

The State of Uberisation: Neoliberalism, Smart Urbanism, and the Regulated Deregulation of Toronto's Taxi-cum-Ridehail Market

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Abstract: In 2016, the City of Toronto legalised the ridehail giant Uber under a particularly Uber-friendly regulatory regime. Rather than understanding this interim outcome along the lines of now widespread narratives of corporate "disruption", in this article I take up Manuel B. Aalbers' notion of "regulated deregulation" in order to foreground the state's role as a manically prolific facilitator of early Uberisation. Based on ethnographic research in Toronto, I argue that the three longer-standing state spatial strategies of (1) the common-sense neoliberal state, (2) the labour-averse competition state, and (3) the tech-infatuated smart state were paramount in creating those "on-the-ground" conditions—social, legal, spatial, and other—on which Uber has been able to thrive in many cities across the North American continent.

Keywords: Uber, Toronto, regulated deregulation, smart cities, platformisation, Uberisation

The sheer speed at which Uber has traversed, in many jurisdictions worldwide, the void between illegality and legality has perplexed admirers and critics alike. More than a few scholars, in response, have resorted to variants of a now widely popularised "disruption narrative", which locates the principal reason for Uber's recent re-regulatory successes in the company's seemingly limitless, often ruthlessly deployed corporate and technological powers (Ayata 2020:15–18, 30–31; Biber et al. 2017). While rightfully drawing attention to Uber's notoriously hard-nosed launch procedure, including the company's documented practices of unrepentant law breaking and potent lobbying (Ayata and Önay 2020; Sribaskaran and MacEachen 2018), disruption narratives tend to come with at least one of three fundamental analytical shortcomings. First, they are usually marked by a very narrow historical focus. Within the typical disruption storyline, the period of analytical interest usually starts with the arrival of Uber in a specific city and ends with the company's legalisation therein (e.g. Muller 2020; Spicer et al. 2019). Longer historical conjunctures, such as the profound neoliberalisation of urban (state) spaces over the last half century (Brenner 2004; Harvey 1989), are not only

not taken into account, but—vice versa—largely taken for granted. Secondly, disruption narratives tend to portray market forces and state regulation as two largely separate powers, the two of them often charged with opposite normative valences (e.g. Borkholder et al. 2018). As Shelton et al. (2015:14) observe, there is now a widespread notion that “large technology companies are inherently ‘bad’ actors who have despoiled ... ‘good’, righteous cities”. As a consequence, the state’s own vested interest in corporate “disruption” largely vanishes from view. Finally, disruption narratives often purport a rigid hierarchy of agency that ascribes overwhelming space-producing powers to platform businesses while the neoliberal state is portrayed as a passive, merely reactive “entity” (e.g. Rosenblat 2018:173–177). Such tendencies can even be observed in otherwise more critical accounts sometimes suggesting that today’s big-tech corporations are poised to more or less fully reshape the city in their own image (see e.g. Mattern’s [2021] and Namberger’s [2022] critiques of Altenried [2022:49–50], Barns [2020:185–187] and Lyster [2016:1–14]). In sum, the overall imaginary of disruption emerges as one of Silicon Valley ruthlessness impinging upon supposed state helplessness. Uber acts, the state reacts.

In considerable contrast to proliferating narratives of disruption, Manuel B. Aalbers’ (2016) notion of “regulated deregulation” has emerged as a productive analytical lens for critically inspecting the regulation of digital platforms such as Uber or Airbnb (Ferreri and Sanyal 2018; Lanamäki and Tuvikene 2022). Lamenting an often implicit equation of neoliberalism with processes of mere *deregulation*, Aalbers (2016:565–566) develops regulated deregulation as a double-sided concept denoting a conflictive process in which “some economic actors are given greater freedom from state control, but the market framework itself is regulated”. While neither novel in its critique of neoliberal “regulation in denial” (Peck 2010:xiii) nor in its insistence on the deeply variegated unfolding of “actually existing neoliberalism” worldwide (Brenner and Theodore 2002), the notion of regulated deregulation effectively subverts any reductive juxtaposition of market forces versus state regulation, or, for that matter, Silicon Valley against the city. Similarly, Aalbers’ concept puts into doubt the simplistic idea that platforms aim for complete “deregulation” in the sense of an intended removal of state regulation *tout court*. Rather, from the viewpoint of regulated deregulation, the “disruptive” re-regulatory efforts of Uber and other platforms can be understood as a corporate struggle for a maximum of legal freedoms (the “deregulatory side” of regulated deregulation) within newly consolidated markets created and firmly upheld by the state itself (the “regulatory side” of regulated deregulation).

While effective in placing platform regulation within broader horizons of neoliberal urban governance (Harvey 1989; Keil 2009; McCann 2013), regulated deregulation should not be mistaken, as Aalbers warns (2016:571), as a quasi-universal rationale that prescribes, *a priori*, how the regulation of businesses might unfold in different places at different times. Accordingly, this article insists on a *situated* understanding of platform regulation (Shelton et al. 2015:14). This presupposes, lending from Neil Brenner and Nik Theodore (2002:349), to pay specific attention to the “inherited institutional frameworks, policy regimes, regulatory practices, and political struggles” that platforms such as Uber have to work both *with* and

against when “hitting the ground” of existing urban space (Mezzadra and Neilson 2019:2–3). Beneath the surface of “disruptive” Uberisation, then, we find an urban ground whose manifold state spatial layers, as Henri Lefebvre (2009) famously argued, form an indispensable precondition of capitalist accumulation (Albo 2018:7–12). Ever since its explicitly “urbanised” formulation in Lefebvre’s four-volume *De l’État* (1976a, 1976b, 1977, 1978), the principal insight of state-enabled accumulation has run marathon distances through such heterodox scholarly arenas of urban political economy as, *inter alia*, variegated neoliberalism (Brenner 2004; Peck and Tickell 2002), austerity urbanism (Fanelli and Thomas 2011; Peck 2012), regulation theory (Jessop 2002; Mayer 1994), feminist urban theory (Hanson and Pratt 1995; Mitchell et al. 2004), labour geography (Herod 1997; Wills 2019), or urban regime and growth machine theory (Logan and Molotch 1987; Stone 1989).

Within recent debates on the nexus of platformisation, automation, and gig work (Altenried 2022; Richardson 2020; Sadowski 2020; Van Doorn and Badger 2020), the (neoliberal) state has figured as a sometimes acknowledged, yet often only vaguely conceptualised historical background condition of the digital platform (Srnicke 2017:9–35; Woodcock and Graham 2020:33–36). Empirically, the state emerges in the literature as, for instance, an agent of platform regulation (Ferreri and Sanyal 2018; McKee et al. 2018), a participant in newly emerging partnerships between private platforms and public agencies (Attoh et al. 2019; Van Doorn et al. 2021), a mediator of newly racialised and gendered forms of urban citizenship (Hanakata and Bignami 2021; Hua and Ray 2018), or a potential accomplice in nascent modes of platform cooperativism (Dyer-Witheford 2020; Taylor 2016). Despite these and other important contributions, the state’s active involvement in processes of urban platformisation remains, at least to my mind, curiously undertheorised.

Taking seriously the state as a manically prolific producer of capitalist urban spatiality (Brenner et al. 2003), this article wants to think more rigorously about the key involvement of the state, in its various functions and multi-scalar configurations, in creating those “on-the-ground” conditions—social, legal, spatial, and more—that crucially helped to enable the rise of many digital platforms. In particular, I discuss the case of the early Uberisation of the City of Toronto in order to bring to the fore the three multiscale state spatial strategies of the *common-sense neoliberal state* (Keil 2002; Kipfer and Keil 2002), the *labour-averse competition state* (Jessop 2002; Peck 1996), and the *tech-infatuated smart state* (Alvarez León and Rosen 2020; Hollands 2015). As I argue, it was these three state spatial strategies, inextricably interwoven in empirical reality, that were key to the regulated deregulation of Toronto’s taxi-cum-ridehail market in particular and the early success of Uber across the North American continent in a more general sense.

State Space and the Geographies of Ridehailing in Toronto

This article is based on ethnographic research conducted during two field stays in Toronto in 2018 and 2019. The conducted fieldwork comprised participant

observations, semi-structured (expert) interviews, and qualitative content analyses. Participant observations were conducted at downtown taxi stands and, during my second stay, at a taxi app presentation in suburban Toronto where I met many of my later taxi-driver interviewees. Secondly, I conducted 20 semi-structured interviews with various experts engaged with the Uber phenomenon. Overall, I interviewed four taxi drivers, seven local or regional (transportation) planners, five city staff members, one city councillor, and two local scholars. In addition, more than 20 “flash interviews” with ridehail drivers were conducted during trips booked via Uber’s and Lyft’s¹ respective apps (Rosenblat 2018:210–211). Finally, qualitative content analyses (Mayring 2004) of text documents and online material were undertaken. This included local and national media coverage of Uber, press releases by Uber itself, as well as official planning documents by the City of Toronto and the Province of Ontario.

The Common-Sense Neoliberal State: Uber Touches Ground

Uber launched its UberX service in Toronto in September 2014. In contrast to the UberTaxi and UberBlack app variants, which were launched in Toronto in March 2012 and were only accessible for licensed taxi or limousine drivers, UberX opened Uber’s local platform to the much wider labour force of private, non-professional drivers (Shore 2012). On 18 November 2014, two months after the release of UberX, Toronto’s Municipal Licensing and Standards (MLS) division decided to take action. Seeking an immediate stop to all of Uber’s operations in Toronto, it launched an injunction against the company with Ontario’s Superior Court of Justice. Publicly announcing the step at a press conference at City Hall, the director of MLS, Tracey Cook, emphasised “the city’s opinion that Uber is jeopardizing public safety, including that of individuals they are recruiting as drivers” (Cook, quoted in Pagliaro 2014).

For many, Cook’s announcement was an unmistakable sign that the city had found its regulatory muscles. However, the city’s court injunction could also be seen as a sign of deep-seated regulatory weakness. Steering attention away from Uber’s much-noticed law breaking and towards the inherent limitations of Canadian municipal regulation, Mariana Valverde (2018:197) noted that “even if Uber’s civic behaviour is unusual, cities’ regulatory dilemmas in regard to Uber clearly expose the underlying systemic weaknesses of regulatory approaches that municipalities have long taken for granted”. It is these systemic weaknesses that go a long way towards explaining Uber’s rapid rise in Toronto; they have their root causes in the incisive neoliberal state reforms that have shaped the Province of Ontario’s broader regulatory landscape for more than two and a half decades (Boudreau et al. 2009; Kipfer and Keil 2002) and which were even intensified in the austerity aftermath of the 2008 Great Recession (Albo 2018; Fanelli and Thomas 2011).

In Canada, the “normalisation” of neoliberal urbanism has crucially hinged on the provincial state scale (Keil 2002:588; Thomas 2009:112). This is due to Canada’s constitutional system, which prohibits federal intervention in what is codified as “local matters” and provides provincial governments with virtually unlimited

legislative powers over “their” municipalities (Boudreau et al. 2009:60–61; Fanelli 2018:250). It was the Conservative government of Ontario Prime Minister Mike Harris (1995–2002) whose incisive state reforms initiated a lasting swing towards neoliberal urbanism in the Toronto region (Kipfer and Keil 2002). After rolling back many of the institutional and regulatory frameworks that had marked a local postwar “class consensus”, Harris’ deeply reactionary “Common Sense Revolution” initiated a fast-paced roll-out of neoliberal policies across Ontario that promoted a shift from a Keynesian welfare state based on (limited) social security and (partial) solidarity to a workfarist Ontarian competition state (Albo 2018:16). The Harris administration promoted the privatisation of public goods and services, issued market-oriented reforms, and advanced the overall downscaling of social services across domains such as education, public transit, and housing. Furthermore, the new government pushed for a normalisation of precarious labour regimes in conjunction with incisive anti-union reforms (Boudreau et al. 2009:58–65; Thomas 2009:109–137). In sum, the neoliberal reform project of the Harris years—unchallenged by all Ontarian governments ever since (Albo 2018:30–31)—has helped to consolidate what Roger Keil (2002, 2009) has called a lasting “common-sense” or “roll-with-it” neoliberalism in the region.

The pro-business, deregulatory common sense at the level of the Ontarian competition state has had crucial implications for Toronto’s taxi industry even before Uber’s entry. For it is the province, not the municipal government, that is responsible for overseeing labour relations in the industry (Sundar 2012:111). In practice, however, Ontarian governments have long abandoned their role of overseeing and enforcing labour laws in Toronto’s taxi industry. Even more, given that under the Harris government’s reforms Ontario’s Ministry of Labour lost about half of its budget as well as a quarter of its employment standards officers (Thomas 2009:130), provincial regulatory oversight was downscaled to such a low level that the city’s MLS division remained the only, itself chronically understaffed, state body of intervention (Vosko and Thomas 2014). An article in *Taxi-news*, the local journalistic mouthpiece of Toronto’s taxi industry, puts this regulatory malaise into palpable proportions: the “City of Toronto has 14,125 taxi drivers and 71,680 PTC² drivers regulated by only 10 to 12 enforcement officers” (Beggs 2019).

The detrimental effects of incapacitated regulatory state agencies resurfaced prominently once Uber entered Toronto’s taxi market. In the face of the company’s amassing law infringements, the provincial Liberal government of PM Kathleen Wynne (2013–2018) retreated to what had been the province’s established regulatory approach long before: a decidedly pro-business, laissez-faire strategy that left regulatory responsibility fully in the hands of the City of Toronto’s MLS division. When asked about a potential provincial intervention after one and a half years of law evasion by Uber, Wynne curtly stated: “At some point, (the Ontario government) will bring forward a provisional framework. *But I do think it is important to recognize that the municipalities need to take the lead on this*” (Wynne, quoted in Rider 2016, emphasis added). Wynne’s statement came close to a free ride ticket for Uber in Toronto (Valverde 2018).

The absence of any serious intervention by Ontario's provincial government left the City of Toronto few regulatory options beyond handing over the Uber question to Ontario's Superior Court of Justice. The latter's decision was due on 3 July 2015. As MLS maintained, Uber's business model could be adequately captured by the taxi bylaw's existing licence categories of "taxicab brokerage"³ or "limousine service". Uber, MLS insisted, should apply for either one of these two licences. In the existing bylaw, both licence categories were essentially defined by the fact that brokerages and limousine services *accepted* incoming passenger requests, usually via a human dispatcher. Uber's dispatch system, however, worked fully automatically, which—according to Judge Dunphy—left the company's business model outside existing legal boundaries. Uber, as Dunphy concluded, "did not 'accept' calls for taxicabs or limousines in Toronto and therefore did not carry on business as a taxicab broker or a limousine service company" (Ontario Superior Court of Justice 2015). Automating away the human taxi dispatcher, in short, did the legal trick for Uber. With the court case falling flat, a new regulatory framework was the only practicable next step for Toronto. As an MLS staff member remembered in hindsight, the court's decision established the fact "that we could no longer continue to operate with the licence categories that we had ... and how we, as a government, regulate the industry would also have to change" (Interview, MLS staff member). Ontario's *laissez-faire* strategy had come to a first result.

It goes without saying that neoliberal state policies have formed a basic precondition for the rise of Uber in many jurisdictions beyond Toronto (Srnicsek 2017:9–35). Nevertheless, the non-interventionism of Ontario's provincial government sets the city apart from other jurisdictions in Canada. The provincial governments of British Columbia (BC) and Québec, for instance, seized full regulatory oversight when Uber started operating in the cities of Vancouver and Montréal, respectively. This contrasts sharply with Ontario's hands-off approach (for an overview, see Valverde 2018:207–210). While neither BC's nor Québec's government acted strictly against Uber (particularly in BC provincial interventions were, at times, clearly Uber-friendly), the political friction that resulted from provincial interference significantly slowed down the respective processes of legalisation in both jurisdictions. By way of comparison: when the Uber system was already running on fully legal grounds in Toronto by July 2016, it still took another three years until Uber became legal in Québec in October 2019 (Lapierre 2019). Yet another four months later, in January 2020, Uber finally obtained its licence in Vancouver (Ligeti 2020).

Such seemingly minor temporal differences can make a difference. As becomes increasingly clear in hindsight, the relative degrees of political friction that Uber encountered in various North American city regions has had a palpable effect on the company's lasting presence in such places. Next to Washington, DC (Attoh et al. 2019; Spicer et al. 2019:153–154), Toronto is now a prominent example of a city where comparatively little resistance at the stage of pre-legalisation "disruption" helped to nurture a longer-term local presence by Uber. Hence, Uber has not only engaged in numerous partnerships with local and regional transport agencies across the Greater Toronto and Hamilton Area (GTHA)⁴ (Ruggles 2020),

but—once it was legalised—also made substantial investments in Toronto's tech scene through its R&D arm, the Uber Advanced Technologies Group (Silcoff 2017). It is in this sense that Ontario's pro-business, laissez-faire approach helped to set the stage for all of Uber's further endeavours in Toronto.

The Labour-Averse Competition State: Driver Struggles Before and After Uber

One of the key sites of such further endeavours was Toronto's taxi industry. Crucially, the social composition of Toronto's taxi drivers reflects the heavily racialised and gendered labour relations typical of North American taxi industries (Mathew 2008). In Toronto, over 80% of taxi drivers are immigrants, mostly of South Asian, Middle Eastern, and African decent, with India and Pakistan figuring as the foremost countries of origin (Xu 2012:11). Moreover, more than 90% of Toronto's taxi drivers can be assumed to be male⁵ (Xu 2012:3), many of them highly qualified (Ha-Redeye 2020). Racial discrimination, both on an everyday and on a state-structural level, has long been felt by these drivers (Valverde 2012). In particular, as Aparna Sundar (2012) has forcefully argued, the top-down reinvention of Toronto as a "competitive city" from the mid-1990s onwards (Kipfer and Keil 2002) has had palpable consequences for Toronto's taxi industry in general and its drivers in particular. Taxi reforms during this era were geared towards the enhanced "consumer experience" of a "cosmopolitan", largely white Euro-American clientele of tourists and "creative workers". Inversely, drivers became the subject of growing levels of day-to-day police harassment, racial profiling, and expanded workplace surveillance (Abraham et al. 2008:9–13, 20–22; Sundar 2012:122–124).

What Sundar (2012) elucidates, in the context of Toronto's pre-Uber taxi trade, is one of the fundamental contradictions at the heart of the neoliberal competition state (Brenner 2004:172–178; Cerny 1997; Jessop 1993). Usually found nowadays on a local or regional rather than a national scale (Scott 1996), the competition state is torn, *inter alia*, between the imperative of global competitiveness on the one hand and pressures for better working conditions arising from local labour struggles on the other (Jessop 2002:105; Peck 1996:195, 236). What this contradiction amounts to, in short, is a zero-sum game between worker-friendly labour regulation on a local or regional scale and state competitiveness on a global one: an increase in the former means a reduction of the latter, and vice versa. Exempt for those more privileged groups of tech, "creative", and other coveted workers enticed by custom-tailored state immigration programmes (Mezadra and Neilson 2013:137–142; Sharma 2019), the competition state tends to be a *labour-averse* competition state; an observation that pertains even more so to business sectors—such as taxi and ridehailing industries across the North American continent—that almost exclusively rely on racialised, highly precarious immigrant workers from countries of the Global South (Gebrial 2022; Mathew 2008:8–10; Sundar 2012).

Crucially, the recent Uberisation of North American taxi industries has put even more stress on the competition state. *From above*, the taxi-cum-ridehail industry's

“scale jump” (Jessop et al. 2008:390) from local taxi (family-)businesses to globally-operating platform start-ups has intensified inter-urban competition between local and regional states. For Uber, in contrast to local taxi businesses, can threaten cities to leave town if (labour) regulations are deemed unfavourable. Most prominently, Uber pursued this strategy in Austin where the company’s intermittent exodus created enough pressure on the state government of Texas to overrule the city’s original, much stricter regulations (Rosenblat 2018:175–176). At the same time, labour struggles waged by local ridehail drivers have the potential to build-up pressure *from below* (Arubayi 2021; Wells et al. 2020; Woodcock 2021). In sum, it is both labour struggles from below and capital pressures from above that, in a multi-layered force field of dynamic struggles, determine the relative success of each side to harness the state’s regulatory powers in their respective favour (Dyer-Witthof et al. 2019:69–71; Englert et al. 2020).

As such, Uber’s rise in Toronto was facilitated by a long-felt lack of institutionalised worker power in the city’s taxi industry. In 1998, after a failed cycle of intense driver struggles throughout the 1990s, local driver unions, formerly under the roof of the Retail, Wholesale and Department Store Union (RWDSU), fully collapsed (Tucker 2018:369–377). More than anything else, as Eric Tucker (2018:376) points out, the RWDSU became “a victim of the fragmented structure of the Toronto taxi industry and the unequal power relations it produced”. This observation dovetails neatly with insights from other North American taxi industries, with their extremely difficult conditions of driver organising. Often, industry structures span an intricate web of power relations between (usually cooperating) owners and taxi brokerages on the one hand and individualised, highly precarious drivers on the other (Mathew 2008, 2015).

Only in 2009, three years before Uber’s arrival in Toronto, a small group of local drivers came together to rebuild an organisation of collective representation: the iTaxiworkers Association (Sundar 2012:125). Led and supported by many of the drivers who had been part of earlier cycles of struggle, the group had grown to almost 1,000 members in 2012 (iTaxiworkers Association 2012). During the entire course of its existence, however, the iTaxiworkers group struggled to rebuild the organisational strength that drivers had once possessed under the RWDSU. While iTaxiworkers were organisationally and financially supported at first by the local branch of the Canadian United Steel Workers Union (USW), these ties were never fully institutionalised. When a key contact person at USW tragically passed away and was substituted by a less sympathetic successor, the semi-official bond between the iTaxiworkers and the union fell into crisis and eventually came to a halt (Interview, Salman, taxi driver). Again, what loomed large were the difficulties of organising a taxi driver workforce divided by different driver licence categories and levels of precariousness (Sundar 2012:119–122)—a structural difficulty that has often led to reluctance by established unions to invest into taxi-industry organising (for the case of NYC, see Mathew 2008:24–25, 63–64). In the absence of institutional backing from a financially robust union, the iTaxiworkers Association, while still popular with drivers, remained a strongly precarious undertaking. It rested on the time, energy, and often private funds of a handful of its

key members, many of them drawn into serious debt (Interview, Salman, taxi driver).

When the consolidation of the iTaxiworkers finally allowed drivers to push the city to a wide-reaching industry review in late 2011, Uber was already at the brink of entering Toronto's taxi market. For the iTaxiworkers, the advent of Uber came at the worst possible time, as it engaged the driver group in a complex industrial two-front war between (a reform of) the existing taxi industry on the one hand and newly arrived Uber on the other. Still, the association was surprisingly successful on the former of these two sides. In February 2014, following many of the iTaxiworkers' demands, Toronto City Council sanctioned a new taxi bylaw that pulled the carpet from under the existing taxi industry structure and its highly exploitative "lease system", which had been the object of driver struggles for decades (for an overview, see Sundar 2012:113–122; Tucker 2018:369–377). Sajid Mughal, president of the iTaxiworkers at the time, called the reform a "historic moment, when the industry is back in the hands of the people who are working 12 hours a day. The drivers have the industry back in their hands" (quoted in Dale 2014). The taxi industry in their hands, the ground beneath drivers' feet, however, was already shifting.

Undisturbed, as explored above, by any serious intervention by the Ontario government, Uber launched its UberX app variant in Toronto in September 2014, only seven months after the taxi reform. The release of UberX made it infinitely more difficult for the iTaxiworkers to make their demands heard among a driver cohort that was growing explosively due to the steady influx of non-professional, often part-time drivers. Hence, Toronto's number of registered (if certainly not always active) Uber drivers spiralled from about 15,000 in 2016 to more than 70,000 in 2018 (City of Toronto 2016:24). Part-time drivers shared neither the same professional ethos as the iTaxiworkers nor their interest in entrenched labour struggles (Rosenblat 2018:49–72). In parallel, and not least due to its heavily underpriced early fares, Uber also became hugely popular with customers.⁶ Hence, between September 2016 and September 2018, ridehail trips in Toronto almost tripled from 62,000 to 176,000 per day (City of Toronto 2019:3). Uber's success both with drivers and customers meant that the window of opportunity that had existed between March 2012 (Uber's first arrival in Toronto) and September 2014 (the local launch of UberX) had closed. The efforts of the iTaxiworkers came to an abrupt halt. As one of the iTaxiworkers' frontline driver-organisers despondently summarised the short-lived success of the 2014 taxi reform: "Unfortunately when we achieved our goal, that big hammer of Uber came and that killed the entire movement, the entire achievement of our ten, 15 years" (Interview, Farzad, taxi driver). Drivers had won a battle against local taxi capital, yet it became increasingly clear that they had lost the war against Uber.

It is unlikely that a stronger driver movement could have fully halted Uber in Toronto. Yet, a side-glance to New York City demonstrates that robust worker power can make a difference. In NYC, Uber has faced heavy resistance from the battle-tested New York Taxi Workers Alliance (NYTWA) (Mathew 2008). Counting more than 10,000 members (as opposed to the 1,000 members of the iTaxiworkers in Toronto), the NYTWA was not only able to force through a local minimum

wage for Uber and Lyft drivers, but it also successfully pushed for a cap that limits the number of ridehail drivers in the city (Wolf 2019). On the one hand, a limited number of drivers counteracts a situation in which a constant oversupply of drivers diminishes earnings for each individual driver. On the other hand, a driver cap makes it easier for local unions to organise drivers; a process that becomes exponentially more difficult, if the number of drivers is left to grow unrestrictedly—as is the case in Toronto. The NYC case puts into even starker relief, therefore, the fateful, variously state-facilitated lack of worker power in Toronto's taxi industry (Sundar 2012; Valverde 2018).

Nevertheless, signs of labour recomposition in the gig economy are emerging both in Toronto and elsewhere. Particularly, struggles around the classification of ridehail drivers as either “independent contractors” (Uber's preferred status) or as full employees have been prominent (Aloisi 2016; Rosenblat 2018:155–156; Speta 2021:49–51). Toronto is no exception to this rule. In 2017, David Heller, a Toronto-based Uber Eats driver, initiated a lawsuit against Uber that demanded the recognition of drivers as full employees of Uber. As such, drivers would be entitled to minimum wages, overtime and vacation pay, and other basic labour rights guaranteed under Ontario's Employment Standards Act (Lewis 2017). After year-long legal skirmishes between Uber and Heller involving various Ontarian courts, Canada's Supreme Court eventually ruled in June 2020 that Uber's arbitration practice—a procedure that circumvented Ontarian labour laws via a costly arbitration process in the Netherlands—was unconscionable. While the independent-contractor status of Ontario's ridehail drivers has remained unchanged since then (Deschamps 2021), the Supreme Court's ruling paved the way for Heller's class-action lawsuit to proceed through Ontario's court system (Mojtehdzadeh 2020). If successful, the Heller vs. Uber case could substantially shift the balance of power between capital and labour in Toronto's gig economy.

At the same time, Uber is willing to invest heavily into such re-regulatory battles. Confronted with the threat of having its local drivers reclassified as employees through the State of California's Assembly Bill 5 (AB5) initiative in 2019, Uber's first response was to tweak its algorithmic management system in the state. While its dispatch system, much to the disadvantage of drivers, usually operates on the principle of “blind acceptance” (Rosenblat and Stark 2016:3762–3763), Uber allowed Californian drivers to view passengers' destinations before accepting trips, including the opportunity “to see how much they will earn from rides and ... to reject ones that don't seem worthwhile” (Kerr 2020). Uber, in short, strategically loosened its algorithmic control over drivers, in order to win drivers' support and bolster its argument for the continuing classification of drivers as independent contractors. Moreover, Uber teamed up with Lyft and DoorDash to launch Proposition 22 (Prop 22), a ballot initiative foreseeing the exclusion of ridehail and food-delivery drivers from employee status and worker rights provided under AB5 (Chen and Padin 2021). Spending more than US\$200 million on a massive, sometimes clearly misleading media campaign, Uber and its corporate allies were able to win the support of drivers and pass Prop 22 in November 2020. Nevertheless, the classificatory status of Californian ridehail drivers remains in limbo. After a lower Californian court declared Prop 22

unconstitutional due to its infringement on the state's regulatory powers, it is currently expected that California's Supreme Court will have the final say on the matter (Hussain 2022).

The cases of Toronto, NYC, and California throw illuminating spotlights onto the deeply contested nature of labour regulation, worker power, and state competitiveness in North America's constantly evolving gig economies. As earlier cycles of struggle in Toronto's taxi industry suggest, today's ridehail drivers are not only up against a ruthless Silicon Valley company; they also face local and regional competition states that have their own vested interest in the suppression of driver rights on the one hand and the facilitation of Uber's business on their economic homelands on the other.

The Tech-Infatuated Smart State: Enter the Uber Mayor

Beyond provincial non-interventionism and lacking worker power, the regulated deregulation of Toronto's taxi industry was further shaped by the city's emerging ambitions to establish itself as a globally leading "smart city". Such tendencies first surfaced on the same day that MLS director Tracey Cook announced the city's court injunction against Uber—on 18 November 2014. For it was only a few hours after Cook's press conference that designated Mayor John Tory took to the microphones himself. In a remarkable rebuke of his own staff, Tory—former chief executive of Canadian media giant Rogers' broadband division (Boudreau et al. 2009:201)—made a statement that left little doubt as to the decided pro-Uber stance of his coming legislature: "I just think we use what I'll call old-fashioned methods like court cases ... when in fact these kinds of technological changes are here to stay" (Tory, quoted in CBC News 2014). The compressed version of Tory's announcement was as simple in its rhetoric as momentous in its politics: *Uber is here to stay*. It was in terms of this motto that Tory, only days after the city had lost its injunction case against Uber, proclaimed the start of a new round of taxi regulation reform. This time, it was to include Uber (Lu 2015).

Tory's pro-Uber intervention dovetailed neatly with the open secret of his early administration. Tory's ambition, as the former entrepreneur turned politician liked to stress, was to "establish Toronto as a leader in running a truly smart city" (Tory, quoted in Hardy 2015b). Similarly tech-prone statements by the new Toronto mayor were no rarity: "I am pushing the city to be smarter because if you have a city that looks like it's in the 1960s you won't attract anything new ... I want this place to be the most friendly place in North America for startups and I think it can be" (Tory, quoted in Hardy 2015a). Greeting Uber's barefaced law evasion with acquiescent indulgence and declaring, in numerous statements and interviews (Nowak 2015a, 2015b), his determination to provide footloose tech capital with a welcoming homestead in soon-to-be-realised "Smart City TO", Tory made the question of how Uber should be regulated one of the early test cases of his new urban agenda (Keil 2017).

Tory's tech ambitions coincided with a broader, even regional shift in the economic development strategy of the GTHA (Wachsmuth and Kilfoil 2021). Starting in mid-2015, various local and supra-local advocates, describing themselves as

“an informal group of technology entrepreneurs, thought leaders, and academics” (McKinsey & Co. 2016), launched a series of articles in Canada’s biggest national newspaper, *The Globe and Mail*. Under the banner of the Toronto–Waterloo Innovation Corridor (TWIC), these articles aggressively promoted the GTHA as a newly emerging hotspot for global tech investment (Kelleher and McGee 2016; Klugman and Lynch 2015; Macklem et al. 2015). Among the authors were John Kelleher, business advisor at McKinsey and co-chair of the start-up accelerator NextCanada, Ian Klugman, CEO of the region of Waterloo’s public-private start-up hub Communitech, and Kevin Lynch, vice-chair of the Bank of Montreal (Communitech 2016). In all of their articles, the promoters of the TWIC presented the creation of a technology supercluster between Toronto and the Kitchener–Waterloo area—the latter located about 100 km west of downtown Toronto—as a powerful driver of future economic growth and foreign investment. Uber, as goes without saying, was a perfect fit for such an endeavour.

The TWIC agenda was strongly supported by Tory. In a piece co-authored with the Mayor of Kitchener, Berry Vrbancovic, Tory not only praised the TWIC as the key to the region’s future economic development, but also made it clear that regulatory red tape would not be allowed to hamper its future success: “we must start talking about regulatory reform as economic innovation. We can’t claim to be innovation-friendly while banning technology companies that are disrupting transportation” (Tory and Vrbancovic 2016). While avoiding explicit reference to Uber, the statement—made only weeks before Toronto City Council’s decisive vote on Uber—was indicative of how the smart city aspirations of Tory provided Uber with a powerful political lever in the midst of the re-regulatory process.

Uber made use of this lever in two distinct ways. First of all, the ridehail giant repeatedly foregrounded its beneficial role for urban investment and economic growth in Toronto (Rosenblat 2018:73–106; Shearmur and Wachsmuth 2019). Couched in a language of technological progress, innovation, and urban smartification (Uber 2015a, 2016b, 2016c, 2016d), Uber’s image campaign in Toronto linked the question of a regulatory reform of the taxi industry to Toronto’s broader smart city aspirations. Nowhere was this more visible than in the repeated deployment of the two-word neologism “smart regulations”, which made frequent appearances in Uber’s local image campaign (Uber 2015b). As Ian Black, then head of Uber Canada, put it: “This is a positive campaign about what can be achieved with smart, progressive regulations for this new industry” (Uber 2016a). Regulation, according to Uber, had to follow innovation, not vice versa.

Second, the smart city ambitions of local elites and the apparent tech-infatuation of Mayor Tory allowed Uber to effectively leverage yet another vital ingredient of corporate smart city thinking: tech-powered solutionism. A vital ingredient of the broader smart city discourse (Alvarez León and Rosen 2020; Sadowski and Bendor 2019), solutionism can be defined, in Evgeny Morozov’s (2013:5) words, as a technology-driven “will to improve” that recasts “all complex social situations ... as neatly defined problems with definite, computable solutions”. In line with this ideal, Uber presented itself in Toronto as the globally acknowledged, tech-powered problem solver of local urban malaises—most of all,

Toronto's chronic problem of road congestion (Keil and Young 2008). UberPool, a sub-variant of UberX that allows passengers to share their trips with strangers headed to similar directions, provided a particularly effective vehicle in this regard. Released in Toronto in January 2016 (Uber 2016a), UberPool was not only used to set Uber apart from the taxi industry and its "old ways" anchored in 20th-century pollution, traffic jams, and individual car ownership (Rider 2015), but also to present Uber's business model as the 21st-century answer to such evils. "The future of Toronto", as an Uber Newsroom publication boldly stated, "threatens to be one of constant congestion and gridlock as the city continues to grow up and out. As a technology company, we are developing a solution that can solve this: on-demand carpooling" (Uber 2015b). Whatever the actual substance of such promises,⁷ Uber's solutionist rhetoric fell on sympathetic ears among Toronto's political elites.

And even if it did not, Uber knew how to make its message heard. Launching one of the most massive lobbying campaigns ever witnessed at Toronto City Hall, Uber arranged myriad personal meetings, calls, and emails between Uber officials on the one hand and city councillors and their staff on the other (Valverde 2018:202). Most of all, however, it was the quality of contacts that stood out. In early 2015, Uber hired Nick Kouvalis and John Duffy, two former members of Mayor Tory's 2014 campaign team (Jepson 2016). While Kouvalis was the mastermind behind several successful mayoral campaigns of the Progressive Conservative Party, including those of Tory (in 2014 and 2018) and his predecessor Rob Ford (in 2010), Duffy was one of the architects of the SmartTrack transit plan of Tory's 2014 campaign. While some city councillors opposed Uber's legalisation in Toronto, the company's close ties to the mayor's office, combined with its massive lobbying campaign, made sure that Uber's message was finding its receivers at city hall: while formally separate, state and capital—in Tory's office—worked hand in hand to consolidate Uber's newly dominant position in Toronto.

Crafting a Legal Framework for Uber

What Toronto City Council sanctioned in the late evening of 3 May 2016 was a regulatory framework that was an almost perfect fit for Uber (Valverde 2018). First, the new bylaw was largely modelled after the affordances and requirements of Uber's platform and, as such, marked by an overall *deregulatory* impetus. Most of all, this deregulatory impulse surfaced in the complete abolishment of driver training, which had been mandatory for taxi drivers prior to Uber and was now declared obsolete for both taxi and ridehail drivers.⁸ Secondly, overall deregulation went hand in hand with internal gradation. Hence, Toronto City Council introduced two licence categories, one for taxis and one for Uber. These licence categories were not on even ground, but tilted towards Uber's side: due to different insurance schemes, the absence of lease payments and upfront dispatch rates as well as laxer security restrictions, the operational costs for UberX drivers were substantially lower than those for taxi drivers—a clear competitive advantage for Uber (see Table 1).

Table 1: Regulations sanctioned by Toronto City Council in May 2016 (source: City of Toronto 2016:28–29; Sribaskaran and MacEachen 2018:31–33; Valverde 2018:214–215). Note the differences between the taxicab and PTC regulations in both columns. The regulations were updated on 1 January 2020, when the city, among other measures, introduced mandatory driver training for all drivers (City of Toronto 2020).

	Taxis	Private Transportation Companies (PTCs): Uber / Lyft
Number of vehicles permitted	<ul style="list-style-type: none">• Restricted issuance of licences through city	<ul style="list-style-type: none">• No limit on number of vehicles/drivers
Public access to service	<ul style="list-style-type: none">• Street-hail, cabstand or booked through brokerage	<ul style="list-style-type: none">• Must be booked through app (i.e. no street hails)
Fares	<ul style="list-style-type: none">• Reduction of base fare from \$4.25 to \$3.25• For street-hails and cabstand rides: Base fare plus metered fare• For rides booked through a brokerage dispatch system: brokerage is free to charge at will after base fare (i.e. it can use ‘surge pricing’)	<ul style="list-style-type: none">• Increase of base fare from \$2.50 to \$3.25• After the base fare, the PTC is free to charge at will (i.e. it can use ‘surge pricing’)
Driver sign-up and screening procedure	<ul style="list-style-type: none">• City-mandated licencing procedure	<ul style="list-style-type: none">• Driver sign-up via app• Background check conducted by PTC itself
Driver Training	<ul style="list-style-type: none">• Elimination of 17-day mandatory training that included defensive driving, conflict management, anti-discrimination training• Exception: Accessible taxicabs (retrofitted for wheelchair use)	<ul style="list-style-type: none">• No mandatory training
Vehicle Age	<ul style="list-style-type: none">• Maximum age of 7 model years	<ul style="list-style-type: none">• Maximum age of 7 model years
Vehicle Requirements	<ul style="list-style-type: none">• Vehicle must have roof light, taxi-meter, camera	<ul style="list-style-type: none">• No requirements for roof light, taximeter or camera
Mechanical inspections	<ul style="list-style-type: none">• Two inspections per year• Inspections conducted by the city itself	<ul style="list-style-type: none">• One inspection per year• Inspection conducted by any workshop
Safety measures	<ul style="list-style-type: none">• Elimination of required winter tires• Elimination of CPR course	<ul style="list-style-type: none">• No regulation
Vehicle insurance coverage	<ul style="list-style-type: none">• \$2 million coverage	<ul style="list-style-type: none">• \$2 million coverage

Overall, Uber was the supreme profiteer of the new framework (Tucker 2018; Valverde 2016). While the new regulations entailed certain constraints on Uber’s local operations—the basic fare of UberX was raised from CAN \$2.50 to \$3.25;

one-off background checks on Uber drivers (conducted not by the city, but a third-party provider) became mandatory, as did annual mechanical inspections of cars (Valverde 2018:214–215)—they also turbocharged the now fully legal development of Uber's business in Toronto. Most importantly, the new bylaw not only classified drivers as independent contractors; it also kept registration requirements for new drivers to a bare minimum. Further, the new bylaw permitted the registration of an unlimited number of drivers, which enabled Uber to maintain its fast-paced labour turnover (Rosenblat 2018:72, 177). Taxi drivers, meanwhile, not only had to accept Uber as the newly dominant player in “their” industry, but also had to swallow the full re-installment of the taxi plate system, which they had fought against for decades.

Interestingly, Toronto's two-tiered regulatory framework has partly translated into a new, racialised fault line between stigmatised taxi drivers on the one hand and a more positive perception of Uber drivers on the other (Phung et al. 2021). While immigrant labour is equally prevalent in Toronto's taxi and ridehail sectors (Jeon et al. 2019:20; Peticca-Harris et al. 2020), ridehail drivers' perception in the public eye appears to be “less racialised” and, as a consequence, more positive. This, then, points to a pressing need to take into account the various stratifications—of race, citizenship, gender, and more—within emerging taxi-cum-ridehail labour forces (Hua and Ray 2018) and to systematically integrate struggles for the reclassification of drivers as employees into broader campaigns for migration and social welfare rights (Van Doorn et al. 2022) in the context of a fast evolving “racial platform capitalism” (Gebrial 2022).

Conclusion: Uber, Disruption, and the State

This paper started out from a problematisation of proliferating “narratives of disruption” in the context of early North American Uberisation. Aiming to develop a more nuanced understanding of the neoliberal state's active involvement in “disruptive Uberisation”, I harnessed Aalbers' (2016) notion of regulated deregulation as an alternative analytical starting point. As I argued, it was the three state spatial strategies of the common-sense neoliberal state (Keil 2002), the labour-averse competition state (Peck 1996), and the tech-infatuated smart state (Alvarez León and Rosen 2020) that fundamentally enabled and variously paved the way for the regulated deregulation of Toronto's taxi-cum-ridehail industry and the rise of platformisation in a more general sense. What became visible from the combined viewpoint of the Toronto case and the other North American examples drawn on in this article is the state's heavy involvement in creating those deeply neoliberalised, state-competitive, and tech-oriented socio-spatial “grounds” that made possible Uber's disruptive operations in the very first place. Seen from this angle, then, “the” neoliberal city was never really disrupted by Uber; it was, in many ways, exactly built for its own disruption.

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Data Availability Statement

Research data are not shared.

Endnotes

- 1 Lyft is Uber's closest North American competitor (Rosenblat 2018:217–220).
- 2 PTC stands for Private Transportation Company and, used mostly in the Canadian context, refers to companies such as Uber or Lyft. The US equivalent is TNC: Transport Network Company.
- 3 Within North American taxi industries, so-called (taxi) brokerages function as important industrial “middlemen” between drivers and owners (possessors of city-issued taxi licences, so-called taxi “medallions” or “plates”). Most importantly in terms of the court case in Toronto, it is brokerages that offer the all-important dispatch service: passengers requesting a ride call a brokerage that assigns the trip to one of its drivers (for more extensive discussions, see Mathew 2008:64–68, 92–104; Sundar 2012:120).
- 4 For a more extensive discussion of the GTHA as a relatively new regional marker in the Toronto city region, see Keil and Addie (2017:105–106).
- 5 While I was not able to find verified statistics on the gender composition of Toronto's taxi workforce, on a national scale male taxi drivers make up 91.3% of Canada's overall driver “cohort”, a number rising to even 97.5% among immigrant drivers (Xu 2012:3). It is fair to assume that the Toronto taxi industry is within close reach of these numbers.
- 6 Unfortunately, there are no official numbers on Uber's early uptake in Toronto. An extensive report prepared by the City of Toronto (2019) only provides detailed analyses of Uber's and Lyft's use in Toronto for the years between 2016 and 2018.
- 7 A comprehensive study commissioned by the City of Toronto (2019) has shown strong traffic increases through PTCs, particularly in Toronto's downtown core.
- 8 Note that regulations changed again on 1 January 2020 when the city (re-)introduced mandatory driver training for all taxi, limousine, and PTC drivers. Other measures included the introduction of a minimum driving experience of three years for drivers and the introduction of a data collection programme. For an overview of the updated regulations, see City of Toronto (2020).

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