

Counterproductive work behaviour by drivers of platform based cab aggregators in India: a human rights perspective

Surya Prakash Pati
Assistant Professor
Human Resource Management Group
IIM Kozhikode

Email: spp@iimk.ac.in

Manoranjan Dhal
Associate Professor
Human Resource Management Group
IIM Kozhikode

Email: manoranjan@iimk.ac.in

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Cab Aggregators

- Face of Industry 4.0
- “Uber has been there for one and all”¹
- “Uber is changing the way this city moves”²
- Ola has a car for every occasion, cabs for every pocket”³
- What aggregators claim?
 - They bring security and certainty to rides thanks to GPS
 - Algorithm based fare calculation makes the process market driven, dynamic, rational and scientific
 - Making drivers “entrepreneurs”. Uber calls them “driver partners”, while Ola calls them “micro-entrepreneurs”

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1. C. Sharma, “Aggregators, driver-partners and the State: Administrative and Legal Conundrum,” *Economic and Political Weekly*, 54, no . 46 (2019): 55 – 61
 2. Sharma, “Aggregators, driver-partners and the State: Administrative and Legal Conundrum”
 3. Sharma, “Aggregators, driver-partners and the State: Administrative and Legal Conundrum”

'Unexpected' customer experience

outlookindia.com/topic/Ola-Uber-Driver-Cases-Of-Misconduct/104898

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Mumbai Journalist Alleges Assault By Fellow Rider In Uber Cab, Complaint Registered
The journalist said when she tried to reason with the woman, the latter abused her "racially" over her looks and physically assaulted her in the car.
JUN 26, 2018 | OUTLOOK WEB BUREAU

Woman Allegedly Forced To Strip, Pose For Pics By Ola Driver
According to the First Information Report, the woman, a native of Mangaluru who worked as an architect here, had booked the cab on June 1 night and left for the airport.
JUN 06, 2018 | OUTLOOK WEB BUREAU

Mumbai: Ola Driver Arrested For Molesting Woman Passenger
MAY 23, 2018 | OUTLOOK WEB BUREAU

'Cancelled Ola Ride Because Driver Was A Muslim,' Brags 'VHP' Man, Followed By Union Ministers, On Twitter
Ola reacted to it saying the company does not subscribe to the views of individuals who want to create disharmony by using its platform.
APR 22, 2018 | OUTLOOK WEB BUREAU

Delhi: Uber Driver Arrested For Masturbating While Ferrying 40-Year-Old Woman Passenger
APR 18, 2018 | OUTLOOK WEB BUREAU

After Argument, Ola Cabbie Drives With Passenger On Bonnet At Delhi's IGI Airport, Arrested

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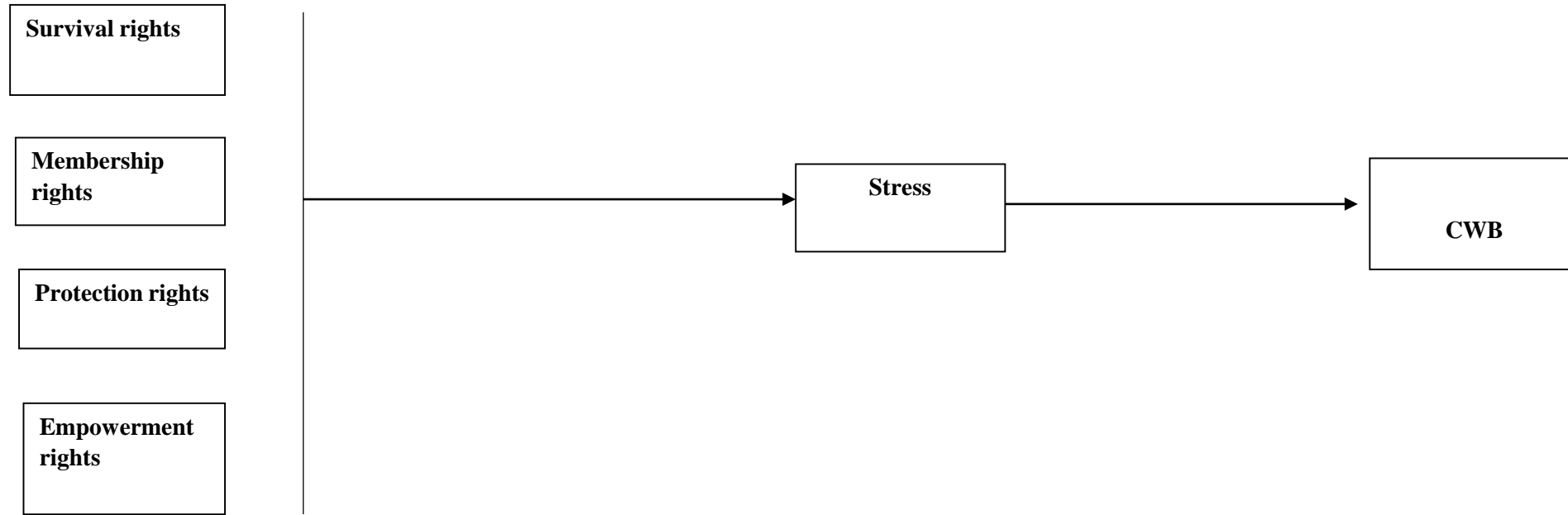
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Windows
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6:29 AM
1/18/2020

Note: The above image is an internet search by the authors.

Why these negative experiences? – Our Theory



Human Rights ⁴

4. J. Donnelly and R. E. Howard, “Assessing National Human Rights Performance: A Theoretical Framework” *Human Rights Quarterly*, 10(1988): 214 – 248

Research Question

- RQ: *What are the human rights violations experienced by the drivers partnering with platform-based taxi aggregators?*

Methodology and Analysis

- Qualitative research methodology
- Studied four strikes (March 2017, January 2018, June 2018, and October 2018, where the drivers working with the cab aggregators participated in Chennai).
- Strikes covered in detail in “*Thozhilalar Koodam*”, a media website dedicated to the cause of the working class.
- We studied the report very carefully, identified and then classified every event/experience/incident to one of the human rights violation through consensus

Results (Representative Quotes)

S. No.	Human Right violations	Themes	Representative Quote/Instance
1.	Violation of survival rights	Longer hours of work bringing about health problems and keeping them away from family	<i>"Rs 1000-Rs 1500 per day, they would have to spend almost 14 hours on the road".</i>
		Increase in debt rather than income	<i>"Onions are priced at Rs. 50 per kilo today and we are driving our cab for Rs. 6 per km. How does this make sense? Do customers not wonder how we eat and live? We may as well change our work from Call Taxi to Free Taxi".</i>

Results (Representative Quotes)

S. No.	Human Right violations	Themes	Representative Quote/Instance
2.	Violation of membership rights	Drivers, although labelled as “partners”, could not approach management	They feel unwelcome whenever they visit to one of the company's offices, which they liken to a <i>"prison complex"</i> with an <i>"intimidating atmosphere"</i> .
		Discrimination between drivers in distribution of opportunities for work	<i>"the drivers of leased cars [get] longer rides, while car owners are given shorter rides"</i>

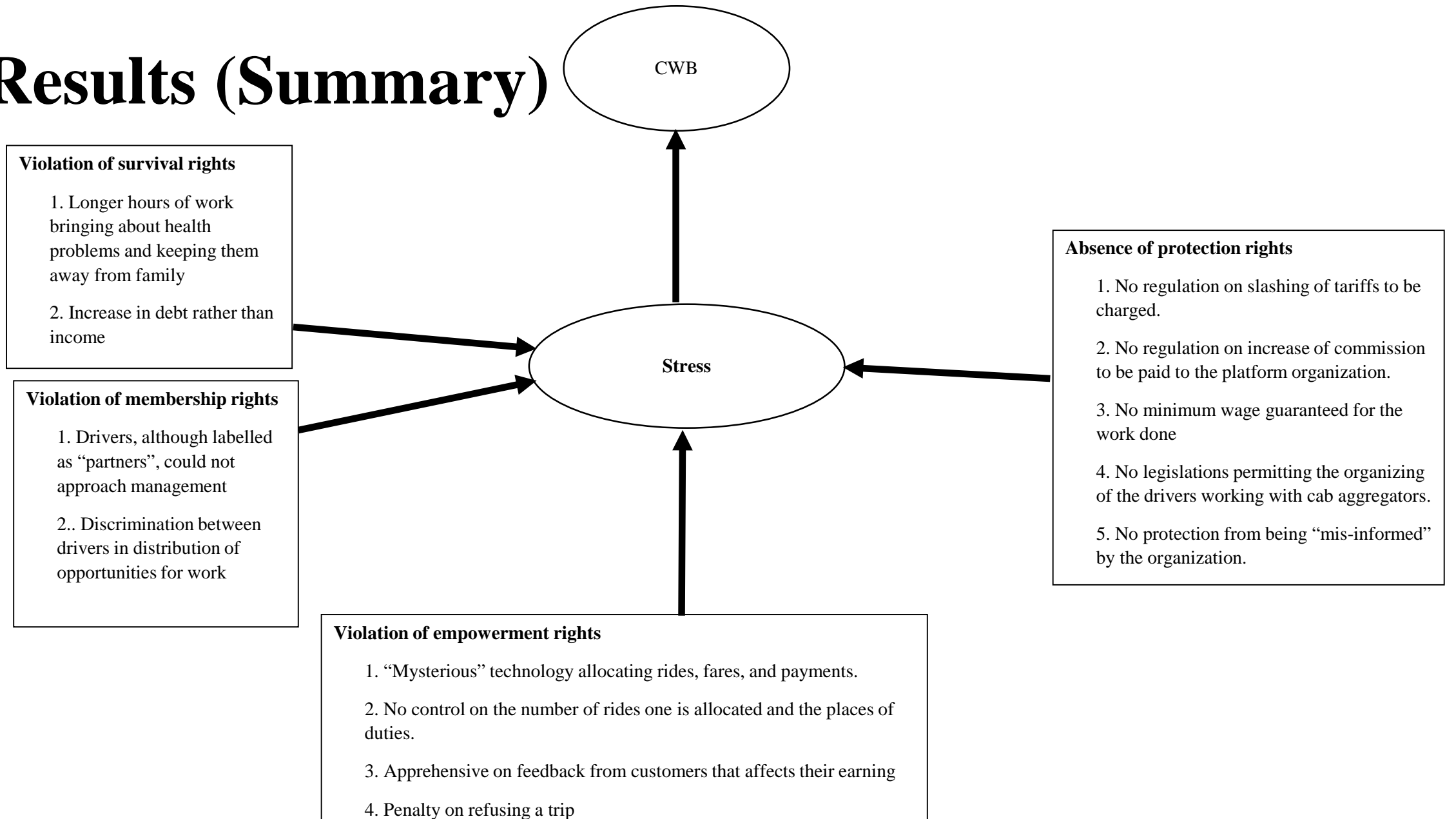
Results (Representative Quotes)

S. No.	Human Right violations	Themes	Representative Quote/Instance
3.	Violation of empowerment rights	“Mysterious” technology allocating rides, fares, and payments.	[Every significant activity in the business like] <i>"payment, ride allocation, etc. are decided unilaterally by the company using technology"</i>
		No control on the number of rides one is allocated and the places of duties.	<i>"I waited hoping that I will be assigned the last trip [to meet the target post which an incentive would be paid] but it never came and the deadline was over".</i>
		Apprehensive on feedback from customers that affects their earningdrivers are apprehensive that customers may rate them thoughtlessly, which may affect the number of rides assigned to them.
		Penalty on refusing a trip	

Results (Representative Quotes)

S. No.	Human Right violations	Themes	Representative Quote/Instance
4.	Absence of protection rights	No regulation on slashing of tariff to be charged	During the strikes of 2018, the fare offered was just Rs. 6 per kilometer while the Government-mandated minimum rate for the autorickshaws was Rs. 12 per kilometer.
		.No minimum wage guaranteed for the work done	
		No regulation on increase of commission to be paid to the platform organization	the commission charged by the cab aggregators is only climbing north.
		No legislations permitting the organizing of the drivers working with cab aggregators	the police arrested the protestors and <i>"detained them for couple of hours at a marriage hall in Pudukpet"</i> .
		No protection from being "mis-informed" by the organization.	Even a few claimed to have seen advertisements in newspapers <i>"claiming that we could make Rs 50000 or more per month"....but.... they were "struggling to make even Rs. 15000 per month"</i>

Results (Summary)



Contribution to theory

- Validated the previous findings
- Provided an overarching framework of human rights to aggregate past and future research
- Argued a theoretical link between counterproductive work behavior and human rights violations based on social exchange theory.

Contribution to practice

- Provide a legal definition to platform workers and recognize them as employees⁵
- Platform organization may design a growth plan for their drivers.

5. The Parliament of India recently reformed the labor laws in interest of ease of doing business. It classified 29 existing Central labor laws to four labor codes – The Wage Code (2019); The Industrial Relations Code (2020); the Occupational Safety, Health and Working Conditions Code (2020); and the Code on Social Security (2020). Only the Code on Social Security (2020) includes the phrase “platform work”. It is defined as “a work arrangement outside of a traditional employer employee relationship in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services or any such other activities”. The Code on Social Security (2020) assures that the Central Government would formulate and notify social security schemes specific to platform workers. Specifically, the schemes would cover the worker's life and disability, would provide insurance against accidents, assure health and maternity benefits (including crèche), as well as provide for old age protection. Platform workers are still excluded from other codes, especially from the Code of Wages and The Industrial Relations Code. This jeopardizes their right to organize and to secure a minimum wage.

!! THANK YOU !!