadelphia. These strategies also have implications for power outside the field: if creating portable benefit models allows these organizations to bring large groups of non-standard workers together in collective, reciprocally beneficial, non-collective bargaining-based structures, then it could become a source of worker power, i.e. the power that workers have vis-à-vis employers to set the standards and terms by which they work, far outside of just portable benefits. Though this remains to be seen, this set of worker-centered organizations seem well poised to capitalize on these successes in the future.
“... a true vocation calls us out beyond ourselves; breaks our heart in the process and then humbles, simplifies and enlightens us about the hidden, core nature of the work that enticed us in the first place” – David Whyte, 2014

The process of writing this dissertation has been an exercise in finding a true vocation for me – it has broken my heart many times over the last three years, humbled me more than once, and brought me back round, enlightened, to my original inspiration in wanting to be a sociologist. Nothing in my life has been harder – or more rewarding – than this has been. And, the process of finding this vocation was only possible with the immense support of so many, who stood steadfastly by while I twisted and turned along this PhD path.

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Chapter 1. Portable Benefits: Establishing the Field

Due to the acceleration of the Industrial Revolution and following the Great Depression and World War II, employment dynamics were commonly engineered to retain workers for long periods, oftentimes for the span of an entire career. Pensions (and other perks) were used as incentives for employees to stay working for, and ultimately retire with, a company. For decades, it was common, almost standard, to see individuals sell their skills, time and attention to a single employer for 20-30+ years. Loyalty was perceived to be of the utmost mutual value. Workers in these generations who were impacted by a societal scarcity mindset highly valued safety and security; corporations were happy to oblige. The organizing framework that has supported this social contract between employer and employee has been left relatively unchanged since the early 1900s.


Introduction

Addressing the gathered chambers for his 2016 State of the Union Address, President Barack Obama asserted that “Basic benefits should be just as mobile as everything else is today.” With an eye towards the changing nature of work in the 21st century, Obama was suggesting that the prototypical model of benefit structures – i.e. those offered by a company for their employees during their tenure – no longer suffice when workers are increasingly unmoored from any company structure. Workers today are Uber drivers, Task Rabbiteres, home health care aides, domestic workers, and freelance consultants, with work arrangements as varied as the jobs themselves. Considered “non-standard,” these workers exist outside of traditional W2 relationships between employer and employee (Kalleberg and Marsden 2015). Without this direct employment relationship, they are not only precluded from the shelter of most labor laws, but they are also ineligible for many benefits typically offered by a company, including paid sick and
safe time, workers’ compensation, pension and retirement plans, and health insurance. These workers are also unable to draw on certain government-provided protections that require employers to pay in on their behalf, like unemployment insurance or worker displacement assistance. This means that a vast and growing portion of Americans – recent estimates size this group as one in ten workers\(^1\) – are left without access to the basic security that this patchwork of labor protections, company-sponsored benefits, and safety net insurance can provide.\(^2\) This absence of attainable benefits is particularly damaging when some of the jobs that fall within this category are low-paid to begin with, thereby widening the chasm in the growing inequality between ‘good’ jobs and ‘bad’ jobs (Kalleberg, Reskin, and Hudson 2000; Kalleberg 2018: 113). Yet, unlike many other thorny issues of inequality, the problem itself suggests a solution – if workers no longer need to be housed in companies, then benefits need not be either. As Obama suggested, there is the potential to create “portable benefits,” i.e. benefits that are tied to the employee instead of the employer, so that a benefit structure can follow workers wherever their work brings them.

The “portable benefits” idea seems to have taken its clearest public form first a year before Obama’s speech, in a digital manifesto published on Medium in November of 2015. Under a moniker by the same name, Portable Benefits released a blog-style entry entitled “Common ground for independent workers: Principles for delivering a stable and flexible safety net for all types of work.” This post was the result of a convening of 40

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2 “Benefits” typically refers to employer-based benefits, while “safety net” refers to government-sponsored support programs and protections – taken together, they are seen as “the social contract.” See: “New Democrat Coalition Economic Opportunity Agenda: A Future that Works: Creating a 21st Century Social Contract,” pg. 2. However, colloquially, these benefits and protections are often called “the safety net” (and referred to as such by most of my interview subjects) – it is this colloquial version that I employ in the title of my project and use throughout the dissertation.
delegates who met to discuss the concept of portable benefits, with representatives from the interesting mix of business, labor, non-profits, and government that has coalesced around the concept of portable benefits. The signers of this manifesto (see Appendix 1 for a full list) committed to five key tenets, arguing that any portable benefit solution or model should be: (1) *independent*: any worker should be able to access a certain basic set of protections as an individual regardless of where they source income opportunities; (2) *flexible and pro-rated*: people are pulling together income from a variety of sources, so any vehicle should support contributions that can be pro-rated by units of money earned, jobs done, or time worked, covering new ways of micro-working across different employers or platforms; (3) *portable*: a person should be able to take benefits and protections with them in and out of various work scenarios; (4) *universal*: all workers should have access to a basic set of benefits regardless of employment status; and (5) *supportive of innovation*: businesses should be empowered to explore and pilot safety net options regardless of the worker classification they utilize (Auguste et al. 2015). Each of these principles was designed to solve current issues with providing benefits for non-standard workers. For example, since many of these workers labor across multiple work arrangements, any amount in benefits contributed by any one employer might not be enough to attain meaningful protections – as a result, portable benefits must be *flexible and pro-rated*. Similarly, the coupling of benefits with company structures today means that employees lose their benefits when their employment relationships end, but for workers who engage in many contracted short-term relationships with companies (i.e. freelancers), this would mean losing their benefits every time a project closes; this justifies the need for benefits to be *portable*. Finally, calling for benefits to be
independent, universal, and supportive of innovation speaks to worker classification, so that workers need not be classified as W2 in order to gain access to their benefits.

While this convening and the principles it established represented the starting point of the public discourse on portable benefits, the idea has moved far beyond manifesto and, in many cases, into concrete reality. Through this initial network of actors, it has coursed through think tank circuits, the media, and policy circles, changing and evolving as it has spread. Following both this meeting and Obama’s State of the Union declaration, there has been a budding policy movement, with activity at the federal, state, and local level (Reder, Steward, and Foster 2019), though policy success has been realized only at the local level to date. At the federal level, in May of 2017, two bills – known collectively as the Portable Benefits for Independent Workers Pilot Program Act – were brought to Congress by Senator Mark Warner (D-VA) and Representative Suzan DelBene (D-WA). The act would establish a $20 million fund for the Department of Labor to administer grants to state and local governments or non-profits to create portable benefit pilot programs. A state senator from Massachusetts, Eric Lesser (D-Longmeadow) introduced an almost identical bill to his state congress in January of 2019, which would establish a ‘portable benefits for independent workers innovation fund’ (SD1100). While these bills to fund pilot programs have not passed, in July of 2018, Seattle passed the Seattle Domestic Workers Ordinance, which not only guaranteed core labor standards for domestic workers, but also established a Domestic Workers Standards Board that began convening in June of 2019. Among this board’s mandates was the consideration of portable benefits that would grant access for domestic workers to a whole host of benefits, like paid sick leave, paid family leave, paid time off for
bereavement, vacation time, retirement savings, health care, workers’ compensation and temporary disability insurance. A year later, Philadelphia passed a Domestic Workers Bill of Rights in October of 2019 that created a comparable board tasked with initiating a portable benefits system for domestic workers. Most notably, in Philadelphia’s bill, the creation of portable benefits is a mandate, not a suggestion, but the city is still working on implementing this provision. At the state level, a number of bills that mandate portable benefits have been proposed, but none have passed. On February 15th, 2017 Washington State Representatives Jessyn Farrell (D) and Derek Stanford (D) introduced HB 2109, which called for the establishment of “portable, prorated, universal benefits for workers of the gig economy.” It required companies that offer services to consumers to set up a portable benefit structure for their workers taxed under 1099 status, contributing either 25 percent of the fee collected from a consumer per transaction, or $6 for every hour a worker provided services to fund these benefits. These benefits would have to include worker’s compensation at a minimum, with other benefits (like health insurance, paid time off, and retirement) determined by benefit providers after soliciting input from workers. On March 20th, 2017, Senator Troy Singleton (D) introduced a comparable bill to the New Jersey State Senate, setting the same contribution rates. Georgia followed suit a year later, when Senator Elena Parent (D) from Atlanta introduced SB 475, a mirror of the other states’ bills. Since then, Washington State has seen different iterations of the original bill (HB 2821 in 2018, HB 1601 in 2019), but these bills and that of New Jersey and Georgia have yet to pass.

While the majority of these policies have been stalled or stymied by the legislative process, a handful of non-profit and for-profit organizations have begun to
develop and implement portable benefit model solutions. For example, the National Domestic Workers Alliance have piloted Alia, an online platform intended to deliver paid time off and group life and accident insurance to domestic workers. The Black Car Fund has long given access to worker’s compensation for drivers in New York City, and their more recent partnership with the Worker’s Benefit Fund is amplifying access to other benefits, including telehealth, vision insurance, and dental insurance. Trupo is a private benefit solution that targets freelancers to provide dental, accident, liability, and short-term disability insurance, while iPSE-US targets independent workers more broadly to offer benefits through an association model. Opolis is leveraging a cooperative structure to provide a wide range of portable benefits, including health, dental, and vision insurance, paid time off, retirement, and long- and short-term disability, while the private platform Catch offers worker-funded portable benefits a-la-carte, like health insurance, paid time off, retirement, and family leave. Stride is a for-profit platform that offers access to health insurance via government exchanges, distilling these public options and aiming to match the worker with the best form of coverage. Icon is a similar platform, but it works solely with retirement benefits. Finally, IndyHub is a yet-to-be-launched model that will provide worker-selected benefits, but importantly, these benefits will be funded by the companies who employ these workers, not the workers themselves.

This flurry of activity, both in terms of political and organizational response (non-profit and for-profit alike), is not happening in isolation. There is a group of highly influential – and also highly heterogenous – actors vying for a stake in portable benefits policy and design. Spanning the think tank and policy circuits, the labor and alt-labor
movement, large profit-driven “tech” companies, and innovative non-profits, these actors have disparate interests and orientations, yet still seem to be aligning behind the concept of portable benefits. In this way, they share a common social space and are increasingly orienting their actions toward one another, thereby constituting a newly emergent ‘field’ (Martin 2003; Fliinstein and McAdam 2011, 2012; DiMaggio and Powell 1983; Bourdieu 1990; Bourdieu and Wacquant 1992). An emergent field is a “social space where rules do not yet exist, but where actors, by virtue of emerging, dependent interests, are being forced increasingly to take one another into account in their actions” (Fliinstein and McAdam 2011: 11). This description befits the portable benefits field: it is a social space in which actors are united in their support for the creation of a portable benefit solution, but in disagreement over what that solution should look like, leaving the ultimate organization of the field “up for grabs.” And, the “crescive social process,” or social-movement like wave of action that germinates the field (Fliinstein and McAdam 2011), captures the dynamic developing around portable benefits policy, with calls for portable benefits growing as this group of influential actors continues to reframe the issues that non-standard workers face around their proposed solution. This process of field formation is often the result of an exogenous change, typically occurring in nearby fields (Fliinstein and McAdam 2011, 2012). In the case of portable benefits, this exogenous change is the shift in employment arrangements, from standard employment

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3 Harnett (2020) argues that it is problematic to refer to these companies (e.g., Uber, Lyft, DoorDash) as “tech platforms” because this labelling has enabled them to claim to be merely “technology” that connects consumers with service providers (workers), instead of employers. He argues that this practice — which began in tech journalism but has since proliferated — helps justify a labor-exploitative business model (more on this in Chapter 3). However, whether or not these companies are employers is one of the core debates in the portable benefits field, and I aim to remain neutral in that debate. As such, I put quotation marks around the word “tech” specifically in the context of employers within the portable benefits field (but not to refer to technology companies outside of it). I also use Harnett’s preferred term — app-based service delivery employers / workers, but do not do so uniformly.
relationships to non-standard ones, like independent contractors, temporary workers, and involuntary part-time workers (Kalleberg 2018; Weil 2014). Here one could consider both the 2008 Recession and the influx of app-based service delivery companies to be exogenous shocks – external events that sped up the shift in employment relations that had already begun (Wallace and Kwak 2017), making the issue of providing benefits for these workers all the more crucial. Field theory also tends to emphasize the formative role of influential actors within the field in instituting change, alternatively called “institutional entrepreneurs” (DiMaggio 1988, 1991; see Garud, Hardy, and Maguire 2007 for a review) or “skilled social actors” (Fligstein and McAdam 2011, 2012; Kluttz and Fligstein 2016). These actors are defined by their “social skill,” or “the cognitive capacity for reading people and environments, framing lines of action, and mobilizing people in the service of broader conceptions of the world and of themselves” (Kluttz and Fligstein 2016: 194). The various players within the portable benefits field are paradigmatic skilled social actors, who leverage their considerable social skills in the service of building their models (Chapter 2), framing their targets (Chapter 3), garnering power to scale what they have built (Chapter 4), and leveraging the moment of the pandemic to push forward significant legislative and organizational change (Chapter 5).

Drawing on in-depth interviews with heads of organizations designing portable benefit solutions, advocacy workers responsible for their implementation on the ground, think tank and thought leaders in the space, as well as observation of government boards tasked with recommending them and events held by organizations modeling them, I undertake a qualitative exploration of the portable benefits field. Conceptualizing the work around portable benefits as a field allowed me to see the way these organizations
were acting in concert and in relation to one another – without this framework, I might not have been able to recognize the patterns that revealed themselves during fieldwork.

The organizational field lens also provided a number of useful theoretical concepts, like frames (Benford and Snow 2000; Polletta and Ho 2006), skilled social actors (Fligstein and McAdam 2011, 2012; Kluttz and Fligstein 2016), and high-status emulation practices (Sauder, Lyn, and Podolny 2012; DiMaggio and Powell 1983; Strang and Macy 2001), that further helped me make sense of these patterns. This analytical structure also enabled me to make methodological decisions around who to interview and observe, setting parameters around what constitutes the portable benefits case. While field theory provides the backdrop from which I understand what is happening between this set of social actors and organizations, it is not the central theoretical question that motivates this project. My initial impetus for studying portable benefits was practical – inspired by Prasad’s (2018) call for problem-solving sociology, I hoped to use my research to solve a thorny social problem: how to design and implement benefits for non-standard workers. By studying portable benefit models and their implementation, as well as the shifting policy proposals and initial policy implementation, I aimed to provide a detailed policy recommendation on what a portable benefit policy solution should look like. Yet, in examining this question, the story that emerged was far more nuanced and complicated. Outside of the portable benefits field, groups that advocate for workers tend to wield typically less power, as in financial resources, political sway, and sheer membership size, than the private employers they often oppose. Yet, in the portable benefits field, non-profits, advocacy groups, unions, and worker-led cooperatives have found ways to leverage the existence of the large, for-profit “tech” companies within the field to garner
greater power for their own causes, both within and outside of the field. These actors were well aware that supporting a solution that private employers also supported – i.e. creating a unified field with these high-status companies – would give portable benefits the legitimacy, publicity, and political popularity that it would need to become a reality. But, as my project will show, they did not stop there – these worker-led organizations capitalized on this rare alignment, often co-opting the material and cultural resources of the field to their advantage. At times, this meant collaborating with these same employers (e.g., jointly rallying behind portable benefits), at other times borrowing their practices (e.g., adopting high status “tech” approaches to innovation) and still in others assuming their narratives around independent work but using it to build greater support for their own models. These organizations also sought to build sustainable, revenue-generating models that functioned as profit-centered businesses, i.e. taking on the very form of these private employers, while turning these profits into mechanisms to benefit the workers they served. They also took cues from these “tech” platform employers who were using technological systems to aggregate non-standard workers, but insisted that they use their portable benefit models to aggregate workers in the service of empowering them, not exploiting them. And, as said, by collaborating on this shared solution that employers sanctioned, these worker-centered organizations could enjoy the legitimacy and popularity of employers’ support, while still leveraging that same solution to build their movements and new worker power models. In this way, these worker-centered groups relied on dual mechanisms of (1) collaboration with these employers and (2) emulation of employers’ practices to succeed within the field. The measure of this success has been primarily financial: there has been an influx of funding for worker-centered portable
benefits models and their organizations, both from large and unrestricted grants from philanthropic partners and, in some cases, private capital. It has also resulted in the only successful portable benefits mandate to date for NDWA and Alia, with the potential for the organization to contract with the municipality to provide benefits (and possibly other municipalities, like Seattle, to follow). While these practices yielded success in terms of funding and (partly) political sway within the field, they also have implications for power outside the field: if portable benefits allows these organizations to bring large groups of non-standard workers together in collective, reciprocally beneficial, non-collective bargaining-based structures, then it could become a source of worker power, i.e. the power that workers have vis-à-vis employers to set the standards and terms by which they work, far outside of just portable benefits. Though it remains to be seen if the visibility of these organizations within the field and their strategies around portable benefits might also yield this kind of success in terms of increasing their membership bases and growing worker power, this set of worker-centered organizations seem well poised to capitalize on this in the future. In the end, my analysis yielded a picture of an unlikely group of social actors who have come to define a new organizational space that, while organized around a portable benefit solution, might be a harbinger of a new paradigm to come. In this case, the heterogeneity of the actors within the same field did not mean that the powerful outmaneuvered the less powerful. Instead, it is a story of how groups with less resources, political clout, and size can leverage the power and practices of those they typically stand against, creating a field in which the links between these organizations do not diminish their power, but rather catalyze it.
Non-Standard Work & The Role of Platform Employment

Defining and Sizing Non-Standard Work

Non-standard work is an umbrella term, which social scientists use to refer to a wide variety of employment arrangements that typically encompass temporary work, contract work, independent contractors, self-employed (i.e. without employees), irregular and casual employment, informal economy work, short-term work, and part-time work (Kalleberg 2018: 73). These types of work arrangements are defined as “non-standard” in relation to a modal ‘standard employment relationship’ (SER), which is characterized by “the exchange of work for monetary compensation; performance of work on a pre-set schedule at the employer’s place of business and under the employer’s control and direction; and jobs having well-defined boundaries and descriptions” (Kalleberg 2018: 75). This standard employment relationship has been the normative – though importantly, not necessarily dominant – arrangement between employer and employee in the US since the post-World War II period (Kalleberg 2018), though it has steadily declined over the past two decades (Stone 2012). While the SER might be in decline, it is particularly significant with respect to portable benefits because standard employment relationships were “the normative foundation of the framework within which labor law, collective bargaining, social security systems, and other features of welfare regimes developed in many industrial countries” (Kalleberg 2018: 75). In other words, it is against the assumption of a “standard” employment relationship that laws around who should be covered by our country’s benefit systems, who is allowed to join a union, and who is eligible for a suite of workforce protections were determined. Non-standard work tends to depart from the standard employment relationship in that the reciprocal expectations and
obligations that link employers and employees become more tenuous, to varying degrees (Kalleberg and Marsden 2015). In fact, for the self-employed and independent contractors, the employer-employee distinction is collapsed entirely (Kalleberg and Marsden 2015). For the purposes of my project, I further delimit non-standard work arrangements to refer specifically to these workers – those considered independent contractors. It is these workers who file their taxes using Form 1099, and it is this tax designation that is most relevant to benefits:

Though just one of several alternative worker-firm arrangements, the 1099 workforce of freelancers and gig economy workers is a particularly important part of the broader alternative workforce. Working with a firm as a self-employed contractor instead of an employee has significant implications for how tax and labor laws apply. Unlike traditional employees, self-employed independent contractors do not receive benefits associated with employment: they do not receive employer-sponsored health insurance, are not covered by the minimum wage or other protections of the Fair Labor Standards Act, are not part of states’ unemployment insurance systems, and are on their own when it comes to training, retirement savings, and tax planning. (Collins et al. 2019: 2-3)

Because of its implications for benefit eligibility, it is also this tax designation that tends to characterize the types of workers that the portable benefits field is arranged around. The only exception to this is domestic workers, who are recognized under law as employees if the household employing them “can control not only the work they do, but also how they do it” (irs.gov). While this would cover the vast majority of domestic workers, domestic workers are often misclassified by employers as independent contractors, or not recognized with any formal tax status at all, i.e. paid “under the table” (Kashen 2019) As such, I include them under the heading of non-standard workers, though they typically do not show up in official counts at all.

With the ambiguity inherent to the term “non-standard” work, estimates of its prevalence have been harder to pinpoint outside of just domestic workers, particularly
since survey instruments have used different descriptions of the various work arrangements that fall within the category (Katz and Krueger 2019). However, narrowing the focus to independent contractors, or the 1099 workforce, allows greater precision. According to Katz and Krueger (2019), independent contractors are the largest portion of overall non-standard work arrangements (8.4 percent of the total workforce in 2015), making up about half of all those in alternative work arrangements.4 It is also this slice of the larger non-standard worker pie that is verifiably growing: the share of the workforce with income from alternative, non-employee work arrangements (the 1099 workforce) has grown by 1.9 percentage points of the workforce from 2000 to 2016 (Collins et al. 2019). Significantly, more than half of this increase occurred most recently (2013 to 2016) and is fueled almost entirely by the growth in work that is mediated through online labor platforms (Collins et al. 2019). While the overall percentage of these kind of online-mediated “gig” workers remains small (0.5 percent of total workforce in 2015, per Katz and Krueger 2019), they are nonetheless growing – and many believe that they are poised to become the dominant form of labor relation in the future (Huws et al. 2018; Kenney and Zysman 2016; Scholz 2016). As such, they take up a lion’s share of the debate around non-standard work more generally and portable benefits specifically. All in all, while the implications for a portable benefits solution go beyond the bounds of the 1099 workforce, it is these workers (including domestic workers) that are the focus of much of the field’s work, both in terms of model design and policy proposals, so I set my analytical focus on them.

4 Katz and Krueger (2019) find that 15.8 percent of the total workforce is engaged in “alternative work arrangements,” which includes independent contractors, on-call workers, temporary help agency workers, workers provided by contract firms, and workers provided by contract firms (single jobholders).
Understanding Platform Employment

While it is still a relatively small share of work even within the context of non-standard work, work that is mediated through online labor platforms is at the forefront of the national conversation around portable benefits. This is not only because of our media’s obsession with “tech” companies (Harnett 2020), but also because these labor platforms are the most vocal supporters of portable benefits – and the most vocal opponents of attempts to reclassify workers as standard W2 ones. The majority of private employers who are involved in the portable benefits field are app-based service delivery companies, which can be usefully categorized into three types that are present within the field: delivery/home task platforms, transportation platforms and online freelance platforms (Aldrich and Ruef 2006). It is important to put these employers in context and disentangle in what ways they are and are not similar to traditional, standard employment. A number of scholars studying platforms have applied various typologies to investigate this, all of which tend to emphasize that there are crucial differences within the broad category of platform-mediated labor. For example, Kalleberg and Dunn (2016), in an effort to understand if these are “good” or “bad” jobs, suggest cross-classifying this type of labor along two axes: (1) the amount of control workers have over their jobs and (2) their wages. Using these qualifiers, Kalleberg and Dunn place transportation platforms and delivery/home task platforms (which make up the majority of employers in the portable benefits field) in the ‘high wages / low worker control’ category, asserting that workers are “are highly managed on set metrics . . . The platform dictates pay and wage rates, and there is a low level of transparency in how work is allocated” (2016: 74).

Schor and co-authors (2020) also classify the quality of platform-mediated work, but find
that in addition to the differences between platforms themselves, there is also significant heterogeneity within the same types of platform work and even on the same platforms – a product of workers’ prior labor market positions and, consequently, orientation to the platform work. They find that the extent to which workers are dependent on platform income to pay basic expenses versus working for supplemental income is responsible for how satisfied workers are with platform work and how much it could be considered “good” work. Similar to Kalleberg and Dunn’s measure of control, they find that if workers are entirely dependent on the platform as their primary source of income, then they have less autonomy over their work, lower wages, and significantly higher precarity. This is contrast to workers who are picking up supplemental income on these platforms, which allows them to control when they work and how they work, holding out for higher rates during busier times (i.e. driving only in rush hour) or for more specialized tasks (i.e. on Handy or TaskRabbit). All of this results in greater work satisfaction, an increased sense of independence, genuine flexibility in the work, and higher wages overall. Again, this disparity is found among workers working on the same platform, so that there is considerable variability in the quality of work for Uber drivers who drive full time versus those who drive part-time for supplemental income (the conditions of the former being significantly worse than the latter). Finally, Vallas and Schor (2020) look to understand platform work not from the perspective of the worker, but rather the conception of platforms themselves within the academic literature (and broader cultural conversation). Here they find that platforms are conceived alternatively as: (1) entrepreneurial incubators, (2) digital cages, (3) accelerants of precarity, and (4) chameleons adapting to their environments. They argue that platforms actually fall within a fifth category – that
of ‘permissive potentates’ that “externalize responsibility and control over economic transactions while still exercising concentrated power” (Vallas and Schor 2020: 273). While digital software allows control over workers to be “radically distributed,” power – and specifically, the power of the platforms – remains centralized. It is this “open employment relation” that allows for the platform’s genuine claim of flexibility, while typically retaining the power to exploit workers:

We argue that platforms govern economic transactions not by expanding their control over participants but by relinquishing important dimensions of control and delegating them to [the consumers and the workers] – hence the term permissive. The platform firm retains authority over important functions – the allocation of tasks, collection of data, pricing of services, and of course collection of revenues – but it cedes control over others, such as the specification of work methods, control over work schedules, and the labor of performance evaluation . . . The extraction of value rests on a new structural form in which platforms remain powerful even as they cede control over aspects of the labor process. Furthermore, they can also take the form of permissive predators when they use their power to exploit their labor forces . . . (Vallas and Schor 2020: 282).

As Schor et al. (2020) show, it is clear that the material reality of this work is complicated: while workers have control and platforms have power, workers who are less dependent on platforms have more control and can genuinely enjoy the autonomy that platforms allow, while those who are dependent secure little of the independence that platforms advertise. By reducing the barriers to entry for employment, platforms actually create the conditions for this heterogeneity in work experiences, which not only creates disparate worker motivation for platform participation, i.e. primary vs. supplemental income (Schor et al. 2020), but also “potentially in their willingness to demand improved conditions of employment and support for regulatory interventions” (Vallas and Schor 2020: 283). All of this makes for a complicated terrain of platform-mediated non-standard work – a terrain upon which private platform-employers, portable benefit
model-makers, and policymakers themselves must tread. It is also these realities that help to shape the narratives that the field uses to speak about this kind of work (Chapter 3), as well as complicates the policy work and power levers within the field itself (Chapter 4). Before I provide a synopsis of all of these chapters, I will give an overview of field theory with respect to my case, followed by brief descriptions of all of the portable benefits models and organizations for a birds-eye context to the field and its work.

**The Portable Benefits Field: Field Theory**

Field theory has three key strands: the Bourdieusian (Bourdieu 1990; Bourdieu and Wacquant 1992), the Neo-Institutional (DiMaggio and Powell 1983), and most recently, the Strategic Action Field perspective (Fligstein and McAdam 2011, 2012). Since field theory examines “the relational determinants of social action at the intermediate level of society,” it posits the source of meaningful social action at the site of the field, or the “meso-level domain characterized by its own architecture and a shared orientation among its members” (Barman 2016: 446, 442). More specifically, fields are “social orders made up of individual and collective actors in discernible social positions and centered around mutually recognized resources, issues, and/or goals” (Kluttz and Fligstein 2016: 202). Fields are thus social spaces upon which actors are united around some kind of common purpose and orient their actions towards one another, even if in opposition (Martin 2003). The vantage point of the field allows for an understanding of the interaction between micro-level processes, like individual action, with more macro-level structural considerations, like the architecture of the field itself and the broader

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5 See Emirbayer and Johnson 2008 for a discussion of the application of Bourdieu’s theory to organizational fields.
ecology in which the field exists (Kluttz and Fligstein 2016). The way into this multi-level understanding is by focusing analytical inquiry not only on the actions of these actors, but also on the structural positions they inhabit within the field and the relationships between these positions. Within this framework, actors can be both individuals and organizations (Fligstein and McAdam 2011, Kluttz and Fligstein 2016), and fields include all those actors that are aware of sharing the field space (Emirbayer and Johnson 2008), i.e. they need not occupy the same industry. The portable benefits field is particularly heterogeneous in its collection of actors and organizations, yet united in the binding principle behind these actors’ relationships: they share a common purpose in trying to further portable benefits. It is also defined by the work of individual, skilled social actors and how they relate to one another, but this action is taking place at the meso-level, in the form of organizations, government bodies, and political institutions. In order for a field like this to develop, these skilled social actors must “translate existing rules and resources into the production of local orders by convincing their supporters to cooperate and finding means of accommodation with other groups” (Fligstein and McAdam 2011: 11). This is epitomized by the portable benefits convening, in which a diverse set of actors came together to advocate for portable benefits as the solution for the lack of benefits for non-standard workers. Some of these actors (particularly those who represent workers) could have advocated for amending laws around benefits eligibility to include non-standard workers or for reclassifying 1099 workers as W2 in order to guarantee eligibility. Yet they saw an opportunity in portable benefits (more on this in Chapter 4), and instead joined other thought leaders, as well as the organizations that employ non-standard workers, to propose portable benefits as the primary solution. States
also play a generative role in field formation, in that they “aid in the creation of new social space as intended and unintended consequences of state actions” (Fligstein and McAdam 2011: 13). In the case of portable benefits, the state played a crucial role in motivating the portable benefits field: not only has the state adjudicated on benefits for workers since the New Deal (which I take up in Chapter 2), but more recently, policy has been proposed but remained largely unpassed at each level of the government. In this vacuum of formal government intervention, the portable benefits field flourished, with organizational actors vying to create models and employers of non-standard workers joining the effort. In fact, employers of non-standard workers have joined the field in response to both potential and realized policy around worker (re)classification, which poses a risk to their business models (see Chapter 4). Finally, field theory is particularly helpful in understanding the diffusion of organizational practices among the field’s actors. Barman (2016), in reviewing field theory with respect to non-profits, argues that there has been an emergence of “new market-based solutions to social problems, including social enterprises, impact investing, and social impact bonds” (also relevant to the portable benefits field), and that this trend can be best understood via a field framework: “Field theory provides the best conceptual framework for understanding the conditions underlying the origins, diffusion, and likely consequences” of these new organizational practices (454). Taking the field as my conceptual starting point thus allows me to spotlight the dynamics of this meso-level of social action, while still recognizing the primacy of individual actors and their structural positions within the field. This helps me make sense both of the collaborative relationships between unlikely actors and organizations, as well as the emulative diffusion of practices within the field.
Overview of the Field: Organizations and Models

In the chapters that follow, I discuss each of these models in depth. Here, to provide an orienting guide to the field’s work, I give high-level descriptions of each of the models that I examined, as well as the organizations that are also a part of the field in terms of model design, implementation, thought leadership, and funding. Table 1 gives a snapshot view of the organizations that comprise the field, with descriptions that follow (arranged in sections by type of organization).

Table 1: Overview of Portable Benefits Field Organizations and Models

<table>
<thead>
<tr>
<th>Organization</th>
<th>Type</th>
<th>Structure</th>
<th>Geographic Reach</th>
<th>Relevant to which field model / organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>32BJ SEIU</td>
<td>Union</td>
<td>Non-Profit</td>
<td>Contracts covering: Connecticut; Washington D.C., Virginia, and Maryland; Florida; Hudson Valley; New England; New Jersey; New York; Philadelphia and Delaware; Philadelphia Schools; Western Pennsylvania</td>
<td>32BJ Benefits, Taft-Hartley Model</td>
</tr>
<tr>
<td>Aspen Institute</td>
<td>Think Tank</td>
<td>Non-Profit</td>
<td>National</td>
<td>General</td>
</tr>
<tr>
<td>Black Car Fund (BCF)</td>
<td>Government-Mandated</td>
<td>Non-Profit</td>
<td>New York State</td>
<td>Black Car Fund - Worker’s Compensation</td>
</tr>
</tbody>
</table>

This list is not a comprehensive one of all the organizations the field, but rather represents the selection of organizations relevant for my project (see Methods section), for whom I interviewed at least one person within the organization.
<table>
<thead>
<tr>
<th></th>
<th>Type</th>
<th>Sector</th>
<th>Location</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catch</td>
<td>Private</td>
<td>For-Profit</td>
<td>National</td>
<td>Catch</td>
</tr>
<tr>
<td>Center for an Urban Future</td>
<td>Think Tank</td>
<td>Non-Profit</td>
<td>New York City</td>
<td>General</td>
</tr>
<tr>
<td>Freelancers Union</td>
<td>Advocacy</td>
<td>Non-profit</td>
<td>National</td>
<td>Freelancers Union Insurance Company (now defunct)</td>
</tr>
<tr>
<td>Google.org</td>
<td>Philanthropic</td>
<td>Non-Profit</td>
<td>International</td>
<td>Alia</td>
</tr>
<tr>
<td>Hand in Hand</td>
<td>Advocacy</td>
<td>Non-Profit</td>
<td>National</td>
<td>Alia</td>
</tr>
<tr>
<td>Icon</td>
<td>Private</td>
<td>For-Profit</td>
<td>National</td>
<td>Icon</td>
</tr>
<tr>
<td>IndyHub</td>
<td>Private</td>
<td>For-Profit</td>
<td>National</td>
<td>IndyHub</td>
</tr>
<tr>
<td>iPSE-US</td>
<td>Advocacy</td>
<td>Non-Profit</td>
<td>National</td>
<td>iPSE-US Membership Benefits (provided via iWorker Innovations)</td>
</tr>
<tr>
<td>iWorker Innovations</td>
<td>Private</td>
<td>For-Profit</td>
<td>National</td>
<td>iPSE-US Membership Benefits</td>
</tr>
<tr>
<td>New World Foundation</td>
<td>Philanthropic</td>
<td>Non-Profit</td>
<td>National</td>
<td>NDWA Labs</td>
</tr>
<tr>
<td>NDWA / NDWA Labs</td>
<td>Advocacy</td>
<td>Non-Profit</td>
<td>National</td>
<td>Alia</td>
</tr>
<tr>
<td>Open Society Foundation</td>
<td>Philanthropic</td>
<td>Non-Profit</td>
<td>International</td>
<td>Alia</td>
</tr>
<tr>
<td>Opolis</td>
<td>Worker Cooperative</td>
<td>For-Profit</td>
<td>National</td>
<td>Employment Commons</td>
</tr>
<tr>
<td>Rockefeller Foundation</td>
<td>Philanthropic</td>
<td>Non-Profit</td>
<td>International</td>
<td>The Workers Lab</td>
</tr>
<tr>
<td>SAG-AFTRA</td>
<td>Union</td>
<td>Non-Profit</td>
<td>National</td>
<td>Taft-Hartley Model</td>
</tr>
<tr>
<td>Stride</td>
<td>Private</td>
<td>For-Profit</td>
<td>National</td>
<td>Stride</td>
</tr>
<tr>
<td>Trupo</td>
<td>Private (partnership with Freelancers Union)</td>
<td>For-Profit</td>
<td>Pilot in Georgia and New York, currently pre-final implementation</td>
<td>Trupo</td>
</tr>
</tbody>
</table>
**Portable Benefit Organizations & Their Models**

**Black Car Fund and the Worker’s Benefit Fund**

The non-profit Black Car Fund was created in 1999 by New York statute (Chapter 49) to provide worker’s compensation coverage to black car operators in the state. Covering over 130,000 affiliated drivers (including Uber and Lyft) in New York, it is funded by a customer-paid surcharge on every ride (2.5 percent of the ride’s cost) taken in New York. It is often touted as the first successful portable benefits model, even though it is limited geographically (New York) and sectorally (drivers), but it does demonstrate a novel funding model via consumer surcharges and shows what it is possible with a government mandate. While the fund was originally limited to worker’s compensation, the Black Car Fund’s partnership with the for-profit Workers Benefit Fund in 2018 added two quasi-medical benefits to their coverage: (1) free access to telemedicine over the phone or live stream access to a doctor who can provide basic primary care and write prescriptions for basic sicknesses (like the flu) and (2) a vision plan which provides free access to an eye exam and a free pair of glasses. Since then, the Worker’s Benefit Fund has expanded to provide a number of other benefits – some free and others partly funded – that are particularly relevant to drivers, such as dental insurance, prescription discounts, urgent care discounts, diagnostic imaging discounts, a
mental health and wellness program (run by the Independent Drivers Guild⁷), defensive
driving classes, flu shots, legal assistance, accident support, and financial coaching.

**Catch**

Catch is a venture-backed, for-profit portable benefit platform built specifically for non-standard workers. Coming from a background of non-profit financial services (Commonwealth) and a start-up that aimed to make student debt repayment an employee benefit (FutureFuel.io), Kristen Anderson co-founded Catch after her co-founder, Andrew Ambrosino, came to her with a platform he designed to handle his own benefits as a freelancing software engineer. From this start in 2017, Anderson and Ambrosino built Catch into the platform it is today, first taking the product through the prestigious Y Combinator accelerator and then raising multiple rounds of seed funding. Designed to “get your safety net squared away for free,” Catch works by setting aside a pre-determined amount of money from each of a worker’s paychecks into a single account to fund benefits. Specifically, workers can access tax withholding, paid time off and family leave, retirement, and health and dental insurance through the money aggregated in this account, all of which function a little differently within Catch’s ecosystem. For example, tax withholding and paid time off act as simple earmarking of money within the account, while Catch is a registered investment advisor that helps workers set up IRA accounts and advises them how to invest these savings for retirement. Catch is also a registered insurance broker, so workers can sign up for health insurance directly through Catch and the company advises on plan selection. Benefits are set up to be selected a la carte, in that

⁷ The organizational structure of the Black Car Fund, the Workers Benefit Fund, and the Independent Drivers Guild is discussed in more detail in Chapter 2.
workers choose which combination of benefits they want. Workers also determine the amount of contribution to be set aside per paycheck, with the power to pause contributions at any time and can opt to manually approve each contribution or have them deducted automatically.

Freelancers Union, Freelancers Union Insurance Company, and Trupo

In 1995, after a career in labor law and then an “intellectual sabbatical” at the Harvard Kennedy School, Sara Horowitz created the Freelancers Union – the first labor organization to represent non-standard workers. Though not technically a union in that it does not collectively bargain for its members, the Freelancers Union has created a supportive structure for its worker members, engaging in advocacy on behalf of freelancers, providing resources through legal and financial tools, and creating community events aimed at non-standard workers. Believing that the biggest issue facing non-standard workers was a lack of healthcare, Horowitz established the for-profit Freelancers Union Insurance Company in 2008 – the “first portable benefits model for freelancers that provided independent workers with high-quality, affordable, and portable health insurance” (freelancersunion.org). Though it ran successfully for six years, the passage of the Affordable Care Act made the Freelancers Union Insurance Company illegal when it prohibited non-employer groups. Following this, Horowitz handed over the reins to the Freelancers Union and named a new Executive Director (Caitlin Pearce),

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9 Though some within the field credit the portable benefits manifesto as the concept’s first public moment, according to Caitlin Pearce (Executive Director of the Freelancers Union, Interview July 2019), it was Sara Horowitz who first came up with the term and was using it in Freelancers Union advertising as early as 2008. Pearce shared an old piece of advertising collateral with the slogan, “Help your country by helping yourself. Be part of the new model for portable benefits.”
so she could begin work on Trupo. Trupo, launched in 2017, is a for-profit portable benefit provider, backed by the esteemed Silicon Valley venture capital firm, Sequoia Capital. While originally offering accident and illness insurance, Trupo expanded to offer dental, term life, and whole life insurance, all to be purchased out of pocket, a la carte, by freelancers. However, these offerings seem to have comprised a pilot phase (benefits were also originally offered only in Georgia and New York), because the company’s current website does not allow for the actual purchase of benefits, but instead notes that “brave new benefits for freelancers” will be coming soon.

**Icon**

Icon is another for-profit model, but it focuses on a singular benefit: retirement savings. Concluding that the technology of the retirement industry was archaic and, at times, non-existent (i.e. still being done through paper and not automated), Laurie Rowley founded Icon, a “portable retirement savings plan.” Like Catch, Icon functions by taking pre-tax, payroll deductions to fund non-401k retirement plans, predominately in the form of personalized, low-cost exchange traded funds (ETFs) from two reputable investment firms, BlackRock and Vanguard. Icon is designed to be predominately business-to-business facing, purporting to eliminate the barriers to providing this benefit from the employer side – namely, administrative work and financial liability. Serving as the fiduciary, Icon tailors each retirement plan to the specific worker. Icon is portable in the sense that a worker can take the plan with them intact as they leave an employer (which is not the case for most retirement plans), and it is also portable across all of a worker’s employers, in that they can receive contributions from each of these paychecks.
It is the innovation of the former – that the retirement plan remains intact when a worker leaves a job – that distinguishes Icon from most retirement benefits, and it means that the plan can be used by employers of W2 and 1099 workers alike. Significantly, employers cannot contribute directly to the plan because it is not ERISA-regulated.

**IndyHub**

Currently still in trial phase, IndyHub is the only portable benefits platform that is designed to be entirely company sponsored. Alissa Orlando, IndyHub’s co-Founder, is adamant that this is the case. After a degree from Stanford Business School and a stint at Uber before that, Orlando saw portable benefits first and foremost as a business opportunity – workers needed benefits and these companies were increasingly under hot water to provide them. With other models focusing on business-to-consumer, she and her business partner, Owen Ensor, thought a business-to-business model provided the most potential for profit, with the company poised to make broker commissions. As such, IndyHub is relying on the potential for a government mandate to require the provision of portable benefits, so that companies will be required to find a portable benefit platform to administer them. Until this mandate (or the good will of employers), IndyHub is organizing a pilot program, in which 500 workers will receive $300 per month for 12 months to fund benefits. After a consultation with IndyHub’s advisors, workers can then choose to allocate these funds however they would like, selecting between insurance products (health, life, home, renters, auto, disability, dental and vision) and savings

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10 An exception to this might be Alia, which is designed to take employer contributions, though this is individual employers, not companies.

11 Though the company was born from a business need, Orlando has since become passionate about worker misclassification and now sees portable benefits as a moral issue.
products (paid time off, health savings accounts, individual retirement accounts). The $300 baseline was designed around the minimum for an individual health insurance plan.

iPSE-US and iWorker Innovation

Positioning themselves as the modern craft guild, the Association of Independent Workers (iPSE-US) is a membership-based organization of independent workers (iWorkers, in their terminology), a US-based affiliate of the original UK association (iPSE). The organization was founded by Carl Camden, the former longtime CEO of the international staffing firm Kelly Services (one of the world’s largest staffing companies, their website boasts that they connect over one million workers to work every year). Before his departure, Camden had been leading a project on developing a benefit structure for independent workers and had helped organize a policy conference, “Advancing the Social Contract for Gig Economy Workers,” in Washington, D.C. in 2017. From there, Kelly Services gave Camden a grant to continue the work, the result of which was iPSE-US. Launched in the summer of 2018, iPSE-US is designed as a not-for-profit lobbying and advocacy group that was joined (essentially, cofounded) by the private, for-profit insurance shop, iWorker Innovations, run by Hollie Heikkinen. Paired together in this way, the organization offers independent workers one of three ‘tiered’ packages for their membership: Community+ Membership ($99 a year), Premium Membership ($180 a year), and Education+ Membership ($359 a year). These membership packages all offer some non-traditional benefits like telehealth, teletherapy,

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12 Significantly, other prominent members of the portable benefits field were in attendance and presented at the conference, such as Sara Horowitz (founder of the Freelancers Union and Trupo) and Senator Mark Warner (who introduced the federal portable benefits policy).
health record management, legal assistance, roadside assistance, and identify theft restoration, while the Premium Membership includes an additional two “surprises” and the Education+ Membership includes 50 percent off tuition with the organization’s University Partnership Program.

**NDWA, NDWA Labs, Alia**

The National Domestic Workers Alliance (NDWA) is a non-profit organization whose mission centers on supporting domestic workers “to live and work with dignity” (domesticworkers.org). Founded in 2007, NDWA has grown to comprise over 60 affiliate organizations and local chapters in over 30 cities that advocate on behalf of domestic workers. The organization has successfully helped pass ‘Domestic Workers Bill of Rights’ in nine states (Oregon, Illinois, New York, California, New Mexico, Nevada, Connecticut, Massachusetts, Hawaii) and two cities (Seattle and Philadelphia). Embedded within the organization is an innovation arm – NDWA Labs, founded by Palak Shah – that strives to marry cutting-edge technology with a social justice mission to “find new solutions to improve standards for the workers that make all other work possible” (ndwalabs.org). In 2019, NDWA Labs launched its portable benefit model, Alia, which is an online platform designed to aggregate contributions across a housecleaner’s clients to provide access to benefits. Staking a claim on their site as “the first, and only, portable benefits tool,” Alia relies on cleaners to sign up and recruit their clients to make contributions (Alia suggests $5 per cleaning); cleaners then use this bank of contributions to purchase benefits (ndwalabs.org/alia). The organization also aims to recruit the clients themselves, which each client ideally securing the participation of the cleaner’s other
clients. Alia currently offers paid time off, delivered in the form of a pre-paid Visa card of $120 for each day off, as well as group life ($5000 policy at $2 per month) and accident insurance (coverage starting at $15 per month). The platform also does not solicit fees from clients, so that the entirety of their contributions is transferred directly to workers.

**Opolis**

In the spring of 2020, Opolis launched the Employment Commons, a member-owned digital employment cooperative. Aptly named, Opolis – a compound of “opportunity” and “polis” (community in Latin) – designed the Employment Commons to give workers access to employment opportunities, financial automation services, and a robust set of portable benefits. Leaving behind a career in the staffing industry, John Paller, Opolis’ Chief Steward (cooperative terminology), was looking to create a quasi-employment structure for the growing ranks of non-standard workers that did not replicate the staffing model, which he found exploitative and ultimately destructive for workers. For him, the solution to this was to cut out the middleman – the staffing corporation – and allow non-standard workers to join together in a cooperative that would act as this employment structure, but with shared worker ownership. Paller conceives of Opolis as a “public utility infrastructure for employment,” in which the cooperative exists digitally instead of physically, joining a heterogenous group of workers together to give them access to the benefits of a typical employment structure, like automated payroll, HR-type services, as well as job opportunities. Being part of the employment cooperative also gives these workers access to self-funded portable benefits like health and dental
insurance, vision insurance, worker’s compensation, unemployment insurance, paid time off and holiday policies, retirement, flexible spending (FSA) and health savings (HAS) accounts, long- and short-term disability, and health and wellness stipends. Geared toward “independent contractors, freelancers, digital nomads, solopreneurs and sole-practitioners,” Opolis is in fact a for-profit model, in that the worker-owners share in the revenue generated from the cooperative.

**Stride**

Stride is a for-profit portable benefit platform, but its focus is directed at the companies that employ non-standard workers more than the workers themselves. Starting from a degree in product design from Stanford and five years working on a consumer-facing privacy product, Noah Lang, Stride’s CEO and Co-Founder, wanted to make a tangible difference in people’s lives and landed on healthcare as the vehicle to do so. First built around the core need of helping workers deal with the complexity of selecting health coverage, the company was integrated at the onset with large platform employers, the first three being Uber, Task Rabbit, and Postmates (though these employers do not contribute funds to the plans, but simply offer Stride to their workers). Stride is directly integrated with healthcare.gov, so it helps workers pick health plans and get access to coverage through their site. Since their initial model debut in 2013, Stride has expanded outside of the singular healthcare focus to also offer benefits like dental insurance, vision insurance, life insurance, and expense tracking. The company has retained the business-to-business focus of the platform, offering the opportunity for employers to set up a co-branded app for their employees, which features company-selected discounts and the
ability to make different bundles of benefits for different tiers of workers.\textsuperscript{13} Stride’s portable benefits are available to 1099 workers, as well as part-time W2 employees.

**Taft-Hartley Models: SAG-AFTRA and 32BJ SEIU**

One of the closest current models to a portable benefit structure that has long been in existence are multi-employer plans, typically referred to as Taft-Hartley plans after the statute that governs them (the Taft-Hartley Act). Administered by unions, multi-employer plans are, as the name suggests, benefit plans that are shared by two or more employers, typically linked by either geography or sector. In the structure of these plans, each employer contributes an amount on behalf of each employee that has been negotiated between the union(s) running the plan and the group of employers. Employees then receive their benefits through the union organization running them. The Screen Actors Guild – American Federation of Television and Radio Artists (SAG-AFTRA), the sizable entertainment industry union, uses the Taft-Hartley model to provide benefits to the diverse set of workers within the industry, from camera grips to famous actresses. Employers from the industry, typically production companies that house entertainment projects, pay an additional 18 percent on top of every dollar in salary that any of these workers make on a project. This amount goes to SAG-AFTRA to pay for workers’ benefits, most notably a premium health plan and a retirement / pension fund. The Service Employees International Union, Local 32BJ (32BJ SEIU), is a New York City-based union that represents over 175,000 service sector workers in ten northeastern states.

\textsuperscript{13} Though this seems to imply that perhaps employers contribute to these benefits, the Stride site still speaks of “access” to benefits and advertises “affordable benefits for your non-benefited workforce – at no cost to you.” (stridebenefits.com, emphasis added)
Their Taft-Hartley plan, which covers primarily health insurance and a pension plan, functions a little differently from SAG-AFTRA’s in that the union receives a flat fee per month by each employer to cover each of their sector employees, regardless of number of hours worked or salary. While this amount differs geographically and within the industry, a typical agreement calls for a $1600 contribution per employee per month for the union’s healthcare plan. Importantly, the Taft-Hartley Act sets up restrictions around these plans, namely that workers covered under it must be unionized. Since independent contractors are not currently allowed to unionize under the National Labor Relations Act (NLRA), they are prohibited from receiving benefits under this type of plan, barring an amendment to the Taft-Hartley act or a change in the NLRA.

Advocacy / Worker Power Organizations

Hand in Hand

Hand in Hand is national advocacy organization that organizes employers of domestic workers. Established in 2010, Hand in Hand was born from the work that these employers did alongside domestic worker groups to pass the New York State Domestic Worker Bill of Rights. Founded in partnership with the NDWA, Hand in Hand has grown from a small group of volunteers to a national staffed non-profit. While the majority of the work that Hand in Hand does is around organizing and pushing for policy change, the organization has been a key partner for NDWA in their launch and implementation in Alia. Since they focus on working with employers versus the domestic workers themselves, advancing Alia – a product focused on employers’ contributions – is a natural fit.
The Workers Lab

Looking for a way to revive worker power that did not rely on the traditional labor movement, David Rolf, the Founder and President Emeritus of the large union SEIU 775, partnered with Dr. Carmen Rojas, a long-time player in the foundation and philanthropic space, to create The Workers Lab in 2014. The Lab is an organization dedicated to innovation designed to increase worker power, with a specific focus on replicable and revenue-generating solutions that improve the lives of low-wage workers. As such, The Workers Lab invests in a range of experimental interventions (like giving emergency cash grants to gig workers), and brings together leaders from all sectors, i.e. public, non-profit, and private.

Think Tanks

Aspen Institute

The Aspen Institute is an international think tank headquartered in Washington D.C., with campuses in Aspen, Colorado, and Maryland. The Institute is funded primarily through foundations, most notably the Rockefeller Foundation, the Gates Foundation, and the Ford Foundation. The Aspen Institute has been particularly interested in portable benefits: Maureen Conway, the Executive Director of the Economic Opportunities Program at Aspen, attended the original portable benefits convening, as did two actors that would soon join Aspen – Natalie Foster and Libby Reder. In fact, Foster and Reder, along with Greg Nelson (also an Aspen Fellow), were the force behind organizing the convening, and the three fellows published the 2016 Portable Benefits Resource Guide soon after. Housed under the Future of Work Initiative, the Institute also published an

**Center for an Urban Future (CUF)**

Center for an Urban Future is a public policy think tank focused on economic issues in New York City, specifically around reducing inequality, increasing economic mobility, and growing the city’s economy. Within this larger purview, CUF is specifically focused on (1) growing New York City’s economy and boosting the number of middle-income jobs; (2) helping more people develop the skills and credentials needed to access careers that put them on the path to the middle class; and (3) making New York City—and its many and diverse neighborhoods—a better place to live. Seeing the growing proportion of New Yorkers engaged in non-standard work, as well as the burgeoning policy movement around regulating the gig economy, the Center became particularly interested in portable benefits. After researching the issue, CUF came out in support of creating a portable benefit system for all employees in New York, a view it expressed in an Op Ed in the *Albany Times Union*.

**Funding Organizations**

**Google.org**

Google.org is the philanthropic arm of Google, which supports non-profits and social enterprises through funding, giving access to innovation, and providing technical expertise. This vertical within Google focuses on charitable projects around economic empowerment, technology and innovation, learning, and specialized initiatives in the US.
Google.org provided early funding to develop NDWA Labs’ model Alia, as well as for The Workers Lab’s Design Sprint for Social Change (based on Google’s design sprint methodology).

**New World Foundation**

The New World Foundation is a national philanthropic organization that centers economic equity, democratic rights, and civic participation in the United States. The organization aims to specifically fund local efforts through community-based foundations and local leadership. Though not as high profile as some of the other funders, the New World Foundation offered perhaps the largest single amount of funding to any organization within the field: their Quality Jobs Fund granted NDWA Labs a five-million-dollar seed investment to start their own venture capital fund.

**Open Society Foundation**

The Open Society Foundation is a grantmaking organization founded by the billionaire business magnate George Soros. The foundation focuses specifically on funding initiatives that further “freedom of expression, accountable government, and societies that promote justice and equality.” In looking to advance this, they fund independent groups doing work around justice, democratic governance, and human rights. Within the portable benefits field, the Open Society Foundation provided the founding grant to NDWA to set up NDWA Labs, their innovation arm that was responsible for developing Alia.
**Rockefeller Foundation**

The Rockefeller Foundation is a philanthropic organization headquartered in New York City with sizeable reach, responsible for giving more than $17 billion in grants over the course of its history. The broad goal of the organization is to “promote the well-being of humanity throughout the world.” Considering itself “science-driven philanthropy,” the Foundation uses science, data, policy, and innovation to tackle global issues around health, food, power, and economic mobility. The Foundation has been involved in portable benefits primarily through its funding of The Workers Lab, where it was specifically interested in exploring portable benefits.

**Methods**

*Analytical Approach*

I undertake a qualitative exploration of the emergent field around portable benefits, which includes the organizations developing and implementing portable benefit models, the thought leaders promoting them, the private companies supporting them, and the government actors working on portable benefits policy. Qualitative research seeks the in-depth understanding of a small number of cases in order to explore processes, interactions, and the mechanisms by which events occur (Lofland and Lofland 1984, Ragin 2004, Weiss 1995). This approach was well-suited to my research, as I consider my case to be the portable benefits field. While this field is my primary case, I also consider proximate fields that are related to portable benefits, recognizing the influence of the interlocking nature of fields, particularly at the moment of emergence (Fligstein and McAdam 2011, Moulton and Standfort 2017). To this end, I considered fields that
have already institutionalized a system of benefits that serve as inspiration for the actors within the primary portable benefits field, like benefit administration in more traditional unions or benefit administration in semi-portable professions, like the Screen Actors Guild - American Federation of Television and Radio Artists (SAG-AFTRA).

I am most interested in the interactions between the different actors within the developing field and how these interactions are simultaneously creating and transforming not only the field that emerges, but also the models they are building and the policy they are proposing. My definition of actors is necessarily broad, as “field theory conceives of actors as including individuals, groups, subunits of organizations, organizations, firms, and states” (Kluttz and Fligstein 2016: 186). To identify this expansive set of actors, I employed two intelligence-gathering techniques: I set up Google Alerts for “portable benefits” and established a Twitter account that followed relevant accounts, like individual actors, organizations, and think tanks (particularly their “future of work” initiatives). These methods allowed me to identify both the actors and organizations involved in the conversations around portable benefits. In order to capture the heterogeneity of this collection of actors and organizational forms, I employed three methods of gathering data: in-depth interviews, ethnographic observations, and textual analysis, all of which I outline below.

**In-depth Interviews**

My primary method of data collection was 35 semi-structured, in-depth interviews with individual actors in the portable benefits and adjacent fields. The subjects of these interviews were the heads of non-profits and private enterprises designing
portable benefits, organizers and advocacy workers involved in the implementation of portable benefit models, union and guild benefit administrators, think tank thought leaders involved in portable benefits policy and design, labor leaders, lawyers specializing in labor law, and policymakers. Spanning thirty minutes to two hours, interviews typically lasted between an hour to an hour and a half. Interview guides were designed to elicit personal philosophies on portable benefits models and policy, perceptions of the set of actors involved in the portable benefits field and the key dissensions among them, and visions for the ideal model and the future of policy. For interviews with organizations piloting a model, the bulk of questions revolved around the model’s design, implementation, and outreach to workers. As fieldwork progressed, new sections were added based on themes that were surfacing, such as moral values, cross-sector collaborations, and, most recently, the impact of the COVID-19 pandemic. Due to the heterogenous nature of the sample, I wrote tailored discussion guides for each interview, but a core set of questions informed all guides. See Appendix 2 for a sample interview guide for model organizations.

Interview subjects were recruited in a snow-ball style method, beginning with key contacts established prior to the start of the project. At the close of each interview, I asked subjects to identify other people they thought were most relevant to speak to, and I used their contacts to comprise the next set of potential subjects. This method was particularly applicable to my case: the field is made up of those actors who orient their actions towards one another – having the interview subjects themselves define who is important in the field served as a useful technique for identifying which actors do in fact constitute the field. Since I solicited interviewees for introductions, it also helped me gain
entry to otherwise hard-to-access subjects, like prominent labor leaders. In addition to snowball recruitment, I also engaged in “cold-call” style recruitment. By carefully tracking the burgeoning field around portable benefits through initial interviews, as well as attendance at public events and media coverage, I identified other influential actors in the field, who I made contact with through LinkedIn, Twitter, or, occasionally, direct email. These strategies proved surprisingly successful as a number of these solicitations resulted in interviews. When the COVID-19 pandemic hit America in March of 2020, it became clear that I would need to conduct a second round of interviews. The public health emergency and its ensuing employment crisis brought two issues relevant to portable benefits to the forefront of the national conversation: the lack of safety net benefits for many non-standard workers and, at the same time, the necessity of non-standard workers, many of whom were the “essential” workers remaining employed in the pandemic (e.g., delivery drivers, domestic workers). This spurred significant action by the portable benefits field, who lobbied Congress for non-standard workers inclusion in relief packages, provided aid via their platforms, and used the national focus on non-standard worker benefits to advance their cause. Of the 35 interviews, six were follow-up interviews with select actors in the field. See Appendix 3A for a complete breakdown of interview subjects, their positions and organizational affiliations, dates of interviews, and indication of COVID-19 follow-ups.

**Observation**

To supplement these interviews, I completed observation at just over 50 events throughout my fieldwork, from April 2019 to April 2021. This ethnographic work gave
me textured insight into the actors comprising the field, the portable benefits model organization’s impact and outreach to workers, and the nuanced work of the government bodies involved in portable benefits policy. The events I observed fell largely into three categories: (1) government board and council meetings; (2) events held by field organizations; and (3) “Future of Work” events. In the first category, there were a number of consequential government-held events that I observed, most prominently the work of the Seattle Domestic Workers Standards Board, whose mandate includes the consideration of a portable benefit system for domestic workers. This board could be considered quasi-governmental, in that the majority of the members are appointed by either the Mayor or City Council, and the City Council is required by law to respond to the board’s recommendations. As the board’s liaison from the city’s Office of Labor Standards put it, “Being a board where the city is legally required to respond to your recommendations is unprecedented and significant.”14 Since Seattle is subject to the Washington Open Public Meetings Act,15 I had almost complete access to the board’s work, which included in person and/or phone access to all meetings and most relevant documents they produced (e.g., their recommendations in progress) were sent to the public. I attended their opening retreat in person in June of 2019 in Seattle, which allowed me to establish personal contact and rapport. I subsequently dialed into their monthly meetings through April 2021. As their work evolved and they began to hold separate subcommittee meetings on portable benefits, I observed these as well (after

14 As relayed by board member Baylie Freeman (DWSB Monthly Meeting, January 25th, 2020).
15 The Washington Open Public Meetings Act requires that “all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions” have to conduct their business “openly,” meaning that the public must be made aware of any scheduled meetings and the public must be given access to the meeting. (ballotpedia.org/Washington_Open_Public_Meetings_Act)
some discussion, the board decided to make these open to the public). Observing these meetings gave me firsthand insight into how the board’s thinking on portable benefits has evolved and what has affected this evolution, how much of a priority it has become within their broader mandate, and what is legally possible within the bounds of the ordinance. It has also given me insight into which board members are most involved and invested in creating a portable benefit solution. Outside of the DSWB’s work, I attended a San Francisco Board of Supervisor’s Hearing on the Status of Worker Rights in California’s Gig Economy and the Philadelphia City Council hearing on the Domestic Workers Bill of Rights. In the second category, I attended public events held by organizations within the field, which ranged from events held by: organizations piloting portable benefit models, advocacy organizations working to implement them, and worker-led organizations more broadly dedicated to the non-standard worker space. For example, Trupo, through their partnership with the Freelancers Union, held a “Conversation on the Future of Freelance with Sara Horowitz” at the Freelancers Union Hub in New York, which seemed to showcase Horowitz in the service of marketing Trupo in New York. The Freelancers Union also hosted a number of relevant events that catered to their freelancing members, like workshops on insurance or structuring as a worker cooperative in order to attain benefits. I also attended events hosted by Hand in Hand that I thought would be useful in their discussion of Alia, as well as a briefing by The Worker’s Lab on their work on emergency benefits for gig workers. Finally, I attended three “Future of Work” events. There is a veritable cottage industry blooming around “The Future of Work,” with the “chattering class” – including policymakers – particularly focused on it. Though an often ambiguous and disembodied discourse (Muro,
Maxim and Whiton 2019), the ‘Future of Work’ usually refers to a discussion of the impact of forecasted technological advances – such as automation and artificial intelligence – on the nature and structure of work in the near future. Predictions abound about the detrimental effect that automation will have on worker’s jobs, particularly those with less education, and one of the most commonly proposed solutions is an investment in training and re-skilling workers (Muro, Maxim, and Whiton 2019). Interestingly, this has made portable benefits a key talking point in these discussions, as they can play a dual role here: portable benefits offer the opportunity for workers to receive benefits in the form of funding for re-training, and in a broader imagining of who portable benefits can protect, they might provide a safety net to a whole workforce susceptible to losing jobs to automation. They also figure in the conversation in response to predications that non-standard work arrangements – and their presumed precarity – will proliferate in the future. As a result, many of the most influential actors in the portable benefits field attend and often speak at these events. See Appendix 3B for detailed accounting of all ethnographic observation.

**Textual Analysis**

Within the portable benefits field, access to policymakers has been particularly hard to achieve. Though not a perfect proxy, I use textual analysis as a supplement. In particular, I look to policy primers and policy documents in lieu of direct interviews with policymakers. There are a number of policy primers around portable benefits that have been created by influential think tanks, like the Aspen Institute, the New America Foundation, and the Roosevelt Institute. I also conduct textual analysis on portable
benefits policy, which includes the text of the legislation, committee hearing recordings, council meeting notes, and administrative rules of the passed ordinance. Here, I look to understand the ways in which the advocacy of the organizations in the field is being reflected in the policies proposed. Since the majority of the bills have not yet passed, there are multiple versions to analyze; this serves as source of variation that I can use to understand the effect of the field’s work in relation to policy development. Access to private platform employers has been equally hard to obtain. To capture their perspective, I look to public documents, like op-eds and guides published on their websites, that the companies themselves have produced, as well as the extensive media coverage of these employers and their stance on portable benefits and worker classification, across a spectrum of publications.

**Analysis**

All interviews were recorded with the subject’s permission and transcribed afterwards. At the close of each interview, I wrote field notes that captured my topline impressions, initial analysis, and questions to consider going forward. I took detailed notes at each event I attended (in person and virtually) and digitally transcribed them afterwards. All of the interview transcripts, field notes, and secondary texts (outlined in textual analysis section) were imported into MAXQDA, a qualitative software tool for data analysis. I took a grounded theory approach to analysis (Charmaz 2006), beginning by first conducting line-by-line coding that hewed closely to the data. Without a pre-determined list of codes, this inductive approach allowed themes to emerge organically from the data. See Appendix 4A for inductive coding scheme. Using this initial set of
codes, I created an outline and chapter structures and built a set of deductive codes that matched this outline. Following a combined deductive/inductive approach, I recoded all transcripts with these deductive codes, adding in new codes where necessary. See Appendix 4B for the final list of codes.

**Chapter Overviews**

In Chapter 2, I look to how the complicated history of worker protections in this country and a trend to increasingly shift risk onto workers (Hacker 2006), magnified by the structure of non-standard work (Kalleberg 2018), intersects with the creation of fledgling portable benefit models. In the context of this fraught history, a work style that defines categorization, an ERISA industry standard that sets up protections around workers’ interests, and a burgeoning stakeholder-driven capital ethos, I argue that organizations are explicitly building worker-centric values (Fourcade and Healy 2007, Macekura et al. 2016) into the design of their models. When considering which groups of workers to target and administer to, how to secure revenue streams and fund benefits, and which structural and technological systems should power their models, model designers within the portable benefits field keep central concerns over what is fair and right when providing benefits for this workforce. In other words, even if building profitable businesses and thus adopting a “for-profit” form (i.e. emulation), organizations still ultimately center workers within their design. In order to do this, I find that there are four types of mechanisms that both non-profit and for-profit model designers employ, which I call: (1) *communal enrichment*, in which the profits the model generates are reinvested into the system to benefit workers; (2) *reclaiming technology*, where the technological
systems used to buttress models move power back to the hands of the workers, either through decentralization (via block chain technology) or centralization that is owned by worker organizations (instead of those that stand to profit from them); (3) redistribution, in which the contributions of higher income earners subsidize lower income earners within the model’s ecosystem; and (4) revenue safeguards that function as ERISA-like “checks” or “buffers” on the way a model earns and spends revenue. The second mechanism – reclaiming technology – is a particularly powerful emulative practice, in that the private employers within the field excel at aggregating non-standard workers; these worker-centered models hope to do the same, but to very different ends. These mechanisms, embedded within the models to ensure fairness for workers, have important implications for portable benefits and beyond. For one, these same mechanisms could be considered when policymakers design portable benefit policy, allowing for mandated models that are potentially more enriching and equitable for the workers served. Outside of a policy application, these portable benefit models are putting different variations of the social purpose ecosystem to the test – if successful, they provide a proof point for this organizational form, demonstrating that sustainable businesses are not antithetical to moral ones.

While Chapter 2 investigates internal model design, Chapter 3 takes up an element external to the model itself: how these models conceive of the workers they are targeting and the kind of work these workers do. While all are designing for non-standard workers, I saw a marked contrast in the way that these organizations portrayed this kind of work: specifically, I describe two distinct (and somewhat opposing) frames (Benford and Snow 2000; Polletta and Ho 2006) that organizations use to describe non-standard
work, which I term: an *independent* frame and a *standard* frame. In the *independent* frame, this “new” style of non-standard work represents not only a return to a nostalgic past where all were independent craftspeople, but it is also the paragon of a future work style that is defined by flexibility and freedom. In this context, benefits are key to this work fluidity, allowing for workers to remain secure while they move seamlessly between jobs, ultimately finding work that best aligns with “who I am.” This is the frame that is emulative of that of private employers within the field, who tend to characterize work mediated through their platforms as independent, flexible, and free. On the other hand, the *standard* frame sees non-standard work as just standard work by another name – it argues that non-standard workers remain dependent on those that employ them, without any of the formal advantages this dependence should beget. Typically used in the context of domestic workers and app-based service delivery workers, this frame sees portable benefits not as an opportunity to create freedom, but rather to legitimize the work as *standard*, creating a supportive structure and exhorting those that employ non-standard workers to recognize themselves as such. Each frame has implications for how models are funded, i.e. independent workers are expected to self-fund while standard ones are not, and how benefits are selected, i.e. independent workers should have customizable safety nets, even if this makes benefits more expensive or harder to obtain. Yet, with non-standard work arrangements growing (Collins et al. 2019) and capturing the national conversation (Harnett 2020), especially around the buzzy “future of work,” these frames also have ramifications beyond the portable benefits field. Importantly, both frames tend to erase the heterogeneity of non-standard work, reducing the complexity inherent to both the vast array of these work arrangements and even within these worker
populations themselves (e.g., Schor et al. 2020). As policymakers struggle to understand and regulate non-standard work arrangements, particularly around platform labor, these frames encourage one-size-fit all policy solutions without the nuance and depth of insight that might best serve these worker populations.

In Chapter 4, I shift the focus from the models themselves to look more closely at the organizations creating them. The diverse group of actors advocating for portable benefits might seem incongruous – there are worker organizations proposing the same solution for non-standard workers as large “tech” platform employers who are often accused of exploiting these same workers. Yet this collaboration makes sense in the context of many of these worker organizations’ larger goals: for them, portable benefits is one piece of a puzzle in their attempt to build robust models for worker power, fit for the 21st century. Here I connect these new worker power models to the skilled social actors who espouse them: David Rolf and the aim to reclaim unions through non-collective bargaining organizations, including those that will administer portable benefits; Palak Shah and her desire to scale an entire domestic worker movement through aggregating both domestic workers and their employers; and Sara Horowitz and her hope to bind non-standard workers together in collectives that encourage both mutuality and reciprocity, in an effort to not only rearrange the structures of our organizations, but ultimately, the whole economy. In the case of Rolf, I dig deeper into his vision for a “new” labor movement, showing how this is in opposition to the “old” labor movement, who would rather reclassify non-standard workers as standard and therefore rely on their traditional methods for organizing workers in unions and wielding power through collective bargaining (Galvin 2019). Private platform employers within the field are diametrically
opposed to this “old” labor view, which has resulted in a policy fight at the state level (Washington State and California) that I detail as a kind of test case of these differing models for worker power. In the second half of the chapter, I undertake an examination of which organizations have succeeded in their efforts to promote their model, win policy, and thus come closer to their goal of achieving greater worker power. In measuring success, I find an interesting organizational trend taking place within the portable benefits field, in which non-profits borrow practices from for-profit tech companies, specifically around innovation, iteration, experimentation, and the creation of “minimum viable products.” By emulating the high-status practices of tech companies, whose approach to innovation has captured the country’s collective imagination, non-profits hope to bring this same sense of excitement and legitimacy to their own work. NDWA’s work with Alia provides a perfect case in point: in releasing Alia as a kind of iteration on the way to a more final model, the organization created a talking point for policymakers and organizers alike, who leveraged its existence – even in “beta” form – to win the first successful mandate of portable benefits in the country in Philadelphia, with Seattle looking to follow close behind. At the same time, their use of a “tech” approach, including the creation of “lab” for product innovation, has helped the organization secure large and unrestricted funding (a rarity in the non-profit world). It has also now cleared the way for them to create an organizational form that seems poised to most concretely upend the power dynamics of the industry: a venture capital fund, owned and operated by NDWA, with input from domestic workers and geared towards investment in companies that aim solely to improve their lives.
Finally, in Chapter 5, I offer a ‘Covid Coda,’ in which I examine how the onslaught of the pandemic over the course of 2020 and the early part of 2021 has fundamentally shifted both the landscape around portable benefits and the work of the portable benefits field. I first discuss the legislative and organizational response to the pandemic. For one, there have been substantial policy victories for portable benefits, like unemployment coverage for 1099 workers at the federal level and paid sick and safe time for gig workers at the local level, some of which have been the result of lobbying by those within the portable benefits field. The extant model organizations within the field also responded quickly to the crisis, finding ways to use their platforms to dole out coronavirus relief, collaborate with private employers to offer workers better benefits, and expand their benefit offering to address the pandemic. Then, by way of measuring the impact of the field’s work, I examine how the coronavirus served as a kind of natural experiment around the non-standard worker safety net, creating a litmus test of what the portable benefit actors had previously built. Using the pandemic as a heuristic, I explore how the field’s response to the crisis reflects the themes of the previous chapters, i.e. their implications for values (Chapter 2), frames (Chapter 3), and power (Chapter 4). For one, the pandemic seems to have induced a shift from personal responsibility of risk to a more collective one, in which the government and employers have been urged to take more responsibility for workers, especially non-standard ones. This has dovetailed with the centering of worker values and worker-led organizations, both of which have been celebrated in the pandemic. At the same time, non-standard workers themselves have been thrust in the spotlight under their new designation as “essential.” While app-based service delivery workers and domestic workers were previously framed as independent
by employers and standard by advocates, they are now universally considered “essential,” the result of which has made passing laws around protecting them significantly more urgent and more high profile. Finally, the worker-centered organizations that had already garnered power within the field saw this power magnified in the pandemic moment. When the crisis hit, these organizations successfully leveraged their existing infrastructures, partnerships and collaborations (both with philanthropic organizations and tech platforms themselves), and experimental approaches to innovation to grow their profiles, both within the portable benefits field and beyond. I close by making a final case for portable benefits, arguing that their advantage for non-standard workers goes beyond only the protection of the benefit itself. As the pandemic showed, in order to provide benefits for workers, one must be able to track their hours worked and their income earned. Benefits thus become legibility tools – they make non-standard work both visible and quantifiable, which could open the door to even more meaningful interventions in their lives. At the same time, they are a multi-faceted intervention for the worker-power organizations who have joined the field to support them: in collaborating and emulating the employers they share the field space with, they have laid the groundwork for what they envision as more fundamental transformations of our economic forms.
Chapter 2. Morality & Markets: When Values Meet Model Design

How should people act in a capitalist economy, and to whom should they feel obligated? How has the context of an increasingly market-focused society changed the terms of these actions and their experience of moral commitment? How have traditional moral frameworks changed in recent years as a result of structural economic shifts, and what cultural resources have Americans drawn upon to cope with this change?

We’ve looked at Milwaukee, we’ve looked at New Jersey, we’ve looked at Washington, D.C., and part of our bill, for example, in terms of shared sick time and shared pay for this, we looked at things like workers’ compensation, disability insurance, unemployment insurance, all benefits that are moral obligations, public health issues and other issues, where the employee as well as the government, as well as the employer, all contribute into it.
– City Council, City of New York, May 11th, 2010, emphasis added

Introduction

With the passage of the Social Security Act, the American social insurance state was born (Handler and Hasenfeld 1991). Part and parcel of Roosevelt’s landmark New Deal, this legislation – fashioned out the depths of the Great Depression – initiated the creation of public social provision in the United States. Some of the primary innovations of the legislation – like unemployment, welfare, and social security – reduced much of the depression-fueled precarity of workers at the time and the prevailing model of unstable employment. While this legislation was passed in 1935, Theda Skocpol (1992) locates the origin of much of these social policies earlier, in the groundbreaking work of the women’s movement during this era (1900 – 1920s). Since their activism was largely
directed towards policies to protect women and children, it gave social welfare policies in America a decidedly “maternalist” bent:

Many social reforms were enacted into law during the progressive era, but not measures calling for new public social spending on old-age pensions or other kinds of working men’s social insurance. The United States thus refused to follow other Western nations on the road toward a paternalist welfare state, in which male bureaucrats would administer regulations and social insurance ‘for the good’ of breadwinning industrial workers and their dependents. Instead, America came close to creating a pioneering maternalist welfare state, with female-dominated public agencies implementing regulations and benefits for the good of women and their children. (Skocpol 1992: 561)

This ‘maternalism’ embedded in some of the first social policies in America had significant implications for the moral character of these reforms:

Through reformist and public-regarding voluntary associations, American upper- and middle-class women, joined by some wives of skilled workers, claimed a mission that they felt only their gender could uniquely perform: extending the moral values and social caring of the home into the larger community . . . women’s federations were well-placed to press upon legislators and public opinion across the land the ‘moral necessity’ for new social policies designed to protect women workers and mothers and children . . . (Skocpol 1992: 575)

While these same protections were extended to male workers when the Social Security Act was passed, the original framing around ‘morality’ and ‘social caring’ would have a lasting impact. In fact, when it comes to these kinds of benefits and protections, there remains a long-standing debate about who is morally responsible for workers and their well-being, i.e. is it the government, those who employ workers, or the workers themselves? Do we believe benefits are a right, or a “moral obligation” as the New York City council put it, owed to workers by virtue of their working? While the Social Security Act put a firm stake in the ground that it is not the responsibility of an individual nor a corporation but rather that of the government, this notion has been repeatedly challenged since its passing, particularly in the last four decades, ushering in a shift to predominately
employer-provided benefits (Hacker 2006). At the same time, as benefits have become the onus of employers, the government has created strict regulation around this employer provision in the form of the highly prescriptive Employee Retirement Income Security Act (commonly known as ERISA), which dictates the obligations and requirements that employers must adhere to in order to fairly provide their employees with benefits. And, the full shape and structure of worker benefits – and who is responsible for them – remains unresolved, relying on a patchwork of protections across the different levels of government and within the different sectors (see Cooper 2014: Ch 1). The portable benefits debate is set against this unsettled backdrop, complicating questions of how models should be designed, implemented, and perhaps most importantly, funded.

The complexity inherent to questions of morality and the labor market is epitomized by the *moralized markets* approach (Fourcade and Healy 2007), which sees markets “as explicitly moral projects” (299). In this view, the labor market cannot be understood in purely economic terms, nor can the relationship between employer and employee be distilled down to the simple trade of labor for wages – there is a moral undercurrent running through and around our economic exchange. The emergent, non-standard “gig economy” workforce seems to magnify the contradictions endemic to the marriage of markets and morality when it comes to employment relationships and, by extension, benefits. When considering portable benefits for a non-standard workforce, policymakers must take a stand on two questions at once, weighing in on both who is morally responsible for workers *and* what are the bounds of these new work arrangements, i.e. what constitutes non-standard work, who employs these workers, and how independent is the work that they do. While these are issues that policymakers must
wrangle with, the extant portable benefits models have been required to resolve them, the answers implicit in how they have designed their models. Even in their infancy, these organizations have made (often thorny) decisions around which groups of workers to target and administer to, how to secure revenue streams and fund benefits, and which structural (i.e. for-profit or non-profit) and technological systems should power their models. Against a historical legacy that has tended to couch benefits and social protections in terms of morality, a regulatory environment that privileges the “good” of workers (via ERISA), and a field populated by worker-centered organizations, I argue that portable benefit models have been designed with this in mind, keeping central questions of what is right and fair to the workers they aim to support. In this chapter, I will discuss the design of six portable benefits models within the field, which represent a diversity of organizational forms (profit vs non-profit) and foci (worker-led vs private).

Specifically, I examine: (1) Opolis, a for-profit worker-cooperative; (2) the Freelancers Union Insurance Company, a for-profit organization started by a worker-centered union; (3) Alia, a non-profit, worker-advocacy organization model; (4) SAG-AFTRA, the non-profit plan of a worker-centered union; (5) Catch, a for-profit private benefit administrator; and (6) the Workers Benefit Fund, a for-profit, private benefit company that administers benefits on behalf of a non-profit government-mandated organization.

While there is significant variation in the organizational forms of these models, I find that there is similarity in the mechanisms by which organizations maintain their assessment of and commitment to what is fair to the workers they serve. Specifically, I find that there are four mechanisms – which I call (1) communal enrichment, (2) reclaiming technology, (3) redistribution, and (4) revenue safeguards – that model designers employ to seed
worker-centered values into their models. Since the majority of these organizations have a focus on workers at their heart, it is not surprising that they would want to keep questions of worker fairness central to their model design. But, I explore the similarity in the mechanisms that they employ as a unified response to the history of social protections in this country, the regulatory environment that ERISA has created, and the presence of these organizations in a field with other worker-centered organizations as well as for-profit employers. Before I discuss these mechanisms, I will first give an overview of the *moralized markets* approach and define what I mean by morality in my case. I will then highlight how questions of moral responsibility have figured into the history of social protections in the United States, from its origin in the New Deal era to current ERISA regulations of the benefits industry, illuminating where non-standard work fits in.

**Moralized Markets & The Problem of Portable Benefits**

**Defining Morality**

In a review on “The Relationship of Morals and Markets Today,” Macekura and co-authors (2016) assert that recent scholarship on capitalism, particularly within cultural sociology, history, and religious studies, has “foreground[ed] the cultural and moral, rather than technical, aspects of economic life” with work that investigates “the relationship between capitalism, moral formation, and ethical decision-making within [a] market society” (136, 157). Specifically within sociology, they argue that there is a growing tendency to recognize the mutual constitution of markets and market subjects. Citing Fourcade and Healy (2007), they suggest that this work rejects an analytical separation between morality and markets. This idea – that a market process is both a
product and producer of moral ones – is central to the conception of moralized markets. Fourcade and Healy take as their starting point the work of the economist Hirschman (1977), who summarized the elite perception of the effects of the market on society throughout history in three views: markets have been portrayed as either (1) civilizing, (2) destructive, or (3) feeble in their impact on the societies in which they operate. In the first, markets are “good” in that they civilize people; in the second, markets are “bad” in that they destroy them. In the third, markets are a relatively weak force in the face of culture and society. Fourcade and Healy position most economic sociologists in this third camp, arguing that the prevailing embeddedness paradigm (Granovetter 1985) that embraces this feeble view tends to also subvert moral considerations: “culture and institutions mediate, and often trump, the moral implications (good or bad) of capitalist markets” (286). Fourcade and Healy advocate for a new, fourth way to conceive of the relationship “between the market and the moral order” in which there is not a causal direction between markets and morality but instead, as Macekura et al. put it, a mutual constitution: markets are “intensely moralized, and moralizing, entities” (286). In other words, markets do not simply have a good, bad, or negligible effect on society, but rather markets affect what we see as good and bad, just as what we see as good and bad affects markets. Importantly for the purpose of my work, the scholarship within this vein employs a relatively expansive view of morality, conceiving of it as a process of category-making and legitimization: “market exchange is saturated with moral meaning—that is, that it involves more or less conscious efforts to categorize, normalize, and naturalize behaviors and rules that are not natural in any way” (Fourcade and Healy 2007: 300). In this way, morality does not denote what is “objectively” ethical, but rather
a set of legitimizing boundaries that are particular to a place (and, I would argue, time);
citing Zelizer and Velthius’ work, Fourcade and Healy (2007: 301) write that:

The approach is broadly Durkheimian. Morality does not refer here to some universal ethical standard; rather, it means what a society, or a group, defines as good or bad, legitimate or inappropriate. The moral valuation or appropriate classification of particular goods, or even of the market itself, is therefore not fixed but empirically variable. From this point of view the study of exchange relations brings about an analysis of how moral categories (defined in this sociological way) are formed, contested, and transformed.

It is this definition of moral that I employ here: “what a society, or a group, defines as good or bad, legitimate or inappropriate.” In this understanding of morality as the subjective perceptions of a society or group, there is space for mutability – these moral perceptions can be “contested” and “transformed” over time. This view of morality is a crucial lens with which to understand the historical development of benefits this country, culminating in the portable benefits field today; it is this history that I take up next.

**History of Social Insurance & The Question of Moral Responsibility**

The history of worker insurance legislation – both how the laws have shifted but also how public opinion has contorted around them – reflects what America, as a society, has deemed good, legitimate, and appropriate when it comes to who should be protected and who should be responsible for this protection. As said, these laws had their origins in the women’s movement, where feminist groups argued that social protections were not necessarily the realm of work, but rather gender – in other words, it was the good of women and children we must privilege (Skocpol 1992). With the passage of the Social Security Act, this shifted: the American legislature deemed workers, the majority of whom were men, legitimate recipients of these protections. It also took a clear stand on
who should be responsible for protecting workers – it was, for the first time, the role of the government to ensure their economic security. While the concept of insurance had long been in existence and prior to 1935, certain companies offered forms of it to their employees, the Social Security Act “embodied a bold new imperative of government action: insurance” (Hacker 2006: 41, emphasis in original). While the Great Depression might have been the impetus for this shift, the underlying reasoning had to do with risk: it was the government alone that could harness the power of the collectivity and pool large groups of workers, thus minimizing the risk of any one individual. Jacob S. Hacker (2006) describes the significance of this in The Great Risk Shift:

The intelligence of insurance became genius when insurance principles were coupled with the power of the state to require participation and ensure adequate and affordable coverage. The ‘insurance’ in social insurance came from the power of aggregation: Risks that could devastate an individual or community could be managed if they were spread across many individuals and many communities. The ‘social’ in social insurance came from the principle of shared fate, the reassurance that ‘we’re all in this together.’ All insurance pools risks. Only social insurance pools risks on terms that enable the poor as well as the rich, the aged as well as the young, the ill as well as the healthy to afford protection. At the heart of this belief was a simple conviction: broadly distributed threats to economic well-being – sickness, injury, disability, unemployment, penurious old age – were not the responsibility of individuals alone. (41-42)

It is even clear in the law’s name change from Economic Security Act to Social Security Act that the “social” part was critical – it was not up to individuals to protect themselves, and the government alone has the ability to leverage the truly “social.” In this way, the government was anointed the appropriate purveyor of protection and security, particularly since following the devastation of the Great Depression, what was “right” and “good” was to ensure that all would be able to share in these protections, i.e. “the poor as well as the rich.” Yet there were two groups of workers categorically excluded from this “all” – domestic workers and agricultural workers, who were exempted from
the Social Security Act’s protections. Since these two industries were made up of predominately Black workers (DeWitt 2010), scholars suggest that these exemptions were a reflection of the racist culture of the era and a concession to a powerful bloc of southern lawmakers at the time (Gordon 1994; Brown 1999; Lieberman 1995). In this explicit exclusion from the country’s protections of workers, the Social Security Act made an implicit statement about the legitimacy and value of both the type of work and the workers who do it. Not only were these workers left out of the New Deal bargain, but health insurance was too – an elision that was the result of lobbying by the American Medical Association, which convinced an otherwise favorable Roosevelt to leave it out of the final act (Hacker 2006). Regardless of these omissions, the moral character of the law is clear – the legislature believed that what was “good” or “appropriate” was to provide protection for those that otherwise could not afford it, and the government was well-placed to do it. Interestingly, this bold stance taken by the government did not crowd out private employer benefits, but it actually had the opposite effect in the decades following its passage. Spurred on by the Social Security Act, a strong labor movement, and a flourishing economy, employers started to offer guaranteed pension plans on top of Social Security, as well as private health insurance (Hacker 2006). Private benefits thus began to thrive on top of public benefits, buoyed by tax incentives that the government granted after successful lobbying by employers, insurers, and labor unions (Hacker 2006). The result of this was what Hacker calls “benevolent welfare capitalism,” which included “a unique public-private system of insurance that, for a few brief decades, united government and corporations in pursuit of a common goal – economic security” (44). Here again the terms of the moral order had shifted: it is not only the government
that is morally responsible for workers, but employers too – the collaboration of which legitimized *security* as the country’s defining moral principle with respect to workers.

These halcyon days of collaboration and protection for the American worker would not last. What is particularly interesting is that their demise would be premised on moral terms as well – specifically, a critique of the public insurance system that deriders called *moral hazard*. Moral hazard is the idea that “[p]rotecting people against risks reduces the care people exercise in avoiding risk” (Hacker 2006: 47); in other words, insurance can cause perverse incentives in that by shielding individuals against risk, it encourages people – by “rational economic behavior” (48) – to engage in riskier behavior to use the full extent of their coverage. While this was understood and in fact designed around in the insurance industry prior, the 1960s and 1970s saw economists raise this critique, claiming that moral hazard resulted in *inefficiency* (Hacker 2006). And, this was tied specifically to the government’s role in insurance – the economist Mark Pauly argued that the remedy for the inefficiency that moral hazard wrought was to eliminate government insurance programs (Hacker 2006). Again, the terms of what was “good” had been transformed again: the government should no longer ensure *security*, but instead *efficiency* – *efficiency* was the new moral standard:

Insurance had been justified as a way of aiding the unfortunate – now it was criticized as a way of coddling the irresponsible. Insurance had been understood as a partial solution to social problems like unemployment and poverty in old age – now it was condemned as worsening the very problems it was meant to solve. Insurance had been seen as a cushion against the sharp edges of a dynamic capitalist economy – now it was disparaged as an impediment to economic efficiency. (Hacker 2006: 53)

In other words, the inefficiency of the public insurance system (the claimed de facto result of moral hazard) rewarded bad behavior (“the irresponsible”), so functioning
efficiently became a foil for being “fair” or “good.” Not only had the terms changed, but the question of responsibility did too: while the government needed to ensure efficiency, it would increasingly be up to individuals to guarantee their own security. As the moral hazard critique moved from economists to policy circles in the 1970s, it was buttressed by the growing neoliberalist emphasis on individual self-restraint – the result of which Hacker calls the “Personal Responsibility Crusade,” or “a collection of beliefs, institutions, and advocates” with the “core assertion . . . that Americans are best off dealing with economic risks on their own, without the overweening interference or expense of wider systems of risk sharing” (2006: 38). The result of this emphasis on individual responsibility was widespread, encapsulated most prominently in the influx of plans that emphasized individual choice when it came to benefits and protections. Encouraged by generous tax breaks, less secure and self-chosen 401(k) plans replaced employee-sponsored pension plans, Individual Retirement Accounts (IRAs) were expanded as an alternative to both Social Security and pensions, and individual health care accounts proliferated. This allowed for the Personal Responsibility Crusade to thread the needle between invoking individual responsibility while still allowing the Social Security Act to remain in place:

Rather than calling for the elimination of government’s role, conservatives demanded that this role shift from providing shared insurance against economic misfortune toward providing individual accounts that people could use to provide for themselves and their families. Yes, these accounts would be sponsored by the government. Yes, they would be subsidized by taxpayers. Yes, they would be regulated; indeed they would sometimes be mandatory. But they would shift risk onto individuals, and this made them consistent with personal responsibility. (Hacker 2006: 57, emphasis in the original)
This expansion of individual accounts propelled the growth of an industry of private
benefit providers – and spelled the death knell of the widespread acceptance of collective,
government-administered protection. The new moral terms were clear: we are
individually responsible for our own security. Yet, these terms were not altogether
settled, even then:

Conservatives learned the hard way that for all the natural appeal of the rhetoric
of personal responsibility, frontal assaults on existing programs are a non-starter
with most of the American public. Americans believe strongly that people should
pull themselves up by their own bootstraps; but they also believe that people
should be protected when they are buffeted by the winds of economic fortune.
(Hacker 2006: 58-59)

And, they remain equally unsettled today. The trend toward individual responsibility has
only snowballed in the last two decades, with programs like Social Security and Medicare
constantly under threat and individual account systems like 401(k)s, IRAs, and Health
Savings Accounts surging. And, while the Affordable Care Act was passed to remedy the
original hole that the Social Security Act left, it also remains consistently under threat,
and the intensity with which it is opposed is only further evidence of this unsettledness.
In other words, there is a glaring lack of national consensus with respect to what we deem
legitimate or appropriate when it comes to protecting workers and non-workers alike –
this is clearly a moment when our moral categories are being “contested” and
“transformed.” It is in this extremely murky and complex moral landscape that the debate
over portable benefits is being waged – a debate which is only further complicated by the
fact that the very category of “work” and “worker” is called into question. And, the
shifting of risk that is inherent to benefits is only magnified in non-standard work itself.

Non-Standard Work, Risky and Undefined
The shift to individual responsibility, and correspondingly, risk is not simply a matter of benefits— it also defines non-standard work in the US, which is often considered “precarious” (Kalleberg 2018; Vosko 2010; Kalleberg and Hewison 2013; Breman and van der Linden 2014). Kalleberg (2018) pinpoints the most recent shift to precarious work in the 1970s and 1980s, unsurprisingly at the same moment that Hacker locates the risk shift in benefits and protections. In fact, they are inextricably related, in that a lack of protections is one contributing factor in making work precarious: precarious work is that which is “uncertain, unstable, and insecure and in which employees bear the risks of work (as opposed to businesses or the government) and receive limited social benefits and statutory entitlements” (Kalleberg 2018: 3, emphasis in the original).

Importantly, Kalleberg argues that while there has been growth in precarious work across a number of rich democracies, its consequences for workers are still dependent on the countries’ social welfare protections and labor market institutions – non-standard work is thus not inherently risky, but how a country does or does not protect it is what makes it risky. In the US, non-standard work is precarious because those doing it under the 1099 tax status are prevented from receiving the suite of protections associated with “standard” W2 work. Specifically, 1099 workers are precluded from the shelter of most labor laws, like those guaranteeing minimum wage or preventing discrimination, ineligible for most employer-sponsored benefits, and unable to draw on government-provided protections that would require employers to pay in on their behalf, like unemployment insurance or worker displacement assistance. Yet, this is in itself a moral issue – the difference in these tax statutes and the accompanying laws are “efforts to categorize, normalize, and naturalize behaviors and rules that are not natural in any way.” There is nothing natural
about deciding that “real work” is that which takes place during an eight-hour day, five days a week, for one employer, and at a consistent place of business. In fact, Kalleberg (2018:19) argues that the “latest rise in precarious work is a return to a more ‘normal’ situation that characterized work for much of human history” – in other words, there is nothing “normal” about what we currently consider standard work. And, this contemporary demarcation around “standard” work is now a site of contestation when some groups (i.e. those within the portable benefits field) argue that it is no longer an accurate reflection of the category of “work.” Non-standard work tends to be characterized by shifting hours, days, employers, and complete lack of physical home base where work originates from. Proponents within the portable benefits field argue that this does not mean that it is not “real” work (see Chapter 3 for a discussion of the framing of non-standard work). The distinction in tax statuses is similarly artificial: the W2 form was originally developed to facilitate government tax-withholding, not to formalize the employment relationship. While the tax code might have inadvertently enshrined this status as “standard” employment, there is nothing “natural” about the connection between a W2 form, “real” work, and access to full protection under the law. Creating benefits for non-standard workers thus not only foregrounds unresolved questions about who we believe is responsible for worker’s well-being, but it also challenges the socio-legislative boundaries we have drawn around what work is and how we define who performs it.

**ERISA and Regulating the Business of Benefits**

While the overall trend since the 1970s has been to increasingly shift responsibility to the individual worker in terms of benefits and protections, there is one
notable exception of government involvement, which continues to impact the world of benefits today: the Employee Retirement Income Security Act (ERISA). In December of 1963, the Studebaker-Packard plant in South Bend, Indiana closed, bringing down with it not only the business, but also the pensions of the company’s long-toiling workers. Short $15 million dollars in their pension funds, the bankrupt company did not have the assets to provide many of their workers with their retirement, and since the fund was not insured, these workers were left without recourse (Wooten 2004). While there was political movement around regulating the private pension industry prior to the plant’s closing, this event proved to be a flashpoint, urging lawmakers to take action (Wooten 2001). As one ERISA expert explained, the law was “essentially really good-hearted legislation to try and ensure that employees of most companies would have retirement savings they could rely on” (Interview with Jordan Mamorsky, Of Counsel at Wagner Law Group, October 2020). Couched in moral terms in this way (i.e. “good-hearted”), it is interesting insight into the progression of benefits: while private employers and individually-based plans might have been increasing, the government still felt it important to step in legislatively to protect the rights of workers. To that end, ERISA established the Pension Benefit Guarantee Corporation to ensure pensions and prescribed requirements for the company’s funding schedule and vesting procedures. Though the law was designed to regulate retirement pensions, its scope has been expanded dramatically over the years through a series of amendments. It now applies to most employee-sponsored benefits, such as health insurance, disability and accident insurance, and unemployment. It also includes a particularly significant provision around fiduciary responsibility, which requires there to be a named fiduciary for each of the company’s
benefit plans. This named fiduciary controls the plan’s operation and administration and is meant to act in the best interest of the company’s workers. An ERISA fiduciary has two obligations in this capacity: to behave in a way that is (1) prudent, i.e. how an expert would act, and (2) loyal, i.e. the workers are their primary concern. This provision of the law is based on trust law, but another ERISA expert noted that the legislature made a higher standard for the duty of prudence under ERISA than it did under common law in order “to take into account the different socioeconomic structure” that might be operating within the pool of a company’s employees (Interview with Barry Salkin, Of Counsel at Wagner Law Group, October 2020). And, the fiduciary is personally liable, which makes the legislation powerfully remedial when it comes to breaching fiduciary responsibility (Interview with Jordan Mamorsky, Of Counsel at Wagner Law Group, October 2020). All of this means that the law has created a high bar for the regulation of companies’ benefit plans, aiming to ensure that not only are the workers protected, but also that a company is not profiting off of the plans they offer. The latter provision is particularly significant: the legislature deemed it improper that a company would make money off of providing their employees with benefits – benefits were meant to be a space free from exploitation. While benefit providers could be motivated by profit, an employer – who, in providing benefits, takes on the role of responsibility for the worker – could not be. And lawmakers took a particularly strong stance with the law: both ERISA experts considered it an incredibly comprehensive and potent piece of legislation that is policed regularly by the Department of Labor. The power of the statute itself and the strict enforcement of it is a testament to the emphasis we place on protecting workers, and it sets a powerful standard for what is deemed fair and appropriate when it comes to providing workers
with benefits. While models that provide portable benefits are not subject to ERISA law, this legislation seems to set the tone for how these models should act when it comes to providing benefits to workers.

**Morality and Markets at the Site of Model Design**

It is in this labyrinthian context – i.e. a fraught history of worker protections, a new style of work that defines categorization, and an ERISA industry standard setting a high bar for benefit provision – that portable benefit model designers have entered the fray. Responding to these conditions, the models that I take up in this chapter privilege workers – and specifically what is “good” to workers – within their design. Notably, all of these models are connected to worker-organizations or are worker-led organizations themselves, with the exception of Catch, which is a for-profit without any connection to a worker organization. Nevertheless, most of these models have still assumed a for-profit form (i.e. Opolis, the Freelancers Union Insurance Company, the Workers Benefit Fund, and Catch). How then do these profit-centered models maintain their moral obligations to the workers they are selling benefits to? What are the ways in which for-profit portable benefit models balance a design that centers workers with the reality of operating a sustainable business of benefits? This becomes particularly crucial when it comes to funding the benefits themselves, since many of those engaged in this style of work are low-wage workers (Kalleberg, Reskin, and Hudson 2000; Kalleberg 2018: 113) and employed by entities that do not identify themselves as employers. Similarly, if ERISA has created a standard within the industry that there must be someone advocating on a worker’s behalf to prevent exploitation, who will serve as this advocate if employers are
not the one providing the plans? Without this employer-designated fiduciary, how do portable benefit organizations embed fiduciary-like mechanisms within their models? In the case of both for-profits and non-profits, I argue that the model’s design reflects the ways in which organizations within the portable benefits field have answered these questions and articulated what they believe is “good” and appropriate when it comes to protecting workers in this developing space. By “model design,” I mean the organization’s explicit decisions and execution around: which groups of workers to target and administer to, how to secure revenue streams and fund benefits, and which structural and technological systems should power models. Examining these elements reveals four types of mechanisms employed by organizations to “maintain” their moral commitments to workers, which I call: (1) communal enrichment, (2) reclaiming technology, (3) redistribution, and (4) revenue safeguards.

**Communal Enrichment**

At the most basic level, a model can be structured as either a for-profit or a non-profit. By definition, the goal of a for-profit is to make a profit – typically, this structure privileges profit-centered motives above all else. Not only do profits trump other concerns (i.e. over fair wages, inclusionary hiring, environmental responsibility, etc.), but it is often the case that these profits are singularly directed, either back into the business (and the hands of high-level executives) or to the company’s shareholders. Importantly, these assumptions around for-profit structures have more recently been challenged in our greater discourse around capitalism, reflected most prominently in the 2019 release of the
Business Roundtable’s ‘Statement on the Purpose of a Corporation.’ At the heart of this statement was the idea that corporations should shift from solely serving shareholders and instead think more holistically about all of the stakeholders a corporation should be obligated to, which include employees, customers, suppliers, and communities (in addition to shareholders). This emphasis is captured by the shorthand “stakeholder capitalism vs. shareholder capitalism” – a phrase that came up repeatedly during interviews. This letter and its ensuing “movement” is a prime example of the meeting of markets and morals, with the business community taking an explicit stance about the role that a corporation (the market) should have on society, arguing that concerns for profitability alone should be replaced with concerns for the collectivity (which includes workers) in addition to profitability. In fact, the statement specifically mentions benefits vis-à-vis workers, with the signatory CEOs committing to “[i]nvesting in our employees. This starts with compensating them fairly and providing important benefits.” In other words, what the Business Roundtable deems “good” and “appropriate” when it comes to workers is fair pay and important benefits. It is significant that benefits are given such primacy here – it is what companies should “start” with, i.e. benefits are fundamental when it comes to investing in your employees. While this approach to reconsidering the role of a corporation positions workers as one of the five “essential” stakeholders to consider, it stops short of defining to what extent these various stakeholders should share in the wealth that a corporation generates. Two portable benefit models took a more explicit stand, asserting that it is the workers, i.e. the users of the system, who should be enriched by the profits the system generates. In other words, in order to guard against the

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16 See full statement and signatories here: https://opportunity.businessroundtable.org/ourcommitment/
“ravages” (as one interviewee put it) of shareholder capitalism, these models build “good” into the for-profit system by orienting it towards communal enrichment, where profits are designed to benefit the worker community who pays for them. As I will show, the structure of these models was distinct, but they are both defined by this kind of equitable ecosystem; specifically, the models employ two pathways to achieve communal enrichment: (1) shared ownership (Opolis) and (2) reinvestment (Freelancers Union Insurance Company).

In the spring of 2020, Opolis launched the Employment Commons, a cooperative that aims to band together a broad spectrum of non-standard workers within a central framework to provide all of the advantages of a typical employment structure without the overarching employing corporation. Opolis’ Chief Steward, John Paller, makes clear that they believed that a shared ownership structure was the only way to fulfill a self-imposed moral commitment to “protect benevolence.” This explicit commitment to protecting benevolence seems to have come from both his personal sense of what is “right” and also his previous experience heading a large staffing company. He described his orienting moral compass, but noted how often that is challenged in a business environment:

So, one of the things about me in my background is . . . My parents always taught me to do the right thing no matter what. Now, that sounds really good and it sounds like a good decal put on your wall, but in practice, it is really hard to do that, because a lot of times the decisions that you’re faced with are very unpopular and/or very expensive in the business sense. (Interview with John Paller, Chief Steward of Opolis, June 2020)

Paller went on to explain that this tension was particularly pronounced in his former staffing agency business, where the workers are both your product and your profit. This means that when cost-cutting mechanisms need to be employed to ensure profitability, they most often get “pushed out to the product,” meaning that workers not only see wages
cut but are also denied benefits and paid time off. He came front and center with this tension of people and profits in the case of one benefit in particular: health insurance.

Even though the ACA required companies such as his to start offering health insurance in 2015, he decided to offer ACA qualified and better healthcare for all his employees in 2013, two years before the law required. Here he relies on a moral explanation – “the right thing to do” – for why he felt it necessary to do so:

I’m like, we did the analysis and were like, well, if we went to every one of our employers and said, ‘Look, we believe that it’s the right thing to do to treat these people as human beings and as equal to your other counterparts that are doing a good job. We think that it’s the right thing to do’ . . . Now, it wasn’t just a healthcare benefits thing, it was a mutuality thing. It was a reciprocity thing. It was about treating people not like product and numbers. (Interview with John Paller, Chief Steward of Opolis, June 2020)

Paller went on to say that many in the staffing space started “figuring out their ways around [providing healthcare coverage]” after the law went into effect and that he began to perceive the industry as extremely exploitative “in really, really not so good opportunistic ways” (ibid). He again emphasized that the staffing business model was singularly unfair to workers, which he describes in the same terms as the Business Roundtable statement: “Labor is another component to this. Labor is a stakeholder in a business or an ecosystem. The thing about staffing is the labor is the profit center, but the labor doesn’t profit anything on contributing to the building of a brand or anything else” (ibid). In light of this, it is not surprising that he felt compelled to not only leave the staffing space, but also to reimagine a business model that would be based on “reciprocity” and “mutuality” (see Chapter 4 for a discussion of new organizational forms based on these values) – one that would allow labor to benefit and share equally in the profitability it creates. This is the motivation behind Opolis’ cooperative, shared
ownership structure – it is a way to “protect benevolence” by creating what Paller calls “structural benevolence.” He seeds this idea by describing what typically happens in companies that want to do “good,” using Uber (an important employer within the portable benefits field) as an illustration:

In the very beginning of Uber, it was all of this virtue signaling like, ‘Oh, we’re freeing the slaves of these taxi drivers . . . and you’re going to pay less and they’re going to make more. And we’re going to sit around the campfire and make s’mores and sing Kumbaya.’ Well, it’s great until they raised billions and billions of dollars. Now, the corporate governance structure dictates the only function of these four directors is one thing. Legally speaking, as a floor director in a C-Corp in the United States of America, your sole job, fiduciary duty is to maximize shareholder profits. Now, what do you think happens to benevolence and all the little, you know, handholding and singing songs and stuff. Okay. It’s not sustainably benevolent because it’s not structurally benevolent. It’s words, it’s not legally protected . . . (Interview with John Paller, Chief Steward of Opolis, June 2020)

In effect, there is a “time relationship to the diminishing of benevolence” (ibid) in that as a business matures, it grows farther afield from its originating values, to the point where it becomes impossible to maintain them in the face of conflicting business needs. And, since these values are not “protected” by the legal framework of the organization at the onset, they are particularly vulnerable to extinction, especially when confronted with private equity and venture capital control:

So when you start unpacking all of the dynamics of fundraising and exits and IPOs and strategic sales and private equity and all this, what you’ll realize is there’s this giant four-ton elephant in the room. And I have a term for it, it’s in our white paper, I call it the ‘tragedy of the boardroom.’ So the tragedy of the boardroom is essentially where benevolence gets lost. Because so many businesses start with such altruistic goals and good-hearted people and you want to do right by people and all this, but almost every time the private equity or the professional executives come in, ‘Oh yeah, all that lip service is nice, we’re here to make profits.’ (Interview with John Paller, Chief Steward of Opolis, June 2020)

In an “Off-White” Paper Opolis wrote to launch their offering, they echo the Business Roundtable statement in placing the locus of blame for this diminishing benevolence on
the shareholder model itself, writing that as businesses grow, “an increasing divergence of incentives alignment is observed, which shows the tendency for the network to lose benevolence toward users and collaborators when there is a centralized, exclusively shareholder-focused entity as the market maker” (2019: 19). The solution to this, in the eyes of Opolis, is to create a worker-owned cooperative, which circumvents the need for an owning corporation (i.e. the “exclusively shareholder-focused entity”), since the workers themselves are owners. Importantly, the overarching framework, called the ‘Opolis Trustee,’ must remain completely neutral and unlike a corporation in its core functioning; in order to ensure this, the Off-White paper specifies that the Trustee must not “(1) compete directly with contributing native technology 2) focus on profit maximization (although profits for sustainability and investor returns are acceptable) 3) become anything other than an end-to-end base layer of employment for members” (2019: 20). It is in this neutral central force and enshrouding communal ownership that Paller believes they can uphold their moral commitment to the workers they will serve. In fact, ‘moral’ is language that he explicitly employs:

How do you build open-source benevolent software on top of a highly controlled centralized corporate system and own it? How do you do that? You can’t . . . So it’s about protecting benevolence is what it is . . . So the cooperative framework was decided upon because frankly it’s the only way that we could morally justify as aligning with what we said. (Interview with John Paller, Chief Steward of Opolis, June 2020, emphasis added)

In other words, “structural benevolence” is when the commitment to be good to workers is rooted (and protected) in the structure itself, even if that structure is designed as a for-profit. Put simply, if a corporation is structured to enrich shareholders, then a worker cooperative is structured to enrich the worker-owners. And, this form of communal enrichment is actually predicated on the fact that the cooperative is not a non-profit – it is
designed to be profit-generating, but those profits will be returned to the community’s members:

But our vision for this is . . . Co-ops, it can be for profit. So we’re not at not-for-profit, but here’s the kicker. Every member of the Commons is an owner of the Commons. So why not, if we can all collectively work together and share services, essentially, just like a large corporation . . . But if you had a billion people in this thing and you were, you know, openly selling stock to markets, or you had some sort of value mechanism, like a digital token or some sort of securities token, would it be in high demand? Well, hell yes. I mean, if you’re processing something like...at a billion people, you're talking about something like $30 trillion of payroll. Can you imagine if you were making 50 basis points on that, what the value of this stock would be? (Interview with John Paller, Chief Steward of Opolis, June 2020)

As Paller alludes to here, there are different mechanisms by which the model can generate profits, but what remains key is that since “every member of the Commons is an owner of the Commons,” any profits are shared among Commons members. While this profit-sharing appears more complicated than a one-for-one exchange, the co-op ensures a collective, communal enrichment, in which profits generated from the model, including the sale of benefits, would be used to augment the incomes of the workers within the system.

A worker-owned cooperative is not the only way to ensure, in Paller’s terms, “structural benevolence” – the Freelancers Union piloted its own innovative model that was arguably the first portable benefit model to hit the market, with communal enrichment core to its infrastructure. In 2008, the Union (and in particular, their MacArthur “Genius” Grant winning-leader, Sara Horowitz), saw the “market failure” in freelancers trying to purchase health insurance as individuals on the open market, saddled with paying extremely high premiums for sub-optimal care. Spinning off the non-profit union arm, the Freelancers Union started a for-profit insurance company, the Freelancers
Insurance Company, in which they could offer portable healthcare plans to freelancers at forty percent below market rate. These plans were portable in the sense that they were not tied to freelancers’ employers, though notably, this also meant that an employer was not contributing to the plan – plans were purchased completely out-of-pocket by freelancers.

While the Freelancers Insurance Company was a bona fide for-profit insurance corporation, it did not function as a typical corporation: instead of enriching management or shareholders with profits, the company actually reinvested revenues back into care. In other words, even though the insurance company was for-profit, they ensured revenues did not become profit, but rather reinvestments into the ecosystem of members. Caitlin Pearce, the former Executive Director of the Freelancers Union, described it as such:

> At one point Freelancers Union was very large and was running an insurance company. . . Through this insurance company, we were able to basically devise a whole social purpose ecosystem. Rather than having a for-profit model where it’s just about maximizing revenue, we were really reinvesting any of the revenues that were coming into the health insurance company in different wellness functions for our members. . . We opened two medical practices here in the city: one in Maiden Lane and one in downtown Brooklyn. It was this idea of this innovative care model through which we were breaking away from the fee for service system and paying these medical practices on what’s called a per member, per month basis; basically, paying them a fee to invest in all the wellness our members needed. In return, we’d have a healthier population of people, we’d have members that would be able to access care in a more managed way, and it would be all available to them for free through this insurance company ecosystem.

(Interview with Caitlin Pearce, Executive Director of Freelancers Union, July 2019)

Pearce refers to this as a “social purpose ecosystem,” wherein profit is generated, but not at the expense of the consumers (in this case, freelancers) from whom you generate profit from. Sara Horowitz, the brainchild behind the model’s design, saw this social enterprise model as part of what she called the “new mutualism,” a movement that seeks to create

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17 Caitlin Pearce was Executive Director of the Freelancers Union in 2019, when this interview was conducted. She stepped down from the role in February 2020.
“a culture of interdependence, mutual support, and affinity, with building sustainability, rather than maximizing short-term profit, as a goal” (Freelancers Union literature, cited in King 2014) (see Chapter 4 for an in-depth discussion of new mutualism). Horowitz’s vision for sustainable organizations is in fact directly related to communal enrichment:

“Sustainability. New mutualist strategies ideally have a self-sustaining revenue model and ‘all resources generated by the community must be invested in or returned to the community [in the short or long-term]’” (King 2016: 166). In other words, Horowitz does not believe that earnings are antithetical to “doing good” – in fact, generating revenues is critical to making an organization sustainable, but it is how those revenues are used that matters. In this respect, the way the Freelancers Union model was able to function seems quite revolutionary:

It was like your doctor’s office, except you could go there and get free acupuncture or . . . We basically had the ability as an insurance company to analyze how our members were using healthcare. We would look and say, ‘Oh my god, a significant population have HIV, and that’s disproportionate to the population,’ or ‘A significant population are high utilizers of talk therapy ‘cause they have a lot of anxiety, they’re alone, and they’re dealing with all these things.’ We can allocate our spending to invest in those services to provide them to our members, and that was kind of like this beautiful ecosystem . . . Traditional health insurance companies do do that, but it’s more . . . more with a bottom-line functionality, versus not a social mission driven . . . You could go to our medical practice and do group talk therapy, they had wellness coaches, you could do yoga and meditation, all things that we know our members are really high utilizers of and wanted, and we were able to make them available. (Interview with Caitlin Pearce, Executive Director of Freelancers Union, July 2019)

In other words, the investments freelancers made out-of-pocket not only enabled them to buy otherwise cost-prohibitive health insurance, but it actually allowed them to benefit much more broadly from this care, not just receiving the baseline level of girding against risk. In an industry that is notoriously overpriced but often underdelivers, this kind of truly customized care is significant. Nevertheless, the model would be short-lived: the
passage of the Affordable Care Act, which aimed to ensure that all were covered by health insurance, had the ironic effect of making the FIC illegal. As Pearce explained, the ACA outlawed non-employer groups, which had different effects on insurance groups and essentially made it financially infeasible to continue operating the FIC. This contradiction is glaring: the Freelancers Union’s goal in creating the FIC was to harness the power of the collectivity and create the opportunity for truly “social” insurance, without reliance on the government to pool risk and reach scale, but the government’s desire to get everyone covered by health insurance made this goal an impossibility. Regardless of its demise, the organization provides a model of a portable benefit structure based on communal enrichment, in which workers enjoyed an elevated version of healthcare benefits that were customized to the particular needs of this type of non-standard work and worker. Key to this model was the adoption of a for-profit structure, which allowed for the organization to operate a sustainable business of benefits, while still enlisting those profits to further benefit the worker-consumers the organization served.

**Reclaiming Technology**

While communal enrichment speaks to the overall structure of a portable benefit model (i.e. for-profit vs non-profit), reclaiming technology speaks to its technological structure – the tools by which benefits are delivered. Here, digital technology in particular has the potential to play a constitutive role in portable benefit model design. In a typical W2 employment arrangement where benefits are housed within a company, the employee is connected to the benefit via the employer: the employer serves as the
intermediary and the HR department is typically the data center. In the case of non-
standard workers, this intermediary does not exist – workers exist across industries,
employers, and types of work arrangements. As a result, some kind of centralizing force
will be needed, and many within the portable benefits field believe that it will be digital
technology that will play that role: “All of the future portable benefits models share a
common reliance on developing a technology platform that mediates the relationship
between customer (non-traditional workers), funder (worker, employer, etc.), and the
benefits administrator (insurance company, etc.)” (Foster, Nelson, and Redder 2016: 33).
In other words, technology will need to be both the mediator and the aggregator,
providing a way to unify non-standard workers both within an industry across different
employers (e.g., domestic workers, rideshare drivers) as well as across industries
themselves (e.g., freelance accountants, freelance web developers). This has the potential
to give undue power to technology that will act as the key arbiter, invoking fears of
workers’ (and their data’s) vulnerability in the face of this aggregating force –
particularly since this kind of technology is not neutral, nor are its algorithms (Rosenblat
2018; O’neil 2016). To counteract this, two models – Opolis and Alia – saw an
opportunity to reclaim the technology that would be used to power their systems, rooting
their commitment to be fair to workers within the tech itself. Taking a cue from the
private employers that populate the portable benefits field (e.g., Uber, Lyft, DoorDash,
and Care.com), they sought to use their technological platforms to aggregate workers, but
they aimed to use this aggregation to a workers’ advantage, while ensuring that their data
and information remained private and protected.
Just as Paller spoke of “structural benevolence,” he also spoke of “technological benevolence,” a tenet elemental to the Opolis model. Within Paller’s conception, technology is not simply a byproduct of the model, but can actually play a starring role in a more equitable future: “I realized that technology has a very important role to play in the future of these things, in building ecosystems that are truly egalitarian, sustainably benevolent and scalable, so that they empower human beings, not just create value extraction farms for shareholders (Interview with John Paller, Chief Steward of Opolis, June 2020). Here, the “value extraction farms for shareholders” signifies corporations – and how corporations typically profit from users and their data. To guard against this and imbue Opolis with technological equity, Paller had waded into the realm of blockchain technology, which he patiently explained:

Are you familiar with blockchain or Web3 technology space at all? . . . Okay. You’re familiar with the notion of open source software? . . . Have you ever heard of technological benevolence? . . . Blockchains are immutable databases, they are publicly driven, they’re open source. Essentially, anyone can participate in a blockchain network and the data once mined to a block becomes immutable. You can’t change it, because the way that the data is being validated, it’s distributed. Let’s say in the Ethereum network, there’s 5,000 nodes at any one time, all across the globe that are validating a data transaction. Well, I can’t go change that. If I wanted to mess with the server, it doesn’t work that way. It’s immutable stuff. So blockchain technology as an engine for creating sustainably benevolent technological ecosystems is really what people are pushing on in the blockchain space, specifically the Ethereum-type platforms, like smart contract platforms. That’s the space that I play in a lot with the Ethereum folks and the Consensys folk. But benevolence is really a key here. (Interview with John Paller, Chief Steward of Opolis, June 2020)

Essentially, the Opolis Employment Commons system will run on an open-source, blockchain technology-driven network. This means that it will be able to achieve a seeming paradox: the aggregation of non-standard workers on a network that still remains disaggregated, i.e. decentralized. This disaggregation is the innovation of the
blockchain technology – it allows transactions to happen across the digital space without the need for any central authority, thereby eliminating an intermediary and the potential inequality that might come with this kind of power imbalance. Primavera de Filippi (2017) explains this in the *Harvard Business Review*, first speaking of the imbalance specifically that large platform companies, like those within the portable benefits field (e.g., Uber and Airbnb), create in their models: “the value produced by the crowd is not equally redistributed among all those who have contributed to the value production; all of the profits are captured by the large intermediaries who operate the platforms.” The cure for this, she suggests, could be blockchain technology:

Recently, a new technology has emerged that could change this imbalance. Blockchain facilitates the exchange of value in a secure and decentralized manner, without the need for an intermediary. But the most revolutionary aspect of blockchain technology is that it can run software in a secure and decentralized manner. With a blockchain, software applications no longer need to be deployed on a centralized server: They can be run on a peer-to-peer network that is not controlled by any single party. These blockchain-based applications can be used to coordinate the activities of a large number of individuals, who can organize themselves without the help of a third party. Blockchain technology is ultimately a means for individuals to coordinate common activities, to interact directly with one another, and to govern themselves in a more secure and decentralized manner. (de Filippi 2017)

In other words, de Filippi suggests that the deployment of blockchain technology might act as a countervailing force to the power imbalance that large platforms currently enjoy: since they own the role of intermediary, they also own the profits that the system generates. With blockchain technology, the users of the platform (i.e. the workers) could cut out this intermediary force, thus wrangling power, profits, and protection of their information back into their own hands. It is this premise that underlies Opolis’ selection of blockchain technology to power its Employment Commons (the basis of its portable benefits model). In Opolis’ case, blockchain technology means that the non-standard
workers on the platform will be able to achieve the advantage of group aggregation – a crucial component in pooling risk and being able to secure affordable benefits – while still remaining essentially independent, which prevents them from losing control of their own data and becoming part of the “extraction farms” Paller laments. It also means that non-standard workers can band together within a structure that can act as a typical employer, i.e. handle payroll, provide benefits, even offer job opportunities, while remaining decentralized. In Paller’s hope, this would obviate the need for temporary staffing businesses, which are often the default structure that functions in this role for non-standard workers. Again, Paller (and others: see Weil 2014) saw these staffing businesses as highly exploitative and freeing non-standard workers from their clutches is, to use his words, benevolent. In this way, the model is able to reclaim technology that might otherwise be used to exploit workers and instead use it to empower them, with access to an employment structure and a set of portable benefits they might not otherwise be able to attain, all while keeping their data safe and secure. In fact, Opolis sees the marrying of block-chain technology with this pseudo-employment structure as particularly important; their Off-White Paper proclaims that “Decentralized employment could be the single most important application of Web3 tech we see in the coming decade . . . With Opolis the advent of truly democratic employment systems are the future. And the future starts now” (2019: 29). Paller echoed this as well, asserting that the “notion of democratizing employment” was important inspiration for him in starting Opolis. In this way, using blockchain technology as the technological structure that powers the model enables Opolis to mimic the centralization that platform employers within the portable benefits field engage in, but instead reclaim the technology so that workers remain
decentralized while still enjoying the benefits (i.e. aggregation to get scale for benefits, forming an employment structure) of that centralization.

NDWA Labs also considered what would be benevolent when building their model Alia, making an explicit choice to build an online solution for a typically off-line population and to create a mechanism that protects domestic workers’ data within this structure. In creating their portable benefits model, NDWA Labs conceived of an online space that would be simple for cleaners to log into and navigate to gain access to a set of portable benefits. Alia is a web-based platform that creates an online “bank” of employer’s contributions, which cleaners can use to “cash in” for paid time off, in the form of a pre-paid credit card. They can also purchase Accident Insurance ($15 a month) and Life Insurance ($2 a month). All of the transactions – workers signing up, employers paying in, and workers managing their account – take place online through Alia’s website. Yet there is a seeming contradiction in Alia’s use of a technical solution for a group of workers that might struggle with technical literacy and are often fearful of any technology that suggests a formal registry, due to many domestic workers’ undocumented status. The Seattle Domestic Workers Standard Board confirmed both of these realities at their first meeting:

One of the biggest struggles has been with technology. At first it was asking for email addresses but that was challenging. Now it’s just working with phone numbers and that’s working . . . We need to consider the populations of people and the lack of accessibility to technology . . . We need benefits for all domestic workers, for some that might be through technology, for others it might be a different way. (DWSB Kick-Off Retreat, June 29th, 2019)

We can’t do registries, everyone is super afraid of them. (DWSB Kick-Off Retreat, June 29th, 2019)
However, despite these issues, NDWA Labs Founding Director Palak Shah made clear that the focus on a technological solution is intentional and, in their view, essential – it is an attempt to **reclaim technology** from the grasps of a technological intervention that is already exploiting domestic workers. Alluding to companies like the private employers that populate the portable benefits field (e.g., Care.com, Handy), she gave a telling speech at a MoMA Workspheres event in May of 2019:

> I want to pick up on that for just a bit because there’s been an outsize focus on a handful of technology companies – the Facebook, or Uber and whatnot. And I think one of the interesting things that we are seeing especially if you think about the way technology is fundamentally disrupting the domestic work labor markets. So what we’ve seen is the entrance of Silicon Valley companies – the Uber of cleaning, the Uber of care – entering and disrupting and digitizing what has been an invisible and informal market. And what I think is really interesting is the opportunity in that is if you have a disaggregated labor market like ours, where you actually have some centralizing mechanism, there’s an opportunity to actually set norms but the question fundamentally is who gets to control that coming together and the aggregation and the actual code on the platform . . . the labor market in domestic work right now is being privatized, corporatized, and digitized . . . It gets to a deeper philosophical question about whether or not labor markets, for example, should be owned by a private entity and whether or not we should reconceptualize in society access to the labor market as fundamentally a public good. (Palak Shah, MoMA R&D Salon 31, Workspheres, “Contemporary Entanglement of Work & Identity,” May 15th, 2019)

Similarly to Paller, Shah sees technology, in its current forms, as enabling the **ownership** of workers – in the case of domestic workers, by formalizing and centralizing a labor market that was previously informal and disaggregated. However, while Opolis is hoping to rely on a **decentralized** structure to pre-empt this kind of exploitation, NDWA Labs sees centralization as an opportunity to **reclaim the technology**, in a kind of “beat them at their own game” mentality – she wants to emulate the technological aggregation that platforms are creating but let her worker-centered organization control the reins. Instead of eschewing technological consolidation, she argues that we must consider it in the
context of what we believe is fair and “good,” i.e. “access to the labor market as fundamentally a public good.” Centralization can be “good” if it is controlled by those who are looking to uplift workers, not exploit them. NDWA’s model Alia, in bringing workers online via a portable benefit structure, is a way to aggregate workers in a centralized digital space that is not “owned” by corporations like Care.com or Handy, but instead by NDWA itself, a mission-driven worker-centered advocacy organization. Significantly, this is dependent on building these values into the technological infrastructure itself. NDWA Labs’ website makes clear that technology is not separate from values, but rather infused with them: it reads that “Technology can be a powerful tool for equity. When we build our values into technology, we can use technology to make the world more equitable.” Similarly, an earlier version of their website spoke directly to the companies that Shah might have been referring to in her MoMA talk – in a clear signal of their will to not only mimic these companies but also collaborate with them, NDWA Labs’ website read:

**Gig Economy Companies**: You are building the technology that is enabling the future of work, and we want to help you make sure it is a future we can all be proud of. If you care about the values that you are building into your technology, and your impact on society and work, we want to work with you! (ndwalabs.org, accessed June 2019)

While this has been removed from the website, similar language remains under the heading “Private Sector Collaboration,” where it reads:

Some companies want to do the right thing, but don’t know how. Some companies recognize they can make a stronger social impact in partnership with a social movement. As domestic work is shifting online, we are working with private sector companies that agree that *good* work is *good* for business. Contact us if your company wants to be part of building an equitable and sustainable future for us all. (ndwalabs.org, accessed June 2020, emphasis added)
In other words, NDWA Labs is explicit in their overtures to collaborate with these private employers, though clear that this is in the service of what is “good” for domestic workers. While nodding to collaboration, it seems that the Labs modelling of these private platform’s aggregation practices in creating Alia is not only to provide benefits, but also to centralize the movement itself. Shah sees the potential for the digital infrastructure that NDWA Labs built with Alia to be a “connective tissue and scaffolding” for the whole domestic workers’ movement, far outside of just enabling the provision of benefits:

I do feel that way because half the people don't care about organizing. Half the people don’t care about the future of the labor movement. Some people only care about benefits. Some people only care about organizing. But I'm like, ‘Dude, it's all the same thing’ . . . It's all the same thing that we’re working toward is a single digital infrastructure that serves as a connective tissue and scaffolding for our movement. And that can be all of those things. It doesn’t need to be only one . . . In our sector, this is what we need because of the intense disaggregation and informality of the sector and the legal exclusions . . . I’m very much convinced that digital infrastructure is going to be a major enabler of creating change in this sector. (Interview with Palak Shah, Founding Director of NDWA Labs, December 2019, emphasis added)

Starting with a benefit structure, even if it proves challenging for domestic workers in its initial phases, will provide the foundational technology for the movement NDWA is building – it could be the “major enabler of creating change” in the domestic work industry. Finally, to address the concern that Alia is an online system and thus potentially leaves domestic workers (particularly undocumented ones) vulnerable, Alia made the explicit decision to offer paid time off in the form of a pre-paid gift card. This means that Alia does not need to be connected to a bank account, which minimizes the amount of information collected online from a domestic worker and, ideally, reduces her risk. While Paller addresses the concern that workers’ data leaves them vulnerable to being extraction farms through decentralization, Shah’s model uses centralization, but minimizes the data
collected and the way this data is linked to address a similar concern. In the end, Shah’s insistence on creating a web-based platform for Alia makes sense in the broader context: centralizing technology that might otherwise be used to exploit workers can instead be *reclaimed*: to wrestle “ownership” of domestic workers away from private companies, to provide domestic workers with benefits in a safe and secure way, and, finally, to power the whole movement.

**Redistribution**

Both *communal enrichment* and *reclaiming technology* are mechanisms that have to do with the entire structure of a model, i.e. how it functions as an ecosystem and what technology powers that ecosystem. *Redistribution*, on the other hand, is not all-encompassing, but rather one pathway within the model design that allows for greater equity for workers. Specifically, *redistribution* is an answer to the question that plagues model makers: how do you provide benefits for low-income workers, for whom it is not financially viable to pay for them out-of-pocket? This is an issue unique to the portable benefits field, in that the structure of non-standard work means that, at least in the current regulatory environment, most workers do not have a recognized employer paying in on their behalf. This means that only the non-standard workers who are able to afford benefits will receive them. Responding to a history of social insurance that was premised on the ability of “the poor as well as the rich, the aged as well as the young, the ill as well as the healthy to afford protection,” model designers within the portable benefits field seek to use *redistribution* to find ways to cover an income-diverse swathe of workers. These models have taken a ‘Robin Hood’-inspired approach and use the contributions of
higher-earning workers to, in effect, subsidize the lower-earning ones. These models function much more closely to the government’s original intention with social security, which considered it essential to ensure that all would be able to share in these protections, not leaving them up to individual choice or responsibility. This attempt to cover all workers is not surprising in the case of the first model: SAG-AFTRA is a union, structured as a non-profit, designed with the express purpose of supporting workers in Hollywood. However, the second model, Catch, is a private, for-profit one – in this case, the decision to use redistribution, even though at times it might diminish the potential for profit, makes the choice to do so all the more explicitly values-driven.

One of the first – and only long functioning – portable benefit models is designed with this redistribution principal at its core: the plan offered by the Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA) for workers in the entertainment industry. Technically a semi-portable benefit model because it is confined to one sector, this Taft-Hartley plan is financed by the employers within the entertainment industry, the result of a collective bargaining agreement between the SAG-AFTRA Union and the Hollywood producers and film studios. The funding plan is simple: it requires that for every dollar earned on a project, an additional 18 cents goes to the union to support these plans. Importantly, this agreement covers the wide range of workers within the industry, from famous actors to the craft service workers on a movie set. This means that a wage-diverse pool of workers all contribute to the funds, at an

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18 This is my terminology – SAG-AFTRA does not refer to their plan in this way.
19 While some funding arrangements are more complicated, 18 cents per dollar is considered standard: “We have some agreements where that 18 cents come out of the dollar in some of our smaller agreements. We have lots of different agreements where it's not 18 cents, it's 13 cents or it's more than that, what have you. But as a base, the way to think about it is a dollar goes to the performer and about 18 cents goes into our plans.” (Interview with David White, SAG-AFTRA Executive Director, January 2020)
equal percentage (i.e. 18 cents for every dollar) but at vastly different incomes (i.e. some might make $5000 for a project, while a famous actor might be receiving $10 million). This is where *redistribution* comes in – the model takes these contributions and internally redistributes them, so that the astronomically high incomes of the top celebrity actors typically fund the benefits (particularly the premium health plan) of the many lower-earning sector workers. SAG-AFTRA’s Executive Director, David White, plainly referred to this as a ‘Robin Hood plan’: “but as an average this is a Robin Hood plan. The earnings that come in from really wealthy members and our high earners are doing a lot of funding for everybody else” (Interview with David White, SAG-AFTRA Executive Director, January 2020). It is possible to imagine this system working in a significantly less equitable way. For example, the high earners’ contribution to the plan could also be earmarked for their benefits – i.e. Nicole Kidman’s funds could be set aside for Nicole Kidman’s benefits. Instead, in an industry that is often very low paying until one “makes it big,” this *redistribution* ensures that the majority of the workers within the sector gain access to benefits. Notably, this does mean that employers (i.e. Hollywood producers and film studios) are in fact paying for benefits on behalf of these workers, but the way in which the plan functions means that the model is able to fund workers that would otherwise not be covered by employer funding on their incomes alone. There is a limit, however, to the equity of the plan, in that low-income earners need to meet a threshold of $18,000 from entertainment-related jobs in order to qualify. This creates an unintended consequence, wherein those that do not make the threshold in any given year have contributed to the plan without reaping its benefits – making it Robin Hood from above and below:
The other bit of the Robin Hood plan, just so that you know for your purposes, anybody who doesn’t make the $18,000 threshold, their money has gone into the plan as well and they don’t get the benefit of that. . . It’s Robin Hood from above, but it’s also Robinhood from below . . . The Robin Hood from above puts a disproportionate amount of money in there, but the Robin Hood from below is... This collective bargaining agreement puts money into plans for the people who actually are making a certain amount there, and you are going to receive lots of benefits from the protections of the collective bargaining agreement in this deeply exploitative industry. But you only get that benefit or only those two benefits if you earn a certain amount of money. That’s the gig. (Interview with David White, SAG-AFTRA Executive Director, January 2020)

Ironically, this issue would potentially be solved by making the plan truly portable – many of those workers who do not meet the threshold for earnings within the entertainment industry are actually cobbling together sources of income from other sectors, most often from the restaurant industry (as the cliché goes). If all income streams counted towards the benefit threshold, many of these “gig” workers would qualify; in this case, sector-agnosticism and a fully portable design would make the plan more equitable.

But, under the current framework of a Taft-Hartley plan, this is not legally possible – and SAG AFTRA’s Executive Director noted that it would be very challenging to get employers across different sectors to agree to this:

In a multi-employer plan if you’re talking about people from different industries being willing to get together and to take responsibility for the employee, I am unaware of a broad group of employers that are willing to do that . . . Theoretically, that’s right, but it’s difficult to get a multi-employer group to agree to this unless it’s really in their vested interest to do so. (Interview with David White, SAG-AFTRA Executive Director, January 2020)

Again, this harkens back to the debates about whose responsibility it is to ensure workers’ benefits and protections – White admonishes that it would be difficult to get employers across industries “to take responsibility for the employee.” In the absence of cross-industry employer cooperation, it falls to the union to take this responsibility, but
they must still work within the confines of the legal structures dictated by the Taft-Hartley plan.

Though the organization is private and without a connection to a union or worker-centered organization, this same mechanism of Robin-Hood style redistribution is employed by a for-profit model in the field, Catch. While Catch’s platform requires workers to self-fund benefits, it has the advantage (unlike SAG-AFRTA) of allowing a worker to contribute to their benefits through any of their work streams (i.e. across multiple “gigs”). Nevertheless, for some workers, benefit affordability remains out of reach. In order to counteract this, Catch’s model allows for workers making more – and thus contributing more to the system – to effectively underwrite workers making less, who otherwise might not be able to purchase benefits out-of-pocket. Catch’s CEO and Co-Founder, Kristen Anderson, explained how this allows the company to serve those typically underserved in the gig economy, using the specific example of a worker for a private employer within the portable benefits field (Uber):

And so we’re sort of taking a stand and saying like, yeah, we could look at the data and say that Uber drivers for example, are not profitable for us right now. I know that is a fact, right? . . . But then rather than just saying like, okay, we’re not going to serve that market anymore, we’re not going to pay attention to it, we don’t care about it. The question then becomes, can we create a progressive system inside of our own company and does our model allow us to serve those people in a way that will make sense? So again, for example, we make money on the money that we hold. So someone who earned $200,000 a year and sets aside $50,000 or whatever the amount is, they actually ended up subsidizing [an] Uber driver . . . (Interview with Kristen Anderson, Catch CEO and Co-Founder, February 2020)

Here it is clear that redistribution allows Catch to offer benefits to lower-income workers, who on their own might not be a “profitable” consumer to the business. Catch has also built in this kind of redistribution mechanism across benefit products, so that some
benefits that are less profitable, like retirement, are subsidized by the funds from more profitable benefits, like health care:

We also are able to subsidize certain products through other products, so our health insurance products earn a lot of revenue. The commissions on health insurance right now are averaging about $16 per plan participant per month. So, there’s a family of four, it’s $64 a month, that’s a massive return . . . But our retirement product is we’re talking about people who have been very underserved by retirement in general, never had access to retirement products. It’s more unknown, they’re more uncertain about it. They have volatile incomes . . . So a lot of them are fairly small dollar investors, right? $3,000 a year, $5,000 a year. We are able to balance the system with health insurance revenue to make sure that people still have access to retirement. Otherwise if we just looked at these products one by one, we’d be like, well we can’t offer retirement. (Interview with Kristen Anderson, Catch CEO and Co-Founder, February 2020)

‘Balancing’ across products in this way enables Catch to offer benefits that are not as immediately lucrative, which tend to be excluded from benefit offerings because of their perceived unprofitability. The effect of these streams of redistribution opens up access in two ways: to types of workers (i.e. low-income 1099 workers who could not otherwise afford them) and to types of benefits (i.e. retirement) that have been historically denied to non-standard workers more generally. Similarly to other model designers, Catch evokes the Business Roundtable language and the consideration of what is less extractive to workers when explaining the choice to employ redistribution – it is an effort to prioritize “worth over wealth” and build a “social purpose model” (the same terminology used to describe the Freelancers Union Insurance Company model):

And part of that is also business model related, which is like, are you making enough money from those segments? And our business model . . . allows us to sort of balance wealth and worth. And I think a lot of startups have business models that are like, ‘Oh, someone’s wealthier. They’re a more valuable customer to us’ . . . Yeah, and that’s where we call ourselves a social business because you could always make the case that it’s more efficient to serve wealthier people because the lifetime value could potentially be higher in the future . . . And so we’re taking a bit of a risk on this one, but our belief is that you don’t have to do that, it’s this broader idea that’s been happening lately. The Business Roundtable
saying that we shouldn’t just be serving shareholders, we should also be serving stakeholders. We want to be embedding that from the very, very early days. So we’re not trying to turn a $1 billion company around and we’re building from the beginning with the idea that one of our customer’s wealth does not make them more worthy of being our customer. And that we explicitly don’t want to look at every piece of data because if you go to the end of the rabbit hole on that, every single company will do what San Francisco is doing right now and serve really wealthy people in a really concentrated area and it gets really competitive. And not to mention it’s just kind of this gross ecosystem of just feeling really extractive and it’s not really the company that we want to build. (Interview with Kristen Anderson, Catch CEO and Co-Founder, February 2020)

In this “worth over wealth” approach, Catch is making a definitive choice not to focus only on the wealthiest, even though the acquisition of wealthy consumers might mean the quickest way to make a profit, and arguably a more sustainable one, as the lifetime value of a high-income user is still likely to outpace a low-income one. In fact, they are not only choosing not to pursue the highest earners, but they are also paving the way to access for segments that they are certain are not profitable (at least in the near term), as she articulates in her example of the Uber driver. The company is instead being guided by the value to “not be extractive” – in this case, to not be extractive by using data to micro-target your consumer (non-standard workers) to the point that you only end up serving one very small market segment (those with the most purchasing power). In ignoring this big data, they can consider the “worth” of a consumer – and make different decisions about who “deserves” to have access to benefits, such as low-income non-standard workers who have been traditionally left out of benefit protection. Again, this is a clear-cut choice to center the needs of workers and consider all workers, regardless of income, worthy of benefits. It is also a choice that she sees aligning the company with this new ethos in capitalism – one that expressly focuses on all stakeholders within a business environment. In doing so, Catch is inverting the typical business model in an effort to
think of their customers as a holistic eco-system, rather than atomized, profit-generating users: “the traditional company model is [to] be like, well no, you extract profit from every single user, and we think a lot more about the collective business model” (Interview with Kristen Anderson, Catch CEO and Co-Founder, February 2020, emphasis added). This has echoes of both the Freelancers Union’s collective solutions and Opolis’ worker’s collective. To be sure, this redistribution is probably also intended to make their business grow: allowing for underserved market segments to buy benefits will surely amplify their consumer base; Catch could be seeing these potential customers as an untapped market that they alone in the industry would target. And, the company is arguably more attractive with a diversified and unique product offering, i.e. they are able to offer retirement, which is a product typically not offered within these models. But, as Anderson explains it, it is still a “risk” and a “long-term play,” one that has closed the door to some venture capital funding, though importantly, opened the door to other venture funders who “are looking for stuff that’s fundamentally restructured the entire world” (Interview with Kristen Anderson, Catch CEO and Co-Founder, February 2020).

In the end, Catch is using redistribution as a mechanism to manifest their core values: to see all workers as deserving of benefits, to be less extractive to workers. These values are embedded within the design of the model itself, allowing the diversity of incomes and diversity of benefits to balance themselves in a “worth over wealth” business ecosystem.

**Revenue Safeguards**

While redistribution is designed to share revenue streams among users to subsidize lower-income earners, there is another revenue-based strategy, revenue
safeguards, that function as “checks” or “buffers” that models place on the way that revenue is earned and spent. These practices tend to mimic the fiduciary requirement under ERISA law, in that they are mechanisms to ensure that workers’ interests are primary and protected. This is particularly the case in a for-profit context, in that it is necessary to safeguard what is “prudent” for workers above profit motives; ERISA was designed on this premise, so that employers did not profit from the benefits they provided workers. In a non-profit context, this might be redundant – the fact that it is designed not to amass a profit means that revenues are, by definition, safeguarded. This was captured by Manny Pastreich, a director at 32BJ SEIU who worked with the union’s Taft-Hartley Plan (again, a semi-portable plan in that it only serves one sector):

The other nice thing about our funds, I should just say, guessing at things you care about, is they’re very efficient. There’s just no waste in the funds because there’s no profit motive, and it’s aimed at serving this group of workers. The fund’s not sitting there, ‘How do I make a buck?’ It’s like, ‘How do I take the buck I have and get the most efficient healthcare provision?’ [I ask: How do you ensure that it’s so efficient?] Well, it’s our self-interest, I guess. If we’re going to fight . . . I mean, every buck we get that goes in the health fund is really a buck that didn’t go to wages, so it’s in our interest to make it efficient is the simple answer.

(Interview with Manny Pastreich, the Director of Collective Bargaining and Employer Relations at 32BJ SEIU, July 2019)

It is interesting that Pastreich invokes the language of efficiency, which played such a key part in the history of social insurance, but in this context, efficiency aligns more clearly with morality in that it means that the funds that should go to workers are being used directly for workers. “Waste” in this sense would be money being taken away from workers, unfairly siphoned off and sent somewhere else (for example, to enrich the executives of the fund). Here it is clear that the organizational structure and mission – a not-for-profit union – ensures that revenues are spent with the worker’s best interest in mind, since these are the best interests of the organization as well. But what happens in a
for-profit context, in which by definition, organizations are profiting off the workers they are providing with benefits? The two models I discuss in this section, the Workers Benefit Fund and Catch, are both for-profit, but they employ a set of *revenue safeguard* strategies that function as fiduciary-like checks on revenue, aiming to resolve the ambiguity inherent to operating a business of benefits while still trying to put workers first.

The Workers Benefit Fund employed two *revenue safeguards*, one of which concerned the organizational structure of the model and the other its revenue streams. The Workers Benefit Fund (WBF) administers certain benefits, like telemedicine, on behalf of the Black Car Fund (BCF). The Black Car Fund is structured as a non-profit, but it is run by the for-profit, private owners of member bases. As a counterpoint to the BCF and to the organizations that run the transportation companies, the Independent Drivers Guild\(^{20}\) (non-profit) was formed, a pseudo-union\(^{21}\) that aimed to represent the interests of drivers in the city. IDG hoped to amplify the benefits given to workers, so they brought on the Worker’s Benefit Fund, which is structured privately, to do so. They also formed their own benefits arm, the Independent Drivers Guild Benefits Fund (IDG-B). Within this confusing thicket of organizational context, the revenue streams for Workers Benefit Fund (WBF) are complicated – particularly since they are primarily public funds that come from the surcharges consumers pay on each ride taken in New York. WBF’s CEO, Benjamin Geyerhahn, described how the structure works: money

\(^{20}\) Importantly, some have questioned the neutrality of the IDG since it was started (and funded in part) by Uber. See the *New York Times* piece, “Uber Has a Union of Sorts, but Faces Doubts on Its Autonomy” (Scheiber 2017).

\(^{21}\) The IDG is considered a pseudo-union because drivers, who are classified as independent contractors, are prohibited from joining a union under the National Labor Relations Act.
comes in from the surcharges to the Black Car Fund (typically 120 million a year), where a small amount of it (about 6 million) is then funneled through the IDG-B before it is distributed to WBF. In this way, the union (the Independent Drivers Guild) “sits in front” of his organization, the private Workers Benefit Fund, as the Geyerhahn explains:

The unions – all the entities that sit in front of us are non-profits – so what they’re doing – so our assumption is that all of what they’re doing will be transparent to the world, the way that tax dollars are spent. But, the rest of it won’t be. [Me: That’s a check on you?] That’s what IDG-B is there for – the intermediary is there to make sure the public money is properly spent. (Interview with Benjamin Geyerhahn, Workers Benefit Fund Chief Executive Officer, May 2019)

The job here is to look out for public money. The exec director’s concern for IDG-B is how good is the distribution, are the people getting their benefits, BCF doesn’t know anything about benefits, they don’t have that expertise, so the guy who runs this says is this money being spent efficiently, are people getting benefits, are people using benefits . . . His job is to make sure that the public’s money is properly spent and that workers get their benefits. He’s a fiduciary . . . he’s not a fiduciary, but that’s the how it looks a bit. And to make sure the workers are properly represented. (Interview with Benjamin Geyerhahn, Workers Benefit Fund Chief Executive Officer, May 2019, emphasis added)

Again, Geyerhahn uses the language of efficiency, and in the same way that Pastreich does – to indicate that workers are fairly receiving the money owed to them. He even explicitly uses the term “fiduciary,” showing how the model is set up in such a way to create a fiduciary-like mechanism in the form of the IDG-B. By coupling a privately registered, for-profit entity with an overseeing union, they aim to employ the IDG as a safeguard against the improper spending of their revenue. This is in fact similar to the Freelancers Union’s original model, in which the union itself – a non-profit that serves only to further the worker’s interests – sat in front of the for-profit insurance company. What is distinct in WBF’s model is that the organization is actually paid through public funds, which itself acts as another revenue safeguard, in that they do not need to base
their revenue streams on commission to the products they would otherwise have to “sell” to drivers:

We’re divided enough . . . Because we’re being paid for a whole bunch of other products, the happiness of the drivers far exceeds . . . like we have much more to lose if we lose trust with the drivers in this context. And I think there will always be selling . . . For [refers to two other portable benefits models], the only source of revenue is commissions. We have a huge amount of revenue that comes out of just we are delivering the thing. I can survive without a single commission, but they can’t, they have to do something to make sure that the engine produces commissions. That’s just a totally different model. (Interview with Benjamin Geyerhahn, Workers Benefit Fund Chief Executive Officer, May 2019)

By eschewing a model that relies solely on commissions, the WBF’s design privileges “the happiness of the drivers” and maintains a trust-based commitment to their constituents. Obviously, they are only able to create this model since the public funding exists through a government mandate. Yet this does not mean that, as a private entity, WBF is constrained from securing other revenue streams; in fact, this possibility was front and center recently when the organization was given the opportunity to provide a new benefit – disability insurance – that is not currently covered by the Black Car Fund agreement. Through polling, WBF found that drivers wanted to purchase this benefit, but were unable to do so directly on the retail market as individuals. Knowing this, WBF solicited bids from insurance providers and was able to find a disability plan that they could offer drivers. But there was an inherent conflict of interest here: if WBF bills itself as a neutral benefit provider who simply administers the benefits drivers are entitled to from the Black Car Fund, is it immoral to now use their own access to the “channel” (i.e. aggregated drivers on their platform/website) to sell something to them? Does this change drivers’ trust in their neutrality and does it in some way take advantage of a captive audience? On the other hand, is making out-of-pocket disability insurance available a
good service to drivers, since they are otherwise unable to get it and it is a particularly important benefit considering the nature of their work? Geyerhahn explained the dilemma as such:

And then you have to be very careful about selling into that channel. You may want to sell into that channel, and I’ll give you an example from New York. We know based on our polling that these drivers want disability insurance. They’re terrified that they get out of bed, wrench their back, and then they can’t work. And they want to get Aflac, the duck gives them money. They can’t buy it. It’s not available on a retail basis for individuals. We were able to get a plan that’s actually pretty good, kinda expensive, and we wrestled with what do we do with this. On the one hand, we know there’s a lot of trust issues between the drivers and so we don’t want to stretch that trust. On the other hand, there is no way they can purchase a product that we know they want, it’s just not available. So should we be the person not to give them a product they want when we know we can give it to them? It’s a really hard strategic decision . . . (Interview with Benjamin Geyerhahn, Workers Benefit Fund Chief Executive Officer, May 2019)

Extending the ability to purchase disability insurance could thus create a “tainted” revenue source, one that might compromise the role of the benefit provider (WBF) in the eyes of drivers that trust them. This complicates the value to put the “good” of the drivers first – is it in their best interest to offer it because it is what they need, or is it in their best interest to leave the channel one in which they do not sell? Geyerhahn’s answer on how they resolved this issue was telling:

We took it to the field, found some people that liked it, the drivers seemed to want it. So we’re going to do a test over the next couple of months, where we’re going to push it out to several thousand drivers and say hey we are offering this product are you interested and we’ll see if we can get some people to sign up. (Interview with Benjamin Geyerhahn, Workers Benefit Fund Chief Executive Officer, May 2019)

In this way, “taking it to the field,” soliciting opinions from drivers, and test-running with a sample of drivers was a way to center workers in the decision-making process – and an attempt at facilitating ERISA-defined “loyalty,” i.e. to ensure that workers remain their primary concern.
Like the Workers Benefit Fund, Catch employed two distinct revenue safeguards.

For one, Catch made the decision to remind the 1099 workers on their platform when their taxes were due, knowing full well that this would make their revenue take a hit each time they did so. Anderson spoke of this practice again in terms of their values – “to not be extractive”:

And I think now we have really tactical examples of decisions that we’ve made internally to not be extractive. So one example is taxes are due quarterly for independent workers, and we send an email to all of our users who earn 1099s one week before quarterly tax day, reminding them. Every time we do that, people take out their money, which is our revenue. You could say we don’t have to remind them. You could say that’s their responsibility, right? . . . But that’s an example where our revenue takes the hit every time we do that . . . So we’re banking on good behavior, especially if it’s we’re not profitable right now and we’re not going to be profitable next month or probably even six months from now . . . But it’s not worth it for us to try to become profitable through bad behavior. (Interview with Kristen Anderson, Catch CEO and Co-Founder, February 2020)

In other words, this revenue safeguard was a stopgap on the revenue the organization collected, employed because it was in the best interest of the workers on the platform – i.e. a way to be loyal to workers above concerns for profit. Catch’s CEO very clearly couches this practice in moral terms, asserting that they do not want to be profitable through “bad behavior.” Catch also employed a revenue safeguard on one of their revenue streams – those coming from health insurance – by creating a mechanism to equalize the value that each customer within that stream brings to them. By functioning as a health broker, Catch receives a commission from each customer that gets health insurance, but this amount is the same regardless of how much the customer earns. This prevents them from privileging wealthier workers over lower income earners:

And because we earn commissions on health insurance, we’re a broker, we sell health insurance plans. So we earn the same commission regardless of how much income someone has. And that’s one way that we help balance out. So we can say
like, ‘Hey, the plumber making 75k is just as valuable as a software engineer making 150k so we should go to places where we can serve rather than just focus on people who are rich, who are very over served right now.’ (Interview with Kristen Anderson, Catch CEO and Co-Founder, February 2020)

This “check” on the way revenue is earned through health insurance acts as check on the organization more broadly, essentially disincentivizing the company from targeting wealthier consumers (at least in the case of their health insurance product). Again, this revenue safeguard acts as a way for the model to uphold its values to serve all workers, seeing all as equally worthy of receiving benefits.

**Conclusion**

In this chapter, I explored four mechanisms that organizations are employing to keep worker-centered values at the core of their model design. In communal enrichment, models are designed as for-profit, but these profits are reinvested back into the business ecosystem, to benefit workers either directly through income (Opolis) or through an elevated level of benefit provision (Freelancers Union Insurance Company). With reclaiming technology, models designed digital platform solutions that would aggregate workers to reach the kind of scale needed to provide affordable benefits, but with a twist. Opolis elected to use blockchain technology, which insured that workers could remain decentralized and thus safe from data (and other kinds of) exploitation, while NDWA Labs considered how to centralize workers on their own platform versus the labor platforms that “own” workers, using non-identifying gift cards to keep their information safe and envisioning a digital infrastructure to power not just benefits but their broader movement. I also explored models that relied on redistribution to make their benefits affordable to low-income earners, with SAG-AFTRA using the salaries of high-paying
actors to sponsor the benefits of lower-paid Hollywood workers and Catch internally subsidizing their lower-income earners with the higher incomes of their diverse non-standard worker pool. Finally, I saw how revenue safeguards enabled models to act in the best interest of their workers. The Workers Benefit Fund built these safeguards into both their structure, i.e. allowing for a worker-led organization to sit in front of their for-profit, and revenue streams, i.e. relying on public funding that obviates the need for commission selling and soliciting the opinions of their workers before “selling into the channel.”

Catch reminded their 1099 workers when their quarterly taxes were due, even though this meant their held revenue took a hit, and they also ensured that the commissions they earned on health insurance were the same, regardless of a worker’s income, to disincentivize them from targeting only high earners.

While I examined these mechanisms as a unified field level response, it is helpful to think of them as a reaction to two distinct factors within the field – the presence of other organizations within the field, both those that are worker-led and private employers, and the legal and regulatory environment that the history of benefits in this country has created. Within this framework, communal enrichment can be seen as a practice of emulation, in which these organizations mimic the structure of a revenue-generating for-profit (like private employers within the field), but reimagine how a profit-centered business can and should operate. In this respect, these organizations are a bellwether for broader economic shifts, in which organizations – spurred on by the Business Roundtable Statement and also the growing inequality that our economic system engenders – are seeking ways to counteract a shareholder driven model and invest in a (hopefully) more equitable stakeholder design. Reclaiming technology is a more direct emulation response
to the platform employers within the field. Taking inspiration from platform employers whose business models rest less on the service provided (e.g., transportation, cleaning) but rather on the ability to aggregate workers and connect them to consumers, these portable benefits models see the power in creating technology that can easily bring workers together in the digital space. The worker-led organizations within the field know that unifying workers in their digital space can serve as a counterweight to the exploitative practices of the platform employers’ aggregation. As Palak Shah noted, “the question fundamentally is who gets to control that coming together and the aggregation and the actual code on the platform” (Palak Shah, MoMA R&D Salon 31, Workspheres, “Contemporary Entanglement of Work & Identity,” May 15th, 2019). NDWA’s clear answer to the private employers that they occupy the portable benefits field with (e.g. Care.com, Handy) is that they, a domestic-worker advocacy organization, want to be the new technological czars. On the other hand, redistribution seems to be a response to both the history of worker protections in this country and, in the case of Catch, a reaction to its presence in the field with so many worker-centered organizations. For one, social insurance was premised on the fact that pooling risk enables both “the poor as well as the rich” to get coverage – and, despite the country’s conservative individual responsibility streak, the American public has held steadfast to the idea “that people should be protected when they are buffeted by the winds of economic fortune.” Reflecting this understanding of social insurance and who should be protected, SAG-AFTRA and Catch pooled the incomes of their workers in order to provide benefits for low-income earners that might not otherwise be able to receive them. At the same time, it seems clear that Catch’s commitment to a “worth over wealth” approach could be a reflection of its position in a
field with a number of worker-led organizations, who are fighting on the front lines for the low-wage workers that they support (e.g., NDWA, SEIU 775, Workers Lab). This positive halo around worker-centered values seems to have influenced Catch’s internal business ethos (as did the general trend towards stakeholder capitalism). Finally, revenue safeguards seem to be a direct reflection of ERISA law, which established a strict regulatory framework around benefit provision and set the tone for the way a benefit administrator should behave. Finding a way to operate a business of benefits while still maintaining a fiduciary responsibility to workers seems to have inspired organizations to set up mechanisms to remain prudent and loyal to a worker’s best interest.

At the same time, it is important to consider all of these decisions around model design within the context of policy. While these models developed in the void of passed legislation around portable benefits, it is possible that models are looking to government mandates and the potential for their models to be integrated into government systems in the future. In light of this, is ensuring the rights of workers within their models and serving a wider group of workers (including low-wage ones) a way to gain legitimacy in the eyes of policymakers? While this might be the case, it is still meaningful – in fact, I would argue that the innovations of these model designers, non-profit and for-profit, worker-centered and private alike, should be considered by policymakers when they come to final legislation around a portable benefit model. It seems that the advantage of collaboration between the different sectors – particularly when organizations outside of the public sector lead the way – is that it makes room for a more innovative response, one that has these three sectors (public, private, non-profit) working in tandem. As Libby Redder, a portable benefits expert from the Aspen Institute, explained:
I think having observed what’s been going on, we continue to believe that it is only through policy action that you can achieve a sustainable revenue model. A consistent set of expectations for employer players. However, we also sort of look at what’s going on in the private sector, in the nonprofit sector, as being really important indicators of what’s possible. As sort of emboldeners, I guess, for policymakers. It can give policymakers the courage to move forward because they can see that things exist in the marketplace or ideally are working in the marketplace. We see that being a virtuous cycle, yeah. (Interview with Libby Redder, Aspen Institute Future of Work Initiative Fellow, October 2019)

Redder goes on to say that “[o]nce you have a policy mechanism that requires a flow of funds, you can give those platforms that have been piloted . . . They are ready to take on the responsibility of administering benefits or providing benefits” (ibid). This means that a government mandate would result in employer funding, ensuring equitability in the sense that workers would not need to self-fund their benefits, and these extant models, centered around the “good” of workers, would take up benefit administration. This example of cross-sector collaboration from the portable benefits field could serve as a meaningful model more generally, creating the conditions for policy-making that is rooted in both equity and innovation. And, while the field is defined by a unique set of circumstances – i.e. a diverse organizational profile, a lack of a government mandate, and a compelling historical and regulatory environment – what it has generated feels potentially more universal: there are ways to create successful, revenue-generating organizations that remain accountable to the populations they serve. These sustainable, social purpose ecosystems demonstrate that the meeting of morals and markets is not just a theoretical one – values-based businesses can work in practice too.
Chapter 3. Divided Frames: Defining the Future of Work

It’s an interesting political environment because with my Democratic and union friends, I talk about expanding access to the social and workplace safety nets. And to my Republican [ones], I can talk about the exact same things in a schemata of entrepreneurship and business creation and people on the kind of the foundation of the US . . . And so, yeah, it’s been a significant part of American culture for a long time. But it happens that if we argue on one side, we’re extending the participation in the safety net. And on the other side, we argue that we’re supporting entrepreneurship and small business creation . . . Generally we’ve been able to maintain strong bipartisan political support.
– Interview with Carl Camden, iPSE-US Founder and President, August 2019

In many ways, portable benefits are attractive to both parties: Democrats love the focus on serving the underserved and Republicans love a private sector solution that promotes independent ownership. However, that also means portable benefits are unattractive to both parties: Democrats are quick to point out that individual autonomy may drive employers to shirk responsibility to workers and Republicans are typically not on board with the suggestions of single-payer health systems. So . . . let’s just leave our political backpacks at the door and say there are things here you’ll like and things you won’t. Cool? Cool.
– Kristen Anderson, Catch CEO and Co-Founder, “The Case of Portable Benefits, and How We Get There,” May 21st, 2020

Introduction

In the previous chapter, I took up the way in which a group of for-profit and non-profit organizations considered the structure of their portable benefit models, embedding worker-centric values in these new organizational forms. A crucial next step in understanding these models is how they conceive of the workers they are targeting and the kind of work (i.e. non-standard) these workers do. While the aim of all models is to “sell-in” the idea of portable benefits and the workers who deserved them, I witnessed a sharp divergence in the narratives they relied on to do so. In this chapter, I will describe
two distinct ‘frames’ (see Bedford and Snow 2000 for a review) that organizations within the portable benefits field, like iPSE-US, Opolis, Catch, Trupo, NDWA, Hand in Hand, Stride, and IndyHub, employed around non-standard work, which I call: an independent frame and a standard frame. In the first, non-standard work was painted as the epitome of independence, the ultimate way to “be one’s own boss” and have complete control over your own labor. The biggest benefit of this type of work, it argues, is its flexibility – it allows one to work when, how, and for whom one wants to. Within the contours of this frame, benefits were a hindrance – a job lock that tended to keep unwitting workers stuck in unfulfilling work by virtue of the safety inherent to a good job, i.e. one with good benefits. Providing portable benefits to these workers was thus a mechanism to “free” them from the tight strictures of typical (W2) work, empowering them to choose work that most accurately aligns with their values and “who I am.” While this frame was often used in the context of freelancers, who tend to be white collar and middle-income earners, this was not exclusively the case; as I will show, this framing of non-standard work was occasionally used with models that also marketed to low-wage workers. In contrast, the second frame claimed the inverse: it asserts that non-standard workers are in fact just standard workers by another name, who toil in dependence to those that employ them without any of the formal advantages of that dependence. This reframing of work as standard tends to be evoked in two contexts: to describe domestic workers and to describe app-based service delivery workers, though I focus more extensively on domestic workers as my fieldwork examined the Alia model in detail. Framing non-standard work in this way aimed to demonstrate the perils of making these typically low-wage workers function independently – independence, in this case, was a foil for
exploitation. Here, the goal was to reveal the ways in which non-standard work is the same as *standard* work, perhaps a variation in form but not distinct from it. For this frame, benefits were not a hindrance, but rather a protective structure that was critical to legitimizing the work as *standard*: if a job has benefits, then it might legitimately be considered “real” work.

In the context of a field divided over worker classification, these frames are not mere marketing devices – the way in which these workers are portrayed point to two very different articulations of portable benefit solutions and policies. With an *independent* vision of non-standard work, workers remain without employers, i.e. self-employed, and likely expected to fund benefits themselves. Here, portable benefits could be granted *without* changing existing employment structures (in other words, they would remain 1099 workers). This has implications for labor protections that go beyond the provision of benefits. In fact, this *independent* frame is the same one that is used by private platform employers within the field, who invoke it to call for the enshrinement of independent contractor status in policy. Yet as I will show, portable benefit model designers have a genuine interest in decoupling benefits from the employment structure, seeing it as crucial to create a future of work that is more beneficial to workers themselves. On the other hand, the *standard* frame hinges on the recognition that someone else is employing these non-standard workers, i.e. they are not employing themselves, and workers depend on these employers to treat them fairly. Within this articulation, employers will likely be held responsible for funding benefits, and there might be more emphasis on guaranteed benefits vs. a la carte worker-selected ones.

Reframing this work as *standard* lends itself to reclassifying non-standard workers as W2
workers. This frame serves as a foil to the independent frame used specifically by the private employers within the field – this emphasis on dependence is an effort to counteract many of these employers’ claims that they are not employers and to urge them to take responsibility for their workers’ benefits.

As the epigraph suggests, portable benefits – as a concept and potential policy solution – is a surprisingly politically neutral one. It is not inherently left- or right-leaning, and, depending on how it is pitched, it can appeal to either side of the political spectrum. Yet even though it is neutral as a concept, its realization in policy – i.e. how employees are classified, how benefits are funded, and even how it relates to other labor protections – is not neutral. Within this context, the way the actors within the portable benefits field frame non-standard workers and the work they do will have tangible consequences not only for portable benefit policy, but perhaps more broadly, for the future of work.

**Future of Work Mania & Portable Benefits**

There seems to be a cottage industry flourishing around “The Future of Work,” with near-constant media coverage and the think tank and research circuit assembling thought leaders to debate and discuss it. Though ambiguous in name and scope (a recent article on Medium captured this in its title, “WTF is the Future of Work”), the ‘Future of Work’ tends to indicate a discussion of the impact of forecasted technological advances – primarily automation and artificial intelligence (AI) – on the nature and structure of work in both the near- and far-term future. While predictions abound about the detrimental effect that these technologies will have on workers’ jobs, these forecasts have also been
tempered in more recent research. In a seminal report by the Brookings Institute, the authors capture the volatile sentiment of experts in the field:

The power and prospect of automation and artificial intelligence (AI) initially alarmed technology experts, for fear that machine advancements would destroy jobs. Then came a correction of sorts, with a wave of reassurances minimizing their negative impacts. Now, the discourse appears to be arriving at a more complicated, mixed understanding that suggests that automation will bring neither apocalypse nor utopia, but instead both benefits and stresses alike. Such is the ambiguous and sometimes disembodied nature of the ‘future of work’ discussion. (Muro, Maxim, and Whiton 2019: 4)

As they suggest, the reality of automation and AI on jobs in the future is both more nuanced and complicated than a one-size-fits-all prediction. Although they find that automation and AI will affect tasks\(^\text{22}\) in “virtually all occupational groups in the future,” they also find that the impacts of this will not be uniform across occupations, locations, and demographic groups. In particular, the authors find that jobs in office administration, production, transportation, and food preparation are most susceptible, while a range of occupations, “from complex, ‘creative’ professional and technical roles with high educational requirements, to low-paying personal care and domestic service work characterized by non-routine activities or the need for interpersonal social and emotional” are least susceptible (Muro, Maxim, and Whiton 2019: 5). Aside from these low-paying personal care and domestic work jobs, they find that near-term automation is highest for roles that currently pay the lowest wages and require the least educational credentials. All of this has interesting implications for non-standard workers: it seems that domestic workers and highly skilled or specialized freelancers might be more immune to automation, while those working in transportation, like drivers and delivery people, are at

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\(^{22}\) Tasks are used as a metric due to work by three economists (Autor, Levy and Murnane), who found that it was more meaningful to quantify automation’s impact on employment and wages if scholars measured tasks (i.e. what people do at work) vs. skills (i.e. capabilities to carry out these activities).
high risk of losing their jobs. Despite this, most of the workers that fall within the riskiest professions are still standard W2 workers.

In light of these predictions and worker populations, portable benefits have become a key talking point and suggested policy solution to confront this automated future of work, both within and outside of the context of non-standard workers. Perhaps most regularly, proposed solutions involve a ‘portable’ benefit that endows workers with funds for re-training and re-skilling. In an anticipated future where workers might be continually displaced from jobs, the idea is that accessing training and skill-building should not be limited to solely on-the-job. Here policy primers suggest portable accounts that would stay with workers throughout their lifetimes, regardless of their employment situations. The Brookings Institute report calls these ‘portable lifelong learning accounts’ (LiLAs) and suggests that employers, workers, and, in some circumstances, the state, would contribute to a tax-advantaged account that workers could access to further their learning and engage in skill development. Portability in this case is critical because it ensures that the worker can access training regardless of whether or not they are currently employed and, ideally, whether or not any one employer offers it. Outside of LiLAs, these future of work conversations also entail a broader re-imagining of benefits that could provide a safety net to a whole workforce susceptible to cycling in and out of jobs that might get lost to automation – “a stronger, more portable safety net as the AI era progresses” (Muro, Maxim, and Whiton 2019: 62). Here, portable benefits often get coupled with calls for Universal Basic Income or creating some kind of wage or income floor for workers; it is their universality that begets their portability, i.e. they would be for all workers, regardless of classification, throughout their careers, regardless of current
employment status. Portable benefits have even been suggested as a solution for how all benefits are delivered, not just those that guarantee income, which would mean completely decoupling benefits from W2 and 1099 employers alike (see Foster, Nelson, and Redder 2016: 28). While all of these solutions are classification-agnostic, portable benefits do feature in future of work discussions specifically with respect to 1099 non-standard workers, with the recognition that these work arrangements are growing and predicted to continue to do so. For example, a report by the large retail chain Walmart, “America at Work: A National Mosaic and Roadmap for Tomorrow,” recommends six types of responses to automation, one of which is “Modernizing the social safety net,” or “updating social systems to support workers, as appropriate, to coincide with current employment patterns. For instance, portable benefits could cover workers employed in the independent and gig economy” (2019: 13). Similarly, the Brookings Institute report connects these new technologies to a potential increase in non-standard work:

As automation and AI continue to displace workers, meanwhile, more workers may need to rely on nonstandard work . . . Many of these [non-standard] workers are paid by multiple stakeholders, and few receive worker benefits. One model to support these workers is to introduce portable benefits programs on the state or local level. Portable benefits can help workers with multiple employers access the same supports as traditional wage workers, regardless of who they are working for and on what terms. (Muro, Maxim, and Whiton 2019: 63-64)

In this scenario, the assumption is that non-standard work arrangements will continue to proliferate, but the aim would be to make them more secure via benefits, not outlaw the arrangements themselves.

This future of work ‘industry’ can be thought of as comprising its own field, parallel to the portable benefits one and with a great deal of overlap and mutuality between them. The actors within the portable benefits field speak at many of the events
and conferences held around ‘future of work,’ and some are even co-authors on the reports released by think tanks and policy institutes. These actors are well aware of the role that portable benefits play in these conversations, even if some of the potential solutions are distinct from the models they have created. In fact, this engagement with and understanding of the future of work field is part of the strategic nature of the rhetoric portable benefit field actors employ. By pitching non-standard work as the future of all work, as I will show, they are attempting to tap into this future of work vein and locate their models within this broader conversation. In so doing, they generate legitimacy, raise the political profile of their offerings, and make a claim for their primacy. It is also within this context that the framing work organizations do is particularly significant – they are offering up a vision for how they see this future of work unfolding, in a moment when political discourse is particularly fixated on it.

**Frames Matter**

Frames have been deployed in sociology primarily in the study of social movements, but the concept has far-reaching analytical span outside the discipline, leveraged by scholars writing about the media (Gitlin 1980; Pan and Kosicki 1993; Carragee and Woefs 2004), international relations (Bernstein 2002; Berejekian 1997), cognitive psychology (Tversky and Kahneman 1981; Kahneman and Tversky 1986), and political science and policymaking (Schon and Rein 1994). It is also a key concept within field theory, which argues that “fields are constructed on a situational basis, as shifting collections of actors come to define new issues and concerns as salient,” and in this formation, “there is the interpretive frame that individual and collective strategic actors
bring to make sense of what others are doing” (Fligstein and McAdam 2011: 4). As two social movement scholars (Polletta and Ho) put it: “Frames matter. The ways in which political actors package their messages affect their ability to recruit adherents, gain favorable media coverage, demobilize antagonists, and win political victories” (2006: 2). By using the term ‘frame,’ I intend to signify that how portable benefit model organizations “package their messages” about non-standard workers is strategic in nature – they are proffering a vision of work that goes beyond the scope of just their specific portable benefit offering:

If we think of a frame as the structure of a building rather than the perimeter of a picture (Gamson 2004), the concept also points to the deeper logics structuring political contention. While actors instrumentally frame situations so as to press their case, their very understanding of what is instrumental is shaped by taken for granted frames. In that sense, frames are both strategic and set the terms of strategic action. (Polletta and Ho 2006: 2-3)

Pitching non-standard work as either independent or reframing it as standard helps set the terms of the debate and the kind of policy action that the field might engage in. It also helps field actors situate non-standard work in terms of the country’s past and, as said, what we can expect from the future. In this way, it turns neutral worker classifications – W2 vs. 1099 – into meaningful identities: as Mora (2014) writes, “Non-state organizations create frames and narratives that depict categories not simply as government constructs but rather as salient collective identities” (203). Significantly, the work that the frames do is not limited to the frame itself – they connect to larger ideologies that are well-established in our national discourse. Here it is helpful to distinguish between ‘frames,’ as in “mental structures or schemata” (Oliver and Johnston 2000: 42), and ‘ideologies,’ “as socially imbedded and complex systems of values, norms and beliefs” (Ferree 2003: 308; Oliver and Johnston 2000). Ideologies are more
“encompassing and elaborated than frames” and frames are “derived from ideologies, but they are also oriented to the strategic demands of making claims effectively” (Polleta and Ho 2006: 8). In this way, ideologies precede frames and are a source from which frames can be drawn, and this is the case in the portable benefits field. In particular, the independence frame draws on the well-trod ideology of individualism, or the distinctly American variant, rugged individualism. This ethos suggests that individuals must remain self-reliant, not in need of support or assistance from outside of themselves, particularly not from the government. Rugged individualism thus asserts our essential independence, while advocating for a hands-off government approach. The phrase itself has an interesting place in the history of social protections in this country: it was first used by Herbert Hoover prior to the Great Depression (and as it was unfolding) and then later criticized by Franklin Roosevelt, the architect of the New Deal and a vehement supporter of government intervention. It also has echoes of the history discussed in Chapter 2, in which the neoliberal ‘personal responsibility crusade’ advocated against government-provided protections, arguing that individuals must be responsible for themselves.

Following this, there does seem to be a latent tension in pitching safety net solutions – i.e. collective responses to individual’s problems – as independent, but this connection to a larger history of individualism and self-reliance turns portable benefits into an opportunity for freedom, flexibility, and protecting oneself vs. widescale government intervention. Instead of a collective safety net, workers can erect their own personal one. This tension is not at issue for the standard frame that, in sharp contrast to the independent one, springs from an ideology of collectivism. As the antipode to individualism, collectivism stresses the interdependent nature of society, the primacy of
the group over the individual, and the need to solve problems at the collective level. The *standard* frame relies on these principles in its quest to portray groups that have been historically left out of the country’s collective structures – i.e. domestic workers – as essential to our collective functioning. Language around the “redistribution of wealth,” “tak[ing] care of the people who take care of you,” and “the human people who rely on you” speak to this interdependent society, which grows stronger only when we recognize our interconnectedness and take care of all. This ideology undergirding the *standard* frame means that safety net programs are favored solutions to precarity and that moral appeals – i.e. how to act in a way that is fair to others, not just yourself – are readily embraced. Finally, there is precedent for considering the importance of frames with respect to the portable benefits field. Harnett (2020), in a tellingly titled piece “Words Matter: How Tech Media Helped Write Gig Companies into Existence,” argues that tech journalism’s rhetoric around and framing of app-based service-delivery companies helped define them as “startups with innovative technology platforms” that were created to “disrupt established firms by efficiently connecting consumers to independent, empowered gig workers” (abstract). Considered as such, these companies could be labelled “tech platforms” instead of “employers,” the impact of which was, he argues, devastating for workers:

This framing distorted the real, common business model of these companies, which was to use the banner of ‘tech’ to avoid regulations, drive down labor costs, and undercut competition. The innovation-disruption lens dehistoricized these app-based service-delivery companies, clouding how they fit into decades-long trends like the erosion of worker earnings or the increase in compulsive consumption. This not only benefited app-based service-delivery companies, but was factually inaccurate. (Harnett 2020:3)
Harnett tracks how this distorted framing began with the rosy-eyed coverage of tech journalists but quickly had a snowball effect, reaching academics, politicians, and eventually found its way into the legislation itself. His findings are evidence of the crucial nature of framing within this field, suggesting that how workers themselves are framed, which I take up in this chapter, is just as impactful.

**Framing Independent Work**

*Evoking the Past and Seeding the Future*

For a number of models within the portable benefit field, an *independent* vision of work has taken root. Promises of a new style of fluid work, where one has total flexibility over the conditions of work and total freedom to choose the work one wants, abound. Somewhat paradoxically, while this frame is so forward focused, it also harkens repeatedly back to the past, summoning visions of an America in which *all* were independent workers. Looking backward to our country’s origins, the *independent* frame argues that this kind of work was essential to our founding spirit – we were a “nation of craftsman;” as Carl Camden, the Founder and President of the independent worker advocacy group, iPSE-US, recounts:

> . . . I go back to William Jennings Bryan, who I will quote in the early 1900s, that ‘We’re a nation of craftsmen and tradesmen and small businesspeople and farmers.’ The American tradition, far more than any other country, except some of the African ones, has always been intensely focused on people pursuing their dreams, working as an individual. (Interview with Carl Camden, iPSE-US Founder and President, August 2019)

Sara Horowitz, the CEO of Trupo, also wields this language of the nation’s past when she is quoted in a *New York Times* profile, “To Guide the Labor Movement’s Future, She Looks to its Past,” as saying: “In many ways, we’re working in similar ways to the ways
a lot of workers worked before the Civil War, because they tended to be solo entrepreneurs and craft workers. It wasn’t until the Industrial Revolution that we broke them up into little pieces of a craft” (Horowitz quoted in Gelles 2020). Similarly, she asserts that “... freelancers are in so many ways the ultimate craft workers. They are independent, they go from job to job, and you can’t organize them in the same way that you can organize traditional employees” – an assertion she shared in a conversation about the “Future of Freelance” (Sara Horowitz, “The Future of Freelance: A Conversation with Sara Horowitz,” June 2019). Camden even recognizes the dichotomy between past and future when he concedes that his organization is supporting “a return not only to the new world of work, but it also turns out the old world of work” (Interview with Carl Camden, iPSE-US Founder and President, August 2019). According to this framing, we went astray as a nation when we industrialized and wholesale adopted a corporate model. It is in this moment that we deviated from individuals working as individuals, solely responsible for themselves and their own output. The result of this shift was the origin of “jobs” – an arrangement where you sold your labor in exchange for wages and, importantly, security. Camden contends that this dislocation of work – from independent craftsperson to cog in the machine – was a vastly unpopular one, whose remnants remain in our DNA today:

> . . . this whole concept of job was strongly fought as our country mechanized, industrialized and came out, it was strongly disliked, the popular literature always painted it in a negative picture and oppressed. So, today there are still strong cultural and linguistic underpinnings of resentment to that being the dominant or a no choice option, it’s always you didn’t get a choice, part of the whole culture. (Interview with Carl Camden, iPSE-US Founder and President, August 2019)

John Paller, from Opolis, calls this the “paternalistic model of employment” – an interesting foil to Skopcol’s maternalistic welfare state that I describe in Chapter 2:
...the paternalistic model that we built through the industrial revolution is on its way out. It’s antiquated and it’s not really working for people. Yeah, when I say employment is paternalistic, I mean that...I’m selling my time and attention to a corporation in exchange for a paycheck and benefits and this notion of safety and security. (Interview with John Paller, Chief Steward of Opolis, June 2020)

In an essentially Marxian take, they both take issue with the structure of jobs themselves, in which one’s labor is not one’s own. Implicit within their depictions is a clear antagonist: corporations, those despotic controllers of jobs, are “paternalistic,” “antiquated,” and “oppress[ive].” Running counter to this antagonist, the implied protagonist is an imagined hero of the past – the independent craftperson, who “pursues their dreams” and does not sell their “time and attention” to any predatory corporation.

Yet, importantly, the protagonist is up against a fatal flaw – her need for security. It is this need that has driven the continued reliance on jobs, which offer the promise of safety and security through the steadiness of work, i.e. regular hours and paychecks, but also the suite of benefits attached to a traditional employment structure.

**Benefits, Job Lock, and Its Consequences**

Herein lies the significance of benefits within the independent frame: the perceived safety of jobs is due in part to the fact that they provide benefits. As discussed in Chapter 2, benefits are the embodiment of safety – they are meant to eliminate risk and provide workers with a foundation of economic security (i.e. the Social Security Act). Even healthcare is ultimately about financial security, as Paller describes it:

“[Healthcare’s] going to give us that safety if we need it. If the shit hits the fan, if something goes bad, if somebody gets sick, the last thing we need is a million-dollar bill...having this sort of protection is absolutely number one (Interview with John
Paller, Chief Steward of Opolis, June 2020). Yet, when benefits are tied to the “archaic”
structure of jobs, they become a tool of corporations to keep workers tied (and powerless)
to their companies – a phenomenon Camden calls “job lock”:

... people stay in places well much longer than perhaps they would want to or
should, because they have access to benefits or because the health care benefit is
accessible here, but if they go somewhere else, they have to work for a year
before they can gain access, et cetera... Almost all of the health care we tend to
talk about the most, but even pension access, retirement and so on... So benefit
continuity, benefit access, it’s called job lock. And in my world is what we call
the ability of companies to lock people into a job because of our archaic benefit
structure. (Interview with Carl Camden, iPSE-US Founder and President, August
2019)

While Paller does not explicitly call this job lock, his organization’s Off-White Paper
described the same phenomenon, while also extending it to decisions around job
transitions:

It is common to see corporations use benefits as a pretense for modern-day
loyalty, forcing employees to stay in roles they do not like because the benefits
they receive are hard to replace. It is also common to see job applicants decline
desirable roles or employees leave quality work due to what they describe as ‘the
poor quality of benefits.’ (2019: 4)

In Opolis’ telling, benefits are not just a job lock, but in fact a more universal barrier to
engaging in the work one wants – they can keep you in an undesirable job, make you
leave one that you might otherwise want to stay in, or even prevent you from taking the
one you do want. Both Paller and Camden describe the deleterious effects that result from
this coupling of benefits and employment, which harms both employers and employees.
In fact, this harmful nature is intertwined and cyclical: tying benefits to jobs prevents
companies from being efficient and yielding maximum productivity, but this decreased
productivity is because individuals are unhappy and therefore likely unproductive.

Opolis’ Off-White Paper makes the direct link (or lack thereof) between benefits and
productivity, writing that the “irony of the focus on employer-provided benefits is that there seems to be little correlation between employee productivity and the quality of employer benefits” (2019: 4). Paller reiterated this, citing the GDP as proof:

If you think about GDP and productivity, productivity is the number one driver of GDP . . . 70% of people are disengaged in work they’re doing. Do the correlation. It doesn’t take a mathematical genius to realize that, ‘Look, if I’m not engaged in what I’m doing, I’m probably about 30% productive at best.’ (Interview with John Paller, Chief Steward of Opolis, June 2020)

This was similarly parroted by Camden, who extends this relationship between benefits and productivity to its correlation with a worker’s happiness:

I would argue that if you’re going to have maximum productivity, you need to have, besides your tech base and all of the other things that we look at, you also have to have a group of dedicated and interesting workers. Companies, when they are relying on benefits as a job lock procedure to keep talent there, aren’t paying attention to the fact that there’s often a steady decline in productivity from those workers because they are less and less happy. (Interview with Carl Camden, iPSE-US Founder and President, August 2019)

In other words, a worker’s happiness is directly equated with productivity – when one goes down, so does the other. Nevertheless, Paller makes clear that worker happiness is an important goal in and of itself – work should be a source of joy, regardless of company productivity. Paller shared a personal anecdote about his mother to drive this idea home:

I had a very simplistic view of work’s role in a person's life. I was very much conditioned to believe that work was a means to an end . . . My mother spent over 30 years in the same job . . . And I will tell you, she was not a happy person. So, there was no correlation. You can argue that, well, work doesn’t really correlate to your joy. I think we spend way too much time doing it to argue that there’s no impact. It’s going to influence you . . . If you spend that amount of waking hours doing something, it’s going to shape something. (Interview with John Paller, Chief Steward of Opolis, June 2020)

Both model designers thus position the bundling of benefits with W2 employment as a burden that hurts companies and workers alike, attempting to convey an irony: benefits, in their current form, are not benefiting anyone.
Identity, “Who I Am” & The Unfettered Future of Work

Decoupling benefits from the employment structure are a part of what “frees” up work, but the independent frame is also invoked to more broadly signify the new non-standard work, in which employment is released from the overarching structure of a corporation altogether. Here, the frame conjures a progressive vision of the future where one can find work that not only makes you happy, but also that aligns with “who I am.”

In this nirvana of new employment, independent work opens up pathways to fulfillment – work is fluid, dynamic, and transparent, so you can be clear about where you are working, why you are working there, and free to leave at any point when the work does not “align” with you. This is no longer a nod to some craftsperson past, but rather a future where we have moved up Maslow’s hierarchy of needs. If benefits are about safety – relatively low on this hierarchy – then freedom to select a job, move seamlessly to another, and even balance multiple ones gets us to Maslow’s pinnacle: self-actualization.

This is the ultimate goal of independent work; Paller explained this “evolution” as such:

When it comes to aligning with me, what does that mean? I think that what’s happening is there’s more and more transparency. People are dialing in more and more to what their values are and what they really want to, what they want to stand for . . . They subscribed to a certain set of viewpoints and values and they don’t want to work for or support a company anymore that are not aligned with those things . . . We’re still in the very beginning stages of this evolution, but more and more people are doing this . . . because they have options now. They don’t have to take that job as a means to an end, because they can work three or four different jobs at once. If that company isn’t really jiving with me, I can move on to another one. We’re moving up the decision matrix to something that’s more aligned with who I am. This person and what my views are about people in the world, my world view is now being reflected in the kinds of companies and efforts that I’m supporting with my labor and attention. (Interview with John Paller, Chief Steward of Opolis, June 2020)

In other words, the seamlessness of independent non-standard work, where you can move at will between jobs, allows workers to be selective in what they do – and, specifically,
selective about choosing work that aligns with their values, or “who I am.” This idea—that work aligns with one’s identity—was reiterated by Kristin Anderson, the CEO and Co-Founder of Catch, though she couches it in slightly different terms. Similarly to Paller, she asserts that this new, flexible style of work allows one to take on multiple jobs and revenue streams. But for Anderson, the key to this flexibility is that it allows one to find meaning in work that would otherwise not be sustainable on its own. In this way, people do not need to “identify” with the job that is their main source of income. In fact, people often “identify” with their secondary career—secondary only in the sense that it is not the primary generator of their income. Here she gives the example of a woman who describes herself as a children’s writer but actually makes the majority of her money as an app-based driver:

So what we see is a lot of the people who will say . . . we did a user interview with someone who was like, ‘I’m a writer, I write children’s books. Oh yeah. And I also do some editing once in a while.’ And we look at her income transactions on the data side and the majority of her income is coming from Uber and Lyft. But that’s not how she identifies. That’s not who she is. (Interview with Kristen Anderson, Catch CEO and Co-Founder, February 2020, emphasis added)

Her take is not dissimilar from Paller’s, as she still highlights the importance of finding a way to do what makes you happy, but it might not be your “job” (i.e. primary source of income) that helps you align with “who you want to be”:

I’m in Austin, Texas right now. I’ll go to a bar at happy hour and the guy’s not a bartender, he’s a musician. He’s just serving me drinks so that he can follow the thing that he actually wants to do. And I think it’s part of the flexibility, freedom of the economy . . . And last night we went to happy hour with a bunch of creatives and they were travel bloggers and food photographers and whatever. I guess lots of them are earning income other ways, but nobody talks about [that]. Their income is coming in from the platforms or from retail or food and bev or construction. But as soon as that guy makes enough money in his construction job, he goes into travel blogging because that’s who he wants to be. (Interview with Kristen Anderson, Catch CEO and Co-Founder, February 2020)
What follows from this, Anderson argues, is that benefits are not actually about work, but rather about your life outside of work – they are about the safety and security of you and your loved ones; this is how she pitches her platform: “But at the end of the day, we don’t care how you earn money, that doesn’t matter to us. What matters is that you and your family are stable and safe. And that’s all we’re here to help with.” In other words, a job is a way to earn an income, but a career is a way to gain meaning. By giving portable benefits to the person rather than the job, work can become truly unfettered – and it is this independence that allows you to separate earning money from finding your purpose.

According to these model designers, working in this way is not merely a trend, but rather the beginnings of a new way to conceptualize work altogether. Paller calls it “self-sovereign employment” – a clear nod to independence – and knits together all of these threads:

Self-sovereign employment is removing that paternalistic dynamic and putting all of the controls with yourself, but we’re also not just putting you on an island. It’s legitimately a whole framework or ecosystem that’s built to power you and give you the control to make better decisions. (Interview with John Paller, Chief Steward of Opolis, June 2020)

The organization’s Off-White Paper also connects independent work with values, safety, and the ultimate freedom of choice:

All people globally are in search of the perfect balance between providing for their families and having time to spend with those they care about. Decoupling the employer/employee paradigm will open infinite possibilities for individuals to choose the type of work with which they wish to engage, with whom they wish to work, how much they wish to work and from where they wish to work. (2019: 24)

What is particularly interesting in this is the parameters of the subject, “All people globally.” This frame encompasses an expansive view of who will work this way in the
future – it is not just those we currently consider non-standard workers, but rather all workers; Anderson casts the net of new work similarly wide:

I think one, I’ll start with a misconception. The misconception is, this is about freelancers and gig workers. I think that’s one thing that we see very clearly, right? That this is not about freelancers and gig workers, this is about all workers and the changing nature of work for many, many, many different professions people usually just don’t mention, right? (Interview with Kristen Anderson, Catch CEO and Co-Founder, February 2020)

And, as Camden bluntly asserted, “The 75-year experiment with jobs is coming to an end. It was a nice experiment, and it was really amazing, but it now fails as the structure of work is changing around the world” (Interview with Carl Camden, iPSE-US Founder and President, August 2019). This is a crucial difference between the independent frame and the standard one – the issue is not the precarity of non-standard work, but rather that a whole new paradigm of work must be born. And, portable benefits is a crucial part of this paradigm.

Re-Framing Standard Work

Precarious Work as both Distant Past and Preview of an Unrestrained Future

It is this all-encompassing vision of the future of work as entirely independent that those who employ the standard frame are fighting vehemently against. Within this second narrative, model designers and portable benefit actors aim to reframe non-standard work as standard work. According to them, non-standard work is not the beneficial opportunity to enjoy the freedom and flexibility that workers have always wanted, but rather a way to strip workers of their rights and protections under the guise of the term “non-standard.” Labelling it in this way does not create a new type of freer work, but rather a mechanism by which to increase worker’s precarity. In this conception,
workers are forced to work outside of the structures that have traditionally protected workers, while still remaining dependent on the income streams this work presents. Similarly to the *independent* narrative, this reframing of non-standard work as *standard* skirts an interesting line between the past and the future, arguing that the vulnerability of these workers is both a nod to an unequal past and a preview of a new precarious future – the presumed product of unconstrained technological intervention in the labor market. In a “Status of Worker Rights in California’s Gig Economy” hearing held by the San Francisco Board of Supervisors, the Supervisors argued that the influx of technology associated with the app-based work of the employers within the portable benefits field does not forbode a techno-sized, fluid-work future, but rather a return to a past where workers’ rights were not guaranteed or protected. Supervisor Mandelman opened the hearing with a searing critique of the app-based “gig economy” model in this vein:

> The gig economy is often described as the future of work, but in many ways it is a return to our past and the bygone days of the pre-New Deal, Lochner era, when businesses enjoyed the backing and protections of a Supreme court hostile to workers and government regulation. The workplace of that era was built on the falsehood that workers and employers had the same bargaining power, effectively silencing workers and deregulating the economy in the name of the free market. (Supervisor Mandelman, Public Safety and Neighborhood Services Committee, June 28th, 2019)

While the *independent* frame paints a rosy picture of America’s past as a nation of craftspeople, this *standard* frame offers a sharp contrast. Even though both seem to refer to the same era, Supervisor Mandelman does not see a world of workers empowered by their craft, but instead a group powerless against those that employ them and a government who refused to support them. According to him, what ushered in what we

23 Camden referred to quoting William Jennings Bryan in the 1900s and Supervisor Mandelman is referring to the Lochner Era, which is dated as 1897 – 1937.
consider work today (implied is standard, W2 work) is a series of laws that put stricter contours around work arrangements and buttressed them with both social and legal support:

Today, the gig business model threatens the gains made in the decades that followed, first under the New Deal of the 1930s and later under the great society of the 1960s. From the Social Security Act of 1935 that brought us unemployment insurance, retirement, and disability to the Fair Labor Standards Act of 1938 that created the 8-hour workday, minimum wage and overtime pay to the 1960s era Civil Rights Statutes, which banned race and sex discrimination in employment. (Supervisor Mandelman, Public Safety and Neighborhood Services Committee, June 28th, 2019)

Here he argues that the gig economy business model, in its redefining of work, actually “threatens” these gains that were made to establish standard work. This narrative is reinforced by Supervisor Mar, who also contrasts the emergence of technology and a vision of a progressive future with a more precarious past, arguing that this model only “offer[s] new twists on old problems of economic injustice”:

Fundamentally this issue is about inequality. About unequal protections for workers in emerging industries and unequal pay and treatment for a growing and increasingly vulnerable workforce. The growth of gig workers has been fueled by new technologies and innovations, offering new twists on old problems of economic injustice. Technology and innovation should act in service to society, but instead we see our economy, our streets, our working class, and our regulations wholly disrupted by the gig economy, often to the benefit of a few and harm to many . . . As new companies and industries enjoy new levels of wealth and success, we must ensure that the workers responsible for that success are treated fairly, transparently, and equitably. (Supervisor Mar, Safety and Neighborhood Services Committee, June 28th, 2019)

In fact, Supervisor Mar even cites benefits in particular as key to the vulnerability this model creates and implies that it is employers (i.e. large platform employers) who should be responsible for them.

Domestic workers are similarly characterized within the domestic worker’s movement, except that the organization at its center (NDWA) positions domestic workers
as the first to suffer this kind of precarity. Palak Shah, Founding Director of NDWA Labs, argues that domestic workers are the “original gig workers” and have always been subject to a subsistence without protection, a fate which they have “faced for generations.” Nodding to the ‘future of work’ cottage industry, she notes:

There’s a lot of talk right now about the way that work is changing, and I would say that there’s a national mania in the chattering class about the future of work . . . There’s no doubt that work has been changing and more and more workers are experiencing the same kinds of challenges that domestic workers have faced for generations. More people are working without security, more people are working without contracts, more people are working without the basic safety net, are working outside of the traditional structures that we’ve created. (Palak Shah, MoMA R&D Salon 31, Workspheres, “Contemporary Entanglement of Work & Identity,” May 15th, 2019)

At the same time, even as they are emblematic of the past, she positions them as a signal for the future – they are the “canary in the coal mine,” who are illuminating what the future of work will look like for most if these models of work continue to multiply without intervention:

As all of this change begins to happen, I think what we would assert is that there is value in paying attention to the canary in the coal mine, which we believe domestic workers are. Because you can start to see signals from the future both in terms of what the reality could be for more and more people in this economy if we go down the road that we are without a real coherent and clear intervention . . . what domestic workers have experienced in this economy and this society is emblematic of what we could all be experiencing without a real intervention. (Palak Shah, MoMA R&D Salon 31, Workspheres, “Contemporary Entanglement of Work & Identity,” May 15th, 2019)

In Shah’s depiction, domestic workers are both the inadvertent pioneers and the crucial bellwethers of the kind of unprotected work that the San Francisco Supervisors bemoan when they describe app-based “gig” work. While she skillfully draws a parallel between historically unprotected domestic work and a future of app-dominated work, there is a key difference in these two groups: domestic workers have never received safety net
protections and employer-sponsored benefits – they (along with agricultural workers)
were very conspicuously left out of the laws and protections that Supervisor Mandelman
details (see Chapter 2). Nevertheless, it is clear in these public testimonies that at issue is
the structure of non-standard work: instead of rendering this as a new, evolved, fluid
work structure, this frame argues that it is actually just a way to leave workers out of old,
prevailing, protected structures of standard work. Their proposed solution is not to simply
add benefits to a new independent style of work, but rather to recognize that non-standard
work is standard work and endow it with the rights and protections that this kind of work
is entitled to.

**Domestic Work is “Real,” Dignified, and Dependent on You**

In the case of domestic workers and the implementation of the portable benefit
model Alia, the barrier to considering domestic work as standard seems to be that we do
not, as a society, consider it “real” work to begin with. As a result, there are two key
pillars upon which the standard framing rests: (1) establishing domestic work as “real”
and dignified work; and (2) convincing those that employ domestic workers to recognize
themselves as employers responsible for the workers they employ. These are not
necessarily separate, but rather inter-related: if domestic work is “real” work, then those
who employ domestic workers are in fact, “real” employers.

Importantly, the existence of Alia is itself a way to legitimize domestic work as
“real,” standard work: since benefits are so central to what makes a job typically
“standard,” then if a job has benefits, it might legitimately be considered so. What
follows is that the tool to provide benefits (Alia) becomes a mechanism by which to do
this kind of “sell in” of the broader narrative around domestic work. As Shah put it:

But it’s also a culture change strategy because so much of why domestic workers
are in the position that they’re in is because the work is not seen as real work. And
so, part of what we’re starting with Alia . . . even just [its] existence and
formation is that, ‘Hey, this is work just like any other work in the economy and
deserves to have the same kind of scaffolding underneath it.’ (Interview with
Palak Shah, Founding Director of NDWA Labs, December 2019)

This was echoed by an organizer from Hand in Hand, who spoke of how the model opens
the door to a broader conversation about the legitimacy of domestic work. She
understands that domestic work challenges our notion of standard work, or that which is
tied to an institution and has a certain level of prestige, but this does not negate domestic
work as such:

And that a really useful thing we can be doing with employers is thinking and
talking with them about what work is around some of the human people they rely
on for their lives. To think about work encompassing all the different kinds of
work so that we’re actually chipping away at this notion of, you have to have a
good job connected to an institution. It doesn’t have to be like that. You can be
fancy because you work for Google or because you work for whatever tech
company or whatever, big hospital and you’re an administrator, you’re a fancy
this or that. But work is work . . . (Interview with Hand in Hand Organizer,
October 2019, emphasis added)

As I argued in Chapter 2, society has deemed standard workers “deserving” of benefits,
so this Hand in Hand organizer uses a benefits conversation to stake a claim for the
deservingness of domestic workers as well. While her political leanings made her
generally supportive of an idea like portable benefits, it was only in working with Alia
that she began to fully understand the power of the model in prompting these
conversations, which she saw as a “way to actually shift how we’re thinking about how
society is structured”:
So something like Alia is both a way to put cash in the pockets of people who need it, so they can take a sick day or take care of their kid when they’re sick. But it’s also every single one of these conversations we’re having with employers is a way to challenge this notion of, who deserves and who doesn’t. Right? And how are we setting up our society? . . . Can we step back from this notion of, okay well you’re a house cleaner and anyone can do that so somehow that makes you undeserving in being able to take care of your child when they have a fever? To a place where we’re like, are we setting up our society in such a way that there’s some fundamental principles at play here that everyone gets healthcare. Everyone gets to take care of their families and we’re all working and there’s enough to go around. So I think I sort of shifted my thinking by working on this tool. I mean I’m somebody who is already in that frame obviously, but I think it’s like I sort of watched my own evolution as this idea of portable benefits has been introduced with some of these tools and I’ve actually gotten to work on them. Where I’m like, oh this is a way to actually shift how we’re thinking about how our society is structured. (Interview with Hand in Hand Organizer, October 2019)

In this way, the establishment of Alia opens up conversations about the nature of work itself – what it is, how it should be valued – and benefits become the lynchpin in demonstrating that value. This was also the motivation behind NDWA’s work with the film Roma, which centers around the struggles of an indigenous live-in domestic worker in Mexico. In what Shah called “our culture change and Hollywood partnerships [strategy],” NDWA partnered with Participant Media, the production company behind Roma, to leverage the movie in service of the domestic workers movement. Immediately following the film’s release, Participant launched a multi-faceted campaign that included hosting screenings of the movie, creating speaking events for NDWA leaders, and even inviting NDWA’s co-founder and Executive Director, Ai-jen Poo, to the Oscars ceremony where the movie won several awards. They also created a video campaign that specifically promoted Alia. A Fast Company article detailed how the campaign worked to both legitimize domestic work and connect this legitimization to benefits and Alia:

The campaign . . . worked in two parts: first, by raising awareness of domestic workers, their value, and their lack of benefits, and second by publicizing programs that can bolster the economic security of these workers, who are often
excluded from labor laws and social security programs . . . With its partners in the U.S. and Mexico, Participant created video campaigns to support Alia, a platform created by NDWA to bring benefits to domestic workers, and a domestic worker social security pilot program in Mexico. (Toussaint 2020)

The connection between the movie, NDWA, and benefits was covered extensively in the press. By example, an NBC News article quotes Poo, who issues a call to action and speaks specifically of Alia (though without mentioning it by name): “If people are compelled to take action after Roma, said Poo, the alliance’s website offers resources for domestic workers and employers, like insurance for domestic workers” (Poo quoted in Castillo 2019). Using this kind of culture change strategy in their quest to legitimize domestic work and benefits reveals how crucial the organization believes narrative – and, specifically, a shift in narrative – can be. In a New York Times feature aptly titled, “Out of the Shadows,” the perceived impact of reframing domestic work as “real” and dignified is clear:

Poo’s overarching plan is expansive . . . What Poo is doing requires bringing all of her so-called vectors to bear – the economics, the politics and the protests. It also requires a shift in public consciousness that is close to seismic. Change the way we value the labor of domestic workers, she is telling us, and we can upend our current hierarchy of privilege and power, bringing our economy in line with our values as human beings. (Hilgers 2019)

This message was also embraced in a Hand in Hand webinar, where the organizer connects the lack of value placed in domestic work to the lack of infrastructure for the work (infrastructure presumably includes benefits), admonishing that “we live in a society that does not value this work and does not provide the infrastructure and support for it, both those of us who give care and those of us who hire” (“My Home is Someone’s Workplace” Webinar, Hand in Hand, December 2019).
It is the title of this webinar – “My Home is Someone’s Workplace” – that speaks to the second pillar of the standard frame with respect to domestic workers: the recognition of an existing employment relationship. If domestic work is to be considered standard work, then it is also necessary to convince those that employ domestic workers to recognize themselves as employers. This is complicated in the context of domestic work, as it tends to not only be informal – i.e. workers are paid under the table, there is not a formal employment contract (Kashen 2019) – but also intimate – i.e. workers are in your home, interacting with your family (and sometimes even caring for your children). This is why Hand in Hand is gentle in their conversations with employers: in this same webinar, the organizer said that the group proceeds from “an assumption of good intent – that we all want to do the right thing” and that “none of this is about guilting people” (“My Home is Someone’s Workplace” Webinar, Hand in Hand, December 2019). They recognize that because this work is taking place in one’s home, the “often intimate nature of this relationship can complicate the relationship,” but they argue that this is all the more reason to recognize oneself as an employer: they contend that “however close and familial you are, you are an employer that has certain obligations and responsibilities” and that being “part of the family” means that the relationship is often one-sided, leaving domestic workers without the protections that work should grant them (ibid).

Recognizing your home as a workplace, even though it departs from our traditional notions of what a workplace should be, is essential to embracing the standard work relationship. Identifying as an employer in this way is central to the organization’s mission overall – they often evoke a moral imperative as a way to get people to consider themselves employers of domestic workers, recognizing the interdependent nature of this
work and work relationship. The first thing one sees when visiting their website\(^\text{24}\) is an exhortation to “Be an ethical employer at home,” – as one organizer affirmed:

I mean and it just goes back to the whole founding of Hand in Hand, right? It’s like, well do we have to do this as employers? Well no, because domestic work exists in the shadows, but slavery was legal when it was legal. Was it right? No, and this is a legacy of that. So are we going to continue that or not? . . . It’s like, what’s our moral obligation here to other human beings? (Interview with Hand in Hand Organizer, October 2019)

As she makes clear, employers of domestic workers are not required to assume the responsibilities that come with this relationship, but convincing them that this is in fact an employment relationship like any other beseeches them to take responsibility for the workers who depend on them.

For NDWA, identifying as an employer is more complicated. Like Hand in Hand, NDWA invokes a moral entreaty to employers to do the “right” thing; this claim is embedded on their site, under the heading What have we learned: “Clients want to do the right thing, they just don’t know how. Everyone agrees: if you work, you deserve benefits. But there needs to be an easy way to do the right thing” (ndwalabs.org/alia). This idea seems to have come out of initial interviews with employers, in which Shah shared that one of the biggest and most surprising learnings has been that the “overwhelming number of them” are aware of the precarious nature of this work, the lack of a social safety net for domestic workers, and the vulnerability inherent to working this way. Yet, the way they understand themselves as employers (or not) is more nuanced:

Maybe they haven’t like totally internalized it’s their job to do something about it or their role to do something about it. Or that they should be considering themselves an employer like the way a factory might be an employer. But it’s not like they’re unaware that people, if they don’t show up to work, they’re not getting paid, or they’re sick, they’re losing money. Yeah, I was a little bit

\(^\text{24}\) https://domesticemployers.org/
surprised by that. (Interview with Palak Shah, Founding Director of NDWA Labs, December 2019)

In other words, these employers understand that their domestic workers depend on them, particularly since they lack the safety net protections that might make them less dependent. And, while they might not have “totally internalized” that it is their job or role to counteract this, this is not where the organization sees the majority of resistance coming from. Instead, the biggest resistance they have seen to adopting Alia is that households are hesitant to formalize the employment relationship, even if they do feel somewhat responsible for the workers they employ:

But more like I think it is because a lot of people are in the cash economy, because some workers are undocumented, because people are not paying their taxes, there is hesitation around . . . What we’re learning is that people would like to do the right thing and people would like to support their cleaners. But then they’re again a little worried that it’s going to bring some risk to them . . . It’s like hesitations or concerns that people have are about essentially a digital trail of an employment relationship that’s not totally legal or compliant with tax law. (Interview with Palak Shah, Founding Director of NDWA Labs, December 2019)

Clearly, Shah does not believe that employers lack empathy or understanding about the domestic worker’s plight, but rather a fear of their own tax liability if the relationship was formalized. Alia was actually designed with this fear in mind: since it uses a credits system and sends pre-paid cards for paid time off, it “doesn’t substantiate the employment relationship” because NDWA is “neither collecting payment nor evidence of their hours or anything that has to do with whatever transactions are happening between the parties” (Interview with Palak Shah, Founding Director of NDWA Labs, December 2019). In this way, the organization separates standardization of the employment relationship from recognition that you a standard employer and responsible for your employees. While the ultimate goal might be the formal institutionalization of this
relationship (see Chapter 4 for a discussion of NDWA’s policy work and enforcement goals with Alia), Alia at the onset is designed to show that domestic work is “real” work, with employees who are dependent on you to “do the right thing.”

**What Frames Do: Implications for Funding**

How these workers are framed by each of these models is not rhetoric alone – it is related to, albeit not determinative of, how portable benefit models are funded. For one, there is clear tension in considering workers truly independent if they are not able to independently fund their benefits. As Alissa Orlando, the Co-Founder of the portable benefit model IndyHub, lamented:

> I actually think if you look at every venture-backed startup in this space, they are all condoning a self-funded model . . . it really annoys me that that’s called portable benefits because it is portable in the fact that you own it when you change jobs. Like you still own it, great. But it’s not closing this incentive to misclassify people at all . . . They’re not providing benefits. They’re providing a portal in which you can buy benefits. They’re very different. (Interview with Alissa Orlando, IndyHub Co-Founder, September 2020)

In other words, freeing up *access* to benefits, as many of these portable benefit models aim to do, is different from *funding* them. Yet, some of the models in the portable benefits field – iPSE-US, Catch, and Stride – still include low-wage workers within their targeting, outreach, and marketing plans. How then do they resolve the rhetoric of an *independent* frame while remaining financially accessible to low-wage workers? For Catch, as discussed in Chapter 2, it is inherent to their business model: they have specifically built in the *redistribution* mechanism to make their offering affordable to low-wage workers. While the long-term viability of this *redistribution* strategy is unknown, it is how the organization is able to espouse independence while maintaining
affordability. iPSE-US, on the other hand, is using a tiered membership strategy, so that benefits are bundled in packages at different price points. Hollie Heikkinen (of iWorker Innovations), who partners with iPSE-US to provide the portable benefits the organization offers, noted that they were currently tweaking their membership tiers, creating a new one that aims to be affordable at a lower price point. She and the organization assessed that this tier would be within reach for workers on the low-wage end of the spectrum. Notably, they do plan to market to many of these workers through the organizations that employ them, but the organization is careful to maintain language that does not imply employment, calling them “aggregators” or “deployers” and speaking of “serv[ing] the independent workers embedded in their companies” – all of which allows them to maintain the independent frame while still attempting accessibility for lower-wage workers. Stride, on the other hand, is set up to take contributions from employers, though they are not yet doing so. Their marketing collateral further suggests benefits that are provided by employers: their B2B site advertises “One app for all your benefits,” which will “[g]ive your workers a single, mobile-optimized experience where they can access all of the benefits & perks you’re offering.” They also tout the ability to “[c]ustomize & tailor,” soliciting these companies to “[s]tand out by adding your own offers, providing different perks for different tiers of workers, replace existing benefits with your own, and more.” Despite this, Stride’s CEO, Noah Lang, was careful to maintain the language of independence, calling these companies “non-employer platforms” (Interview with Noah Lang, Stride CEO and Co-Founder, March 2020). All of this seems to blur the line between independent work, employer responsibility, and safety net offerings.
These seeming contradictions with respect to funding and low-wage workers are not an issue with the *standard* frame, which points unequivocally to funding responsibility: in standard employment relationships, the employer is responsible for the majority of benefits, either those it funds directly (health insurance, retirement, paid time off) or those that it contributes to on behalf of a worker (unemployment). Workers who are classified as W2 are rarely expected to self-fund their benefits. While app-based service delivery workers are still stuck in between these realities (see Chapter 4 for a discussion of worker classification and its connection to portable benefits), there seems to be no question in the domestic work industry who should pay. Alia is (currently) set up to fund benefits entirely through employer contributions and running through all of their communications is the personal responsibility of the employer. In this frame, the person who works in your home is not an *independent* worker who is wholly responsible for herself – instead, this is *standard* work, in which the domestic worker you employ depends on you and “doing the right thing” means being responsible for her well-being in the context of work.

**What Frames Do: The Erasure of Heterogeneity**

Some within the portable benefits field argue that there is a significant bifurcation within non-standard work, pointing to two distinct segments: (1) highly skilled, mid- to high-wage workers and (2) less credentialed, lower-wage workers. Following this, one could argue that the first category could be considered *independent*, as these workers tend to be contracted out to work on short-term projects across a range of clients, thus not tied to any one employer (in some cases they might engage with a client only once). On the
other hand, those in the second category could be considered *standard*: they provide services, e.g., cleaning, driving, task completion, in exchange for regular wages, either for the same employers (i.e. domestic work) or through the same platforms (i.e. Uber, Lyft, Task Rabbit, Handy), with these employers or platforms dictating the terms of their work. Even amidst this bifurcation, there is still a spectrum, in that many skilled, “white collar” freelancers are doing low-wage work, e.g. freelance journalists, video editors, etc.

At the same time, as Schor et al (2020) showed, there is significant variance in the earnings and experiences of workers even on the *same* platforms. Most notably, when the work is being done for a full-time income, workers feel less autonomy over their work, experience greater precarity, and lower wages overall. For these workers, the platform exerts significantly more control over their daily lives and work products. This is contrast to workers who are picking up supplemental income through these platforms, which allows them to control when they work and how they work, holding out for higher rates during busier times (i.e. driving only in rush hour) or for more specialized tasks (i.e. on Handy or TaskRabbit) – all of which results in workers who experience greater work satisfaction, an increased sense of independence, genuine flexibility in the work, and higher wages overall. Yet, what both the *independent* and *standard* frames “do” is erase most of this heterogeneity, lumping together this diverse spectrum of workers and negating the substantial differences in their work experiences. It is this denial of heterogeneity that complicates questions of funding, worker classification, and policy goals. There are significant but disparate consequences of this denial of complexity for both the *independent* and the *standard* frame, both of which I take up in the sections that follow.
Independence Equals Flexibility & Freedom of Choice

As discussed, the independent work frame points to a vision of work that is defined by “freedom” – released from overbearing corporate control, workers are free to manage multiple work “streams,” move seamlessly from work that does not align with them to work that does, and choose when and where they want to work. What has gone hand in hand with this idea of freedom is the twin notion of “flexibility” – often those within the field do not say one without the other: as Paller put it, “We don’t want to give that up for freedom and flexibility. We want safety and security and freedom and flexibility” (Interview with John Paller, Chief Steward of Opolis, June 2020, emphasis added). Independent work thus also means free and flexible. It is this last association of the frame – flexibility – that has become particularly important in the context of portable benefits, as the private platform-based employers within the field have used it to create a dichotomy: independent work is flexible, while standard employment is not. For example, flexibility (and freedom) is a key talking point for companies like Uber, Lyft, and DoorDash, who assert that their workers are doing independent work, acting as empowered business owners who appreciate the freedom and flexibility of the app-based work model (Harnett 2020). Yet, when private platform employers assume this dichotomy, they create an either/or reality: workers can either have freedom and flexibility or the safety and security of standard employment. In this way, benefits – which are a stand in for safety and the touted advantage of standard employment – get pitted directly against flexibility. As Uber’s CEO Dara Khosrowshahi put it in an New York Times op-ed: “Our current employment system is outdated and unfair. It forces every worker to choose between being an employee with more benefits but less
flexibility, or an independent contractor with more flexibility but almost no safety net” (August 10th, 2020). Communicating to workers in these dichotomous terms is how these companies can truthfully say that the majority of their workers prefer the flexibility of their current classification25 – if required to choose one or the other, many workers opt for the ability to keep non-regular hours. Even Orlando had bought into the rhetoric:

    Yeah. I was vehemently against AB5 because I had so many workers say, ‘Independent work is what we want.’ I loved being an independent worker. There are so many benefits of flexibility. And it was only when ... [I learned] about piece-rate work and how that works and what that looks like and the fact that actually if you paid on a piece rate basis . . . . [it] gives people total flexibility. How much of my opinion was shaped by believing company rhetoric versus really understanding the policy implications? (Interview with Alissa Orlando, IndyHub Co-Founder, September 2020).

As Orlando makes clear, the dichotomy of flexibility or security has foregone possible solutions, like paying by piece rate, which would ensure workers would get meaningful protections while still retaining the flexibility of this type of work. There is also nothing inherently inflexible about standard work – a W2 status can be used for part-time workers, as well as those who work flexible shifts that change depending on the day and week (e.g., restaurant workers). Yet, in the context of the portable benefits field, the independent and flexible frame has become a tool, wielded by private employers, in the service of justifying 1099 employment relationships for workers engaged in app-based work.26 This is in contrast to some of the portable benefit model organizations that I discuss here, which tend to evoke the frame of independence in order to challenge our

25 In this same op-ed, Khosrowshahi reports results of a recent survey of drivers, in which “two out of three app drivers would stop driving if their flexibility was compromised.” Survey results like this are prevalent in most communications from platform companies.

26 In Chapter 4, I will take up in detail the policy struggles of these different actors within the field, like platform companies and worker-power organizations. For this chapter, I aim to highlight the use of the frame itself, so I keep this larger discussion bracketed.
notion of what work is and who is deserving of being protected, while insisting that workers should not have to choose between security and flexibility, i.e. Paller’s insistence that “We want safety and security and freedom and flexibility.” Regardless of this nuanced distinction, the frame helped set the terms of the debate in the field – i.e. you are either independent and flexible or standard and inflexible – which undermines the complexity of the situation and delimits the potential solutions to get workers protected.

The other implication of pairing independent work with freedom is its association with freedom of choice. In this frame, workers who are independent should be able to self-select benefits, as they are the only ones who understand what is best for them. If they are empowered business owners, then they also should have the power to create their own customized safety nets. As Hollie Heikkinen explained:

No, it’s really that we’re moving towards that to give more flexibility and freedom to anybody. Then what we’ll be doing is creating bundles of products... So, if you envision you’re an IT worker, there’s certain coverages that you already know that you’re going to need, like cyber protection, for example, that will already be embedded in an ancillary offering. So, it would be, if you could envision, maybe it’s going to be general liability, and property coverage, and cyber protection, and a couple other things. If those are all in one bundle, you can just click that bundle... If you are a platform worker, maybe you’re a delivery person, you want to probably have access to home and auto coverage. You probably have a home office, and you have your auto insurance. You probably want to have some kind of an occupational accident coverage, those sort of things. So, that would be a different bundle. So, this play is not to, it really has nothing to do with all of the different types of workers. It’s giving more freedom, and freedom of choice. (Interview with Hollie Heikkinen, iWorker Innovations CEO and Founder, August 2019)

Heikkinen even makes clear here that the heterogeneity of the workers is not at issue – “it really has nothing to do with all the different types of workers” – and insists that all would like the freedom of choice. Yet, there are significant issues with self-selected benefits. For one, worker-selected benefits can be riskier, especially in the case of health
insurance, and this increased risk can translate into increased cost. Called “adverse selection,” Orlando explained it as the concern of insurance carriers that people who are the most risky are the ones selecting the product. The fear is that if workers only have a finite amount of money to invest in benefits and are choosing between a few – e.g., health insurance, retirement, paid time off – then those who are in the poorest health might be most likely to select health insurance. This increases costs for carriers, who in turn would raise the cost of their insurance product (even pre-emptively), ultimately making them less affordable for workers. This is not the case in typical employer-sponsored health insurance, in which a whole pool of employees is getting health insurance coverage by default and therefore there is no risk in adverse self-selection. There is also the risk that workers do not opt-in to the coverage that they might need the most, e.g., worker’s compensation or liability insurance, as these are less “popular” forms of insurance (versus health insurance, for example). When workers are given these by default, they do not need to decide which types of protections are most essential, but with self-selected benefits, the decisions become weighty and complicated. And, finally, there is one key benefit that a worker who is paying for themselves simply cannot choose: unemployment. Unemployment is a government-run benefit that is dependent on an employer paying in on a worker’s behalf. Programs are not currently set up to take contributions from the worker themselves, and until this is possible, unemployment would not be available to workers who must self-select benefits and create their own safety net.

*Standard Work For All*
While perhaps less pronounced than with the independent frame, it is also true that the standard frame erases the heterogeneity of non-standard workers, at least according to some actors in the portable benefits field. Eli Dvorkin, of the New York-based think tank Center for an Urban Future, asserts that there is a wide range of workers taking up this kind of work:

But also, that when we talk to folks that are kind of on the ground working with lower income communities, it became clear to me that the sort of growth of on-demand work has been beneficial in a lot of places where access to low barrier to entry sources of income are really in demand. Which is to say, if you are a community college student and you are struggling just to afford the non-tuition costs of college, and you may be also struggling to commit to a full-time job while you’re trying to finish school, flexible work can actually really help. If you are someone who is job changing or has lost a job, some recent research suggests that these sorts of on-demand platforms can provide kind of a smoothing in the income curve so that it can help you cover that gap from one full time job to another. So there are some real benefits here that I think get less attention, maybe, than they deserve. For students, for workers with lower formal educational credentials, for people with complicated schedules and lives, whether that means childcare, caring for older adults . . . And also the growth of work for older adults themselves. (Interview with Eli Dvorkin, Center for an Urban Future Editorial and Policy Director, November 2019)

In his telling, there are a significant number of low-wage workers who are experiencing the benefits of this model of independent work, enjoying the low barriers to entry and, importantly, the flexibility. He believes that the inherent association between non-standard work and precarity that the standard frame maintains denies this reality, marking this kind work as automatically precarious, when for some it might actually be a way out of precarity. In other words, the situation is more nuanced than the frame might suggest. He feels that key to making policy to regulate the ‘future of work’ is finding ways to “address that precarity” but “without necessarily throwing the baby out with the bathwater and saying, ‘The fact that people are working more independently is not simply a reflection of a society that’s gone bad, where we’ve kind of lost our way’” (ibid). Here,
his words mirror both Paller’s and Camden’s, in that he argues that many today would not want to “return to the norms of 50 years ago” even if “it would be economically possible to” (ibid). He sees this vision of a past, stable kind of work as no longer the reality – and he cautions against making policy based on this kind “nostalgia”:

It does strike me that you could have this nostalgia for a time 40 years ago, when even with just a high school diploma, you could go to work for the big local employer, whether that was in manufacturing or a construction job or what have you. And, you could work for them for 25, 30 years and you could retire, maybe even with a pension. You could raise a family with those wages, and you didn’t even need to go to college. Well, as much as that sounds appealing, because it was appealing, we’re not there anymore. And I think there’s an issue with wanting to make policy based on nostalgia rather than finding a nuanced way to protect people who absolutely need a stronger safety net, but without saying that to do so, the only thing that makes sense is to reverse course on how technology is changing, how people’s lives are adapting, and in some ways improves by a shift in technology and the opportunities that that creates. (Interview with Eli Dvorkin, Center for an Urban Future Editorial and Policy Director, November 2019)

In this way, returning to a world of work from our recent past should not necessarily be the goal, nor should regulating non-standard work “completely out of existence” be the aim either. Implicit in this is that there is danger in adopting the standard frame when it does not apply to the full gamut of this kind of work, especially if the proposed policy solution is to reclassify all of these workers as standard, W2 ones. He insists that it is overstating the situation to say that “the opportunities to earn income in flexible ways are just kind of a Trojan horse to allow unbridled tech entrepreneurs and VCs to exploit the American workforce or whatever”; instead, “the reality, like most realities, is messier and more complicated than that” (ibid). Just like in the case of the independent frame, the standard frame – in erasing heterogeneity – also erases complexity and nuance; the pitfall of this is that it might yield policy with unintended negative consequences.
Conclusion

In this chapter, I have shown how portable benefit models have articulated two very different narratives of the workers their models are serving and the kind of work that they do. In the first, non-standard workers are the vanguard, ushering in a new era of *independent* work that will redefine how we approach jobs – and portable benefits are key to making this work as safe and secure as standard work is (or, as these designers argue, as safe and secure as we *think* standard work is). In the second, non-standard work is just *standard* work by another name, and the lack of recognition of this is what keeps non-standard workers in positions of precarity and vulnerability. In this framing, portable benefits are one way to legitimize this kind of work and mimic the structures of stability that standard work enjoys. As I have argued, these portraits of non-standard work function outside of just marketing devices – they have an impact on how non-standard workers are conceived of, both within and outside of the portable benefits field. They transform government classifications, i.e. W2 vs. 1099, into meaningful identities, with implications for a broader understanding of how we see and value work and workers. In the context of a ‘future of work’ mania, when policymakers are concerned with what automation and artificial intelligence will do to a broad range of jobs, these conceptions of the future of work become particularly relevant. They are also crucial because of the amount of non-standard work arrangements that persist in our economy. Mushrooming after the Great Recession of 2008 and predicted to spike again after the coronavirus pandemic, non-standard workers are one of the fastest growing segments of the working population, with work that is mediated through online labor platforms leading this growth (Collins et al. 2019). As policymakers struggle to understand and regulate these work
arrangements, they often look to the portable benefits field, as how to provide benefits for this workforce is often at the forefront of these conversations. How portable benefit actors frame non-standard work not only sets expectations for how models should be funded, but it also strategically sets the terms for certain policy actions over others (such as relying on classification versus considering paying by piece-rate). Yet, in erasing the heterogeneity of non-standard workers, these frames are often used to other ends – private companies justifying non-standard work arrangements – and tend to belie the complexity of this workforce, which can lead to solutions without the nuance and depth of insight that would best serve these worker populations. And, though portable benefit model designers might in fact be leveraging employers’ notions of flexibility and independence to justify and protect a new style of work that these organizations genuinely believe in, it often has the unintended consequence of heightening these private employers’ message and reinforcing their notion that standard employment cannot, by nature, be flexible. In Chapter 4, I will detail the impacts of this work by the portable benefits field on portable benefits policy and, relatedly, policy that seeks to more generally govern non-standard work.

While the independent vision of work seems to place a premium on individualism, it is interesting that these portable benefit models are still looking to a tried-and-true collective solution: the safety net. As I noted, it is an individually-based, customizable safety net, but there is still a strong strand of collectivism running through even the models that champion independence. Paller’s whole organization is in fact based on it – a cooperative is essentially a collective solution to company governance and control. Cooperatives in general are much buzzed about in this same future of work
conversation, where activists seed the possibility of independence from corporations by enacting collective structures. One prominent member of the portable benefits field, Sara Horowitz (Trupo’s CEO), put it this way:

> What we’ve done I think as a country, sort of since Ronald Regan, is that we keep thinking that we are supposed to solve these problems on our own. Like we’ll save, we’ll build up our skills, like all of those things are incredibly important, and it doesn’t mean that you should not do those things, but that there really is something about being in a collective that just makes economic sense, it makes spiritual sense, and it makes personal and psychological sense, but it really also makes economic sense. (“The Future of Freelance: A Conversation with Sara Horowitz,” June 2019)

In other words, in both portable benefit models and beyond, there is still benefit in group aggregation and working collectively to solve individual problems. Perhaps

*independently together* is a more apt frame for the ‘future of work’ these actors so dreamily envision.
Chapter 4. Field Dynamics: Power, Legitimizing Practices, and Policy

We are a social movement, so we are constantly in the activity of assessing power, and figuring out where does power lay, where is the power in the system, and how are we working to change that power. Absent really grappling with the fundamental nature of power and where it is in our society, it’s virtually impossible – in my mind – to get from where we are to where we want to be.


I’m trying to create a third power source, an association of independents, yet a different way that we aggregate them to us is by having them get access that sticks with them and doesn’t belong to the union or to the company. And so, they would perceive it as empowering them because it would be their benefits . . . And in some ways the one who owns the benefits is the one with the most power in the situation.

– Interview with Carl Camden, iPSE-US Founder and President, August 2019

Introduction

The previous two chapters took up elements related to the portable benefit models themselves – the values built into model design and how these models understood the workers they were targeting and the way they framed the work that they do. In this chapter, I look outside of the models, aiming to understand the organizations that create these solutions, their motivations for doing so, and how they seek to legitimize their approach within the larger ecosystem of the portable benefits field. Understanding how the field is organizationally structured gives critical insight into power – both the power, in terms of financial resources, political sway, and membership size, that organizations hold within the field to advance their models and affect legislative change, but also to the balance of power between non-standard workers and those that employ them, beyond the field itself. In order to identify the field’s structure and how power works within it, it is
necessary to go back to its public genesis: the first portable benefits summit. In 2015, a

group of representatives from labor unions and non-profits, think tanks, academic
institutions, government actors, and private platform employers gathered together to
discuss a relatively new concept – portable benefits – and lay out a conceptual blueprint
for what it should entail (see Chapter 1 for detail on the manifesto, Appendix 1 for full
list of attendees / signers of the manifesto). While the attendees of this event and signers
of the manifesto are representative of the diverse mix of players within the portable
benefits field, these social actors seem to be strange bedfellows – why would unions and
non-profits join companies who they consider exploitative of labor? And why would
these groups with such disparate interests all be aligned behind a portable benefit
solution? It seems that most of the organizations and actors who entered the field saw
portable benefits as a pathway to broader power: delivering benefits to non-standard
workers was a goal they wanted to accomplish in and of itself, but it was also in the
service of a larger goal that sat outside of the portable benefits field – to build new
models for worker power. For example, David Rolf, the charismatic founder of SEIU
775, sees portable benefits as one possible pathway to rebuild a declining union
movement, while NDWA and Palak Shah see them as a multi-faceted way to gain power
for the domestic workers movement. While some for-profit models (e.g., Stride)
understand portable benefits as an opportunity for pure market gain, others, such as
Trupo (Sara Horowitz) and Opolis (John Paller), hope to use benefits to rearrange
corporate structures and amass the power needed to build a new kind of economic system
altogether. As a counterweight to some of these goals, app-based service delivery
companies intend to use portable benefits as a kind of bargaining chip in their quest to
justify their workers as 1099 independent contractors. Enshrining this non-standard status in policy by promising portable benefits functions as a way to ensure their continued market power. It was these aims for greater power outside of the field that brought these actors together and united them around the common solution of portable benefits, even if they intended to use it for disparate aims. In other words, some worker-led groups collaborated with private employers on this solution because, as I will show, they hoped it might translate into greater worker power far outside of the portable benefits field. Yet, while the goals to garner greater power might explain the field’s emergence, it does not explain which models have since succeeded. Here, I argue that the portable benefits field is characterized by an organizational trend in which non-profit models borrow practices from for-profit tech-companies in order to institutionalize innovation. Specifically, these models within the field adopt practices around iteration, experimentation, and the creation of “minimum viable products” to guide their own product development processes and larger strategy work. These practices, legitimized by tech companies and therefore carrying a cachet and excitement that non-profits do not always enjoy, has helped these models – Alia in particular – accomplish one of the only successful policy wins to date. It has also enabled these non-profit organizations to accumulate large and unrestricted funding from grant partners, an anomaly within the larger philanthropic field.

In this chapter, I detail these two key structural elements of the field. In the first, I demonstrate how new models for worker power are being espoused by organizations within the field and show how these organizations hope to leverage portable benefits in service of achieving them. I also discuss how private employers, in their sanctioning of a portable benefit solution, aim to contradict the goals of the traditional labor movement
while leaving open the possibility for collaboration with Rolf and the “new” labor approach (Galvin 2019). Here I look to state policy in Washington State and California to serve as a kind of test case, unpacking how divergent understandings of how to best serve workers – both within the labor movement and vis-à-vis private employers – result in a contracted policy battle that ultimately weakened labor’s power in the face of these employers. In the second, I detail how some non-profit organizations focus on emulating high-status practices of other organizations (Sauder, Lyn, and Podolny 2012; DiMaggio and Powell 1983; Strang and Macy 2001) – specifically around the tech approach to innovation – in order to legitimize the models they have built, in the eyes of both potential funders and state actors. Here I look to the case of NDWA, who released Alia before it was a final, fully fleshed-out solution, as a form of “minimum viable product.” The organization then leveraged the existence of Alia, even if only in “beta” form, in policy conversations with state actors across two municipalities to win the only successful mandate of portable benefits in Philadelphia, with Seattle soon to follow close behind. I also show how NDWA is using this same strategy of borrowed tech-practices to form their own venture capital fund, which will further spur innovation within the industry and invert the way capital typically functions. Finally, I show how these practices around innovation and experimentation are also defining attempts to pass portable benefits policy at the federal level, though this has not yet been met with success.

Defining Power in the Portable Benefits Field

*Contextualizing Shifts in the Worker Power Movement*
When considering the ways in which portable benefits fit into the larger worker power movement, Daniel J. Galvin (2019) provides important context in his piece, “From Labor Law to Employment Law: The Changing Politics of Workers’ Rights.” As part of the same New Deal that bestowed workers benefits (see Chapter 2), the National Labor Relations Act (NLRA) was passed in 1935, granting workers the right to join unions and collectively bargain. This law would be the primary source of power for the workers’ movement, creating the collective bargaining structure by which unions arranged themselves around and gained purchase for setting standards vis-à-vis employers. Yet, due to a confluence of factors (see Galvin 2019: 51) – one being that many non-standard workers, like domestic workers, agricultural workers, and independent contractors are not covered under the NLRA – this labor law has become irrelevant for the majority of private sector workers. This irrelevance has inspired advocates within the workers’ movement to look outside of collective bargaining to gain power, with a wide range of tactics such as “social bargaining” strategies (i.e. tripartism or corporatism) to enact basic standards of employment at the sectoral, regional, or local levels; the creation of wage boards as an alternative to tripartism; and, the strategic leveraging of anti-retaliation provisions of federal employment and civil rights laws to vindicate workers’ rights and promote concerted action (among others, see Galvin 2019: 52 for a full list). Underlying these strategies is what Galvin argues is an institutional shift from a focus on labor law, i.e. the NLRA and the collective bargaining it authorizes, to employment law, i.e. establishing minimum workplace standards and individual worker rights through legislation. This shift is significant within the context of portable benefits, as I will show in this chapter how policy on portable benefits is often caught up in policy around worker
classification. Reclassifying workers as W2 employees, as some within the traditional labor movement hope to do, signals a reliance on labor law; providing portable benefits with a new form of worker representation (wage boards have sometimes been written into these proposals) reflects this shift to employment law. At the same time as this institutional shift has been occurring, Galvin asserts that a significant organizational shift in the forms and strategies of the worker movement has also been in effect: “Whereas unionization, collective bargaining, and concerted action in the workplace were once the primary preoccupations of the labor movement, attention has gradually shifted to the political arena: to the legislative process, to public protests and collective action in the public sphere, and to organizational innovation and coalition building among allied advocacy groups” (2019: 53). Part and parcel of this organizational shift within the labor movement has been the emergence of nonprofit ‘alt-labor’ groups:

Not subject to the same restrictions as labor unions – but lacking unions’ right of exclusive representation in collective bargaining – these nontraditional worker organizations have developed a broad range of political and social-movement tactics to help improve the terms and conditions of work for many low-wage workers. They have engaged in policy campaigns, street-level protests, secondary boycotts, direct corporate campaigns, legal actions, and media strategies while forging alliances with traditional labor unions, kindred social movements, and state agencies. (Galvin 2019: 53)

As Galvin makes clear, while their tactics are distinct from those of unions, alt-labor actually partners with some organizations within the traditional labor movement – and these unions even occasionally support alt-labor efforts through direct funding. In other words, alt-labor has developed as both alternative and complement to traditional union organizing. These alt-labor groups, like NDWA and the Freelancers Union, play a significant role within the portable benefits field: they are comprised of workers who cannot be covered by labor law (i.e. independent contractors and domestic workers) and
who are particularly hard to organize within a union structure due to their geographic and sector dispersion. As I will discuss, it is these alt-labor organizations – freed from the constraints of labor law – that are able to more easily experiment with new organizational forms. Yet this organizational shift is not only being driven by alt-labor groups – it is also at play within the union movement itself. Galvin notes that “[o]rganizationally mature, resource-rich, and politically experienced” labor unions are “respond[ing] to the growing problems facing workers by developing innovative organizing strategies and constructing new policy instruments in alternative venues to achieve many of the same purposes as labor law, albeit through different means and mechanisms” (2019: 59). Galvin specifically sites SEIU (and its growth since the 1980s) as key in driving this trend away from collective bargaining and towards politics and public policy. Though Rolf would establish his branch of the union, SEIU 775, two decades later (2001), his philosophical focus on alternatives to collective bargaining makes sense given this context – he is part of a union that is driving a shift away from traditional organizing, open to exploring both organizational and legislative alternatives. It also sheds light on his impulse towards portable benefits, since they are a solution that can take place in the policy arena, with implications for organizational structures that could be considered alt-labor forms. Importantly, unions see winning policy as an opportunity to unite non-unionized workers as well: Galvin notes that campaigns around minimum wage, wage theft, and family and sick leave “have served to bring workers in disparate occupations together in common cause and into a common space where unions could begin to convey the power of solidarity, organization, and collective action to non-union workers who would be difficult if not impossible to reach on a shop-by-shop basis” (2019: 75). As I will argue,
this is also the role – that of uniting workers in spaces where they might not otherwise be able to gather collectively – that Rolf and other alt-labor advocates believe portable benefits might play. Nevertheless, according to Galvin, this strategy has been criticized by some within the movement, as it is a significant investment without certainty around its pay-off: if these policy wins do not convert workers into dues-paying members, then continuing to fund the movement will be difficult. Funding is similarly an issue for alt-labor groups who are resourced primarily through private foundations, which is precarious in that it is not a guarantee from year to year and, like new strategies within the union movement, is also not sustained by dues-paying workers themselves (see also Eidelson 2013). As a result, finding sources of funding is a focus of all the alt-labor groups within the portable benefits field – and for some, portable benefits are one part of an overarching strategy to become sustainable.

**Understanding Legitimizing Practices**

As I will argue, one key strategy for securing this kind of funding for worker-centered groups is to invoke the legitimacy of tech company practices around innovation, like experimentation, iteration, and the creation of “minimum viable products.” Specifically, these organizations emulate the high-status practices of the “tech” employers within the field (and outside of the field) – this process of *emulation*, called *adaptive emulation* by Strang and Macy (2001), describes the way in which organizations imitate their most successful peers. Strang and Macy cite DiMaggio and Powell (1983: 152) for insight on where organizations look when they emulate: “Organizations tend to model themselves after similar organizations in their field that they perceive to be more
legitimate or successful” (2001: 154). Tech companies are an easy choice to emulate for these worker-led organizations, as these companies, especially those within the portable benefits field, are legitimate and successful – i.e. high status – not only within the business world but also our broader cultural ethos (Harnett 2020). Status is particularly important in an organizational field, as it increases an organization’s access to “survival-enhancing opportunities and assets” (Sauder, Lynn, and Podolny 2012: 270). In fact, status has been shown to aid entrée to financial capital (Fombrun and Shanley 1990; Phillips 2001; Stuart and Ding 2006; Stuart et al. 1999), while also increasing visibility within the field:

Status benefits can also arise from the visibility and informational control that is associated with prominence in a group or network. For example, high-status actors tend to be noticed more often within a field (Frank & Cook 1995, Goode 1978, Gould 2002), and this visibility provides actors with a greater number of opportunities to gain additional resources and increases their capacity to communicate (Shrum & Wuthnow 1988). (Sauder, Lynn, and Podolny 2012: 272)

Emulating the high-status practices of tech companies thus helps non-profits not only gain access to capital, but also visibility – a resource they can leverage for both more funding and to get the attention of government actors interested in portable benefits.

**Defining Power**

In light of this context, when I write about power in this chapter, I am considering it in two ways. I define power within the field not objectively but rather as the subjective implication of what the organizations within the field seek: financial resources, political sway, and membership size. These organizations aim to gain purchase within the field by accumulating funding, influencing policy via portable benefit mandates, and growing the number of non-standard workers that use their models or join as members of their
organizations. When I speak about power outside of the field, I am speaking more generally about power within the labor movement – derived from Galvin’s work – which is the power that workers have vis-à-vis employers to be able to set the standards and terms by which they work. Both types of power are significant in the case of portable benefits, in a circular way: gaining worker power outside of the field is the motivating force for joining the field itself and gaining power within the field, through funding, policy mandates, and worker recruitment, is in service of growing this worker power movement far outside of the portable benefits field alone.

**Part 1: New Models for Worker Power**

All of the organizations within the portable benefits field are concerned with securing benefits for non-standard workers, but they are not an end in and of themselves – rather, they are part of a larger, well-devised stratagem to achieve the kind of power and scale that might make these organizations’ visions for new worker power models possible. In the sections that follow, I will discuss each of these broader power goals and connect them to the skilled social actors who are advancing them: David Rolf and the aim to reclaim unions, as well as the conflicting views of labor within his movement, Palak Shah and the desire to scale an entire domestic worker movement, and Sara Horowitz and her hope to use mutualism to rearrange the structures of our organizations and with it, the whole economy. Implicit in each case is the actor’s conception of a new model for worker power based alternatively on (1) non-collective bargaining structures, like benefit marketplaces (Rolf); (2) aggregating strategies (Shah); and (3) mutuality and reciprocity that binds non-standard workers together (Horowitz). In different ways, each actor sees
portable benefits as a potential catalyzing force (though not the only one) in service of these models. Though I focus primarily on these “institutional entrepreneurs” (DiMaggio 1988, 1991), I also include insight from other actors within the portable benefits field. Importantly, in the context of unions specifically, there are competing visions for the best way to restore the power of the labor movement: Rolf and “new” labor’s view are opposed by more traditional, “old” labor unions, whose models for worker power default to what the organizations have historically relied on: labor law and collective bargaining (Galvin 2019). As such, “old” labor hope to reclassify non-standard workers as standard W2 employees, which would clear the legal hurdles to collective bargaining for these workers. In opposition to this, private employers – particularly the large “tech” platforms that also sit within the portable benefits field – rally behind portable benefits to thwart these reclassification efforts. In the final section of Part 1, I show how these opposing visions of worker power models between the labor movement and the factions therewithin and these “tech” employers are playing out on the battlefield of state policy, with tangible consequences for legislative wins and losses.

“New” Labor vs. “Old”: The Fight for the Future of Unions

Dubbed “the most successful union organizer of the last 15 years,”27 David Rolf is a very prominent figure in the contemporary union movement, credited as the architect of some of the most important labor “wins” in the modern era, most notably the successful “Fight For 15” minimum wage campaign in Seattle.28 A vocal force within the labor

27 By The American Prospect, from his bio on SEIU’s site: seiu775.org/david-rolf/
28 Galvin (2019) actually classifies this campaign as alt-labor.
movement’s changing ethos, Rolf publicly asserted that “the American labor movement, as we know it, is on its deathbed;” or, perhaps more sardonically:

But let’s just be clear, there is no labor movement. It’s 6.5% of the private sector. There are more people or more Americans who believe that chocolate milk comes from brown cows than there are workers covered under a collective bargaining agreement. And that’s a fact. There are five times more workers with a legal right to a union than there are covered under a union agreement. You have to live in one of these bright blue cities on the coast to experience the illusion that the US has a labor movement. We don’t have a labor movement. We have a series of state and municipal labor movements affiliated with legacy era international unions, but the labor movement broadly is inaccessible to at least 90 percent of the private sector workforce. And that’s of eligible workers . . . never mind the 1099ers. And the low-level managers who are categorically unable to be represented. (Interview with David Rolf, Founder and President Emeritus of SEIU 775, June 2019)

Rolf argues that unions are at risk of becoming completely irrelevant, no longer representing the vast majority of the American workforce. Non-standard, 1099 work arrangements only magnify this risk, amplifying a workforce that is particularly hard to organize. On top of the legal barriers that their exemption from the NLRA creates, these workers often do not report to the same physical location, which makes it hard to reach them and have in-person conversations about joining any kind of worker organization (the traditional bread-and-butter of organizing). As Carl Camden, founder of iPSE-US, put it:

. . . it’s easy to organize when you’re organizing everybody at a company, especially when the companies are in just two or three locations . . . It’s easy to have oversight and have union representation and in the micro-locations and so on, but if you jump to the world that we saw coming . . . the traditional location-based unions are going to collapse. How do you do that? How do you organize copywriters? None of whom are working in a single spot. All of them are turning in a draft, some down on their phone, some on their iPads, some others sitting on the beach, working conditions are irrelevant. (Interview Carl Camden, iPSE-US Founder and President, August 2019)

Not only are workers not tethered to a consistent physical location, but they are also working across sectors, i.e. they drive for Uber, they complete jobs for Task Rabbit, and maybe they have a part-time restaurant job. This further complicates organizing, as unions have traditionally relied on a single-sector approach. Eli Dvorkin spoke of how this was eroding unions’ power:

And I think, for understandable reasons, obviously, this evolving labor market has not been kind to unions. And to the extent that some of the last generation’s debate around unions, which includes language around flexibility, but without even imagining, I think, what this new future would, this current future world would hold. Well, there’s some real truth that it’s kind of challenging the value proposition [of unions] to a certain extent. And I think unions are just trying to grapple with that, the ones that kind of get that. (Interview with Eli Dvorkin, Center for an Urban Future Editorial and Policy Director, November 2019)

All three of these realities – the lack of coverage under the NLRA, physically dispersed workers, and a sector-spanning workforce – have severely hampered the structure that grants unions their power: collective bargaining. Looking for alternatives to this power source, Rolf and his union, SEIU 775, initiated two projects in 2006 that would eventually prove successful: (1) creating a workforce training fund for home healthcare workers, paid through a Taft-Hartley Fund, and (2) passing the Long-Term Care Trust Act, the first social insurance law in the country for long-term care benefits. Even though this first “win” took almost four years to achieve and the second took a full thirteen, Rolf saw that it was possible for unions to achieve legislative victories that meaningfully improved the lives of their workers (in this case, home healthcare workers), in ways that had nothing to do with collective bargaining. Around the same time (2005), Rolf began working with Nick Hanauer, an entrepreneur and venture capitalist who had turned his attention to philanthropic work around income inequality after amassing a fortune as an early investor at Amazon. Partnering together to tackle the inequalities that workers
faced, the two became particularly interested in the gig economy, which they understood did not represent all workers but a growing number of them. Buoyed by the success of these two non-collective bargaining wins and this interest in 1099 workers from his research on the gig economy, Rolf began to see portable benefits as a potentially viable alternative to collective bargaining. While he suggested that portable benefits would likely be reliant on government policy to mandate them, it would be the purview of worker-led organizations to run them:

The benefits should be administered through worker-governed organizations. They should be not for profit. They should have a fiduciary duty to their beneficiaries, not to any shareholders. And their boards of directors should be 50% or more bona fide worker representatives . . . Because we want, we view these as worker voice organizations and we’re not looking to create a mandate to give Aetna or Cigna or State Farm your business. They can all play role as vendors, that’s fine, but the top-level governance of such an organization should be worker-led. And we imagine a system where, multiple entities could be created and workers could bring their benefits business on an annual open enrollment basis to whatever worker or benefit fund they wanted. (Interview with David Rolf, Founder and President Emeritus of SEIU 775, June 2019)

In other words, portable benefits would require an organization to administer them, and new worker-led organizations could fill this organizational vacuum. Because part of the benefit contributions would go towards administering benefits, these organizations would receive necessary resources, allowing them to become self-sustaining without a need for membership dues – a critical part of making “new,” alt-labor organizational forms successful. It would also give these non-standard workers, who cannot currently join a union, a forum in which to make their concerns heard – a crucial voice that they currently lack. At the same time, providing benefits to these workers would endow the organizations with the favor and trust of the workers themselves. As Rolf put it, the
organization that provides benefits receives a positive halo from this administration, as it makes an indelible impact on workers’ lives:

Benefits administration is an indisputable way of, I mean benefits are, it’s a powerful value proposition, especially when you get the health, retirement and the kinds of education you need to get a job or keep a job . . . I mean AARP knows benefits are a valuable thing. You know, every voluntary association offers benefits, if they’re scaled beyond the couple million members. (Interview with David Rolf, Founder and President Emeritus of SEIU 775, June 2019)

The hope would be that this new organizational form, similar to a traditional union but without much of the union’s negative baggage, could build workers’ trust by offering something valuable and creating a space in which non-standard workers can come together with other non-standard workers. With this established, these organizations might be able to start organizing workers for better working conditions, outside of the collective bargaining table. Importantly though, Rolf does not believe that this necessarily means leaving traditional labor behind – he also saw it is an opportunity for extant unions, who could open up separate corporations to handle benefit provision:

And it was a way of essentially scaling a next model version of what the work could look like. And for unions that were interested in doing that, we could sort of repurpose the dormant right of way of our Taft-Hartley Funds, open up separate C corps, or LLCs or not-for-profits, benefit corps, whatever, and use the native expertise and capacity in our funds to get into the benefits business to scale. (Interview with David Rolf, Founder and President Emeritus of SEIU 775, June 2019)

In this way, Rolf envisions this as “a next model version of what the work could look like,” led by either (1) new organizational forms for traditional unions (detailed here) or (2) creating entirely new “worker voice” organizations that do not take on the union form at all (detailed above). In either case, the administrator of portable benefits would serve as a clearinghouse for workers, aggregating them within an organization that they do not need to be recruited to join or pay dues to be a be a part of, taking the burden of
organizing workers – i.e. particularly hard to organize non-standard ones – out of the equation. It is telling too that Rolf refers to the “business of benefits,” likely seeing the possibility to turn these organizations into sustainable, profit-centered ones that could further resource the movement. At the same time, workers would likely feel connected to these organizations, who would not only provide them with the safety and security that benefits offer, but also a chance to be connected to other workers like themselves and have their concerns heard. Ideally this would result in the structure of a new form of worker-led organization that specifically serves non-standard workers, without any reliance on collective bargaining to wield power.

While Rolf and other “new” labor advocates position the administration of portable benefits as one possible organizational form within a new model for worker power, this is in opposition to “old” labor – a group of traditional unions that sit outside of the portable benefits field, but within the union field that Rolf himself is a part of. According to Rolf, “old” labor is “scared of anything that’s not W2 employment” (Interview with David Rolf, Founder and President Emeritus of SEIU 775, June 2019). As “old” labor sees it, if the declining power of unions is inherently tied up in this new employment structure, then the solution is to advocate for amending the employment structure. Instead of leveraging new forms of organizational power that portable benefits might beget, “old” labor aims to rely on what they have always relied on: traditional forms of worker power enshrined in laws that protect workers with full employment status. Rather than finding a new way to serve 1099 workers, their strategy is to turn the majority of these workers into W2 ones through laws that ban misclassification and set up more stringent tests of employment status. Once these non-standard workers are
reclassified as W2, they are legally entitled to join a union and collectively bargain. In other words, “old” labor hopes to evoke traditional legal frameworks, i.e. labor law, in order to be able to use the tools they have always used to extract power. This is reflected most prominently in their policy goals, which I detail in the final section of Part 1. To that end, it might be that these unions see Rolf’s equation operating in the inverse: benefits are not a pathway to power, but instead power is a pathway to benefits. This was the view expressed by Manny Pastreich, the Director of Collective Bargaining and Employer Relations at the large service sector union, 32BJ SEIU. Pastreich, who works closely with the union’s benefit arm (32BJ Benefits) and serves as a Taft-Hartley Benefit Fund trustee, said that:

I think people ultimately do identify their benefits with the union, even though it is a separate organization . . . but I mean, at the end of the day, we have good benefits because we have power. The question is, how are you going to build power? Employers aren’t going to give benefits just because I ask for them . . . They’re going to do it because there’s an organizational pressure sustained over time, not like a protest here and there . . . I do think, obviously, if I’m a gig worker, health insurance is a huge concern for me. But how do I take that desire for health insurance and create an organization that’s self-sustaining and ultimately building power for me and whatever group is in the association? Because it’s not an appeal. It's power. (Interview with Manny Pastreich, the Director of Collective Bargaining and Employer Relations at 32BJ SEIU, July 2019)

In Pastreich’s view, organizing workers comes first – and it is this organizing that will allow the accumulation of power that could result in securing benefits. Rolf, on the other hand, suggests that being granted the power to provide benefits – either through the government or perhaps a collaboration with private employers – will enable the organizations that administer benefits to organize the workers they serve. Importantly, Pastreich himself did express the limitations inherent to the traditional labor model. For one, the structure of the agreements between the union and employers can prevent access
to some vital benefits, like workers’ compensation and unemployment: he explained that “We don’t do stuff that messes with the employers. We don’t want to be fighting with the employers . . . Since this is money that’s jointly administered between the union and the employers, we have to sort of avoid issues that are contentious . . .” (ibid). The other concern Pastreich raised is the suitability of a union to do this kind of benefit selection, particularly when it comes to complicated calculations around health insurance coverage.

In his experience working with the funds, he recognizes their lack of expertise: “I mean, the system’s crazy, for the record, the fact that a group of labor leaders and employers were trying to figure out how to provide health coverage . . . Now, it is the system, so we own it. But why does this group of people have any special expertise in plan design?” (ibid). He goes on to say that in his mind, health insurance should be a public policy decision, ideally administered by the government. This is interesting in its irony: Rolf wants the labor movement to own benefit administration for a group of workers who do not currently get benefits, often citing a Taft-Hartley plan as the mechanism by which to do so. Pastreich, who currently serves as a trustee on a robust and successful Taft-Hartley plan, thinks the Taft-Hartley system is illogical in the sense that the union is not an expert in benefit administration (particularly health care plans), and it should ultimately be up to the government. Nevertheless, Pastreich still believes power must precede benefits in terms of sustainably improving the lives of workers. These opposing views of “old” labor and “new” would grapple in the policy arena, a contention that I take up in the final section of Part 1 below.

*Power, Scale and Sustainability for the Domestic Workers Movement*
Like David Rolf, Palak Shah is a skilled social actor who has a vision for growing her movement, and also like Rolf, Shah sees benefits as one possible pathway to achieving this growth and power. Yet, unlike the union movement, the alt-labor National Domestic Workers Alliance is embryonic and, in many ways, offers a blank slate to test out and implement new movement-building strategies. Shah spoke of the fact that, while organizing has been their traditional approach to gaining worker power, she and others in NDWA believed there were other ways – and this belief drove the development of Alia:

But there’s lots of ways to kind of make both organizing stronger and also there’s lots of connective tissue we can build. I had a very strong hypothesis, not just myself, but I think we did at the time and continue to do that there’s a lot more that we can do. And that even if organizing is always at the center, and transforming power is always at the center, there’s lots of ways that we can build the power of the movement that have historically been underexplored, at least by social justice groups in United States. So, that was kind of the vision. (Interview with Palak Shah, Founding Director of NDWA Labs, December 2019)

Here, Shah is explicit in NDWA’s desire to leverage strategies that go beyond the bounds of traditional social movements and progressive causes, seeding the genesis of Alia as a possible alternative strategy to organizing in their quest to power the movement. To this end, Shah spoke of the importance of “scale,” citing an article in the *Stanford Social Innovation Review*, Peter Murray’s “The Secret of Scale” (2013), that had gained popularity in circles within the progressive movement. In this piece, Murray calls for civic organizations to engage in “functional organizing,” in which they “provide benefits and services to cater to the everyday needs of their members . . . giving people a practical reason to join and remain active while providing the organization with a steady revenue

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30 NDWA was formed in 2007. While it does not comprise the whole domestic workers movement (there are many other organizations, ranging in size and geographic span), it is by far the largest, and most within the movement consider it the most powerful and prominent.

31 Significantly, Peter Murray is now listed as a “senior advisor” on NDWA Lab’s website (ndwalabs.org, January 2021)
stream” (2013: 34). This is in contrast to “issue organizing,” which is what most civic organizations engage in but, as he argues, prevents them from scaling and being as impactful as they could be:

Although issue organizations often play an important role in advancing focused policy agendas, they are inherently limited in scope and scale. They do not offer the kinds of services and benefits that functional organizations do. Rather, issue organizations start with the assumption that caring about an issue is enough to motivate someone to become a member or make a donation. But most Americans don’t view themselves primarily as activists. As a result, issue organizations rarely grow to engage more than a few hundred thousand members. They struggle to build independent donor and revenue bases, instead becoming highly dependent on foundations and large donors. The top five issue groups combined have fewer members than the NRA alone. They are an even smaller fraction of the membership of AARP or the largest churches. (Murray 2013: 35-36)

The danger in this model, according to Murray, is that it not only inhibits scale, which prohibits power (specifically in terms of policy change), but it also makes organizations overly reliant on philanthropic funding, which is not a guarantee and is not without stipulations. To counteract this, Murray posits three “secrets” to scale, but it is the first – provide tangible benefits and services – that he emphasizes the most. Looking to large and successful organizations like the NRA, AARP, and AAA, Murray asserts that providing tangible benefits and services coheres constituencies to these organizations and results in deep and lasting relationships between organizations and members, which is critical in achieving scale. Importantly, the organization does not necessarily need to provide the benefits themselves – he suggests that a basic, for-profit business model can be adopted by civic organizations: “aggregate a group of consumers, negotiate better deals for these consumers, and then receive a referral fee from the companies providing

32 The other two are: foster in-person member communities and create engaging media platforms.
33 Scale is a term that was used repeatedly by David Rolf as well, who also mentions these same three organizations (NRA, AARP, AAA) as ones who had achieved the business of benefits of scale. Rolf no doubt had also read Murray’s piece.
the deals” (Murray 2013: 38). In other words, it is about aggregation and (creating) access. For NDWA, administering benefits – while fighting for domestic workers to get access to these benefits through voluntary contributions by employers and potential policy mandates – presented a way to invite domestic workers under the umbrella of the organization and, if the benefits make a meaningful difference in their lives, to keep them loyally there. It would also allow them a vehicle with which to aggregate domestic workers (and their employers), outside of just membership in the Alliance. This was in service of following Murray’s advice to consider “How can we get more engaged in this member’s daily life?” (functional organizing) vs. “How can we get this member more engaged in our issues?” (issue organizing) (2013: 36). Though there might be other goals that are more critical to domestic workers – e.g., better enforcement of wage and overtime violations, ensuring workplace health and safety protections, gaining anti-discrimination and harassment protections – it seems that the organization’s hope is that administering portable benefits might create the kind of lasting relationships with workers that will endow the organization with enough scale and power to further all of these goals. In fact, Shah explicitly refers to this strategy as “a frame that had been circulating” called “power, scale, and sustainability.” Within this frame, benefits are a pathway to scale, which then increases power, and perhaps sustainability if benefits can become a revenue source. This last pathway is more complicated because NDWA does not want workers to fund the benefits themselves, but there is still potential for the model to become a revenue source in other ways (if they were able to contract it out to local governments, for example). Regardless, the first part of this equation remains relevant:
administering benefits and creating access to them is a way to adhere domestic workers to the movement, which in turn might give the movement the power of scale.

Outside of creating the conditions for scale, there is an even more literal way that Shah sees the potential for the portable benefit model they have created to build power: by using Alia as a tool for enforcement of existing legal rights. While this was not the initial motivation for the model, Shah now sees Alia as a possible mechanism to help enforce the laws that the organization has worked so tirelessly to pass, i.e. the Domestic Worker’s Bill of Rights at both state and local levels:

... in some ways I wonder if one future reality for Alia is ... more of an enforcement arm because of like the challenges of the way that the labor market is structured right now, it’s very important that we pass laws and we’re very proud of the laws that we’ve passed ... And what’s emerged from that has been like, okay, well how do you enforce the law? I think where I’m at in my current thinking is I’m playing around with both the mandate and the technology. Somehow like there’s a hypothesis in here that this can be an enforcement arm, or mechanism, or something that comes after bills get passed that isn’t limited to just the benefits space. (Interview with Palak Shah, Founding Director of NDWA Labs, December 2019)

In a labor market in which identifying who is an employer is itself complicated, Alia – by aggregating employers on their site – could then be a way for the government (be it local, state, or federal) to find employers and take enforcement action against those not complying. At the same time, NDWA can help these employers come into compliance by offering the necessary resources on the platform itself, like contracts, explanations of ordinances and legislation based on location, etc. This dual role could make Alia an “enforcement arm” to back up the crucial legislation that is passed, which as Shah notes, is particularly hard to enforce given the nature of domestic work’s informal and disaggregated industry. In this way, NDWA’s model for new worker power is based on creating mechanisms that not only aggregate a disparate workforce, but also that identify
and similarly aggregate those that employ them. The power and scale that comes with this aggregation might help undo a firmly entrenched power differential between employers and workers with an application that, in fact, has nothing to do with benefits at all.

**The Ism After Capitalism**

Like David Rolf and Palak Shah, Sara Horowitz could be considered the paradigmatic “institutional entrepreneur” (DiMaggio 1988, 1991). After her career as a labor lawyer and degrees from Cornell’s School of Industrial and Labor Relations, SUNY-Buffalo Law School, and the Harvard Kennedy School of Public Policy, Horowitz began to see a trend emerging in the economy in the 1990s, perhaps before many of the other players in the portable benefits field: that of short-term work engagements, with people working independently even if not for their whole careers. As she relayed in a 2010 *Harvard Magazine* profile:

‘The new way of working is far more short-term, with people going from job to job, or doing several part-time jobs at once – especially among those over age 35,’ she explains. ‘Most people these days will probably work as an independent contractor at least once during their careers’ – whether taking on extra projects outside a salaried position, working part-time to balance family obligations or to earn more money in semi-retirement, or coping with layoffs and cutbacks through a temporary job. (Horowitz quoted in Brown 2010).

She also recognized the heterogeneity of this work force, telling a *New York Times* interviewer that “One of the first things we have to unwind is this idea that the gig economy is just about low-wage workers, because it’s just broader. Freelancers range from very low-paid workers to very skilled and highly paid workers” (Horowitz quoted in Gelles 2020). Instead of fighting the trend towards this kind of non-standard work,
Horowitz sought to find a way to protect it – she felt that the issue was not the structure of the work, but rather that these workers lacked access to benefits, protections around discrimination, and also were without recourse to recoup payments if clients chose not to pay. In other words, they had no power in the face of those that employed them. From this understanding, the Freelancers Union was born: recognizing that the “value of grouping hasn’t changed, but the way people are grouping themselves in today’s world – workforce and otherwise – is changing,” the Freelancers Union was a place to “organiz[e] this decentralized group into a constituency capable of powerful collective action” (Horowitz quoted in Brown 2010, emphasis in the original). In other words, collectivity was key to enabling these freelance workers to gain the power to protect themselves.

Once the Freelancers Union was established, Horowitz became most concerned with a critical part of freelancers’ lack of infrastructure: the absence of attainable benefits. In 2008, Horowitz created the Freelancers Union Insurance Company to provide access to healthcare benefits (see Chapter 2) and, since leaving the Freelancers Union in 2017, has now built the portable benefits platform, Trupo. Trupo is a portable benefit model that in its pilot phase offered a set of benefits that might be considered “secondary,” i.e. dental, accident, term life, whole life, and critical illness, versus “primary” ones like health insurance, retirement, and unemployment.34 While some within the field scoffed at these secondary benefits and questioned their necessity, Horowitz’s motivation behind creating the model is far beyond the provision of these benefits – she sees Trupo as one step in the direction of a movement she calls “new

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34 Taken from Trupo’s website in January 2020, which is now defunct. The current version of the website does not make these benefits available, but simply states: “Dental, accident, liability and other brave new benefits for freelancers coming soon” (trupo.com, January 2021).
mutualism” or more recently just “mutualism.” Her vision for this worker power movement is on a scale much larger than benefits or just the portable benefits field – it encompasses a reimagining of the whole economy: her proposal for a 2021 South by Southwest Panel was called “Mutualism – The Ism After Capitalism and Socialism” and her soon-to-be-released book is entitled Mutualism: Building the Next Economy from the Ground Up. At the heart of this concept is the idea that power is wrought from both collectivity and mutuality – Horowitz believes that you cannot just bring people together, but you have to make them rely on each through the provision of mutual, reciprocal support. She cites this mutuality at the origin of the Freelancers Union:

And that [the Freelancers Union] had to have at its root mutual aid, because that’s where people could learn from each other, and build their own organizations, and have their own revenue so that they could survive. Because if you had to ask the employer’s permission, they’re never going to say sure, so you have to figure out how do you build that . . . So I do think that when we are talking about any of these organizing strategies of gig workers, whether they’re on platforms or whether its independent contractors going around, there’s going to have to be some way that the base is like mutual aid, I really do, and then I think you can engage in different activities. (Sara Horowitz, “The Future of Freelance: A Conversation with Sara Horowitz,” June 2019)

Horowitz connects this to the impetus for starting Trupo: while the model itself is not mutual – it is, at its core, a for-profit benefit provider – she locates it within a web of connected organizations that together can build a new, worker-owned safety net:

So when we built Trupo the idea was that we want to work with groups like the Freelancers union, the author’s guild, the graphic artists guild, coworker.org and different kinds of other groups, because that’s how our democracy has to start distributing the next safety net . . . So part of the strategy of building Trupo and working with Freelancers Union is to start to say A – risk is different, B – we need a safety net, C – groups like Freelancers Union have to be the ones that are going to deliver the safety net because we trust those organizations, they have our

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35 As discussed in Chapter 2, new mutualism is a movement that seeks to create “a culture of interdependence, mutual support, and affinity, with building sustainability, rather than maximizing short-term profit, as a goal” (Freelancers Union literature, cited in King 2014).

36 This book will hit bookshelves on February 16th, 2021, which is too late to be included in my analysis.
back, it’s not just the big corporations that are going to make those decisions. And we have to then start to be able to scale that so that we can get the numbers that we need. (Sara Horowitz, “The Future of Freelance: A Conversation with Sara Horowitz,” June 2019)

This network of connected organizations embodies Horowitz’s goal for a new model of worker power, in which workers are not only connected to other workers via mutuality within organizations, but also that these collective organizations would be connected to each other. She writes that one key ‘takeaway’ from her proposed South by Southwest panel will be to “introduce a new way to see the unified theory of mutualism that connects mutual aid groups, cooperatives, unions together;” similarly, she asserts that “institutions have to come together, and then we can talk to government and say this is how you need to regulate the next safety net” (Sara Horowitz, “The Future of Freelance: A Conversation with Sara Horowitz,” June 2019). Echoing the concern around the labor and alt-labor movements (per Galvin 2019), key to this vision is also that organizations within this network are able to sustain themselves and generate revenue – her proposed panel will teach attendees “the basic 101 of how to build revenue that does not have to come from foundations or government.” Like Shah, Horowitz believes strongly in functional organizations, employing Murray’s term explicitly: “I think sometimes in America we do a default where we either say, the free market does it or the government does it . . . we’ve left ourselves with very few functional organizations that are independent and represent workers” (ibid). Murray himself calls the Freelancers Union “one of the fastest growing functional organizations launched in the 21st century.” Yet Horowitz seems to have doubts about being able to provide benefits within a functional non-profit structure – when asked by a New York Times interviewer why she started Trupo, she responded: “I started building out different kinds of insurance programs
through the Freelancers Union, but it was all under the nonprofit. It became clear that wasn’t scalable capital” (Horowitz quoted in Gelles 2020). Trupo is thus a for-profit provider by design: for Horowitz, it is the only way to reach the scale necessary to be sustainable and powerful. And, significantly, it has been backed by the prestigious Silicon Valley-based venture capital firm, Sequoia Capital. This is in alignment with Murray’s view of functional organizations: “Profit is often considered a bad word in the social sector. But finding ways to monetize services and benefits in a self-sustainable way is crucial for scaling up membership” (Murray 2013: 39). Trupo is thus not just a portable benefits model, but rather one pathway for Horowitz toward her larger goal: a field of inter-connected, self-sustaining organizations that unites non-standard workers in mutually beneficial collectives.

One of the organizational forms that Horowitz sees fitting within this field are cooperatives – in this respect, Horowitz’s vision is complementary to John Paller’s, whose goal in founding Opolis was to create the first-ever large-scale employment cooperative. For him, portable benefits are one way to bring workers into this cooperative, not the end in and of itself. And, similarly to Horowitz, Paller envisions an economic system that is past capitalism. This system is one which all the players within the ecosystem have “aligned incentives;” while Paller does not articulate this as mutualism, it certainly has echoes of it:

But then in terms of economic design and sharing a value creation, you know, if you look at socialistic design, communistic design, capitalistic design, a lot of these are designed poorly because you have winners and losers in most contexts . . . how do we create a system that actually aligns the different actors inside the ecosystem to all want the same thing? So, for example, if getting my flowers to bloom. Everybody in my neighborhood, for every flower that blooms in my yard, everybody gets a buck. And then if everyone in the neighborhood had at least 20 flowers per week, we all get 10x reward. We all get 20 bucks per flower. I’d be
over helping my neighbors all day long. Okay. Why? Because their incentives are my incentives. In other words, we’re aligned in those goals. (Interview with John Paller, Chief Steward of Opolis, June 2020)

In this hypothetical example, neighbors are *mutually* benefiting from each other’s success, which promotes helping each other to reach that success. Unlike capitalism, where corporations benefit off of workers, here workers benefit off of each other – one could imagine that part of this means the sharing of resources and aid so that each actor within the ecosystem can prosper. This mutuality becomes a source of power within the model, allowing workers to leave behind the power imbalance of employing corporations altogether. Paller’s Employment Commons is predicated on this kind of mutual beneficence (see Chapter 2) – the profits that the model generates are shared by all workers in the model: “Now there's only two metrics for the Employment Commons. The first is membership. The second is payroll volume. That’s it. Everything is designed around growing those two things. So there’s no competitive nature to being a member . . .” (ibid). Paller believes that in the absence of incentives to compete, you make room for mutuality and reciprocity to enter the system. This seems to have been important to Paller even before creating Opolis: he uses this language first to categorize his decision to offer better healthcare benefits with his first staffing company – “Now, it wasn't just a healthcare benefits thing, it was a mutuality thing. It was a reciprocity thing. It was about treating people not like product and numbers” – and also to speak more globally about how people should act even within a business context – “You shouldn’t mistreat people. There’s nothing wrong with showing people mutuality, reciprocity, and respect in all contexts” (ibid). It is this desire to build the scale for a new system altogether, one that empowers workers to collectively and mutually support each other, that motives both
Paller and Horowitz – and the creation of portable benefits is just one enticement to draw non-standard workers into the fold.

**Private Employers and the Portable Benefits Bargaining Chip**

While each of these skilled social actors envision portable benefits as a pathway to rebuild worker power in one form or another, they were joined at the portable benefit convening by a group of business leaders who are often accused of single-handedly diminishing worker power through their business models (Vallas and Schor 2020: 278-279). The ability to generate revenue and growth for many of these “tech” platform companies is largely reliant on the savings they gain by hiring their employees as independent contractors. Classified in this way, the company is not required to pay taxes on them, contribute to unemployment insurance or worker’s compensation, or abide by minimum wage or overtime laws, which is estimated to save these companies between 20 to 30 percent in labor costs (Scheiber 2019). Again, these workers are also not allowed to join labor unions or collectively bargain. Though the 1099 status is not unique to these employers, it is particularly important to the business models of large “tech” platforms that engage in service delivery (i.e. transportation, delivery, task completion), which need to maintain a sizable contingent workforce on demand. Many labor advocates insist that these platforms’ classification of their workers as independent contractors is in fact misclassification, arguing that platforms have a significant amount of control over worker’s lives (Vallas and Schor 2020: 278-279). This battle over misclassification has become central not only to more general discussions of the gig economy (Cherry 2016, Dubal 2017, Rogers 2016), but it has also become intimately tied up in conversations
over portable benefits. In particular, many of these private employers argue that providing benefits to independent contractors could inadvertently signal to regulators that these workers are their employees, thereby leaving them susceptible to a misclassification finding (Reder, Steward, and Foster 2019: 39). As a result, many of these employers see portable benefits as a kind of bargaining chip in this larger struggle over misclassification: by offering certain portable benefits, they hope to be able to enshrine independent contractor status, trading benefits for certainty on classification as independent contractors (Foster, Nelson and Reder 2016:12). This is, in effect, a way to maintain power over these workers, preventing them from organizing in a union, gaining other workplace protections, and getting access to a full suite of benefits. In terms of the latter, employers’ proposals have not included unemployment and typically call for a stipend that can be used to select benefits, but which would rarely cover more than one (e.g., it could cover health insurance alone). Yet this is not the public stance the companies have taken; instead, they tend to emphasize that they would like to provide benefits, but need the cooperation of the various interests and the clearing away of legislative “hurdles” (i.e. worker classification) in order to do so:

At a basic level, everyone should have the ability to protect themselves and their loved ones when they’re injured at work, get sick, or when it’s time to retire. Leaders across business, labor, and government have publicly recognized the need for action, but a myriad of legal, policy, and political hurdles have – to date – prevented meaningful progress toward a new portable benefits system. These hurdles will only be overcome when parties are willing to sit down, put aside historical differences, and work together to develop a solution . . . For these reasons, we are today coming together in an effort to develop an initial state-level portable benefits system . . . We firmly believe that renewing the social contract is both urgent and important. (From Uber: “An open letter to leaders in business, labor and government,” January 23rd, 2018).
Similarly, in a rare moment of unity between the CEO of Uber, Dara Khosrowshahi, and the Co-Founders of Lyft, Logan Green and John Zimmer, the companies published a joint op-ed in the “open forum” of the *San Francisco Chronicle* to come out for their support of portable benefits and to criticize attempts at reclassification:

> Some have proposed turning independent workers into employees in the belief that this would solve their challenges. But reclassification misses two important points: First, most drivers prefer freedom and flexibility to the forced schedules and rigid hourly shifts of traditional employment; and second, many drivers are supplementing income from other work. It’s also no secret that a change to the employment classification of ride-share drivers would pose a risk to our businesses. (“Open Forum: Uber, Lyft ready to do our part for drivers,” *San Francisco Chronicle*, June 12th, 2019)

In other words, while these companies might genuinely want to provide some level of benefits for their workers, their enthusiastic support of a portable benefit solution is surely driven by goals to maintain their current business models. And, importantly, whether or not they will be able to hinges on where the government lands on questions of classification.

*State Mandates and Classification Woes*

“New” and “old” labor’s disparate models for worker power – and these platform companies’ opposition – would come head-to-head in state policy, where issues of worker status and classification have defined (and stymied) the portable benefits issue at the state level. In particular, two states have been the locus of this movement, Washington State and California. On February 15th, 2017, Washington State Representatives Jessyn Farrell and Derek Stanford introduced House Bill 2109 to Olympia, one of the first in the nation to actually mandate the creation of a portable benefits system. Though introduced by these politicians, according to Rolf, the bill was
written by himself and his advocates, directly mirroring the language used in the first portable benefit convening and calling for the establishment of “portable, prorated, universal benefits for workers of the gig economy.” The provisions of their bill were relatively straightforward: companies that have “facilitated the provision of services” by workers who are taxed under 1099 status must contribute funds to “qualified benefit providers” to provide benefits for these workers. The bill specified that this contribution would be either 25 percent of the fee collected from a consumer per transaction, or $6 for every hour a worker provided services to cover benefits – an amount that Rolf explains is a proxy for how much employers pay for benefits for non-union employees. These benefits would have to include worker’s compensation at a minimum, with other benefits (like health insurance, paid time off, and retirement) determined by benefit providers after soliciting input from workers. The bill also includes a section that specifies that these benefit providers must be non-profits with “at least one-half of the organization’s board of directors comprised of workers performing work for customers of contracting agents or representatives of bona fide independent organizations of such workers.” In other words, the bill explicitly reflects Rolf’s goals for new types of worker-led organizations. Yet, in allowing portable benefits to be provided to workers while their 1099 tax status remained in place, the bill lost the support of the more traditional unions: Rolf himself admits that the “old” labor movement was “skittish” after the introduction of

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37 The bill applied to companies that have facilitated the services of at least fifty individual workers in a consecutive twelve-month period.

38 This figure applies to benefits for those working outside of the city of Seattle. As Rolf explains: “And the reason that Seattle’s wages are a little higher, so the percentage is a little lower. It’d be about 20% in Seattle for a non-union worker. Statewide, it’s about 40% for union workers. But we’re 20% union, 80% nonunion in the state. So we picked the nonunion rate, the 25% roll up costs for how 401K match, Medicare, social security, disability, you know, the value of vacation days, etc.” (Interview with David Rolf, Founder and President Emeritus of SEIU 775, June 2019).
this bill, due to the legislation’s implicit authorization of 1099 work (i.e. it did not require W2 employment). While this bill did not move forward, another was introduced in Washington State the following year (2018) that contained similar provisions but represented a series of compromises, particularly to this “old” faction of labor. As Rolf describes, this bill was an amalgamation of separate bills that were addressing non-standard work: “The house committee chair basically combined two bills . . . so there were multiple bills addressing kind of gig-style workers and he kind of made it more of an omnibus bill and took our portable benefits bill, someone else’s misclass bill . . . and put it into one vehicle” (ibid). These disparate aims can be seen in the bill’s text. House Bill 2812 did not use the language of portable benefits (nor prorated or universal), perhaps because at this point “portable benefits” had become associated with private employers and somewhat at odds with the traditional union movement. Even if it did not refer to it as such, it essentially called for the same portable benefits and structure of contribution that Rolf’s original bill does, though it lowered the percentage contribution to 15 percent / 5 dollars for every hour worked, a conciliation to these employers. However, this bill, unlike Rolf’s, came out strongly against misclassification: though it keeps the provision for benefits for 1099 workers, it also established “the Employee Fair Classification Act.” This Act clarified who is an independent contractor versus an employee and prohibited misclassification of an employee as an independent contractor, prescribing significant remedies and penalties for companies that misclassified according to these standards. At the same time, the bill dropped the specification around benefit providers that Rolf had laid out; instead, it simply called for the Department of Labor to establish the minimum criteria for entities to become benefit providers, without any need
for these to be worker-led or have a board comprised of worker-representatives. Taken together, this was a signal in favor of “old” labor’s reliance on traditional legal frameworks, i.e. invoking labor law through classification, though Rolf was sanguine in his assessment of it: “[Employers] don’t like the rate, but they liked the concept of portable benefits. The labor movement, the old labor movement likes the misclass stuff. I mean there’s something in it for everyone. There's something for everyone not to like which you know may be a path to success” (ibid). Interestingly, it is this strategy that was perhaps stretched to its extreme with the next iteration of the bill, House Bill 1601, introduced on January 25th, 2019. This bill explicitly referred to portable benefits, but it does not specify who must be in charge of providing them outside of the fact that they are non-profit entities. It also retained the Employee Fair Classification Act, i.e. the strict provisions around misclassification. Yet at the same time, it established a provision for “intermediary employees,” who are defined as “any worker, regardless of corporate status, who is not an employee and who provides services for financial compensation through a ‘contributing agent.’” (HB 1601: House Bill Analysis, 2). In a signal of “new” labor’s tactics, it defined intermediary employees for the purpose of creating wage boards and allowed for them to be enacted without changing the workers’ tax status. This allowance of rights for “intermediary employees” justified and protected their 1099 status, which seemed to contradict the provisions against misclassification. This might be an attempt on “new” labor’s part to collaborate with platform employers, who had begun advocating for a “third way”: not reclassifying their workers, but rather allowing for the companies to retain the independent status of workers while providing them with portable benefits and some form of worker representation. The new bill is thus a kitchen sink, with
the footprint of all three interests in the portable benefits field imprinted, i.e. “new” labor, “old” labor, and employers, even though the interests of these factions are not complimentary. Notably, this appeasement strategy has not yet led to success, as this bill (and the other iterations) remain unpassed.

In California, these same factions were present, but the policy fight has played out to very different ends. On April 20th, 2018, the California Supreme Court issued a ruling on the *Dynamex Operations West, Inc. v. Superior Court of Los Angeles*, what has become known as the “Dynamex Decision.” In it, the court rejected a less stringent classification test for whether workers should be classified as either employees or independent contractors (known as the Borello test) and established a standard that presumed that all workers are employees versus contractors (Kim 2018). This placed the burden on companies classifying workers to prove they were in fact independent contractors, using a newly adopted, stricter “ABC” test of classification: companies had to prove that a) the person is free from control, b) performs work that is not core to the employer’s business, and c) performs the same work for other employers (Reder, Steward and Foster 2019: 39). By this standard, most of the workers for app-based service delivery employers would be considered full, W2 employees. Following this ruling, labor coalitions in California sought to canonize the Dynamex Decision in statutory law, proposing Assembly Bill 5 (known as AB5), which would make the ABC test the standard determination in questions of classification. Hoping to reach a compromise, Governor Newsom brought all of the factions to the table, including private employers
and labor representatives. In these negotiations, many of those within the “new” labor movement attempted to collaborate, not only with private employers but also with representatives from “old” labor. Rolf describes this process of negotiation:

There’s an ongoing conversation between the labor movement and other actors. Labor and not-for-profits and Uber and Lyft and others. It’s not particularly secret . . . You know, I mean I think technically it’s secret, but everyone knows about it. It’s written about in Bloomberg. . . The set of west coast, sort of lowercase “n” negotiating tables, not collective bargaining tables, but sort of negotiating tables over these portable benefits and issues and employment status issues and related things. (Interview with David Rolf, Founder and President Emeritus of SEIU 775, June 2019).

The companies’ primary offer on the table was portable benefits – “a system of worker-determined benefits – from paid time off to retirement planning to lifelong learning” – demonstrating that portable benefits would in fact become a bargaining chip to fight a bill around classification. Yet, the labor groups at the negotiations – particularly the more traditional, “old” labor ones – faced criticism for potentially accepting a compromise. By example, Steven Hill, a prominent labor journalist, wrote that “The controversial secret negotiations going on in California right now between these companies and labor unions have led to charges that the unions are selling out. Certainly no labor union worth its name should settle for the crumbs that these companies have offered” (Hill 2019). These criticisms – from outside as well as within the labor movement – seem to have been effective, as organizations like the California State Building and Construction Trades Council and the International Brotherhood of Teamsters backed out of negotiations in the final hour and effectively “split” labor (i.e. “new” vs “old”), spelling the end to any kind of compromise (Conger and Scheiber 2019, Eidelson 2019). In the absence of another

39 Governor Newsom was particularly motivated to reach a compromise, as a San Francisco Chronicle article noted that Newsom, “a Democrat who was elected with support from both tech companies and labor” had to “walk a fine line in the negotiations” (Said 2019).
agreement, AB5 was passed on September 10th, 2019, with “old” labor’s understanding of the pathway to power – i.e. invoking labor law and relying on full employment status – winning out. However, the passage of this law would not be the final word in this debate. In response, a group of employers, Uber, Lyft, Doordash, Instacart and Postmates, put together 200 million to bring a ballot initiative (Prop 22) to the November 2020 election that would exempt them from the law. Prop 22 did nod to portable benefits, but did not guarantee a comprehensive package, instead allowing for their workers to receive “healthcare subsidies” but notably remain exempt from unemployment insurance and worker’s compensation (other benefits were not mentioned). While labor advocates and unions also raised money, their substantially smaller sum (about 20 million) was not enough to fight the broad marketing campaign that the consortium of employers had launched in support of the proposition. In the end, 58 percent of Californians voted in support of the ballot measure.40 While “old” labor hoped to rely on traditional frameworks for garnering power in the form of reclassification, they were ultimately unsuccessful in the face of the sheer buying power of private employers, giving credence perhaps to the need for a new approach.

Part 2: Legitimizing Practices

The portable benefits field is not only structured around these goals to create new models of worker power (and the resistance this engenders), but it is also marked by an interesting organizational trend, in which non-profits within the field borrow practices from for-profit tech companies, specifically around innovation, experimentation,

iteration, and the creation of “minimum viable products” to bring something new to market. By mimicking these high-status practices from the tech sector, non-profits hoped to garner legitimacy not only for their portable benefit models (Alia) but also for their larger strategic approach (The Worker’s Lab). In Part 2, I first describe these practices, and then I offer Alia as a case study of their success.

Popularized in the wilds of Silicon Valley, the tech approach to new product development tends to involve continual experimentation and iteration – as a *Forbes* article put it:

> Perhaps the key lesson from the Valley’s rise and continued prominence as a global epicenter of creative output is that innovation does not occur in a vacuum; rather it’s the result of generations of product iterations and failures that are eventually reorganized and recycled into the framework for a successful new product or company. (Lauria 2014)

In other words, many of the products built are expected to *fail* – there is freedom to do so, as a failure is in service of building something better. This means there is budget allotted for these successive iterations (/failures), ultimately yielding something “innovative.” An in-vogue variant of this approach is to couple it with an emphasis on speed in generating prototypes of a product and then a gradual process of refinement before settling on something more final. This is typically referred to as a “minimum viable product,” in which products are launched to a small subset of consumers solely as a vehicle to get feedback in order to iterate and improve on the product for subsequent, more wide-ranging launches. The key here is to create something that is only “minimally viable” – it does not attempt to be a complete solution, but rather just a step on the path to figuring out what is needed. It is also inherent to Google’s ‘Design Sprint Methodology,’ a five-day process of teams simultaneously developing different “quick and dirty” prototypes
and testing them in order to shortcut a lengthier design process. Whether over the course of five days or a few years, the punchline is the same: one must experiment and iterate in order to innovate. And, in a country whose rosy-eyed perceptions of tech companies are relatively entrenched (despite recent backlash), these practices around innovation have come to signify the most legitimate (and exciting) way to create something new. Hoping to bask in this legitimacy and excitement, it seems that some of the actors within the field have explicitly borrowed these practices, institutionalizing innovation within their organizations and applying an experimental and iterative approach to creating portable benefit models. This was the case for both private sector actors and non-profit ones alike.

While this might be unremarkable for a private company like Catch, it is a relatively new approach within the non-profit sector, where organizations typically lack the budgets and freedom with their funding partners to be able to engage in repeated experimentation. A piece in the *Stanford Social Innovation Review* makes this clear, but argues that this could and should change:

> While Silicon Valley analogies don’t always translate to the public sector, the technology practice of scouting for ideas, creating a minimum viable product, and then iterating to improve it applies directly to at least some areas of public problem solving . . . The public and nonprofit sectors frequently develop and implement solutions through a single big bang of grant making or policy release that leaves little room for testing the effort with humans and limited chances for course correction. Even harder and rarer is learning the lessons of how other people’s experiments went, whether they succeeded or failed. (McGuinness and Slaughter 2019: 8)

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41 Catch’s CEO speaks in explicitly tech-centric terms: she reports that their team “bootstrapped our early fundraising so we could get an MVP [Minimum Viable Product],” which helped them secure further rounds of funding: “We got into Y-combinator last winter, January or March of 2019, raised about $6 million. We’re closing another small round tomorrow” (Kristen Anderson, Catch CEO and Co-Founder, February 2020).
These authors’ embrace of the testing and minimum viable product approach for the non-profit sector serves as further legitimization for this borrowing of tech-company practices. And, in a portable benefits field that includes some of these “tech” companies themselves, it is not surprising that a Silicon Valley-style approach to innovation is considered particularly legitimate, by potential funders and state actors alike.

The first step for two key actors in the portable benefits field, David Rolf and Palak Shah, in adopting this tech-sector approach to experimentation was to create a “lab” from which to conduct it. Rolf was clear that the impetus for the lab – and the desire to experiment – was borrowed directly from the tech business milieu:

I took some time to study, do research. I wanted to come up with new forms of worker power, new forms of worker organization. I sent an opening salvo to the labor movement – we need to forget about single bullet solutions. We need to have a proliferation of experiments, make room for enterprising union leaders to try things out. We need to be like tech companies and come up with a hypothesis and test it. Sent out this paper in 2012 – it did not get a good response. Went out with a thud. Then I started the Worker’s Lab. A place to experiment. (Interview with David Rolf, Founder and President Emeritus of SEIU 775, June 2019)

Seeing the decline of the labor movement and its reliance on collective bargaining, Rolf believed that a pathway to reclaiming this power would be to adopt new organizational forms and practices and then test them, in the same vein of tech companies who try multiple iterations of a product before settling on something new: “I just think we need to be throwing everything at the wall . . . not in a non-evidence-based way. I wouldn’t argue for trying the same thing again and again if it doesn’t work, but thinking more like a tech firm and have a hypothesis, bring it to market, test it and then pivot and adapt.” (ibid). In a 2014 article that Rolf wrote for The Nation, tellingly titled “What If We Treated Labor Like a Startup?,” he detailed his vision for what this could look like, taking a page explicitly from Silicon Valley’s playbook:
The labor movement should stop investing the bulk of its funds in an infrastructure that has failed us and take a cue from an unlikely place: Silicon Valley. Allocating even a small portion of labor’s assets to experimental initiatives could produce massive results. Silicon Valley venture capitalists know that to find the next Google, they need to invest in a range of start-ups. If even a tiny fraction of their investments make it big, they will reap enormous rewards. Progressives should take a cue from business and enter an era of innovation, leveraging labor’s significant institutional resources to create organizations dedicated to studying the future of organizing and work. A labor ‘incubator’ would mobilize a wide range of partners and resources, develop and ‘prototype’ ideas for transforming work, replicate and scale up the projects with the most potential, and disseminate the results of our experiments throughout the movement. (Rolf 2014)

Rolf’s vision would in fact be realized that same year, when he, along with Dr. Carmen Rojas, formed his own venue for innovation and experimentation: The Worker’s Lab. Taking the form of the “incubator” that he describes, Rolf saw the lab as a place not only to find alternatives to collective bargaining, but to think specifically about worker power vis-à-vis the “gig” economy. Allocating an initial one million dollars in funds from SEIU to start the lab, Rolf wanted it to be resourced to experiment in the way that he outlined, a type of funding he felt it was notoriously hard to secure in the more traditional union world. Betsy Edasery, the Managing Director of The Worker’s Lab, reflects that “there’s also this problem around access to money for experimentation being really hard to come by” and describes the lab as “a hub for innovation around work and working people, really investing in the ideas that have the hardest time accessing money to try things out” (Interview with Betsy Edasery, Managing Director of The Worker’s Lab, November 2019). And, in the first major initiative that the organization undertook, “The Design Sprint for Social Change,” the lab wholesale embraced a tech-sector approach:

We had come across Google’s Design Sprint methodology for tackling . . . It’s really to reduce risk when bringing a product to market and getting a product into

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42 At the time of the interview, Edasery was the Program Director, but has since been promoted to Managing Director.
the hands of consumers. We thought about, ‘How do we adapt something like this to actually tackle a specific problem facing working people, bringing together cross-sector partners and testing something in the real world in a time-bound way that included worker input just to really learn about the impact of these solutions on both the financial and psychological wellbeing of people?’ (Interview with Betsy Edasery, Managing Director of The Worker’s Lab, November 2019)

Though one of the original interests for the lab was to explore portable benefits, this Design Sprint ended up morphing into a pilot program for providing $1,000 cash grants to help platform workers manage emergency expenses (more on this in Chapter 5). Yet despite this focus away from portable benefits, it is still important that the methodology further conferred legitimacy for their borrowed approach, helping The Workers Lab secure funding from the Rockefeller Foundation, the Prudential Foundation, and, unsurprisingly, Google’s foundation itself (Google.org).

Shah, who was expressly hired by NDWA as an ‘Innovations’ Director, similarly ties the creation of NDWA’s lab to a need to “house” the organization’s innovation work. She also implies that its creation enabled them to secure resources (the same-sized grant as The Worker’s Lab), but notably from funding external to the organization (unlike Rolf and SEIU):

. . . a year into my role as Innovations Director, I was like, ‘Okay, we need a home and a structure for all this work. I think we should establish a lab.’ And so, we established a lab . . . I think we had a pretty good track record as an organization, but I think OSF [Open Society Foundation] took a leap on this concept of a lab. And gave like an unrestricted $1 million grant to get started. (Interview with Palak Shah, Founding Director of NDWA Labs, December 2019)

Both the size of the grant and the lack of stipulations on it is unusual within the non-profit space – and Shah calls it “a real formative . . . input into creating a container for experimentation, and entrepreneurship, and thinking beyond the kind of bread-and-butter strategies of social movement” (ibid). In this way, her vision for the lab – a “container for
experimentation” – directly parallels Rolf’s. Importantly, it is within this lab that Shah maintains that the concept of Alia originated, the result of sustained experimentation with different initiatives:

And so, from all that experimentation and failure is kind of how Alia emerged. I think Alia kind of came out of a robust set of activity and learning. We had a lot of experiments. We’d buy a nanny placement agency and shut it down . . . We have done so much stuff and each thing leads to like an insight, or learning, or a curiosity. And it’s the results of many years of work that we saw the kind of, I think, what is one of the first flagship solutions to emerge from the labs, which is Alia. (Interview with Palak Shah, Founding Director of NDWA Labs, December 2019)

In her telling, experimentation actually seeded the idea for Alia itself, but Shah was present at the portable benefit convening that publicly birthed the field, which took place prior to the establishment of NDWA Labs. Regardless, the lab no doubt enabled the organization to experiment with different potential pathways to improving the lives of domestic workers (like buying a nanny placement agency), allowing them to be more certain that a portable benefit model was the intervention they wanted to move forward with. And this approach not only helped the organization whittle down their options and select portable benefits, but it has also guided the development of the model itself. An early version of NDWA Labs’ website wrote, in very tech-centric language, that “Alia is live, and in beta. We are working closely with our early adopters to iterate and adapt the program to feedback, to make sure that we are building to the needs of workers” (ndwalabs.org, June 2019). Alia, even though launched, was still in the process of iteration and only a step in the direction of a final model. Like The Worker’s Lab, this iterative approach caught the eye of that same important funder: an early version of the Alia site noted that “Google.org is an early investor” (ndwalabs.org, June 2019).

Referring to Google as an “investor” versus a “funder” is noteworthy as well – it seems to
imply investment in a product as opposed to funding an initiative. Outside of just funding, recognition and legitimization also came from that same piece in the *Stanford Social Innovation Review*, which specifically cites NDWA Labs’ work with Alia as an example of employing experimentation:

> Testing and iterating a solution are also under way in an experiment to design a portable benefits platform for house cleaners . . . While panels and white papers on the future of work and portable benefits abound, NDWA Labs – the innovation arm of the National Domestic Workers Alliance – has sought to build and test the provision and delivery of benefits to housekeepers through an online portable benefits platform: Alia . . . Because the National Domestic Workers Alliance, a national network of house cleaners, commissioned the engineers working on Alia’s development, the product reflects multiple rounds of user testing. (McGuinness and Slaughter 2019: 8)

It is this focus on the feedback of domestic workers themselves – i.e. “multiple rounds of user testing” – that is at the heart of an even more ambitious initiative with respect to innovation, though not specifically (or exclusively) around portable benefits: NDWA’s own investment pipeline. Similarly borrowing from the strategies of Silicon Valley, NDWA Labs will provide “patient and flexible capital for ideation, pre-seed, and seed stage entrepreneurs, and incubate new ventures that have a clear path to impact to improve job quality for the domestic workforce” (Simon 2019).43 This fund will not only center domestic workers, but it will actively bring them into the conversation and let them guide the direction of investments. To that end, Shah envisions domestic worker committees who weigh in on investment ideas and help in the selection process: “. . . my vision for this thing is that domestic workers are ultimately sorting this capital . . . the whole point being workers will have a central role to play in this and not in a tokenistic way but in a real way” (Interview with Palak Shah, Founding Director of NDWA Labs,

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43 Specifically, the fund will focus on problems that domestic workers face such as: disrespect, low wages, insufficient hours, lack of benefits, getting hurt on the job, isolation, and stress (Simon 2019).
December 2019). This is to counteract the fact that, as Shah notes in a *Forbes* article announcing the venture, domestic work is “invisible in the innovation space” and she cites the culture of Silicon Valley as part of the issue: “The shortcomings with existing innovation are rooted in the problems they’re trying to solve. Whose problems are Silicon Valley startups solving today?” (Shah quoted in Simon 2019). In this same vein, she is clear that much of the innovation around domestic workers that is happening within the tech sector is actively making domestic workers’ lives worse: “There is a well-worn ‘disruption’ model of aggregating, optimizing, and pushing sectors online, that has proven to serve entrepreneurs and their investors well. Often these endeavors are touted as ‘innovation’ when in fact they are simply digitizing bad conditions that already exist offline and shoving them online” (Shah quoted in Simon 2019). NDWA Labs’ own fund will reverse this focus, investing in start-ups that endeavor to solve the problems of workers versus the customers or clients these workers serve. In this same piece, Shah describes how the idea for the fund arose when they realized that they could not find innovative organizations to invest in:

At first, we suspected that there simply wasn’t enough capital flowing to the domestic work sector, and that perhaps our strategy could be to launch a double bottom-line investment fund. But after many conversations with impact investors, we learned that there simply weren’t that many entrepreneurs or startups who were truly seeking to improve the quality of jobs in our industry. There are many focused on job access, and even several who are worsening jobs in practice, but very few actually improving the quality of jobs. We realized that if there were to be any innovation in improving jobs for domestic workers, we would have to spur it ourselves rather than wait for models to emerge. (Shah quoted in Simon 2019, emphasis in original)

This directly mirrors Rolf’s motivation in building The Workers Lab – in the absence of organizations that are generating innovation for the labor movement, he founded the lab as an incubator to do so; Shah, while prioritizing innovation within her lab, saw the need
to spur broader innovation, and created a fund that will in turn fund other organizations to do the same. To that end, NDWA Labs will experiment with a number of funding strategies; for example, they plan to fund in-house entrepreneurs, back start-ups to participate in accelerators or create their own incubator (a la Rolf), and allocate investment funds to provide seed capital to ventures, either for-profit or non-profit. Significantly, this approach has already been legitimized by funders – the Labs was granted a five-million-dollar seed investment from the Quality Jobs Fund of the New World Foundation. Though the funding comes from a philanthropic organization, Shah is clear that the Foundation’s *investment* in their work departs from the typical nonprofit approach, in that the five million dollars has to be paid back: “But at the end of the day it’s not free money. It’s money that is . . . it’s patient capital but it’s not grant money” (Interview with Palak Shah, Founding Director of NDWA Labs, December 2019). In this way, applying well-known approaches borrowed from the tech field has allowed both NDWA Labs and The Workers Lab to secure relatively substantial and unrestricted external funding – at times even mimicking the way that funding is offered and prescribed. In the case of NDWA Labs and Alia, it has also enabled them to be seen as a legitimate, if embryonic, model among government actors; it is this example of policy success that I take up next.

‘It Helps To Visualize It’

NDWA’s strategy in creating Alia was not only to make it iterative in the context of the model itself, i.e. they were still perfecting it so that it functioned optimally for domestic workers, but it was also iterative in the broader policy context. Shah sees the
potential for Alia to become a model – or at least a starting point – for the field more broadly:

. . . lots of policymakers have called and talked to us around wanting to learn more and how it works, and the problem that we’re solving. Even if they don’t have a path to doing anything at the city level or the government level that they’re at there’s just a lot of interest and curiosity because people recognize a problem. And I think what it does is like what I was saying earlier is that it serves like a proof of concept. It serves as a first draft of an idea upon which we can start to iterate and build and build derivatives from versus like a blank slate where we’re like well we should have this like this on portable benefits. (Interview with Palak Shah, Founding Director of NDWA Labs, December 2019).

Alia is thus an iteration on the path to a more universal model, one that policy can use and build on to get to a more widespread, mandated portable benefit solution – a point which McGuinness and Slaughter (2019) also recognize: “[t]his work not only creates a model for house cleaners and potentially other gig-economy workers but also can inform discussions of new benefit models in the public sector at the local, state, and federal levels” (9). This would come to be quite literally true in the case of two municipalities: Seattle and Philadelphia. NDWA promoted portable benefits through its representative on Seattle’s DWSB, which in turn inspired Philadelphia to advocate for a portable benefits mandate. In Philadelphia, NDWA leveraged the existence of Alia, even in this iterative form, to show that a model existed and could work, which successfully won a portable benefits mandate.

On July 27th, 2018, Seattle Mayor Jenny Durkan signed the Domestic Workers Bill of Rights, which not only guaranteed core labor standards for domestic workers, but also called for the formation of the DWSB. In the ordinance\(^4\) that establishes the board, eight subjects were suggested for the board to provide recommendations on, one of which

\(^4\) Ordinance 125627, accessed via seattle.legistar.com
was “access to paid sick leave, paid family medical leave, paid time off for bereavement, vacation, and retirement and healthcare benefits, such as through a leave bank or portable benefit structure.” This recommendation suggests portable benefits but does not mandate them as the solution, and, as one of eight areas to explore, does not prioritize them above their other recommendations. Yet, the presence of one of the board members, Silvia Gonzalez, has had a significant impact on the board’s eventual prioritization of portable benefits and the Alia model. Appointed by the Mayor, Gonzalez is not only a domestic worker and a local organizer at Casa Latina, a Seattle-based worker center for immigrant Latinx workers, but she is also on the board of directors at NDWA. Her position on the Seattle DWSB, which carried particular import because she was also elected to be Co-Chair of the board, thus enables NDWA semi-direct access to this quasi-government body. Shah makes clear that this was strategic: “And like how our representatives like Silvia, like serve as in some ways like the way you would approach an elected but not from a like . . . but she’s like our elected” (Interview with Palak Shah, Founding Director of NDWA Labs, December 2019). In the over 25 meetings and subcommittee meetings of the board thus far, this role has had a tangible effect, specifically around her promotion of Alia in the face of countless portable benefit discussions the board undertook. This began at the very first convening of the board, a full-day kickoff retreat held at El Centro de La Raza in Seattle’s Beacon Hill neighborhood on June 29th, 2019. At this meeting, it was immediately clear that portable benefits were a “hot” topic, but one that the other board members were relatively in the dark about. For example, Elizabeth Hunter-Keller, who is on the board representing those who hire domestic workers, describes her ideal scenario: to be able to pay into a Healthcare Savings Account (HSA) for both of her
domestic workers so that they could access benefits, unrestricted. This is not at all how
Alia functions in its current form, but Gonzalez suggested that it could work this way,
implying that its current structure could be adapted to accommodate this in what
amounted to a broad pitch of the platform:

. . . That would work, because we are talking about. They assign credits or points
on that account that they have. The employers have the option to pay, they can
donate 5, 15, up to 40 dollars – they can decide monthly or every time the
employee goes to work. She can keep it there and not use it for a long time after
the fact, or when she gets up to 120 credits accumulated she could request a paid
sick day, a gift card. They pay it in a gift card or visa card, with no relationship to
a bank . . . It has no attachment to the bank, simply she can use it. You asked me
if it has a relationship to an insurance company? The answer is no . . . Why don’t
have they have a relationship with banks / insurance companies? Because many
people don’t have banks accounts, they don’t want to be connected to the bank in
the case of the IRS /immigration status situation. In many times they don’t want
to be related in case the IRS shows up. (Silvia Gonzalez, DWSB Kick-Off
Retreat, June 29th, 2019)

Establishing Alia in this way at the board’s inception, Gonzalez continued to reinforce
the importance of portable benefits and uses Alia – and its potential new iterations – as
the springboard from which to have these conversations. For example, in an October
2019 meeting of the board, Gonzalez makes clear that Seattle would be able to
completely customize the model that Alia created: “We spoke to the people at Alia and
they said we can pick and choose pieces of the platform that we want. We can take things
that work. We can assess the tools they are using now and see how they would work for
workers here” (Silvia Gonzalez, DWSB Monthly Meeting, October 28th, 2019). Though
board members often wished to do more research to understand not only what to
prioritize among the board’s mandates but also what other portable benefits models
existed, the fact that there was a model from which to judge – i.e. “assess the tools they
are using now” – was enticing. And, Gonzalez remained steadfast in her promotion of
Alia; as the board’s Co-Chair and most vocal domestic worker representative, other board members took particular stock in her view.

While Gonzalez was advocating for portable benefits via Alia to the DWSB, NDWA was hard at work angling to get a portable benefits mandate as part of Philadelphia’s soon-to-be-passed Domestic Workers Bill of Rights. The Pennsylvania Domestic Workers Alliance (PDWA), a local chapter of NDWA, was the organization who spearheaded the Bill of Rights effort, but the national NDWA team was in regular contact with the organization’s head, Nicole Kligerman.\(^45\) Interestingly, it was the emphasis on portable benefits in Seattle that seemed to have inspired the decision to include portable benefits in the Philadelphia law. At this point in Seattle (August 2019), the DWSB had not come close to making a recommendation on portable benefits or taking significant action around the idea, but the *perception* of their work was enough to make it a priority in Philadelphia; as Kligerman relays:

. . . . the [Bill of Rights] 2.0 is Seattle thinking about this board, thinking about portable benefits, not addressing the gaps in the law, but really raising a floor. Because portable benefits is such a big deal in Seattle, I just assumed that we should, we’re supposed to, so we just made it initially one of the demands. (Interview with Nicole Kligerman, Executive Director of PDWA, August 2019)

Importantly, since Alia was already launched in Philadelphia by the time the Bill of Rights was being negotiated (unlike in Seattle, whose bill passed 2018), it could also be used in policy conversations as “proof” that a portable benefit model existed:

We have talked about, in our policy discussions, around what a portable benefits system could look like, we’ve talked about Alia. They were like, ‘But tell me how it would work.’ And we say ‘By way of example, this is how this would work.’ So we’ve talked about the city contracting to Alia to hold portable benefits. That's been discussed with all of these super high level City Hall people. (Interview with Nicole Kligerman, Executive Director of PDWA, August 2019).

\(^45\) At the time of my interview with Kligerman, PDWA was a freestanding organization (considered a “project” of NDWA), but it would soon become a bonified chapter.
NDWA even had the lead council member who was drafting the bill, Councilwoman Maria D. Quiñones Sánchez, using Alia herself and sharing this in policy negotiations, repeatedly telling the other council members that “I use this because this is a way that I can make sure that my cleaner has paid time off. She should have paid time off, just the way that I do.” An organizer from Hand in Hand, an affiliate of NDWA, believes that this is what drove the eventual success – it was seeing that Alia existed, that employers were using it (including the Councilwoman), and they could plausibly see how it worked:

I think that if Alia didn’t already exist, we wouldn’t even be having the conversation that we’re having with city council right now . . . So then they were like, oh wait how does Alia work? . . . Then once they understood it, they were like, ‘Oh wait, maybe we can make this part of our policy.’ But it was absolutely part of the way that it was introduced and that we said employers want this. (Interview with Hand in Hand Organizer, October 2019)

In other words, NDWA leveraged the existence of their own model in discussions with state actors to drive the policy success of a portable benefit mandate, even though Alia itself was not written into the law (though as Kligerman notes, there was a suggestion that Alia would receive the city contract). Shah indicates that this too was a part of their iterative strategy – to create Alia in a voluntary context (i.e. employers choose to provide benefits), knowing full well that this would be not the final solution, but that it might actually facilitate its passage in a mandatory context (i.e. employers are required to provide benefits):

This is literally my point about the benefit of launching the voluntary context . . . I can’t tell you the number of people that kind of wrinkle their nose or are very skeptical, or who are like, ‘Well, how are you going to enforce it? Oh, it’s voluntary. Oh, it doesn’t have any seeds. At the end of the day, this isn’t going to create change.’ I’ve just been like, ‘You know, the best way to invent something or get something done is to actually start.’ (Interview with Palak Shah, Founding Director of NDWA Labs, December 2019)

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46 As reported by an interviewee who was in the room for policy discussions.
Like Kligerman and the other organizers, Shah asserts that “it helps to visualize it” and admits that she was “glad strategically we were correct,” giving NDWA full credit for its inclusion in the legislation: “I mean, we passed a law. We won portable paid time off. It's the first time in the country that any worker has the right to portable prorated paid time off” (ibid). In this way, NDWA test drove a two-part strategy in Philadelphia. First, they created a model where one did not exist, which again would serve “as a first draft of an idea upon which we can start to iterate and build and build derivatives from” (ibid). Having this model in “beta” form, even though it was far from achieving widespread usage, allowed the organization to show that it was possible and in turn convince policy makers to legislate it, ultimately leading to the first successful mandate of portable benefits in the country. I take up the final piece of this story, i.e. the success of NDWA’s strategy with respect to Seattle, in the final chapter.

*The Federal Call for Experimentation*

While the story of NDWA and these local municipalities shows how iteration can work to drive the success of a portable benefit mandate, the trend towards experimentation and innovation is also reflected in the portable benefit policy itself at the federal level. In May of 2017, the *Portable Benefits for Independent Workers Pilot Program Act* was brought to Congress by Senator Mark Warner (D-VA).47 The act established a $20 million fund for the Department of Labor to administer grants to state, local governments, or non-profits to create portable benefit pilot programs. Of this, $15 million was designated for the design, implementation, and evaluation of new models,

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47 The companion bill was brought to the House by U.S. Rep Suzan DelBene (D-WA), but I focus here on the Senate’s bill because Senator Warner is known as the key sponsor.
while $5 million was set aside for the evaluation of or improvement to existing models or approaches for providing portable benefits.48 A former tech executive himself, Senator Warner’s bill mimicked this tech sector approach by investing in experimentation and iteration versus legislating a final solution. In fact, the legislation explicitly uses this language, writing that the grants to organizations would be given to “to support broad innovation and experimentation with respect to portable benefits” (BON17311, Sec. 4, Line 17-18). A Forbes article actually refers to this as a “minimum viable product” strategy, making clear that this is a new approach for the public sector:

What was particularly interesting about [Senator] Warner’s bill . . . was the commitment to pilot small experiments. In Congress, typically, a bill would try to establish a nation-wide economic policy, rather than fund lots of different pilots . . . . This tends to make trying out new ideas more difficult. The promise of portable benefits has been stymied for years because it’s unclear how to roll out such a novel concept (Ferenstein, “The Portable Benefits Movement Makes Progress With A Minimal Viable Product Strategy” 2019).

In this way, a practice that originated in the tech sector and was borrowed by other actors within the portable benefits field was also adopted by government actors with respect to portable benefit policy. This is unsurprising given the fact that, as said, Senator Warner worked within the tech sector before becoming a politician. Yet, it is still worth noting that he has frequently engaged with actors within the portable benefit field (most of the interviewees had met with him directly), and it is possible that this was also a source of inspiration for designing the bill in this way. Regardless, it shows the reach of this adoption of practices from the tech sector to both the non-profit and public fields in the case of portable benefits. Interestingly, the same Forbes article suggests that allocating funds for experimentation should make it easier to come up with a “passable” bill:

48 While the bill assumes the existence of these models, it does not list any, but presumably this money could be used to evaluate any of the models that I describe in this project.
“Senator Warner could offer up a passable bill because the law itself would only fund different experiments around the country; his office doesn’t actually need to know how to design a portable benefits system. It’s much (much) more difficult to write a bill that attempts to anticipate all the possible needs that millions of people will have with a new kind of benefits system” (Ferenstein 2019). In the context of a state field, an experimental approach might be uniquely advantaged in that it allows new ideas to move forward, despite the fact that final policy solutions are often much more complicated to work through. However, this has not yet proven to be the case, as Senator Warner’s bill remains unpassed.

**Conclusion**

In this chapter, I have explored the structure of the portable benefits field, particularly through the lens of the organizations that inhabit it. In the first place, I have shown how different models for worker power within the field have inspired a group of otherwise unlikely actors to rally around a common solution: portable benefits. For these actors, goals for power outside of the field helped unite a group with otherwise discordant interests, creating opportunities for collaboration while each faction still hoped to leverage portable benefits in service of a goal greater than benefits for non-standard workers alone. While the ancillary goal might have been the same (portable benefits), their broader primary goals were sometimes at odds, as some organizations hoped to grow worker power while others (private employers) might have wanted to handicap it. This complicates the nature of collaboration within the field, which is surely reflected in the difficulty around getting policy on portable benefits passed. In the second place, I
sought to understand how an organizational trend within the field – that of non-profits borrowing the practices of high-status tech companies – was enabling organizations to garner the kinds of funds necessary to build their portable benefits models (NDWA) or further their worker power goals (The Workers Lab). Enjoying the inherent legitimacy of these tech company practices, these organizations borrowed approaches around innovation, experimentation, iteration, and the creation of “minimum viable products,” which helped them secure increased and unconstrained funding. Using policy as a lens to gauge effectiveness, I also explored the impact of these goals for new worker power models and this organizational adoption of tech practices. For one, it seems that the conflicting power goals within the field might have resulted in less power for workers in California and Washington State. Here, the misaligned views of “old” and “new” labor around how to power a labor movement of the future seems to have prevented compromise and prohibited the passage of legislation around portable benefits. In this vacuum of labor compromise, the door was opened for private employers, who used their substantial financial resources to launch a successful campaign against “old” labor’s policy win (AB5). This means that not only will many non-standard workers now be exempt from AB5 and thus remain 1099 workers in California, but they have also lost the opportunity to access portable benefits. Similarly, in Washington State, tying the bill on portable benefits to clarification on classification has been strategically unsuccessful. If labor had been able to align behind a common method to revitalize their movement, there might have been a different outcome: not only would workers be able to receive meaningful benefits, but labor might have been able to secure a powerful place within this benefit ecosystem. This unsuccessful bid to pass portable benefits is in contrast to the
work of NDWA, whose strategies around gaining greater power for their model – and the domestic workers movement more broadly – proved repeatedly successful. NDWA showed how adopting an iterative approach to building a model is equally as effective for non-profits as it is for private tech companies. The creation of Alia when no other portable benefit model existed allowed policy makers to visualize it and thus legislate it, even if the model was not yet fully formed. This also meant that even though launching Alia in a voluntary context has proven difficult, as the organization has struggled to scale it on the good will of employers alone, it was strategic nonetheless: its existence in voluntary form made the mandatory context possible, at least in Philadelphia. Since many cities around the country are increasingly interested in portable benefits, NDWA’s work is particularly important: the organization might be able to capitalize on the precedent set in Philadelphia, acquiring a contract to provide benefits in other cities, as well as for other industries (which looks to be the case in Seattle, as I will explore in Chapter 5). Yet it remains to be seen if the public sector will embrace this kind of experimental strategy more broadly, as the only federal portable benefits bill, which calls for exactly this kind of iteration and experimentation, has yet to be passed in Congress.

Significantly, just as some of the non-profits within the field were borrowing the practices of for-profit tech companies, they were also borrowing the for-profit form itself: many were considering ways to become a revenue-generating organization, though the revenues (i.e. profits) would be used to power the organization in the ultimate service of the workers themselves. This is crucial if a new kind of labor movement – or even the old one – is to survive. As Galvin writes, “. . . the contemporary labor movement is built on a precarious foundation, with new organizational forms potentially undercutting traditional
labor unions in the near term without a concrete, sustainable plan for building power over the long term” (2019: 83). Unions have even been criticized for their financial support of alt-labor forms and campaigns, as there is not clear path for these workers to become dues-paying members:

But with declining membership rolls, the decision to devote scarce union resources to fund alternative labor organizations and social movements like the Fight for $15, alongside other experiments, is often questioned. These practices, which Michael Oswalt has aptly called ‘improvisational unionism,’ have left unions susceptible to the critique: ‘What, exactly, are they doing?’ One labor official told Harold Meyerson: ‘SEIU is making a huge investment with no clear sense that it will ever be able to claim a fast-food worker as a member. How long can that be a sustainable model?’ Another said, ‘The money going into this is a gamble. These workers aren’t paying dues; they’re not financing this right now.’ (Galvin 2019: 82-83).

In other words, finding ways to resource and sustainably fund their organizations, particularly if they leave behind a model in which members pay dues, is critical to the survival of a worker power movement. This explains why all three of the new models for worker power that I studied focused on resourcing, with Rolf getting into the business of benefits and Shah and Horowitz aiming to create “functional” and “sustainable” organizations. While the organizations within the field have actually been successful in securing philanthropic funding (particularly through the use of emulation), all of these social actors know that this is in itself not sustainable, as both Galvin (2019) and Murray (2013) argue. That is why these organizations hope to use these grants in the service of creating something self-sustaining in the long run. Here NDWA’s strategy to assume an organizational form that is the definition of for-profit – a capital fund – and use it to fund organizations that are accountable to domestic workers is a remarkable reversal of the way capital typically flows: Shah (in Simon 2019) called this “our first step into modeling what it looks like for capital to be in service of, in relationship with, and
accountable to the very people whose labor powers a growing and essential industry.” In this reversal of capital is, what NDWA hopes, a stunning upending of power, too.
Chapter 5. Covid Coda & Conclusions

Only a crisis – actual or perceived – produces real change. When that crisis occurs, the actions that are taken depend on the ideas that are lying around. That, I believe, is our basic function: to develop alternatives to existing policies, to keep them alive and available until the politically impossible becomes the politically inevitable.
– Milton Friedman, preface to *Capitalism and Freedom*, 1982

How can America make these essential jobs good jobs? Any number of straightforward, tried and tested policy measures would better align workers’ social value with their economic value. Higher minimum wages and federal mandates for sick leave and family leave would drive billions of dollars into lower-wage workers’ pockets, and would help close the gap between the poor and the middle class. Expanding labor regulations to cover the informal, contingent, and gig workforce would ensure that nannies and Uber drivers have the same protections as office employees and construction workers. Encouraging unionization and allowing bargaining by sector would boost the power of the essential workforce too. We made these essential jobs bad jobs. The burden is on us to make them good ones.

Introduction

In the last three chapters, I have detailed the development of a relatively cohesive field around portable benefits, depicting a group of influential social actors (and their organizations) that have united around a common solution for non-standard workers. In rallying around portable benefits, these actors have seen not only an opportunity to secure benefits for non-standard workers, but also to test out social purpose ecosystems, build power for their organizations, and envision a new way for workers to relate to their labor and to those that employ them, in an imagined (and quixotic) ‘future of work.’ Though the field has spurred much progress on portable benefits outside of a government mandate, development on portable benefits policy itself has been largely stunted. Most of
the legislation has remained stalled in its respective bodies, a result of both complicated battles over worker classification and a seeming lack of political will (despite the issue’s neutrality and widespread appeal, across both parties). This stagnancy came to a decisive end with the novel coronavirus outbreak, which changed the legislative landscape around portable benefits in crucial ways. Perhaps most fundamentally, it exposed the cracks (or, craters) in the social safety net, particularly around the lack of paid sick leave and adequate health insurance coverage for many of the working public. Similarly, it has exposed the distinct vulnerability of non-standard workers, who in addition to lacking paid sick leave and health insurance, were also ineligible for unemployment insurance, leaving them (at first) without a crucial lifeline in the pandemic’s economic devastation. Outside of the social safety net, it has unearthed just how essential non-standard workers are in our daily lives; in particular, two groups have emerged as critical to the response to the pandemic: grocery and food delivery workers and domestic workers. At the same time, many of these “essential” workers are people of color (Hammonds, Kerrissey, and Tomaskovic-Devey 2020), and the erupting racial protests and ensuing social justice movement of the pandemic summer (2020) further foregrounded their plight, intertwining both the racial and economic inequalities these workers face, during the pandemic and beyond. As a result, the discussion of these issues and these workers has moved beyond the relatively insular portable benefits field to find its way to the forefront of the national conversation (Lowrey 2020, Rosenblat 2020, Tett 2020). This has resulted in some of the biggest legislative wins around benefits for non-standard workers to date, from the federal level to the local one. Many of the players in the portable benefits field were instrumental in these policy wins, through direct lobbying efforts as well as more broadly
shaping the public conversation around non-standard workers. At the same time, the extant model organizations within the field capitalized on the moment, finding ways to use their platforms to dole out coronavirus relief (Alia, The Workers Lab, Catch), collaborate with private employers to offer workers better benefits (iPSE-US, Catch, Workers Benefit Fund), and expand their benefit offering to address the pandemic (Workers Benefit Fund, iPSE-US). In this final chapter, I will first describe this legislative and organizational response to the coronavirus pandemic, examining how the portable benefits field has reacted to a crisis that has indelibly altered the way we value work and how we protect it. By way of concluding, I will also explore how their response reflects the themes of the previous chapters, disentangling how: worker-centric values have been celebrated (Chapter 2), non-standard workers have been reframed as essential (Chapter 3), and worker-power organizations have been particularly well-poised to seize the moment (Chapter 4). Finally, I will close by making a case for portable benefits, both from the perspectives of the worker and the worker-power organizations that populate the field.


Legislative Response

The first and most decisive sign that the legislative landscape around portable benefits was shifting in the midst of the crisis came at the federal level, in the form of the 2.2 trillion-dollar coronavirus relief package passed in Congress, the CARES Act. This act, which created the expanded unemployment benefit (i.e. an additional $600 a week), established a new program – the Pandemic Unemployment Assistance program (PUA) –
that extended this unemployment benefit to the self-employed and 1099 workers for the first time. This inclusion seems to be the result of lobbying work done by some key players in the portable benefits field, most notably the CEO of Uber, Dara Khosrowshahi.

On May 23rd, 2020, two days before the bill was passed, Uber’s CEO pushed for the platform’s drivers to be included in the law in a letter sent directly to President Trump:

> It is with that responsibility in mind that I respectfully and urgently request that the economic stimulus you are considering, along with any other future legislative measures in response to COVID-19, include protections and benefits for independent workers, not just employees. My goal in writing to you is not to ask for a bailout for Uber, but rather for support for the independent workers on our platform and, once we move past the immediate crisis, the opportunity to legally provide them with a real safety net going forward. (Dara Khosrowshahi, Letter to President Trump, made publicly available)

Khosrowshahi also spoke with Senate Minority Leader Chuck Schumer (D-NY) and had reached out to House Speaker Nancy Pelosi (D-CA) and Senate Majority Leader Mitch McConnell (R-AL) (per Axios\(^49\)). The Freelancers Union had also established a relationship with Senator Schumer, who they assumingly lobbied as well (“Freelancers Union Update with Chuck Schumer,” September 10\(^{th}\), 2020). It was in fact Schumer who wrote Democratic lawmakers, urging them to include the self-employed and independent contractors in the act. Yet, despite this inclusion, there was a glaring lack of clarity about how to cover these workers and little direction from the federal government. This meant that State Departments of Labor, who were tasked with administering unemployment even though the law was a federal one, were left to come up with their own classifications of these workers and formulas for calculating their income in order to provide the correct wage for unemployment benefits. What resulted was a patchwork of

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\(^49\) Kia Kokalitcheva, “Coronavirus rescue bill extends unemployment benefits to gig economy,” Axios, March 25\(^{th}\), 2020.
solutions that mirrors our larger patchworked history of social protections; as Shelly Steward, another portable benefits expert from the think tank the Aspen Institute, wrote:

Thus far, though, implementation [of PUA] has been a challenge . . . Unemployment Insurance (UI) applications, developed and administered by states, have been designed for traditional employees. Many depend on consistent and documented earnings to establish eligibility and benefit amounts, for example, asking for several years of quarterly earnings information. As states struggle with the highest number of UI claims ever and outdated technological infrastructure, they are also scrambling to adapt systems to accommodate independent workers, leading to delays getting benefits paid out to recipients . . . Some states have told self-employed workers to hold off on applying until they update their processes, meaning more than a month of no income for many as rent, groceries, and other expenses pile up. (Steward 2020)

While agitating on the part of these portable benefit actors was effective, it seems that – despite formal inclusion in the law – these non-standard workers were at times excluded in the law’s execution. It was exactly this issue that Senator Warner took up in a newly revised version of his previous portable benefits bill. Once the crisis hit, Senator Warner, who wrote in an Op-ed that it “[i]t took a global pandemic for Congress to finally, tentatively wake up to major flaws in America’s social safety net,”50 saw the opportunity to build on his legislation that had been languishing in Congressional committees since 2017. Warner’s original bill, the Portable Benefits for Independent Workers Pilot Program Act would establish a $20 million fund for the Department of Labor to administer grants to state and local governments or non-profits to experiment with creating portable benefit pilot programs. On May 6th, 2020, Senator Warner (again in partnership with Representative DelBene) released draft legislation that would create an “emergency portable benefits fund” for states. While still including funds for experimentation and pilot programs, this time the bill called for $500 million, a

substantially larger sum, and explicitly required states to modernize their Unemployment Insurance (UI) technology systems in order to facilitate expanded benefits eligibility and support long term innovation. This bill not only reflected a drastic expansion in scope, but it also included a new specification around the types of organizations that could be granted these funds – specifically, that they must be worker-centered ones. In the previous bill, an “eligible” organization to receive funds was defined as simply a “state or local government or any nonprofit organization” (BON17311, Sec. 3, Line 23-24); in this iteration, grants were given specifically to states (the administrators of unemployment), but these states were authorized to work in partnership with “a local government, labor organization, or worker advocate nonprofit organization” (ROM20423, Sec. 4, Line 20-24). It even defined a worker advocate nonprofit as an organization:

(B) for which all actions taken by the organization regarding providing benefits to workers are for the sole purpose of maximizing benefits to the workers; (C) that is independent from all business entities, organizations, corporations, or individuals that would pursue any financial interest in conflict with that of the workers; and (D) that has a board of directors that holds a fiduciary duty to the workers with respect to provision of the benefits. (ROM20423, Sec. 3, Line 6-20)

This description reflects many of the worker-centered organization of the portable benefits field; in fact, two of its key players – David Rolf and Palak Shah – were even quoted in the press release51 accompanying the bill. While the legislation has not yet passed, its increase in scope and shift in focus seems a signal of portable benefits bills to come.

The pandemic also catalyzed significant advances for non-standard workers at the local level. Most notably, Seattle passed the Gig Worker Paid Sick and Safe Time (PSST)
Ordinance. Going into effect on July 13th, 2020, the law requires transportation network companies (such as Uber, Lyft) and food delivery network companies (like DoorDash, Instacart) to provide paid sick and safe time for their workers during the pandemic. Specifically, these companies are required to pay their workers one day of paid sick and safe time for every thirty calendar days worked in whole or in part in Seattle from October 19th, 2019 until six months after the civil emergency is officially declared over.52

Besides Philadelphia’s Domestic Worker Bill of Rights, this is the only legislation to mandate that employers must pay a non-standard worker’s benefits. And, while states faced difficulty measuring these workers’ income in order to pay unemployment, Seattle gave concrete guidance on how to calculate earnings in order to pay sick time: the rate would be based on the worker’s “average daily compensation” for each day worked for the company, during the highest earning calendar month of the previous year.53 This rate includes tips and is recalculated every month to reflect changes in a worker’s earnings. This ordinance thus bypasses the question of classification by establishing standards that apply directly to the benefit (i.e. one day of paid time off for every thirty days worked) and creates a concrete rate at which to compensate that benefit, based on workers’ actual activity on the platform but privileging a month in which they earned more. This solution is both simple and equitable – an innovation seemingly born of both the necessity of the pandemic and the centering of workers’ lived experience within it.

While the law sunsets after the pandemic ends, there are has already been talk of making the legislation more permanent – and the city’s interest in other portable benefits for

53 The ordinance specifies this as the highest earning month since October 1, 2019 or since the commencement of work for the company, whichever date is latest.
“gig” workers more broadly; as Jasmine Marwaha, the city’s Office of Labor Standards representative on the DWSB, relayed: “. . . we hope we’ll lay the groundwork for talking about how more workers, including those who are independent contractors, need paid sick and safe time. It is not based on a portable benefits system, but my understanding with stakeholder conversations is that ultimately folks do want to create a more permanent paid leave system that is based on portable benefits” (DWSB Meeting, June 1st, 2020). The onset of the coronavirus pandemic also inspired the Seattle Domestic Workers Standards Board itself to re-prioritize their work and subcommittees, unanimously elevating portable benefits to one of two key goals that the committee wanted to accomplish in light of the crisis. The new subcommittee focused solely on portable benefits began to meet monthly, in addition to the regular DWSB meetings, which enabled the board to devote significantly more time and attention to portable benefits. In a nod to the importance of worker-led organizations within this field, the DWSB also decided to work in close concert with a group of domestic worker advocacy organizations in Seattle to help make portable benefits a legislative reality. The ‘Coalition,’ which includes organizations like Hand in Hand, the Fair Work Center, Working Washington, Legal Voice, and Casa Latina, have become true partners with the board, advancing the work through conducting surveys of workers and employers, drafting language for the recommendation, and looking into the legal ramifications of a portable benefits mandate. The result of this was a final recommendation to the city to mandate a portable benefits solution that universally covers domestic workers, is administered by a third-party non-profit platform, and has enhanced enforceability to ensure domestic workers receive paid time off and the other protections afforded to them
under law (DWSB Meeting, April 5th, 2021). This work in Seattle, in conjunction with the mandate in Philadelphia, has also inspired the California Domestic Workers Coalition (CDWC), who is now working on a portable paid time off benefit ordinance for San Francisco. In San Francisco, domestic workers have the right to the benefit through the city’s Paid Sick Leave Ordinance, but they lack the access to it because of issues with accrual; the CDWC hopes to soon change that by using a portable benefits system. Finally, New York City amended its paid sick leave law in response to the pandemic: starting in September of 2020, the city began requiring employers to provide domestic workers with 40 hours of paid sick and safe leave.54

Organizational Response

Immediately after the pandemic hit, a number of organizations within the portable benefits field sprang into action, findings ways to get emergency funds into the hands of non-standard workers, using both their expertise and existing infrastructure to administer relief. For example, in March 2020, NDWA announced their Coronavirus Care Fund: a campaign to raise $4 million in emergency funds to support over 10,000 domestic workers impacted by the pandemic (NDWA press release, March 16th, 2020). Hitting their goal soon after55 (per NDWA email, April 2nd, 2020), NDWA began to provide $400 in emergency cash assistance to eligible domestic workers; significantly, they used the infrastructure that they built with Alia, their portable benefits platform, to administer this relief. Rebranded as Alia Cares, the organization was able to leverage the technology...

55 The organization ultimately raised $30 million in funds, far outpacing the original goal they set (ndwalabs.org/alia-cares).
that they had established for portable benefits, pivoting to use it quickly and efficiently to provide cash relief. This was particularly important for domestic workers, many of whom were excluded from the federal relief programs (Renwick 2020). This gave the organization an even higher profile within the field, but also outside of it – they used the platform to administer financial aid that they themselves did not raise, showing a test-case for how the platform might one day be used more broadly. Specifically, the city of Philadelphia\textsuperscript{56} contracted Alia Cares to administer $1.6 million in funds, raised through the Philadelphia Worker Relief Fund, and Alia Cares also distributed $1.25 million in funds to workers in Tucson, raised through the We Are One | Somos Uno Immigrant Relief Fund. In both cases, these funds were given not only to domestic workers, but also to essential workers more broadly, many of whom were immigrants or non-standard workers ineligible for other safety net benefits. Their website notes that “NDWA Labs has also been consulted by other cities looking to learn about the success of these direct cash relief programs,” suggesting that there is the potential for even more municipalities to contract with the platform (ndwalabs.org/alia-cares). The private portable benefits platform, Catch, was hoping to use its platform in a similar way to administer relief to non-standard workers. At the time of an interview in April 2020, Catch’s CEO, Kristen Anders, shared that they were in talks with a group of family foundations who were looking for ways to provide relief and distribute philanthropic money (targeting a $1 million fund). If this comes to fruition, the “Gig Worker Relief Fund” would administer direct cash payments for emergency relief via Catch’s platform, serving as both a customer acquisition strategy for Catch and an “efficient way to deploy capital” for the

\footnote{Philadelphia will soon use the platform to administer portable benefits as well, though this is not yet officially confirmed.}
philanthropic group (Interview with Kristen Anderson, Catch CEO and Co-Founder, April 2020). Finally, The Workers Lab, the experimental advocacy organization for worker power, launched their own emergency relief, dubbed ‘The Workers Fund: Covid-19 Rapid Response.’ Similarly to these other organizations that employed the platforms they had built to provide aid, The Workers Lab tapped into the infrastructure it created during its initial Design Sprint for Social Change. In this pilot program, The Workers Lab had partnered with the gig-working app Steady to administer $1000 cash grants to workers on Steady’s site who were experiencing short-term financial emergencies. For their coronavirus relief, they again partnered with Steady, which invited eligible workers –defined by The Workers Lab as those “without access to employer-based benefits or safety-net programs” – to apply through their app; those who qualify received $1000 in emergency aid, with no strings attached. Relying entirely on donations, The Workers Fund is still operating, and it has distributed a staggering $1.5 million in funds to over 1,900 workers since April of 2020 (theworkerslab.com/the-workers-fund).

Outside of providing direct relief through their platforms, organizations within the portable benefits field also took advantage of the pandemic moment to strike up partnerships with private employers to expand the benefits these employers were offering, as well as to consider how to expand their own benefit offerings to match the moment. For example, the Workers Benefit Fund, the private benefit administrator of the Black Car Fund for drivers in New York, persuaded private employers like Uber and Lyft to accept a telemedicine diagnosis of COVID-19 as proof of illness. While these companies had extended a sick leave benefit during the pandemic, it was hard to receive; the WBF’s advocating for acceptance of a telemedicine diagnosis, knowing that many
drivers do not have health insurance to get tested in person, was essential in enabling more drivers to get access to the paid leave funds they needed. At the same time, the organization reshaped their healthcare program, considering way to improve services drivers could access through both urgent care and telemedicine. They were also helping drivers access public benefits, like Medicaid or SNAP, which many would now qualify for after losing a substantial amount of income as cities shut down and people were reluctant to take for-hire transportation. iPSE-US / iWorker Innovation also looked to make their offering fit for the public health crisis. Though the organization was working on a new benefit package before COVID-19, the final solution seemed influenced by the pandemic’s priorities, including two significant health benefits: telemedicine for workers and their families (5 calls per month to a doctor for free) and mental health with a $60 copay. iPSE-US’ CEO also relayed that companies that were letting go of workers because of the pandemic were looking to the iPSE-US benefit offering as a kind of severance package, using the associational membership to maintain ties with and, ideally, promote loyalty among their workers. Catch was also working with private employers, inking a deal with the large platform employer, DoorDash, immediately after the crisis hit. Offering to pay $25 per worker to sign up, Catch hoped to acquire “customers” newly aware of how important it might be to secure their own safety net. Though the workers would still have to fund benefits themselves, Catch was hoping that once onboarded on the platform, workers would find signing up and accessing benefits easy and affordable. Catch’s CEO reported that this was the result of a cold email to the company, noting that there definitely seemed to be greater receptivity from these employers since the pandemic hit.
The Pandemic: Implications for Values, Frames, and Power

The previous three chapters described a field that was emergent but relatively stable, forming around a policy issue and solution that was important, but not necessarily urgent. But in March of 2020, the pandemic hit our shores and set off what turned out to be a kind of natural experiment around the non-standard worker safety net. An exogenous shock to the field, the pandemic served as a litmus test of what the portable benefit actors had previously built. In the face of crisis and sudden policy movement, how would the way these actors designed their models, framed the workers they fought for, and jockeyed for power within the field play out? In this section, I look to the effect of the public health crisis on the work of the portable benefits field, employing the pandemic as a heuristic in understanding the impact of the field’s work.

Values: Putting Workers First

In Chapter 2, I argued that our country’s history with social protections is a complicated one. “Social” insurance was first the purview of the government, which was uniquely positioned to reach scale in order to pool risk, make benefits affordable, and ensure that all could be protected. While this was the original intent of the social protection programs encapsulated in the New Deal, their meaning would shift repeatedly in the years after the law’s passage, with risk increasingly becoming the burden of individuals and companies using benefits as a bargaining-chip, not a baseline (Hacker 2006). The pandemic directly challenged this notion of individual responsibility. During a virtual briefing on The Workers Lab Design Sprint for Social Change (May 2020), one panelist noted that, in the context of the pandemic, you cannot say that someone did
something wrong *personally* when losing a job – it is a moment without personal fallibility, since we are all experiencing the same external condition (the pandemic) causing job volatility. This calls into question the ‘personal responsibility crusade’ (Hacker 2006), showing that people can be left in situations of economic ruin through no fault of their own. And, many who thought they would never need to depend on the support of the safety net found themselves suddenly and unequivocally reliant on government relief. This leveled the playing field of need and showed the necessity of the safety net, proving that individuals should not bear the burden of their own risk, subject to forces outside of their control (like a global pandemic). This was reflected in the government’s substantial relief bill, passed with bipartisan support, that extended government support to a majority of the working public. In a moment of crisis, the country (mostly) believed it was the responsibility of the government to protect us – and specifically, to protect workers, as much of the relief passed centered on the condition of work. While the federal government took responsibility for workers, local laws placed the onus on employers, requiring everyone from large platform employers to families that employ domestic workers in their homes to provide paid sick and safe time, underscoring again that it is not the individual’s responsibility to ensure her own security. There is even some preliminary evidence to suggest that in the case of domestic workers, employers are expressly taking on more responsibility for their workers. Ian Steinberg, the Product Manager of Nest Payroll (a payroll software for those that employ people in their home), shared that the business has seen a dramatic increase in users since the pandemic began. This means that households across the country decided to formalize their employment relationship with their domestic workers, paying them “on the books”
via official software. Steinberg felt that this increase was due to a number of factors, including the increased demand for domestic workers once daycares and schools closed and the profile of people, i.e. professionals like lawyers and doctors who tend to be compliant, that were now needing to employ child care workers. But he also felt it was a result of the pandemic and the social justice movement that tended to center women of color, who do the majority of domestic work in this country (Kashen 2019). On the one hand, the pandemic foregrounded the distinct precarity of these workers, which some employers ironically came face-to-face with only when having to let go of them and finding out that their domestic workers would not receive unemployment because they themselves had not been compliant. On the other, the anti-racist social justice movement made treating these women of color with fairness all the more crucial; as Steinberg noted, “Social justice is becoming a significant force in the country, which benefits our industry” (Interview with Ian Steinberg, Nest Payroll Product Manager, February 2020).

An organizer from the advocacy group Hand in Hand had a similar take to Steinberg’s, sharing that in this moment, it is easier for an employer of a domestic worker to see themselves as such (Interview with Hand in Hand Organizer, May 2020). For example, if you are furloughed at home, which means you might have to stop paying your domestic worker, then you understand you are also furloughing her. This brings the question of what is fair to workers front and center – and has made those that employ domestic workers more cognizant of their role in advancing (or impeding on) this fairness.

At the same time as both the government and employers were taking more responsibility for workers, worker-centric values and privileging worker-led organizations seemed to become an even broader norm within the portable benefits field.
For one, Senator Warner’s bill was explicit in its call for the state governments receiving grants to have non-governmental partnerships with labor organizations or worker advocate nonprofit organizations. Even more significantly, the bill’s provisions around these organizations are particularly reminiscent of the protections afforded by ERISA law. As I argued in Chapter 2, portable benefit models seemed to be embedding ERISA-inspired mechanisms within their model design, including those that aim to ensure workers have a fiduciary (since employers traditionally have to take on this role). With this legislation, Senator Warner was advocating for the same kind of ERISA-like worker protection with the organizations that will be developing portable benefit models. The bill calls for any action taken by these organizations to be “for the sole purpose of maximizing benefits to the workers,” specifies that they are independent of any other type of organization “that would pursue any financial interest in conflict with that of the workers,” and even explicitly calls for “a board of directors that holds a fiduciary duty to the workers with respect to provision of the benefits” (ROM20423, Sec. 3, Line 6-20, emphasis added). All of these stipulations are direct reflections of ERISA requirements of employers and benefit providers, mirroring the requirements that companies do not profit off of providing benefits and that a fiduciary is loyal only to workers when providing benefits (not other financial interests). By promoting worker organizations and making sure these organizations operate with a worker’s best interest at heart, the federal bill thus reflects the work of the extant models I discuss in Chapter 2. The Seattle DWSB similarly made the decision to privilege worker advocacy organizations at the pandemic onset, a result of both the urgency of the pandemic in needing to advance portable benefits and the social justice movement calling for the amplification of the voices of workers of
color. In adopting a collaborative model with the coalition of domestic worker groups in Seattle – many operated by domestic workers themselves – they committed to worker-centric values in their policy-making process. The board’s recommendations make clear that centering workers is important in all aspects of the policy design, from ensuring accessibility, to dealing with legal challenges to the mandate, to designing an equitable accrual system:

We urge the city to continue to work closely with the DWSB and the Coalition of domestic worker organizations together to ensure accessibility, and address policy and technical and legal issues related to the design and implementation of the PTO portable benefits policy and platform, including the creation of an accrual system for PTO leave. This will allow the centering of worker leadership in the development of the portable benefits policy. We believe that the accrual formula designed should be equitable across all professions of domestic workers and addresses the needs of the most marginalized domestic worker professions that have the least access to benefits. (Seattle DWSB Draft Recommendations, March 18th, 2021 Iteration (not final), emphasis added)

This is significant in its intent: to place workers at the center of the policy process is to say that the design itself is not neutral – just like with model design, portable benefit policy design can be infused with worker-centric values. Finally, one organizer with Hand in Hand felt that a kind of broader values-based policymaking was taking place as a byproduct of the pandemic. She said that during this crisis, “The personal sphere is interacting with the political – what happens in the home is a way we live out our values. We are more broadly demanding that politicians live out those values” (Interview with Hand in Hand Organizer, April 2020). While Chapter 2 saw morals meeting the market, it is possible that the pandemic has inspired morals to meet policy, helping to put aside politics (even temporarily) in the service of the greater good.

Frames: From Independent or Standard to Essential
In Chapter 3, I described two opposing frames that were employed to describe non-standard workers: the independent frame and the standard one. In the independent frame, non-standard workers were heralding in a new, fluid style of work, in which workers managed multiple work streams in an effort to create the kind of vocation that best aligned with their higher good. While this might be true of some non-standard workers, who choose independent, contract-based work in order fit their lifestyle and career goals, this frame was often used – particularly by large platform employers – to describe app-based service delivery workers. In particular, platform employers emphasized the flexibility of this independent work. Yet, as Schor et al. (2020) showed, there is a large degree of heterogeneity among these workers, and the more dependent one is on income from a platform job, the less the label independent really applies. This is in fact what the standard frame is meant to capture – that these workers are actually standard employees who are dependent on their employers to provide the kind of benefits and protections that typical W2 work entails. This standard frame was often used by advocates in the field to oppose the claims of private employers in describing these app-based service delivery workers, as well as to describe the work of domestic workers (many of whom are misclassified as independent contractors, or not given any kind of employment status). With the onslaught of the pandemic, these two groups of workers, referred to by employers as independent and by advocates as standard, suddenly become essential. When the vast majority of the country could not leave their homes, these restaurant and grocery delivery workers brought food and critical supplies to the public’s doorstep. As people avoided the potential danger of public transportation, for-hire drivers shuttled people to places they still had to show up in person to. And, as schools and
daycare facilities closed, domestic workers filled the gap, taking care of children or
hosting pod schools while parents worked from home. Significantly, this frame was not
rhetoric alone – these workers were often designated “essential” by law, sanctioned to
report to work while much of the country was forced (or allowed) to stay home under
mandatory lockdown orders. Importantly, many journalists and thought leaders made the
connection between the framing of these workers as essential and the lack of benefits
afforded this work. Kara Swisher, the well-known tech columnist, wrote about this irony:

A prime example is the notion of ‘essential’ workers. While that includes doctors
and nurses and the police, a huge other chunk of these people hail from the gig
economy that has been fueled in large part by tech. Whether it is food delivery
people or warehouse workers, they have been the people who previously did not
have job protections or health care, but upon whose cheaper labor many tech
company fortunes have been built. Before this crisis, most of these workers had
not come close to getting the kinds of basic benefits they deserve, not to mention
earning a living wage, even as they are now given the lofty title of ‘essential.’
More like ‘sacrificial,’ as The Times reporter Nikole Hannah-Jones, who focuses
on income and racial inequality, told me in a recent podcast interview, given how
long it has taken to provide a lot of these workers with basic things like masks and
adequate testing. In America 2.0, we must address the changing work force and
figure out a new way to formulate what an employee actually is, as the economy
continues to change quickly. It begins by acknowledging after the crisis that our
essential workers are, in fact, essential and not fungible. (Swisher 2020)

Another piece, with the fitting title “Opinion: Workers who risk their lives to run others’
errands should have basic benefits: Personal protection, a minimum wage, health
insurance and more,” made this same argument:

The coronavirus pandemic – and the sudden rise of stay-at-home orders – has
revealed to many that positions once considered low wage, replaceable, or even
‘unskilled’ are in fact central to even the bare functioning of our economy . . . But
as workers behind the recent Instacart strike argued, gig-economy workers remain
as vulnerable as ever to the vicissitudes of the economy – the invisible enemy that
is the coronavirus. Despite spending hours running other people’s errands – and
increasing their potential to contracting and unintentionally passing on the illness
– gig economy workers rarely enjoy the full scope of protections and benefits
often enjoyed by employees of other companies. (Preiss and Walter 2020)
And, some even connected this framing to employers’ claims of flexibility, a purported benefit of the work’s independence:

As many national reports have pointed out recently, the flexibility that gig economy companies have long touted as a benefit of their work doesn’t come with the kinds of protections that employees enjoy. During a public health emergency in which the demand for gig workers will likely increase, that’s more clear than ever. (McDonough 2020)

Whereas considering them *independent* enabled private employers to downplay their lack of protections, these workers’ reframing as *essential* illuminated their vulnerability and exposure, making a case for the necessity of a benefit structure around this kind of non-standard work. This rhetoric was used similarly around domestic workers, though often in conjunction with language about racial justice:

And paid domestic workers, who work in some of the least regulated and lowest-paying industries, continue to be primarily women, most of them women of color and immigrants. What the pandemic has made clear is that these workers are not undercompensated and unrecognized because their work is unimportant – they are undercompensated because, historically, their work has been considered unskilled and outside of the market economy, associated with women and people of color. Hopefully one of the silver linings of this crisis will be an acknowledgment of the importance of socially reproductive labor in our lives. Ideally, we can put action behind this acknowledgment in the form of higher wages and better workplace protections (such as a National Domestic Workers Bill of Rights) for paid domestic workers and a more equitable distribution of work in the home. (Finley 2020)

In the case of domestic workers, the interdependent nature of their work was also highlighted – as I argued in Chapter 2, the *standard* frame relies on an ideology of interdependence. In the context of a public health crisis in which every action taken can in some way affect another, our interdependence is revealed, weakening to some extent the power of an *independent* frame. As Ai-Jen Poo, the head of NDWA, explained:

‘Care is a shared responsibility,’ says Poo. ‘Our own health depends on the health of the person next to us, and the person next to them. Times like these remind us
how connected we all are. We believe people will appreciate the opportunity to show care for the people who care for us.’ (Ai-Jen Poo quoted in May 2020)

An organizer from Hand in Hand even admitted that the pandemic is a moment to “instill the value of interdependence” (Interview with Hand in Hand Organizer, May 2020). The interdependence of domestic care work thus matched the interdependence of the moment. Though hard to find evidence of a direct correlation, it seems that labeling both these groups of workers as essential made passing laws around protecting them substantially more urgent – and more high profile. Senator Elizbeth Warren (D-MA) and Representative Ro Khanna (D-CA) even proposed an “Essential Workers Bill of Rights,” which would cover the non-standard workers of the portable benefits field, like domestic workers and delivery workers. Included among this bill’s provisions were two key benefits: paid sick leave and family and medical leave and health insurance. It also called for an end to worker misclassification (i.e. classifying W2 workers as 1099), writing that:

The pandemic has highlighted the longstanding problem of employers misclassifying workers as independent contractors in order to avoid providing the full suite of benefits and protections available to employees. At a time when too many essential workers are being denied basic employment protections, Congress should crack down on worker misclassification. (warren.senate.gov/coronavirus)

This essential framing also seemed to factor into the conversation to pass paid sick and safe time for delivery workers and drivers in Seattle, as Teresa Mosqueda, the Seattle council member who sponsored the bill, shared about the legislation: “Especially now during the coronavirus given the amount of work that is happening right now – from workers who are delivering food, who are delivering groceries, who are driving people to essential appointments across our city – we need to make sure that their needs are met” (Mosqueda quoted in Friedman 2020). The pandemic thus seemed to confirm that how
workers are framed in the larger public discourse has tangible consequences for how policy addresses them – and the essential frame proved more powerful than any other.

Power: Using What We Built

In Chapter 4, I examined how organizations within the field wielded power to advance their models and incite legislative action within the field. I defined power within the field as the financial resources, political sway and membership size of an organization, while I defined power outside of the field as the power that workers have vis-à-vis employers to be able to set the standards and terms by which they work (inspired by Galvin 2019). In disentangling the functioning of power within and outside the field, I looked specifically to the organizations willing to collaborate with employers to advance portable benefits in an effort to achieve their larger power goals, like David Rolf and his union, SEIU 775. I also looked to what tended to yield success in the field and found that organizations (e.g., NDWA, The Workers Lab) that emulated the experimental approach of tech companies (some within the field itself) were most successful – they were able to secure large and unrestricted funding and, in the case of Alia, win a policy mandate in portable benefits (Philadelphia). The coronavirus epidemic saw the realization of these trends already coursing through the portable benefits field: the organizations that had been successful in garnering power before the pandemic leveraged their existing infrastructures, partnerships and collaborations (both with philanthropic organizations and tech platforms themselves), and experimental approaches to innovation to magnify their power in the pandemic’s wake.
The definitive example of this kind of seizing the moment to build power lies in the work of NDWA. As I explained in Chapter 4, Alia itself was originally launched in an iterative context: it was meant to be a kind of first pass at building a portable benefits model, which the organization could use not only to start administering benefits for domestic workers, but, perhaps more importantly, to provide a template for lawmakers who could “visualize” it and thus legislate it (as was the case in Philadelphia). This iterative solution, borrowed from tech-style innovation practices, was also legitimized by the large funding that NDWA Labs received, both to build out Alia and for their other initiatives (e.g., their capital fund). This approach proved remarkably successful from the early days of the pandemic. For one, the organization was able to quickly leverage the model they had built with Alia to provide emergency relief – the fact that it already existed, in some form, enabled the speedy pivot to direct cash relief (though under a new platform, Alia Cares). As NDWA Labs wrote on their website:

Distributing these funds to domestic workers was a considerable problem to solve. Domestic workers - many of whom are immigrants - work in the shadows of the economy, are often unbanked, and due to a history of being targeted by scams they can be distrustful of offers of assistance. NDWA Labs had previously solved cash distribution to domestic workers for Alia Benefits’ Paid Time Off product, which enables domestic workers to take time off work when they need to, without losing pay. The Labs used the infrastructure built for Alia Benefits to create Alia Cares, a system to administer the distribution of funds raised through the Coronavirus Care Fund. (ndwalabs.org/alía-cares)

While at the onset the organization was requiring workers to be registered on Alia and to be members of NDWA in order to get relief, they ultimately created Alia Cares as a separate platform, with the website now describing two “products” under the Alia banner: Alia Benefits and Alia Cares. Each is a distinct solution, though as the website copy makes clear, the creation of the portable benefits platform enabled the development of the
emergency relief one. Significantly, NDWA Labs was able to build Alia Cares because of its previously established relationship with philanthropy – specifically, with tech philanthropy. As they wrote on their website:

We were able to rapidly respond to the need for a cash distribution program for marginalized workers with the support of a Google.org Fellowship, which included 7 Google.org Fellows working full-time for 6 months with the NDWA Labs team to build out the Alia Cares system. Google.org has been a supporter of NDWA Labs and Alia Benefits since 2017. (ndwalabs.org/alia-cares)

NDWA’s tech-lab style approach, which had already received funding from Google.org, was then further legitimized in the face of the pandemic, with the philanthropic tech organization providing seven full-time workers to support the building out of Alia Cares. Importantly, Alia Cares proved successful beyond the organization’s own fundraising efforts and beyond serving only domestic workers: NDWA used the Alia Cares product to administer financial relief in two municipalities, Philadelphia and Tucson. What is particularly remarkable here is who these funds targeted: in Philadelphia, these funds were administered to “essential workers who were left out of economic relief efforts, serving in positions such as domestic and care workers, farmworkers, home health aides, and food delivery workers,” and in Tucson, they went to “individuals who were not eligible to receive CARES Act stimulus checks, and who face additional barriers to other safety net program benefits” (ndwalabs.org/alia-cares). In this way, Alia Cares, though a product of a domestic worker organization, became a solution to administer funds for a diverse set of non-standard workers. This serves as a model for how portable benefits could be more broadly administered, particularly to groups traditionally hard to get benefits to, like immigrant workers. NDWA also saw success on the policy front, with Alia becoming the priority model for the Seattle DWSB, a result of both Alia’s previous
success in Philadelphia and the urgency of the pandemic moment. As Baylie Freeman, the new chair of the portable benefits subcommittee, shared:

We are going to look into the Alia program . . . Philadelphia is working with them, so we are going to explore their capacity to expand and potentially partner with the city, see if we can use their platform. Something that’s beneficial about Alia is that it already exists, it has been vetted thoroughly, and lots of workers already use it, so it has a certain amount of credibility in the community in that regard. (Baylie Freeman, DWSB Meeting, April 27th, 2020)

Freeman also shared that a call with representatives from Philadelphia’s NDWA Chapter (Nicole Kligerman) and NDWA headquarters further convinced her to move forward with Alia:

It was mostly us asking questions and them giving us answers where they could. It was us asking what are the other platforms that exist. They’re like, ‘None really that really get the job done.’ We’re like, okay, cool . . . That actually helped me. It narrowed it down for me in the sense, like I said earlier that I don’t have to spend my energy researching every possible different option because it seems like this is the best one. Now we can spend our energy figuring out how best to make it work for us in that regard. (Interview with Baylie Freeman, Seattle DWSB Member, June 2020)

Ironically, it is the originators of the model – NDWA – who tell Freeman that no other model exists. But, in a moment when urgency is key, Alia is being used in the only other municipality that has created portable benefits (Philadelphia), and, as NDWA tells Freeman, it is the most “trusted” in the community, there is no reason for Freeman to look anywhere else. By August 2020, NDWA was presenting directly to the portable benefits subcommittee, including a pitch by Palak Shah herself (NDWA Labs Founding director). Though the DWSB did not specify Alia in their final policy recommendations, the board continues to move forward in talks with NDWA Labs and it seems likely that Alia will be the platform of choice. On both the legislative and organizational front then, the fact that Alia had been created, even if in an incomplete, iterative form, helped
cement its place in the pandemic moment. The high-profile nature of all these activities, i.e. the model being given policy priority and becoming a platform to serve emergency relief, could only benefit NDWA itself, further supporting their aim to build power, scale, and sustainability for the domestic worker movement.

While NDWA was using its existing infrastructure to build its profile within and outside of the portable benefits field, the “new” labor movement saw success in their organizational response to the pandemic as well. For one, the Worker’s Lab – the experimental worker power organization started by David Rolf – also launched a successful program to provide emergency aid. In the case of The Workers Lab, their borrowing of Google’s Design Sprint Methodology to run a pilot program in emergency cash grants to “gig” workers proved crucial. Using learnings from this test run about how to remove the friction in providing these grants – i.e. how to verify a drop in income, how to give cash without conditions to foster trust, how to determine how much cash is needed in an emergency (from “Design Sprint for Change – Virtual Briefing on Workers Strength Fund,” May 21st, 2020) – the organization could easily administer the same kinds of emergency grants to non-standard workers suffering during the pandemic. And, their collaboration with the tech platform Steady proved particularly useful, as their website notes:

When the pandemic first hit, we knew workers needed help, and they needed it fast. Back in 2019, we worked with Steady, a platform designed to help gig and low-earning contract workers, to explore the impact of emergency cash to workers. Thanks to that experiment, we knew Steady could help us get cash assistance to workers quickly, so we teamed up again to create ‘The Workers Fund.’ (theworkerslab.com/the-workers-fund)

This collaboration is in fact continuing to pay off: The Workers Lab is now running another project with Steady that looks to address the issues with administering
unemployment benefits for non-standard workers – namely, that it is difficult to report their earnings. Their website writes that the organization has again teamed up with Steady “to help them develop and test a tech solution that gets at this challenge of verifying income from gig work and paves the way for government leaders to more easily deliver timely and accurate unemployment benefits to gig workers” (theworkerslab.com/blog/government-unemployment-gig-workers). As The Workers Lab was collaborating with Steady, some within the field saw the advancement of “new” labor’s goals to more broadly collaborate with platform employers on portable benefits. Benjamin Geyerhahn, the CEO of the Workers Benefit Fund, shared that “Labor purists who were stuck on classification status are significantly rethinking that” and “…what COVID changed was it put the price [of not having insurance or coverage of some kind] at a much higher level” (Interview with Benjamin Geyerhahn, Workers Benefit Fund Chief Executive Officer, April 2020). In other words, “old” labor’s unwillingness to compromise meant that when the pandemic hit, non-standard workers in California did not have access to portable benefits as they might have if the groups had reached a deal. Instead, non-standard workers’ statuses were tied up in complicated legal battles and the workers themselves remained without protections. In Geyerhahn’s view, this has moved some of the labor leaders in California to be more open, as he noted that “a lot of new worker organizations are seeking a compromise” (Interview with Benjamin Geyerhahn, Workers Benefit Fund Chief Executive Officer, April 2020). In these examples, we see a legitimization both of the collaborative approach and the borrowing of these tech innovation practices, amounting to a catalyzing of power for these worker-centered organizations that were able to draw on them.
Concluding Thoughts: Why Portable Benefits?

As many experts in the field admitted, the idea of portable benefits is not, in fact, new. Social Security was the first truly portable benefit – it provides prorated benefits that remain with a worker throughout her career, with earnings tracked across different jobs throughout a lifetime to yield a benefit available at retirement age. One of the country’s first benefits, then, was its most portable. So, why the need to rebrand benefits as portable now? The repackaging of the concept is, as I have argued, a response to the changing landscape of employment relationships. If non-standard work arrangements are themselves a push to reduce the risk and responsibility of employers (Kalleberg 2018, Hacker 2006, Weil 2014), then the lack of benefits for this workforce is a further aggravation of this shifting risk. Portable benefits are an opportunity to push against this, moving the needle slightly back towards social protection on the Polyani pendulum (Polyani 1957). Yet, in the face of the myriad problems that many non-standard workers face, from pay volatility to uncertain schedules to susceptibility to discrimination, benefits can seem a small consolation – an intervention that might not produce truly meaningful change, particularly when advocates have often focused on securing just one benefit (e.g., paid time off) of the many that workers need. But I think this belies their true potential: as the pandemic showed, in order to provide benefits for workers, one must be able to track their hours worked and their income earned. Benefits thus become legibility tools – they make non-standard work both visible and quantifiable. Though many private employers might hold these data (e.g., platform employers that use algorithms to track their workers’ activity), others might not (e.g., those who employ domestic workers in their homes). And, even if one employer might be able to track their
workers’ hours, many non-standard workers labor across different employers, amassing income from a disparate set of work arrangements. Creating a benefit structure for these workers thus renders the full gamut of their work knowable and visible. This has the potential to lead to other interventions in these workers’ lives; as the Seattle DWSB wrote in their final recommendations to the city council: “A third-party portable benefit system would track a worker’s work history and pay and an employer’s benefit contributions; this would facilitate enforcement of the PTO benefit, as well as other domestic workers’ rights by the city enforcement agency” (Seattle DWSB Report and Recommendations to City Council & Mayor, April 6th, 2021, emphasis added). In a sector of the workforce that is often not officially counted (see Steward 2020), this kind of tracking and quantifying of non-standard workers’ hours and incomes might make it more possible to enforce minimum wage standards or prohibit wage theft, create pathways for overtime pay (because all of a worker’s hours, across arrangements, would be tracked), or even serve as an official record of who a worker works for, in the event of discrimination or harassment claims. Though non-standard workers are not currently covered under much of these labor protections, creating portable benefits – and its attendant accounting of non-standard work – might be a first step in winning broader coverage. Enforcement of labor law is notoriously complicated (Weil 2014; Weil and Pyles 2005), but doing so blind is nearly impossible. While employers of non-standard workers might not opt-in to be registered formally as such, mandating portable benefits requires them to do so, and this could open the door to a more meaningful shift in the security and protection that these non-standard jobs afford.
The same question – why portable benefits – can be asked of worker-power organizations themselves. Though portable benefits might represent this opportunity to make this work more visible and therefore protected, it also comes at a price. In seeing a solution that private employers also sanctioned, I have asserted that these worker organizations knowingly and strategically joined them. In this joining, they formed a field in which they collaborated with employers and often emulated them, mimicking their profit-based forms, technological aggregation systems, and approaches to innovation. Old antipathies that might have defined the field – i.e. labor vs. business – were often dissolved in the support of this solution, with both sides seemingly willing to collaborate to create a portable benefits system. But at what price? Here, a number of relevant critiques can be levied against the worker-centered organizations that joined the portable benefits field. Most basically, what do these organizations lose in collaboration with private employers? When private employers within the portable benefits field look to portable benefits as a way of keeping non-standard workers in informal work arrangements, are these organizations diminishing worker power by supporting this solution? Are they implicitly sanctioning the 1099 status, encouraging the amplification of these work arrangements, rather than their diminishment? At the same time, are there downsides to this kind of emulation? For example, as Betsy Edasery (Managing Director of The Workers Lab) shared, there is a significant concern when adopting a tech-style experimental approach in a non-profit context: how do you responsibly shut down a pilot? If a tech company is testing out their latest software with a group of users, they can just cut off access without harming the consumer; if a non-profit is piloting a benefit system with a group of workers, there would indeed be harm if the organization suddenly
stopped providing benefits. On the other hand, when it comes to emulating employer’s practices of aggregation, does centralizing workers – even in the service of helping them – legitimately put workers’ security at risk, particularly for immigrant workers who fear formal registration? And finally, when a non-profit adopts a for-profit form, is there something essential that is lost?

To these critiques, I think the answers are complicated, but I believe still clear. For one, though the current traditional labor movement might see working with employers as a kind of “selling out” (Hill 2019, see Chapter 4), this kind of collaboration was in fact a foundational pillar of the originating labor movement of this country. Bedrock labor law (the NLRA) is based on it: collective bargaining is a process of collaboration, in which labor and business both meet at the table to hash out the terms of work. The result is a collective bargaining agreement, in which both sides have submitted to the agreement’s stipulations around the terms and standards by which work would be carried out. Collaboration was also core to the country’s original models of social protection, in which the government, business, and labor unions collaborated to make workers’ lives more secure (see Chapter 2). Importantly, key to the success of this NLRA era was that both sides had their own power tools to wield: business had the power to employ and pay, while labor had the power to pull out their own product (their labor) through strikes if the terms were insufficient. When the scales were relatively balanced in this way, agreements could be reached that were mutually beneficial (or at least agreeable to both sides). But, with the growth in non-standard work arrangements (as well as other issues, see Galvin 2019 and Weil 2014), business redefined the terms of work and, with it, tended to cut off the power tools of the labor side. Without workplaces to gather in and
a law (NLRA) to ensure their voices were heard, labor has increasingly unequal bargaining power and little recourse with which to remedy it.\textsuperscript{57} Portable benefits, in creating a power source in the form of a benefit administrator, owned and operated by worker-centered organizations, is thus a pathway to rebalance some of that power. In this way, counter to what “old” labor might accuse these “new” labor organizations of, collaboration with business is not acquiescence, but instead a way to regain a seat at a table, even if the shape and form of that table has irrevocably changed.

Practicing emulation is also ultimately beneficial for worker organizations. In adopting the successful strategies of employers themselves, “new” or alt-labor organizations were concerned with resourcing, both in creating sources of revenue-generation and in securing philanthropic resources, which in themselves could be used to build products that could be revenue-generating as well. While profit is often a boogeyman for a non-profit, these worker-centered organizations resisted getting stuck on this old trope, knowing that profits, sustainability, and financial resources are a key conduit for building and maintaining power. This is particularly the case for a labor movement for whom resourcing has become a critical issue – in the absence of dues-paying members, funding their operations is increasingly at risk (Galvin 2019). If mimicking private businesses – even some of the businesses that they were sharing the field space with – meant being able to amass these kinds of financial resources, then these organizations’ co-opting of the form is inherently advantageous. In fact, their overall refusal to shy away from revenue-generation could be a bigger boon for the labor movement more generally, as the advocating for functional over issue organizing makes

\textsuperscript{57} See the Economic Policy Institute’s Unequal Power Project at epi.org/unequalpower/
clear (see Murray 2013). Similarly, in creating profit-based forms, these organizations also showed that adopting this structure does not mean automatic replication. In designing their models with concerns for workers at their core, they showed how profit can be redefined not as what comes out on top, but rather what gets put back in. In doing so, they created practical mechanisms for ensuring this kind of equitability in design and reimagined what profit itself can mean. Finally, there seems to be particularly significant power in the emulating of these private employer’s technological systems. Unlike physical infrastructure, technological infrastructure seems more ripe for co-optation. This replicability has opened the door to conversations within the field about whether or not there is a need for private ownership at all. As the famous writer Anand Giridharadas said at a MoMA Workspheres event:

You know to build Walmart costs a lot of money. But in theory to build Uber – you know app development – in theory we should live in this age where workers could easily pull that off. We just don’t have the models right now. I covered this platform co-op event, here was this question that really struck me. In every age there is certain platforms that people have no choice but to use. It could be granaries in an agricultural society. You can’t be like, sorry you can’t afford the granary. If you live in Iowa, of a certain age, everyone has to be able to use the granary – roads, whatever. And so there’s certain platforms that no one has a choice but to use. And this person made the point that throughout history progress has come often from realizing that you have to take those platforms and redistribute them one way or another – redistribute the platform – and I think it’s worth thinking about what are those platforms in our time. That no one has any meaningful choice not to use and therefore can’t be owned by VC bros who hate humanity. (Anand Giridharadas, MoMA R&D Salon 31, Workspheres, “Contemporary Entanglement of Work & Identity,” May 15th, 2019)

In this vein, at this same event, Palak Shah asked the crowd if we can reconceptualize access to the labor market as a public good. Running alongside many of these conversations about portable benefits then also seem to be ones around worker collaboratives, collectives, and cooperatives. This is not just about a seat at the bargaining
table, but seems to be a reappraising of the table itself. For these worker-power organizations, portable benefits, as one part of their strategic portfolios, seemed to be laying the groundwork for what they envisioned as larger shifts in our economic systems, like a capital fund that makes capital accountable to labor (NDWA Labs), a group of worker-centered organizations that share resources in a mutualistic network (Horowitz’s Mutualism), and a digital collaborative of non-standard workers that obviates the need for a corporation to handle the terms of their employment (Opolis). In this way, collaboration and emulation might have been in the service of a broader and deeper reimagining of our hegemonic economic forms: how to trade private for public, how to replace corporate with cooperative, how to buttress the individual with the collective. For these visionary worker-power organizations, beating employers at their own game meant first working with them and like them – this, perhaps one day far into the future, might be the way to dismantle them.
Appendix 1. List of Signers of “Common ground for independent workers: Principles for delivering a stable and flexible safety net for all types of work”

- Byron Auguste, Senior Fellow, New America & Managing Director, Opportunity@Work
- Brad Burnham, Partner, Union Square Ventures Laphonza Butler, President, SEIU Local 2015
- Shelby Clark, Co-Founder and CEO, Peers
- Maureen Conway, Executive Director, Economic Opportunities Program and Vice President, Aspen Institute
- Bo Cutter, Senior Fellow, Roosevelt Institute
- Chad Dickerson, CEO, Etsy
- Natalie Foster, Fellow, Institute for the Future
- Marina Gorbis, Executive Director, Institute for the Future
- Logan Green and John Zimmer, Co-Founders, Lyft
- Tracey Grose, Vice President, Bay Area Council Economic Institute
- Andrei Hagiu, Associate Professor of Business Administration, Harvard Business School
- Nick Hanauer, Co-Founder and Partner, Second Avenue Partners
- Oisin Hanrahan, CEO, Handy
- Douglas Holtz-Eakin, President, American Action Forum
- Sara Horowitz, Founder and Executive Director, Freelancers Union
- Eli Lehrer, President, The R Street Institute
- Sheila Lirio Marcelo, Founder, Chairwoman and CEO, Care.com
- Apoorva Mehta, CEO, Instacart
- Lenny Mendonca, Director Emeritus, McKinsey & Company
- Michelle Miller, Co-Founder, Coworker.org
- Greg Nelson, Former Special Assistant to the President and senior advisor, National Economic Council, The White House
- Tim O’Reilly, Founder and CEO, O’Reilly Media
- Satya Patel, General Partner, Homebrew
- Ryder Pearce, Co-Founder and Chief Community Officer, SherpaShare
- Libby Reder, Freelancer and former Corporate Responsibility leader, eBay
- Carmen Rojas, CEO, The Workers Lab
- David Rolf, President, SEIU 775 and President, The Workers Lab
- Simon Rothman, Partner, Greylock Partners
- Palak Shah, Director of Social Innovations, National Domestic Workers Alliance
- Anne-Marie Slaughter, President and CEO, New America
- Saket Soni, Executive Director, National Guestworker Alliance
- Daniel Spulber, Elinor Hobbs Distinguished Professor of International Business and Professor of Strategy, Kellogg School of Management, Northwestern University
- Andy Stern, President Emeritus, SEIU and Senior Fellow, Columbia University
- Arun Sundararajan, Professor and Rosen Faculty Fellow, New York University, Stern School of Business
- Laura D. Tyson, Professor, University of California at Berkeley
- Hunter Walk, General Partner, Homebrew
- Micah Weinberg, President, Bay Area Council Economic Institute
- Felicia Wong, President and CEO, Roosevelt Institute
## Appendix 2. Sample Interview Guide for Model Organizations

| Introduction | Let’s start with an introduction – tell me all about you – how did you get here?  
| | • What is your current role? How long have you been in this role? What do you do day-to-day?  
| | • How did you get into this work?  
| | • What has the trajectory of your career looked like? |

| Philosophy on portable benefits / mapping portable benefits field | I want to start broad, getting an understanding of your philosophy on portable benefits and how that has evolved or changed.  
| | How did you first become involved or interested in benefits / portable benefits?  
| | • What inspired this interest?  
| | • What has your involvement looked like so far?  
| | What’s your “philosophy” on portable benefits? What does “portable benefits” mean?  
| | • Probe: Difference/similarities between benefits and safety net (or do they use these terms interchangeably)  
| | • Probe: Where do you see portable benefits fitting into the current economic system? Is it compatible? Is it a challenge to the current system? |
When did your organization first begin to talk about doing something around portable benefits? Tell me about the genesis of the idea…

- **Probe:** Was it a response to . . . policy (or the lack there of)? Feedback from your constituents? Attendance at a conference? Conversations with other organizations?

Since then, how has your thinking about portable benefits changed or evolved, if at all?

- What now do you think is most feasible in terms of creating portable benefits?
- What are the aspects of the program most important to preserve? Which would you leave behind?
- Are there things you feel that you’re willing to compromise on now? Things you were really invested in before but aren’t any longer? If so, why?
- Are portable benefits a stand-in for something else?
  - **Probe:** A way to organize labor, a temporary solution until policy gets passed

There seems to be so much talk of portable benefits and so many different people and organizations talking about making benefits portable. Can you give me the lay of the land, from your perspective?

- Who are all the players?
- *Probe: policy, private interests / business, non-profits, labor/unions, workers*

  - Can you map this out for me?
    - What are the relationships between the different players?
    - Who shares interests? Who does not?
    - Who’s on the “side” of workers? Who is not?
    - Who is “talking” to each other? Who is not?

  - What role does your organization play / how do you see it ‘fitting’ within this field? What is your organization’s relationship to all the other organizations?
    - *Probe: Private provider, non-profit, substitute for a labor union*

[If not covered above] Relatedly, there seems to be a cottage industry of organizations (both for profit and non-profit) trying to provide portable benefits. Can you tell me more about the different types of portable benefits models out there right now?

  - What’s working well? Not well?
  - Where does policy fit in?

<table>
<thead>
<tr>
<th>Design of model</th>
</tr>
</thead>
<tbody>
<tr>
<td>Okay, now I want to talk more about your model, getting all the nitty gritty details of how it come to fruition. We talked before</td>
</tr>
</tbody>
</table>
about how the idea began – what happened next? Can you lay out a rough timeline of the process to design the model…

- What were the big milestones?
- Who were the stakeholders involved, at each step?
- When was there pushback?

Portable benefits models obviously need to rely on technology – it’s a function of their portability. How did you develop the tech?

- What was your collaboration like with this organization/company in the development of the model?
- Were there points of tension in this collaboration? Different interests?

Did policy play a role in the development of the model? Did you consult with policymakers during the development?

<table>
<thead>
<tr>
<th>Description of model</th>
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</thead>
<tbody>
<tr>
<td>Now that I have an understanding of the process to develop the model, let’s turn to the model itself…</td>
</tr>
<tr>
<td>Can you describe at a high level how you are providing portable benefits for your workers? Would you edit this elevator pitch, depending on your audience?</td>
</tr>
<tr>
<td>- <strong>Probe:</strong> workers, funders, other organizations, policymakers, general public</td>
</tr>
<tr>
<td>Let’s talk about it in detail now…</td>
</tr>
<tr>
<td>Who is the intended beneficiary / target of the benefits right now?</td>
</tr>
</tbody>
</table>
How do your workers “qualify” for benefits? What does this process look like?

- How did you determine the vetting process?
- Will you be turning anyone away?

What are the benefits you are offering and how did you pick these ones?

- Probe: Did they do research, ask workers, decide on what workers wanted vs. needed, did they look at academic journals, policy reports

- Probe: Some benefits more relevant to non-standard workers than to traditional workers

- Probe: Which ones make most material difference in worker’s lives, which ones give best sense of security, which prepare workers for the future

How much, if at all, did the current safety net inform which benefits you set out to provide?

- Probe: Mirror it / Expand it / Reimagine it
- Probe: Any fear of creating a second-tier safety net

What were the constraints in terms of which benefits to offer?
What’s the plan in terms of benefits moving forward? Do you hope to expand the offering?

Who is providing the benefits? How did you select the organization to provide them?

- Are they private providers? Was there any concern around this?
- Do you consider your organization the administrator of the benefits? Do you draw a line between administrator and provider? If so, why?

Okay, I’d like to turn now to implementation. Tell me all about the process to launch the platform…What does your outreach to workers look like?

- **Probe: Messages, channels to reach them, what’s worked, not worked, what would you do with an unlimited budget**

What are the biggest barriers to getting workers signed up? How are you dealing with these barriers?

- **Probe: Were they surprised by barriers / pushback they got**

Are you partnering with any other organizations to find and target workers? Tell me about this partnership…
<table>
<thead>
<tr>
<th>Cross-Sector Collaborations</th>
</tr>
</thead>
<tbody>
<tr>
<td>What about the workers’ experience on the platform, have they come across any trouble using it?</td>
</tr>
<tr>
<td>• Are these challenges different or similar to the ones a standard worker might encounter getting their benefits? Explain.</td>
</tr>
<tr>
<td>• Are there any challenges specific to your audience? How does your model address this?</td>
</tr>
<tr>
<td>Anything I’m missing? Other big challenges in launching the platform? Or things you anticipate dealing with in the future?</td>
</tr>
<tr>
<td>• <em>Probe: Challenge to scale more widely</em></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Cross-Sector Collaborations</th>
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</thead>
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<tr>
<td>As this project has unfolded, I’ve become more interested in the interplay between solutions from the three sectors – the government, private, and non-profit. How do you see this playing out in terms of portable benefits?</td>
</tr>
<tr>
<td>In what ways do you think the [non-profit / private sector] is best poised to solve the problem of benefits? In what ways is it not adequate?</td>
</tr>
<tr>
<td>Probes if needed:</td>
</tr>
<tr>
<td>• Do you feel like you have a “mission”-centered approach? What does this look like? Is policy a part of this?</td>
</tr>
<tr>
<td>• What’s the potential for true cross sector collaboration? What role should each sector play?</td>
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<tr>
<td>Looking Forward</td>
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<td>-----------------</td>
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<tr>
<td>What is the relationship to policy here?</td>
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<tr>
<td>----------------------------------------</td>
</tr>
<tr>
<td>• Are you hoping to pilot something so that it can eventually scale up to policy? Or, is the aim to “skirt” around policy?</td>
</tr>
<tr>
<td>o <em>Probe: Challenges to extend model more broadly, level of federal policy</em></td>
</tr>
<tr>
<td>o <em>Probe: Awareness of minimal viable product strategy, call for experiments in federal/state bills</em></td>
</tr>
<tr>
<td>o <em>Probe: Misclassification</em></td>
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<tr>
<td>• Are you interfacing with policymakers at all?</td>
</tr>
<tr>
<td>• What do they think will be necessary in order to get legislation passed?</td>
</tr>
<tr>
<td>• How does this get “sold in” to the public?</td>
</tr>
</tbody>
</table>

What is your vision for the future of portable benefits?

• What is necessary for them to be a success?
• What will inhibit that success?
• What about the future of specific stakeholders/the field overall?

Finally, if you had one take away about portable benefits and the platform you’ve created, what would it be?
## Appendix 3A. Interview Subjects

<table>
<thead>
<tr>
<th>#</th>
<th>Date</th>
<th>Name</th>
<th>Role</th>
<th>Organization</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5/7/19</td>
<td>Ben Geyerhahn</td>
<td>CEO</td>
<td>Workers Benefit Fund</td>
<td>Private</td>
</tr>
<tr>
<td>2</td>
<td>6/18/19</td>
<td>Harry Campbell</td>
<td>Founder of Blog</td>
<td>The Rideshare Guy: A Blog and Podcast for Rideshare Drivers</td>
<td>Private</td>
</tr>
<tr>
<td>3</td>
<td>6/28/19</td>
<td>Matthew Wald</td>
<td>Executive Director</td>
<td>Drive Forward Seattle</td>
<td>Non-profit</td>
</tr>
<tr>
<td>4</td>
<td>6/29/19</td>
<td>David Rolf</td>
<td>Founder and President Emeritus</td>
<td>SEIU 775</td>
<td>Non-profit</td>
</tr>
<tr>
<td>5</td>
<td>7/2/19</td>
<td>Manny Pastreich</td>
<td>Director of Collective Bargaining and Employer Relations / Taft-Hartley Benefit Fund Trustee</td>
<td>32BJ SEIU</td>
<td>Non-profit</td>
</tr>
<tr>
<td>6</td>
<td>7/17/19</td>
<td>Carla Reyes</td>
<td>Director of Paid Family Medical Leave</td>
<td>Washington State Employment Security Department</td>
<td>Government</td>
</tr>
<tr>
<td>7</td>
<td>7/25/19</td>
<td>Caitlin Pearce</td>
<td>Executive Director</td>
<td>Freelancers Union</td>
<td>Non-profit</td>
</tr>
<tr>
<td>8</td>
<td>8/8/19</td>
<td>Carl Camden</td>
<td>Founder and President</td>
<td>iPSE-US / Association for Independent Workers</td>
<td>Non-profit</td>
</tr>
<tr>
<td>9</td>
<td>8/16/19</td>
<td>Hollie Heikkinen</td>
<td>CEO and Founder</td>
<td>iWorker Innovations</td>
<td>Private</td>
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<tr>
<td>10</td>
<td>8/28/19</td>
<td>Nicole Kligerman</td>
<td>Executive Director</td>
<td>Pennsylvania Domestic Workers Alliance</td>
<td>Non-profit</td>
</tr>
<tr>
<td>11</td>
<td>10/8/19</td>
<td>Amy Cohen</td>
<td>Organizing Director</td>
<td>Hand in Hand – Philadelphia</td>
<td>Non-profit</td>
</tr>
<tr>
<td>12</td>
<td>10/29/19</td>
<td>Libby Redder</td>
<td>Fellow</td>
<td>The Aspen Institute</td>
<td>Non-profit</td>
</tr>
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<td>Ian Steinberg</td>
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*indicates COVID-19 follow-up interviews
## Appendix 3B. Ethnographic Observation

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<td>Freelancers Union</td>
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<td>The Future of Freelance - A Conversation with Sara Horowitz</td>
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<td>Freelancers Union / Trupo</td>
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<td>Public Safety and Neighborhood Services Committee</td>
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<td>Philadelphia City Council Hearing on Domestic Workers’ Bill of Rights</td>
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### Appendix 4A. Inductive Coding Scheme

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## Appendix 4B. Deductive Coding Scheme

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- cultural boundaries around non-standard work | who is a worker
- inverting the power structure | access to capital
- labor market as a public good | owning the labor market
- logics | exploitative / transactional
- logics | innovation
- logics | efficiency / inefficiency
- logics | collectivity
- logics | tech logics
- logics | market / marketplace logics
- logics | entrepreneurship
- logics | experimentation
- logics | cross-sector logics
- logics | trust / lack of trust
- logics | reciprocity / mutuality
- logics | "incentivized" / misaligned incentives
- logics | abundance vs. scarcity
- logics | redistribution
- logics | customization
- market / marketplace logics | choice
- narratives about non-standard work | "the third way"
- narratives about non-standard work | narratives about freelancers
- narratives about non-standard work | narratives about contingent workers
- narratives about non-standard work | narratives about domestic workers
- narratives about non-standard work | independence
- narratives about non-standard work | narratives about work & how the worker values it
- narratives about non-standard work | cultural shifts
- narratives about non-standard work | being your own boss / owning your own business
- narratives about non-standard work | narratives about drivers
- narratives about non-standard work | freedom
- narratives about non-standard work | flexibility
- new visions for the economy | stakeholder capitalism vs. shareholder capitalism
- new/old visions for the safety net | the business of benefits
- new/old visions for the safety net | innovations on the social safety net
- new/old visions for the safety net | paternalistic economy vs. maternalistic safety net
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References


Rolf, David. 2014. “What If We Treated Labor Like a Startup?” The Nation, June 18th. thenation.com/article/archive/what-if-we-treated-labor-startup/


