



**A Report to**

# Uber Technologies, Inc.

On Its Efforts To Promote Civil Rights,  
Diversity, Equity, and Inclusion

August 2023

**COVINGTON**

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## Contents

<b>I.</b>	<b>Executive Summary .....</b>	<b>1</b>
<b>II.</b>	<b>Introduction .....</b>	<b>4</b>
<b>III.</b>	<b>Scope and Methodology .....</b>	<b>4</b>
<b>IV.</b>	<b>Background .....</b>	<b>5</b>
	A. About Uber .....	5
	B. The Rideshare Industry, Civil Rights, and DEI .....	5
<b>V.</b>	<b>Assessment of Uber’s Efforts to Promote Civil Rights and Diversity, Equity, and Inclusion .....</b>	<b>7</b>
	A. Leadership and Accountability .....	7
	1. Leadership .....	7
	2. Accountability .....	9
	B. Products and Platform .....	12
	1. Fairness .....	12
	2. Privacy .....	18
	3. Accessibility .....	22
	4. Safety .....	24
	5. Driver Initiatives .....	31
	C. Corporate Workforce .....	37
	1. Policies and Procedures .....	37
	2. Complaints and Investigations .....	40
	3. Trainings .....	43
	4. Talent Acquisition and Management .....	44
	5. Compensation and Benefits .....	49
	6. Employee Resource Groups .....	50
	D. Community Initiatives .....	52
	1. Supplier Diversity .....	52
	2. Community Engagement and External Partnerships .....	54

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*This report reflects the views of the assessment team, which relied on data and representations provided by Uber’s management, employees, and third parties, some of which the assessment team was not able to confirm independently. The assessment team did not investigate specific allegations regarding potential legal, regulatory, or policy violations, or audit Uber’s financial statements. The material in this report is intended for informational purposes only, and does not constitute investment advice, a recommendation, or an offer or solicitation to purchase or sell any securities or other financial investments to any person in any jurisdiction in which an offer, solicitation, purchase, or sale would be unlawful under the securities laws of such jurisdiction.*

## I. Executive Summary

Since hiring Dara Khosrowshahi as CEO in 2017, Uber has focused on building a strong company culture. The company has revamped its mission and values, hired its first Chief Diversity and Inclusion Officer (CDIO), published reports on the diversity of its workforce, and strengthened its employment policies and practices against discrimination, harassment, and retaliation. In 2020, in response to the murder of George Floyd and several other high-profile incidents of violence against Black Americans, Uber announced 15 long-term commitments to help advance racial equity as part of its efforts to become a “different and better company” and “a champion for equity, both inside and outside [the] company.”

Last fall, Uber took another step, and engaged Covington & Burling LLP to assess the company’s efforts to promote civil rights and diversity, equity, and inclusion (DEI) and to make recommendations for additional actions the company could take to achieve its civil rights and DEI objectives in the United States. Covington reviewed documents and data; interviewed each member of the company’s executive team and many internal subject-matter experts; convened roundtables with leaders of Uber’s employee resource groups (ERGs) and members of Uber Crew (drivers and couriers elected to represent those communities); held a listening session with national advocacy and civil rights organizations; and spoke with nonprofit organizations with which Uber partners. Based on this work, Covington concluded that Uber has taken significant steps to promote civil rights and DEI for all users on its U.S. mobility platform, in its corporate workforce, and in the communities it serves. Covington also identified additional steps the company could take to achieve these objectives.

Covington organized the results of its assessment in four categories: (i) leadership and accountability; (ii) products and platform; (iii) corporate workforce; and (iv) community initiatives. Covington’s observations and recommendations in each area are summarized below.

**Leadership and Accountability.** Uber’s executive leadership has undertaken a range of activities to promote civil rights and DEI and has established a variety of accountability mechanisms to help ensure that the company lives up to its civil rights and DEI commitments. As one example, a portion of the compensation of each member of the company’s Executive Leadership Team (ELT) is tied to the company’s goals related to DEI, safety, and driver and courier satisfaction. To maintain its position as a leader among rideshare companies with respect to these issues, Uber should continue its focus on embedding accountability for the company’s civil rights and DEI objectives, including potentially through the use of executive compensation and other tools. Uber should also consider consolidating responsibility and oversight for the company’s external and internal civil rights and diversity, equity, and inclusion initiatives within a team or executive. In addition, Uber should continue the work it has undertaken since 2017 to build and strengthen partnerships with organizations in the civil rights community, and to leverage subject-matter expertise within that community as Uber continues to refine its practices and products to address emerging civil rights issues.

**Products and Platform.** Uber’s innovations in its platform technology have established the company as a leader in both the technology and transportation industries. Uber has leveraged a range of technologies to make ride-hailing more reliable, accessible, and equitable while providing benefits to both drivers and riders who use the platform. There is some risk, however, that this technology could perpetuate or reinforce biases or disparities or be used in discriminatory ways. To reduce this risk, Uber has focused its efforts in five key areas: fairness, privacy, accessibility, safety, and driver initiatives.

- **Fairness.** Uber has established teams with a mandate to promote fairness for all platform users. Going forward, Uber should streamline efforts to promote fairness and to mitigate bias on the platform by developing a central fairness strategy. The strategy should be grounded in principles of inclusion and informed by input from external stakeholders with expertise in civil rights, product equity, and algorithmic fairness. The company should also develop a risk-based standard operating procedure for evaluating products for potential bias prior to launch.
- **Privacy.** Uber has taken steps to give users more control over their data and to make its privacy policies more user friendly. Uber should build on these efforts by continuing to partner with leading experts to enhance its privacy program and practices—including the company’s treatment of personal data—and to align them with emerging best practices.
- **Accessibility.** Uber recently established a position focused on promoting accessibility on the mobility platform. Uber should continue to explore and develop product solutions to enhance accessibility, monitor existing products for accessibility issues, and provide drivers with accessibility-related resources. Uber’s accessibility strategy should be informed by input from users with disabilities and disability rights organizations.
- **Safety.** Even before the 2017 change in Uber’s leadership, the safety of riders and drivers on Uber’s platform was a priority for the company. Well before 2017, Uber established a Safety Advisory Board composed of external subject-matter experts and stakeholders to provide the company with input on Uber’s rider and driver safety initiatives, as well as safety-related enhancements to the platform itself. In 2019, Uber became the first rideshare company to publish a safety report describing the company’s strategic approach to promoting rider and driver safety and summarizing safety-related data. In the course of this work, Uber has engaged with hundreds of organizations—including organizations focused on women’s safety and crime prevention—to inform its approach. Leveraging its core strengths as a technology company, Uber has developed and implemented a series of app- and platform-based safety features. Consistent with its track record of innovation related to rider and driver safety, Uber should continue to evaluate opportunities to develop safety initiatives designed to address the needs of particular populations, including drivers and riders of color; continue to enhance safeguards in the driver deactivation process; continue to promote transparency by publishing safety data and information; and incorporate platform worker health and safety expertise into the work of the company’s Safety Advisory Board.
- **Driver Initiatives.** Uber has demonstrated a commitment to listening to drivers on the platform and addressing their needs, including with respect to the development of new platform features and providing information and support in instances when a driver is temporarily or permanently blocked from using the platform. Uber should continue to expand and refine the mechanisms it uses to engage with drivers and publish an update on the company’s corporate commitments in this area.

**Corporate Workforce.** Uber’s commitment to civil rights and DEI is reflected in the company’s policies, practices, and initiatives that promote a respectful, diverse, and inclusive workplace.

- **Policies and Procedures.** Uber has developed comprehensive equal employment opportunity (EEO) policies. The company should align its EEO policies with emerging best practices and ensure that employees understand how these policies relate to one another.

- **Complaints and Investigations.** Uber has a multifaceted complaints and investigations function for responding to employee concerns. The company should continue to invest in and examine novel solutions to employee issues, such as the company's Restorative Practices program for resolving employee disputes that do not rise to the level of policy violations.
- **Trainings.** Uber offers an array of trainings for employees at all levels of seniority. The company should continue to offer a robust set of workplace conduct trainings and encourage compliance with the mandatory workplace harassment and discrimination training requirement.
- **Talent Acquisition and Management.** Uber has developed a thoughtful approach to recruiting, evaluating, and promoting employees. Uber should build on its efforts to grow and cultivate a diverse workforce consistent with legal requirements and promote equal opportunity by expanding its target applicant pool to identify additional underrepresented talent in the recruiting process, particularly for technology roles. In addition, Uber should require anti-bias training for all managers making hiring decisions. Uber should also account for employees' contributions to DEI initiatives in employee performance reviews.
- **Compensation and Benefits.** Uber has established competitive and dynamic compensation and benefits offerings for its employees. To ensure that its compensation and benefits offerings are equitable and continue to meet the needs of its workforce, Uber should consider conducting a review of the company's benefits programs to understand the potential impacts of each benefit on attracting and retaining diverse talent, sustaining a culture of inclusion, and promoting the utilization of key benefits by all members of the workforce.
- **Employee Resource Groups.** Uber supports a dozen ERGs, open to all interested employees, to provide a sense of community for employees from a range of backgrounds at the company. The company should seek input from ERGs on new product designs to help ensure that the company's product-development process benefits from a range of perspectives about potential positive or adverse impacts.

**Community Initiatives.** Uber seeks to make a positive difference in communities in a number of ways, including by doing business with suppliers owned by people from a diverse range of backgrounds and engaging in meaningful partnerships with external organizations.

- **Supplier Diversity.** Established in 2021, Uber's supplier diversity program is designed to provide an equal playing field for those wanting to do business with Uber. The company should continue to scale the program and devote additional resources to support this effort.
- **Community Engagement and External Partnerships.** For several years, Uber has been committed to strengthening and supporting the communities it serves via social impact investments and partnerships and civic engagement initiatives. Uber should consider soliciting formal feedback from partner organizations to evaluate the effectiveness and quality of their partnerships with Uber and to identify areas for improvement.

## II. Introduction

In May 2022, Uber and SOC Investment Group (SOC) agreed that Uber would undertake a civil rights assessment, making Uber one of the first technology companies—and only rideshare company—to undertake such an assessment. The agreement between Uber and SOC stated that the assessment would focus on Uber’s U.S. mobility platform and that it would evaluate Uber’s efforts to promote civil rights and DEI in several key areas: Uber’s products and platform; its corporate workforce; and the communities the company serves. The agreement noted that the assessment should cover both what Uber was doing well and opportunities for improvement. Uber engaged former Attorney General Eric H. Holder, Jr. and a team from Covington & Burling LLP to conduct the assessment.

This report contains the results of Covington’s assessment of Uber’s efforts to promote civil rights and diversity, equity, and inclusion, as well as Covington’s recommendations for additional steps Uber could take to accomplish its civil rights and DEI-related objectives. The report begins with an explanation of the report’s scope and Covington’s methodology; background on the company and its approach to promoting civil rights and DEI; and background on the rideshare industry. The remainder of the report presents the results of Covington’s assessment in four sections: (i) leadership and accountability; (ii) products and platform; (iii) corporate workforce; and (iv) community initiatives. Each section includes Covington’s recommendations for steps Uber could take to accomplish its stated objectives with respect to each of these topics.

## III. Scope and Methodology

Uber and SOC agreed that the assessment would focus on Uber’s U.S. mobility platform<sup>1</sup> and three specific areas of Uber’s U.S. business: (i) its products and platform; (ii) its corporate workforce; and (iii) its broader community initiatives. Except where a different date is noted, this report describes Uber’s progress toward its civil rights and DEI objectives through March 2023.

To assess Uber’s efforts to promote civil rights and DEI and to identify opportunities for improvement, Covington:

- Interviewed each member of the company’s executive team.
- Interviewed more than 80 internal subject-matter experts across numerous functions and at various levels of seniority.
- Held roundtable discussions with leaders of Uber’s 12 ERGs.
- Held a roundtable discussion with members of Uber Crew—a group of more than 70 drivers and couriers who represent the drivers and couriers in their geographic regions.
- Facilitated a listening session between Uber, Covington, and national advocacy and civil rights organizations identified by Uber, SOC, and Covington.<sup>2</sup>
- Interviewed nonprofit organizations that have partnered with Uber on community initiatives.
- Reviewed documents and data received from Uber, including policies, procedures, and training materials.

- Reviewed publicly available documents, including Uber’s Environmental, Social, and Governance (ESG), People and Culture, and Safety reports, as well as public statements by and about Uber related to civil rights and DEI.

As Covington evaluated Uber’s efforts to promote civil rights and DEI, it kept in mind the nature of Uber’s business, including the regulatory constraints under which the company operates. As a technology platform company and provider of mobility products in the United States, Uber is subject to different and sometimes conflicting laws, rules, and regulations in the jurisdictions in which it operates, including a patchwork of state and local legal requirements related to operating mobility products, such as licensing, insurance, screening, and background check requirements.<sup>3</sup> In addition, Uber’s ability to collect and process user data is an important part of Uber’s business, and a number of U.S. and foreign regulators have proposed or adopted significant new data privacy regulations in recent years.<sup>4</sup> A growing number of U.S. states also have enacted privacy statutes that set forth requirements on how entities should collect, process, and transfer personal data. Lawmakers and regulators are also grappling with how emerging technologies should be designed and deployed to minimize the risk of bias and discrimination in the function and use of those technologies.

## **IV. Background**

### **A. About Uber**

Uber’s mobility platform connects riders with drivers who provide transportation using personal vehicles. Uber provides economy and premium ride options, including different types of cars and SUVs with a range of features.<sup>5</sup> Uber’s mobility platform also connects riders to micromobility options, such as scooters and bikes.<sup>6</sup>

Uber is the largest mobility platform in the United States. Riders and drivers can access Uber’s mobility platform in 265 cities across all 50 states, Washington, D.C., and Puerto Rico.<sup>7</sup> According to a *Bloomberg Second Measure* report, Uber has captured the majority of the U.S. rideshare market, taking in more than 70% of all U.S. rideshare spending.<sup>8</sup>

### **B. The Rideshare Industry, Civil Rights, and DEI**

Rideshare apps have transformed the landscape of individual transportation and independent work. A 2018 Pew Research Center survey indicated that more than one-third of U.S. adults had used rideshare services.<sup>9</sup> A 2021 study indicated that 5% of U.S. adults had worked as a driver on a rideshare app.<sup>10</sup>

Ridesharing has expanded mobility options—including for those who cannot afford a car, those without access to public transportation, and those who cannot drive—and resulted in personal benefits beyond increased mobility.<sup>11</sup> For example, one study concluded that ridesharing increased mobility in low-income Los Angeles neighborhoods where many residents lacked reliable access to cars.<sup>12</sup> Another study found that rideshare use by elderly users with chronic disease resulted in easier access to healthcare, increased social engagement, and improved quality of life.<sup>13</sup>

Ridesharing has also created opportunities for people to earn money outside of traditional, less flexible employment relationships.<sup>14</sup> Drivers on rideshare platforms can avoid barriers to entry associated with traditional employment such as waiting for a job opening, interviewing, and meeting prior experience or educational requirements. Research has found

that driving on a rideshare platform can also provide “flexibility in both setting a customized work schedule and also adjusting the schedule from week to week, day to day, and hour to hour.”<sup>15</sup> In Uber’s view, flexible platform work promotes DEI because it allows individuals who sometimes need additional flexibility—including parents, other caregivers, and individuals with certain disabilities—to work at the time and in the way that works best for them, and because it enables those in populations that have historically faced barriers to traditional employment—including women and people of color—to earn income without encountering those barriers.<sup>16</sup>

While the rideshare industry has expanded mobility and work opportunities, it—along with the broader technology sector—has faced criticism related to civil rights from some advocates. A summary of the concerns regarding this industry is below.

- **Accessibility.** Some disability rights advocates have urged rideshare companies to do more to provide accessible services to individuals with disabilities. Some advocates contend that rideshare drivers have refused rides to people with service animals, that some companies’ wait-time fee policies inadvertently impact riders with disabilities who need more time to enter a vehicle, and that some companies have not provided access to wheelchair-accessible transportation.<sup>17</sup>
- **Bias and Discrimination.** Some civil rights advocates and app users have raised concerns regarding the risk of bias and discrimination in the use of rideshare platforms.
  - **Algorithmic Bias.** Civil rights organizations and think tanks are increasingly scrutinizing the algorithms that support technology products and services for potentially biased and discriminatory outcomes.<sup>18</sup> Bias can result from algorithms that use unrepresentative, incomplete, or flawed data that reflect historical inequalities.<sup>19</sup> For example, some have alleged that the facial-recognition systems used by rideshare companies to verify the identities of drivers do not provide the same degree of accuracy for people with darker skin tones, compared to those with lighter skin tones.<sup>20</sup>
  - **App Features.** Some researchers, riders, and drivers have suggested that the design and function of certain in-app features permit rideshare users to perpetuate bias and discrimination. For example, one study found that allowing drivers to see a rider’s name or picture before or after accepting a trip resulted in higher cancellation rates and wait times for Black riders.<sup>21</sup> In addition, some drivers have suggested that the ratings they receive from riders following trips may reflect bias in addition to factors like safe driving, which could be particularly harmful for drivers who may be deactivated (removed from the platform) due to low ratings.<sup>22</sup>
- **User Safety.**
  - **Sexual Violence.** Some gender justice and anti-violence advocates have criticized rideshare companies for not doing enough to prevent or address sexual violence against female riders and drivers. Rideshare companies have also faced criticism for not sharing reports of sexual violence with law enforcement agencies.<sup>23</sup> However, several sexual assault survivor advocacy groups contend that the choice to report an assault should belong to the survivor and no one else.<sup>24</sup>
  - **Driver Safety.** Some workers’ rights advocates have asserted that driving on a rideshare platform poses dangers to drivers, especially drivers of color.<sup>25</sup> In addition, some workers’ rights advocates have criticized the safety data transparency efforts of rideshare companies, stating that their safety reports are “outdated” and “report on a narrow range of incidents” because they are based on data from prior years and



only include statistics on certain more serious incidents (motor vehicle crash fatalities, physical assault fatalities, and sexual assaults) but not statistics on other safety incidents, such as non-fatal physical assaults and robberies.<sup>26</sup>

- **Data Privacy, Monetization, and Surveillance.** Some data privacy advocates have suggested that technology companies collect and monetize data, including through targeted advertisements, in ways that may harm historically marginalized groups.<sup>27</sup> Concerns have been raised that rideshare companies may serve targeted advertisements based on destination data.<sup>28</sup> Civil rights organizations have also urged rideshare companies to increase transparency regarding how user data are shared with law enforcement because of concerns that certain data-sharing practices allow police to engage in harmful surveillance of people of color.<sup>29</sup>
- **Benefits and Protections for Drivers.** Some workers' rights advocates contend that classifying drivers as independent contractors rather than employees deprives them of benefits and protections they could receive, including minimum wage and unemployment insurance.<sup>30</sup> Some advocates have asserted that this might have a disparate impact on people of color because they are more likely to earn income through a rideshare platform.<sup>31</sup>

## V. **Assessment of Uber's Efforts to Promote Civil Rights and Diversity, Equity, and Inclusion**

As noted above, Covington's assessment of Uber's efforts to promote civil rights and DEI is divided into four categories: (i) leadership and accountability; (ii) products and platform; (iii) corporate workforce; and (iv) community initiatives.

### A. **Leadership and Accountability**

#### 1. **Leadership**

Uber's Executive Leadership Team (ELT) has responsibility for advancing the company's civil rights and DEI commitments and objectives, which are overseen by Uber's Board of Directors. Uber's Executive Leadership Team works collaboratively with Uber's Chief Diversity and Inclusion Officer (CDIO)<sup>32</sup> to set the company's civil rights objectives and DEI goals and to develop strategies to achieve them. Uber's Board of Directors receives regular updates about the company's civil rights and DEI objectives, monitors progress against these goals, and considers them (along with other factors) in succession planning and executive compensation.<sup>33</sup>

Uber seeks to ensure that the backgrounds of its leaders reflect the diversity represented by the company's employees and the communities of its platform users. The company's ELT is composed of 10 individuals,<sup>34</sup> six of whom are either women or underrepresented people (URP).<sup>35</sup> Uber considers U.S. employees to be members of an underrepresented population within Uber if they self-identify as Black or African American, Hispanic or Latino, American Indian or Alaska Native, Native Hawaiian or Other Pacific Islander, or two or more races because these demographic groups are underrepresented in Uber's workforce compared to the overall U.S. population.<sup>36</sup> Uber's Board of Directors has 10 members, including four women and three directors who identify as ethnic minorities.<sup>37</sup> The Nominating and Governance Committee of the Board conducts annual self-evaluations to assess the performance and effectiveness of the Board, and the evaluations include consideration of the diversity of the full Board.

Shortly after becoming the company's CEO in 2017, Dara Khosrowshahi established the role of Chief Diversity and Inclusion Officer in 2018.<sup>38</sup> The CDIO reports to the Chief People Officer—who is a member of the company's ELT—and works closely with the CEO and other ELT members. The CDIO is supported by more than 30 team members who help create and execute Uber's DEI strategy, including tracking and analyzing data to assess the diversity of Uber's workforce and overseeing initiatives related to workforce diversity, equity, and inclusion. The CDIO is responsible for developing and proposing goals, strategies, and initiatives to promote DEI at Uber, and the ELT determines which goals, strategies, and initiatives the company should pursue. Uber's CDIO is not specifically charged with promoting or safeguarding the civil rights of platform users, and Uber has not consolidated responsibility for driving progress on both Uber's internal and external civil rights and DEI objectives with a specific team or executive.

In addition to working with the CDIO to set the company's DEI strategy, Uber's ELT plays an important role in executing the strategy and participating in related initiatives. Each member of Uber's ELT is responsible for advancing DEI within their organization with the benefit of input and consultation from the CDIO. In addition, the ELT shares responsibility for advancing DEI goals across the company, including initiatives to increase leadership visibility of diverse talent and to better understand the experiences of URP employees at Uber. Uber's ELT members meet regularly with Uber's ERGs to hear directly from ERG members about the challenges they face in the workplace. ELT members serve as executive sponsors to the company's 12 ERGs and rotate periodically to enhance ELT visibility into the experiences of members of different ERGs. In addition, Uber's CEO holds at least one meeting with each ERG annually. ELT members also participate in Uber's sponsorship programs, which promote relationships between the company's senior leaders and high-potential members of the workforce (including women and URP) to coach, mentor, and support them. While the sponsorship program does not guarantee promotions, it has helped to increase visibility among leadership of Uber's diverse talent and has improved retention rates for participants. To encourage connection between Uber's leadership and URP employees who may become candidates for upcoming vacant roles, the ELT also hosts networking opportunities with URP talent.

Covington spoke with each member of Uber's ELT—including Uber's CEO—during the course of the assessment. Uber's ELT members are committed to achieving Uber's civil rights and DEI objectives, and they acknowledge that there is room for improvement, particularly with respect to increasing URP representation throughout the corporate workforce to ensure equal opportunity. Likewise, Uber's ELT is committed to sustaining the positive changes to company culture that have occurred during Dara Khosrowshahi's tenure as CEO and to driving additional progress on civil rights and DEI at Uber informed by the results of this assessment. Many members of the ELT maintain personal relationships with national advocacy and civil rights organizations, which reflects deep personal engagement in addition to institutional engagement with external organizations on civil rights and DEI issues.

During the assessment, Covington convened a listening session with 12 national advocacy and civil rights organizations to gain additional insight on external stakeholders' perspectives on Uber's efforts to advance civil rights and DEI. Uber leaders were present to hear direct feedback from participants, who represented a cross section of the civil rights community, including organizations focused on protecting the rights of Black, Asian American and Pacific Islander, and Hispanic people; LGBTQ+ individuals; and people with disabilities. Several participants credited Uber for the significant progress the company has made in recent years, highlighting Uber's efforts to improve rider safety, to provide drivers additional benefits

and support, and to enhance workforce DEI, including by offering managers anti-racism training. Participants also provided constructive feedback, including on algorithmic fairness, workplace DEI, and ESG. In particular, the representatives of civil rights and advocacy organizations urged Uber to:

- Increase transparency around the company's internal DEI strategy and progress, as well as company practices that affect the civil rights of platform users (such as those related to algorithmic fairness and data privacy).
- Support diverse communities by advocating against policies, regulations, and laws that might harm these communities.
- Assess the company's progress on achieving the company's civil rights and DEI goals, including through periodic internal and external updates regarding the recommendations included in this assessment.
- Promote the business case for conducting civil rights assessments and encourage other companies to undertake them.

## Recommendations

- **Consolidate responsibility for overseeing Uber's internal and external efforts to promote equity and fairness across its platform and its workplace.** The responsible team or executive would oversee and coordinate with teams that work on designing and producing equitable and fair products, as well as support the company's ongoing efforts to help ensure that products do not perpetuate bias or discrimination. The team or executive performing this role should have deep civil rights and social justice experience and directly report to an ELT member. Establishing a clear point of contact focused on the promotion of civil rights in Uber's products and workplace could also support enhanced engagement with the civil rights community.
- **Report periodically on Uber's progress against the recommendations in this assessment.** Periodically sharing progress updates will help Uber maintain momentum and provide external stakeholders with the information needed to hold Uber accountable.
- **Convene business leaders, civil rights leaders, policymakers, academics, and other stakeholders to discuss best practices for promoting civil rights and DEI in the technology and mobility industries.** Representatives of the civil rights community have encouraged Uber to share information about its practices related to civil rights and DEI, in part to help other companies undertake similar efforts. Convening thought leaders to discuss these issues could accelerate efforts to help businesses implement strategies to assess and improve civil rights and diversity, equity, and inclusion initiatives in the technology and mobility industries.

## 2. Accountability

Uber uses a range of mechanisms to encourage accountability for its stated commitments to civil rights and DEI, including (i) establishing annual companywide DEI goals; (ii) generating quarterly DEI reports for the ELT and business unit leaders; (iii) tying DEI goals to

ELT compensation; (iv) establishing and mobilizing the Racial Equity Leadership Council (RELC); and (iv) soliciting employee feedback through surveys and other means.

#### **a. Annual DEI Priorities**

Each year, Uber's DEI team creates and aligns on priorities to guide the company's DEI efforts. Based on a review of representation data across race and gender that identify shortfalls, these priorities have included increasing the representation and retention of women and URP talent overall and in leadership, sustaining the company's commitment to anti-racism, advancing equity across the company, understanding the company's diverse workforce better across multiple dimensions, and learning how to attract and retain diverse talent. The DEI team also develops strategic plans for each business unit with equitable representation goals to ensure equal opportunity. These goals are tailored and incremental. Uber's People Data and Analytics team sets the goals, including for women and URP representation, based on a number of market factors, including the diversity of the current Uber workforce and the projected talent pool for the particular business unit.

#### **b. Quarterly DEI Reports**

The DEI team generates quarterly reports for the Board, ELT, and business unit leaders. The ELT meets with the DEI team to review the reports, which include updates on progress toward companywide operational goals and the company's goals regarding DEI. The quarterly reports help the ELT assess trends and facilitate ELT review and approval of initiatives that target certain areas for improvement. For example, following a recent quarterly report reflecting difficulty attracting and retaining senior level URP diverse talent, the ELT asked the DEI team to facilitate recruiting events to identify and increase the URP applicant pool for senior talent within Uber. In addition to the quarterly reports to the ELT, members of Uber's DEI team meet at least quarterly with business leaders to review progress reports on and further develop team-level goals, strategies, and trainings relating to diversity, equity, and inclusion.

#### **c. Executive Compensation**

As part of their total compensation packages, members of Uber's ELT are eligible for annual performance-based restricted stock unit (PRSU) awards, which vest in three years, and annual cash-based bonuses. Achievement of various goals related to diversity, equity, and inclusion has been incorporated in both types of executive compensation. The relevant component of the PRSU award (12.5% of the 2020 award and 10% of the 2021 and 2022 awards) is tied to companywide representation goals to increase the proportion of women employees at the manager level and above to 35% in 2021 and 38% in 2022 and to increase the proportion of URP employees at the senior analyst level and above to 14% in 2021 and 15% in 2022. These goals were set following a review of available talent and demographic data that showed that, as of late 2019, fewer than one-third of directors or above were women and fewer than one-tenth of directors and above were URP employees.<sup>39</sup> Because the company made progress on the 2020–2022 goals but did not reach them, the company awarded the ELT 68% and 78% of the available PRSU payout for the women and URP-related goals, respectively. In 2021, five ELT members received cash bonuses based on individual goals relating to the completion of Uber's racial equity commitments, and in 2022 the company expanded the DEI cash bonus goals to all members of the ELT.<sup>40</sup>

#### **d. Racial Equity Leadership Council (RELC)**

Uber established RELC to help advance the company's 2020 racial equity commitments. RELC is composed of more than 20 senior leaders—including six ELT members—from across the company who serve as executive sponsors for Uber's racial equity commitments. Each executive sponsor is assigned to at least one racial equity commitment, and, with the support of assigned project managers, is responsible for advancing their assigned commitment and providing regular progress updates. Uber has fulfilled 11 of the original 15 commitments, and three are still in progress.<sup>41</sup> One commitment was discontinued following a legal challenge.

RELC's goal is to sustain progress and momentum on the company's 2020 commitments and to drive them to completion. Members of the ELT and RELC have expressed interest in building on Uber's progress to fulfill its 2020 racial equity commitments by expanding or developing new goals, including goals to promote equity more broadly. Uber's 2023 ESG report reflects the evolution of several of the original equity commitments.

The company communicates internally and externally about its progress toward fulfilling its racial equity commitments. Internally, Uber shares RELC progress updates in at least two ways. First, RELC reports the status of each commitment to the ELT on a quarterly basis. Second, RELC periodically reports progress to the workforce. The workforce provides feedback about the commitments and RELC progress through Uber's "Pulse" surveys, which are used to obtain feedback from Uber employees on the employee experience. Externally, Uber has published progress updates pertaining to the status of its racial equity commitments on its website and in its annual ESG reports.<sup>42</sup>

#### **e. Employee Outreach and Data Collection**

Uber conducts employee surveys—including a Global Self-ID survey and Pulse surveys—and focus groups to measure progress and employee sentiment on a host of issues, including DEI and the employee experience.

Through Uber's Global Self-ID survey, employees voluntarily report demographic information—including their race or ethnicity, gender identity, sexual orientation, highest level of education, caregiver status, disability status, and military status. Based on 2022 data, Uber has received a 75% or greater response rate from employees on six different categories including ethnicity (91%), sexual orientation (79%), and gender identify (77%). Collecting this information allows the People Data and Analytics team to monitor for potential disparities in professional mobility over the course of employees' tenures at the company. It also allows the company to consider diverse representation and to track progress toward further diversifying the workforce and promoting equitable access. Employees are encouraged to add this information during the onboarding process and are reminded to update it annually. As a result of this system, Uber's People Data and Analytics team can disaggregate survey data by demographics.

Uber conducts semi-annual Pulse surveys to measure employee sentiment. More than three quarters of Uber's U.S. employees completed the October 2022 Pulse survey. Example Pulse survey questions include scaled agree/disagree sentiment questions such as, "The communication I receive makes me feel connected to what's going on at Uber," and "I feel safe to be my authentic self at Uber," and open questions such as, "Reflecting on your experience at Uber, what could be improved?" After each survey, the People Data and Analytics team presents the results to the ELT, DEI team, and business unit leaders. The People Data and Analytics team also collects information about the employee experience through other surveys

and focus groups, which the ELT or business unit leaders can request when they need additional data. The People Data and Analytics team does not administer each of these surveys and focus groups but helps design the questions and curate the audience to ensure that results are statistically significant.

## Recommendations

- **Continue to link executive compensation to progress toward equity outcomes.** Uber should continue to tie a portion of executive compensation to progress toward qualitative and quantitative DEI goals. Uber should also consider broadening the scope of equity-related key performance indicators (KPIs) to underscore the ELT’s shared commitment to progress on both internal and external civil rights and DEI goals, and consider setting specific business line or other tailored goals for ELT members.
- **Complete racial equity commitments and consider setting new ones.** Uber should continue to drive progress on the company’s existing racial equity commitments. As Uber nears completion of its 2020 commitments, the company should leverage the expertise of internal and external stakeholders, including the civil rights community, to consider developing new commitments. Uber should periodically report on the company’s progress toward fulfilling its equity-related commitments.

## B. Products and Platform

Uber believes that “everyone has the right to move freely and safely” and seeks to give that experience to everyone who uses its platform.<sup>43</sup> Uber recognizes that the technologies underpinning its mobility platform—many of which rely on algorithms and artificial intelligence (AI)—have the potential to unlock mobility options for individuals who otherwise would have greater difficulty connecting with food, services, employment, and people in their communities. At the same time, Uber appreciates that these technologies can perpetuate biases and be deployed in a way that is discriminatory, particularly if designed and deployed without appropriate safeguards. To that end, Uber has empowered teams and implemented policies and practices to promote fairness, privacy, accessibility, and safety for all U.S. mobility platform riders and drivers.

### 1. Fairness

Uber promotes fairness in the development and use of its products and platform in various ways, including by committing resources and giving agency to the teams working to help the products, platform, and underlying algorithms function equitably. For Uber, fairness means the technology works as intended in ways that benefit and protect all users. In connection with Uber’s efforts to promote fairness, Covington assessed the company’s policies and practices for designing, testing, and monitoring the mobility platform and related products to minimize the risk of potential bias.

#### a. Teams Responsible for Promoting Product and Platform Fairness

Uber has established three teams with responsibility for promoting fairness and minimizing bias in Uber’s mobility platform and products: the Product Equity team, the

Marketplace Fairness team, and the Fairness Working Group.<sup>44</sup> Each team has a distinct role in helping to minimize potential bias on Uber’s mobility platform and in its mobility products.

### **i. Product Equity Team**

Efforts to promote fairness in Uber’s product design are guided by Uber’s Product Equity team, which Uber established in 2021. The Product Equity team’s mission is to help product development teams intentionally consider the perspectives of historically marginalized and underrepresented communities in their work. This mission helps to guide the Product Equity team’s collaboration with product teams and informs the educational tools and materials that the Product Equity team develops. Soon after the team’s creation, and in connection with one of Uber’s 2020 racial equity commitments, Uber hired its first Head of Product Equity Design, who is charged with helping “design and build products that are inclusive and meet the needs of [Uber’s] customers.”<sup>45</sup> The Product Equity team is jointly led by the Head of Product Equity Design and the Group Product Manager for Equity, Safety and Privacy Products, and is composed of 18 employees with expertise in design, research, product management, program management, and engineering.

Three principles inform the Product Equity team’s work and collaboration with other teams at Uber: (i) “recognize how your identity informs your perspective;” (ii) “shift unequal power dynamics;” and (iii) “prioritize your impact over your intentions.”<sup>46</sup> Consistent with these principles, the Product Equity team encourages Uber’s product, design, and engineering teams to consider how their race, gender, age, class, religion, sexual orientation, ability, and other personal characteristics inform their own biases. Recognizing these biases and how identity affects lived experience allows team members to reflect on how their place in society informs how they see or fail to see those around them and how that affects product decisions on a daily basis. The Product Equity team encourages other teams to diversify their membership and to prioritize the perspectives from historically and systemically excluded communities by intentionally seeking them out in foundational research, co-designing experiences with them, and validating that the product solution fulfills their needs before launching.<sup>47</sup>

The Product Equity team’s collaboration with product teams includes ongoing initiatives, developments, and tools to help incorporate equity in the product development process. In addition, the Product Equity team provides product equity and accessibility trainings and resources, collaborates with product teams to minimize bias when designing products, and engages with external stakeholders to share and receive feedback about potential bias in Uber’s products and platform. In 2022, the Product Equity team set a goal of achieving accessibility (through technical compatibility with assistive technology) for all of the top 30% of components—the components most used from a code and design tool perspective—in the base design system for the mobility platform for iOS and Android users. Earlier this year the team surpassed this goal, achieving accessibility for all of the top 50% of components. The Product Equity team’s goal is to achieve 100% accessibility for all documented components by Q1 2024.

From product conception through product development, the Product Equity team regularly engages with external stakeholders to understand how Uber’s products and platform can better serve platform users. In October 2021, the Product Equity team helped organize Uber’s first Inclusion Day, an event focused on the experiences of historically and systematically excluded drivers, riders, couriers, and delivery recipients and their interaction with Uber’s products and platforms. The virtual event, which drew more than 900 attendees, was specifically focused on promoting racial equity and accessibility and included keynotes and attendance by ELT members (including Uber’s CEO), tech team representatives, and a range of

platform users from the communities Uber serves. The event also included sessions led by external experts related to inclusive design, an inclusive product showcase, panels led by non-governmental organizations, and focus groups and ideation sessions with users and Uber product team representatives. Uber understands that events such as Inclusion Day provide opportunities to receive direct feedback from the communities Uber serves and for the company to inform the public about its equity initiatives. Uber's second Inclusion Day was held in June 2023 in São Paulo, Brazil, and focused on LGBTQ rights and racial equity.

## **ii. The Marketplace Fairness Team and Fairness Working Group**

Uber seeks to identify and mitigate potential bias in products that are being prepared for introduction to the market. The Marketplace Fairness team evaluates Uber's products for potential bias prior to a product's launch, tests products and algorithms for potential bias, and suggests interventions (including altering a component of the product or retraining an algorithm) to mitigate any potential bias.

Two Uber data scientists began bias testing in 2018 as a means to test Uber's platform and certain products periodically for potential discrimination. Uber formalized the Marketplace Fairness team in 2020. Uber hired two additional data scientists for the team and broadened its work to three areas: (i) testing marketplace products and algorithms for disparate impact; (ii) testing safety products for disparate impact; and (iii) assessing and improving Uber's testing methodology. The Marketplace Fairness team continues to test the company's platform and new products for potential bias and monitors certain existing products related to user safety, the matching of riders and drivers, and trip pricing to reduce the risk of bias based on users' location, racial or ethnic background, and other protected characteristics. The team's goal is to incorporate fairness testing as part of all major safety and marketplace product development.

In late 2018, members of Uber's Policy organization created the Fairness Working Group to bring together interested members across different functions of the company to advance efforts to minimize the risk of potential bias in Uber's products. Uber hired a Head of Product Equity Design in March 2021, and today the Fairness Working Group is composed of more than 40 Uber employees from the company's Legal, Privacy Engineering and Security, Central Policy, Marketplace Fairness, Product Equity, Marketplace Product and Operations, and Internal Audit teams. Of the group's members, more than half identify as women and more than half are racially or ethnically diverse. The Group meets monthly and collaborates with other teams at Uber to oversee the Marketplace Fairness team's product testing for potential bias, offer recommendations and mitigation strategies, and monitor products for potential bias after they are launched. The Fairness Working Group also works closely with ERGs to ensure that employees from different demographic backgrounds are part of the group's regular conversations and consideration of product equity.

## **b. Product Life Cycle**

Each of the teams described above plays a role in promoting the consideration of fairness during each phase of a product's life cycle—from product development through product deployment.



## **i. Product Development**

Product development at Uber includes the creation of a product requirements document, owned by the product manager and informed by research performed by product and design teams. A product requirements document outlines the necessary components and approvals for a particular product. While a product requirements document is being finalized, members of the product team might conduct user-experience research to influence the product goals and proposed features. The results of the research findings are typically incorporated in the product requirements document.

The product requirements document is created in an online information management system that can be accessed by various teams across the company. When a new product requirements document is created, the information management system triggers reviews for compliance with global regulations and other company policies. The Product Equity team performs a review of the product requirements document as well. Once these reviews are complete, (i) any relevant recommendations are shared with the product manager; (ii) resources and best practices are shared with the product manager; and/or (iii) the product requirements document is marked as not having equity concerns. Any recommended changes are either made before the product requirements document is approved or on an agreed-upon timeline after the product is released. After a product has launched, some product updates trigger additional equity reviews that might result in further recommendations and remedial actions. Currently, the Marketplace Fairness team's evaluation process is not a standard component of product requirements documents for all new or existing products.

The Product Equity team collaborates with product teams to build products in alignment with the team's equity principles. For example, the Product Equity team is currently collaborating with product teams on a feature that would permit drivers and riders to change their display name in the Uber app—a modification that seeks to address concerns related to misgendering and deadnaming transgender drivers. The Product Equity team is also working with product teams to develop a photo-mismatch protocol to systematize Uber's approach to addressing misidentification. This work is relevant to the identity-verification algorithm, which might fail to identify trans drivers or couriers whose driver's license photos do not match their gender expression or fail to identify users with religious headwear. In addition to advising on specific features and protocols, the Product Equity team facilitates a training course about equitable product development for all product teams.

The Marketplace Fairness and Product Equity teams evaluate Uber's products for potential bias. The teams determine which products to review based on discussions with legal teams, relevant stakeholders, and the broader Fairness Working Group. For example, public discourse and academic studies discussing the potential for racial bias in facial-recognition technology informed the Marketplace Fairness team's decision to evaluate Realtime ID (RTID)—a facial-recognition technology Uber requires drivers to use to periodically verify their identities for safety purposes—after the product had launched.<sup>48</sup> Product teams with equity-related concerns about their products may also bring products to the Marketplace Fairness team for review, and can attend weekly office hours offered by the Product Equity team.<sup>49</sup>

The Marketplace Fairness team has developed a protocol for product fairness evaluation. The Marketplace Fairness team (i) conducts an initial review of a product, examining its functions for potential bias and developing a comprehensive understanding of the product or algorithm, the data used to train it, and how outcomes are measured and monitored for accuracy and bias; (ii) convenes relevant stakeholders to discuss potential fairness issues

that might result from the product's design; and then (iii) meets with the relevant product team to discuss any concerns that have surfaced and to determine whether further action is needed to address those concerns. As part of this review, the Product Equity team considers whether the training or foundational data used to build a product is representative and robust. If the Marketplace Fairness team and product team determine that further action is needed, the Marketplace Fairness team will (i) determine the analytical strategies and tools it will use to examine the fairness concerns that surfaced during the first phase; (ii) conduct fairness testing specific to the product in question with the support of the Fairness Working Group; and then (iii) suggest product modifications to minimize any risk of potential biases in the product's performance identified as part of the testing. If concerns are significant, the Marketplace Fairness team may recommend halting a product's rollout. In the past, Uber has declined to introduce certain products to market based on fairness concerns. If concerns can be addressed, a product will be updated and introduced. The Marketplace Fairness team's ability to test products for fairness is constrained by the extent of the company's collection of certain demographic data from users, as discussed in section V.B.2.c.<sup>50</sup>

Uber's Marketplace Fairness team has worked with external organizations to enhance the effectiveness of its efforts. For instance, in 2022, the Marketplace Fairness team partnered with scholars from Upturn—an organization dedicated to advancing equity in technology—and the Center on Race, Inequality, and the Law at NYU School of Law to evaluate key aspects of the methodology the company uses to help understand discrimination risk and to help mitigate the risk of unfair or discriminatory outcomes in Uber's products.

## **ii. Product Deployment**

After Uber's products become available to the public, Uber's Marketplace Fairness team continues to monitor some products' performance for accuracy and bias. For example, the team may continue to monitor an algorithm that was retrained prior to launch as a result of the fairness review process. The Marketplace Fairness team also regularly tests algorithms designed to advance other objectives (e.g., user safety) to help ensure they do not inadvertently increase the risk of bias. Currently, Uber does not maintain a standard framework to inform whether and for how long to monitor a product.

The Marketplace Fairness team also investigates and responds to public reports of potential inequity in or resulting from Uber's products and platform. Sometimes the monitoring decision is informed by complaints about the product or discussion with internal and external stakeholders. The team evaluates concerns raised and makes changes to its products to address them when needed. For example, a 2021 George Washington University study of Chicago rideshare data, including data from Uber users, presented evidence of bias in the algorithms used by rideshare companies.<sup>51</sup> The authors reported that fares and trip duration were higher for trips beginning or ending in neighborhoods with more non-white residents or more residents living below the poverty line.<sup>52</sup> Taking into account these reports and other potential concerns, Uber's Marketplace Fairness team studied pricing and reliability in a systematic way, sharing its results with and garnering feedback from civil rights advocates, to mitigate potential algorithmic bias. While there were no systematic concerns or needed fixes, the team continues to monitor pricing.

The Marketplace Fairness team also considers the experience of drivers on the platform. For example, some drivers have alleged that Uber's RTID fails to recognize people with darker skin tones.<sup>53</sup> RTID was introduced in September 2016 as a safety feature to help ensure that a driver on the platform is the same individual who completed Uber's screening process.<sup>54</sup>

Drivers are selected at random to submit a selfie for identity verification.<sup>55</sup> If the selfie matches the driver's profile picture, the driver can begin or continue to pick up riders.<sup>56</sup> Drivers whose identity cannot be confirmed via RTID are temporarily blocked from the platform while the inconsistency is investigated by three human reviewers. If, following an investigation, Uber determines that the driver under investigation is different from the accountholder, the driver will be deactivated, though there is a mechanism for appealing these decisions, as described below.<sup>57</sup> Responding to allegations of bias from some drivers, the Marketplace Fairness team evaluated RTID and found "no evidence that the technology is flagging people with darker skin complexions more often, nor that it is creating longer wait times due to additional human review for people with darker skin complexions."<sup>58</sup> Ultimately, the Marketplace Fairness team did not recommend modifying RTID based in part on this research but also because human review is required before account deactivation and because drivers have a mechanism to appeal deactivations.

In addition, Uber leverages the expertise of leaders within its privacy and product legal teams to advise on questions regarding applications of AI and related ethics and governance issues.

## Recommendations

- **Develop a central fairness strategy to streamline efforts to promote fairness and to mitigate bias on the platform.** Developing a fairness strategy will help Uber's fairness teams set goals, track progress, and ensure that Uber's efforts to promote fairness and to mitigate bias on the platform are coordinated and streamlined.
- **Add a pre-deployment fairness review requirement for all products prior to launch.** Including a standardized checklist for potential fairness concerns in the review process for all products could help ensure that potential algorithmic bias and disparate impact are considered before users are adversely affected. The team or executive responsible for civil rights coordination could oversee the design and implementation of the review process in partnership with the Product Equity team, Marketplace Fairness team, Fairness Working Group, and ERGs.
- **Provide product equity training and continue to provide regular opportunities for consultations for product teams.** Providing product equity training during the onboarding process for product and research roles could help instill the importance of these considerations for employees in these roles.
- **Conduct fairness testing informed by input from the civil rights community.** Testing its platform for disparities in the user experience with input from stakeholders in the civil rights community could help Uber enhance its approach to product equity. Uber should also publish the results of studies on the user experience to promote transparency and to help internal and external stakeholders understand how Uber's efforts compare to best practices for product equity.
- **Continue to enhance Uber's AI governance program with recommendations from regulators and technical experts related to algorithms and fairness.** Uber should build on its existing product review and AI governance practices, spearheaded by leaders on the company's privacy and legal teams, by continuing to refresh these practices in light of updated guidance from regulators and technical experts, including with respect to algorithmic fairness.

## 2. Privacy

Uber’s six Privacy Principles inform the company’s approach to the collection, use, and disclosure of users’ personal data.<sup>59</sup> The Privacy Principles are modeled on the Fair Information Practice Principles—widely accepted principles for the collection, processing, use, and protection of personal data.<sup>60</sup>



We do the right thing with data.



We build privacy into our products from start to finish.



We collect only what we need.



We are transparent about our data practices.



We give users choices about their data.



We safeguard personal data.

### a. “We do the right thing with data.”

Uber’s Privacy Principles start with and incorporate one of the company’s core values: “do the right thing.”<sup>61</sup> To Uber, doing the “right thing” means focusing not only on meeting its legal obligations under global privacy laws, but also using data ethically to foster user trust.

Uber regards “doing the right thing with data” as a shared responsibility among all employees at Uber. Uber’s global Privacy and Cybersecurity Legal team is responsible for the day-to-day oversight and execution of the privacy program. In addition, Uber has a broader group of privacy and security professionals that help to protect user data, offer users new privacy features that help them understand how Uber uses their data, and enable users’ rights regarding their data. All full-time employees receive training on Uber’s requirements for personal data use and protection.<sup>62</sup> Specifically, all full-time employees receive mandatory data privacy and security training during their onboarding process and biennially thereafter.<sup>63</sup> Employees may also receive additional privacy and security training based on their role or if they volunteer for Uber’s Privacy Champions program, under which employees receive enhanced privacy and cybersecurity trainings to help them understand and promote best practices and to identify issues for review by Uber’s Privacy and Cybersecurity Legal team.<sup>64</sup>

Uber’s commitment to “doing the right thing with data” is reflected in the company’s choices regarding how it uses data. For example, Uber maintains policies that prohibit uses of data in ways that are inconsistent with Uber’s values. This includes policies that prohibit certain

types of advertising content, including that which reflects or results in “discrimination or harassment on the basis of race, ethnicity, gender, religion, sexual orientation, gender identity or expression, age or disability.”<sup>65</sup>

**b. “We build privacy into our products from start to finish.”**

Uber has implemented a “Privacy-By-Design” process whereby the company incorporates privacy considerations into products from their inception.<sup>66</sup> As part of this process, Uber’s Privacy and Cybersecurity Legal team conducts legal analysis, reviews potential new collections or uses of personal data to identify potential risks, evaluates those risks, and identifies ways to appropriately mitigate them.<sup>67</sup> The “Privacy-By-Design” process is applied to product development, engineering, marketing, and other activities involving collection or use of user data.<sup>68</sup> This process involves the review of not only legal risks but also ethical considerations to avoid causing user harm or undermining user trust.<sup>69</sup> For example, to mitigate privacy risks relating to an in-app audio recording feature that Uber introduced to enhance users’ safety during rides, the company encrypts and stores recordings directly on users’ devices and prevents access to recordings by anyone—including the rider, driver, or Uber—unless submitted by a user in connection with a safety report.<sup>70</sup> Other examples of privacy-protective and safety-enhancing features include address anonymization to obscure precise pickup and drop-off details after a trip, and phone-number anonymization to allow drivers and riders to communicate without sharing their personal phone numbers.<sup>71</sup>

**c. “We collect only what we need.”**

Uber emphasizes the principle of data minimization in its employee privacy and cybersecurity trainings and incorporates it in the “Privacy-By-Design” process described above.<sup>72</sup> Uber requires a defined purpose for the collection or use of personal data and limits that collection to what Uber believes is needed to deliver safe, secure, and high-quality user experiences; to comply with legal requirements; or for other purposes clearly disclosed to users.<sup>73</sup> As noted above, Uber’s Marketplace Fairness team has conducted limited collections or inferences of race or ethnicity data in order to facilitate the fairness testing of Uber’s products. In each case, Uber only collects and uses the information for purposes of enabling these features, as reflected in the company’s Privacy Notice.

**d. “We are transparent about our data practices.”**

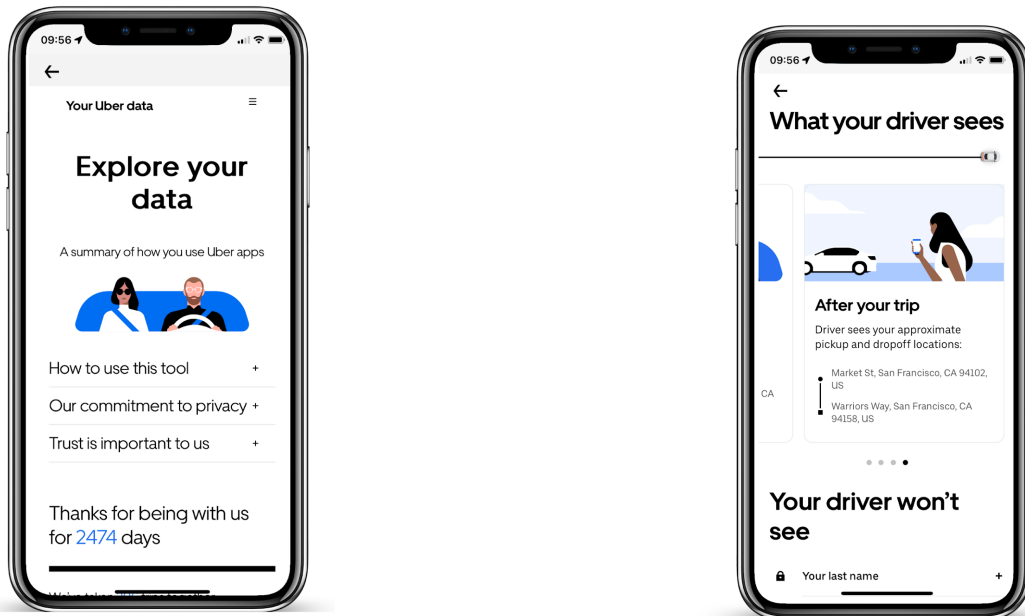
Uber employs a variety of mechanisms to help users understand the company’s privacy practices. Uber discloses the data it collects, how it uses the data, and users’ data rights within the company’s Privacy Notice. Uber highlights key information from the Notice in its Privacy Overview, which also provides charts that show users what data are used for which purposes. Uber provides additional information regarding its practices in its Privacy Center, an in-app and web-based hub through which users can learn more about and manage their preferences regarding Uber’s collection and use of their data.

Uber also offers features in the Privacy Center that help illustrate Uber’s data practices. These features include:

- “Explore Your Data,” which allows users to access highlights of how Uber uses their personal data.<sup>74</sup>

- “View as Driver,” which provides riders with visibility into the personal information drivers can see about them before, during, and after a trip.<sup>75</sup>

In addition, Uber provides users and the general public with information about its practices for sharing information with government entities, including law enforcement and public health authorities. Uber shares certain personal data with government authorities where required by law or legal process.<sup>76</sup> Since 2016, Uber has produced an annual Transparency Report summarizing the number of U.S. and Canadian government requests it has received and how it has responded to them.<sup>77</sup> The most recent Transparency Report describes data from July 2021 to July 2022, including the number of data requests received, the number of requests



where some user data was disclosed, the number of users whose data was disclosed, and the percentage of requests where some user data was disclosed.<sup>78</sup> The Transparency Report also states that Uber did not provide information in response to all requests, because, for example, the request was withdrawn or because the requester did not follow the correct legal process.<sup>79</sup>

**e. “We give users choices about their data.”**

Uber offers users some choice and control regarding how their data are collected and used. Users can exercise choice and control via settings and features that allow users to:

- Choose how their data are collected, used, and shared for purposes of personalized advertising, offers, or promotions.<sup>80</sup>
- Choose whether to share live location data with others for faster and more reliable pickups.<sup>81</sup>
- Correct their data or request that Uber restrict its processing of their data.<sup>82</sup>
- Request account deletion.<sup>83</sup>

- Request a copy of the data Uber has collected about them.<sup>84</sup>

Uber enables all users in the United States to exercise these and other data rights provided by U.S. state privacy laws, regardless of whether such laws apply where the users are located.<sup>85</sup>

#### **f. “We safeguard personal data.”**

To protect the security, confidentiality, and integrity of user data, Uber has built an information security program that aligns with industry best practices and includes policies, processes, and standards designed to protect user data.<sup>86</sup> Uber maintains ISO 27001 certification for their enterprise business (Uber for Business, Central, and Uber Health) and core rides business.<sup>87</sup> Uber evaluates the health and effectiveness of its information security program through ongoing assessments, monitoring, and testing.<sup>88</sup> Uber monitors risks through regular leadership meetings, where various security teams present key metrics and progress associated with assigned objectives.<sup>89</sup> In addition, Uber engages third parties to assess compliance and to conduct risk assessments.

Uber safeguards user data in part by limiting data sharing. As disclosed in its Privacy Notice, Uber limits its sharing of user data with other users to that which is necessary to provide the service requested.<sup>90</sup> For example, as discussed above, Uber limits the rider data shared with drivers to the rider’s first name, rating, and requested pickup/drop-off locations. Once a trip is over, in many markets, including in the United States, Uber obscures precise pickup and drop-off location information from driver receipts.<sup>91</sup> In 2020, Uber introduced the “Profile Data Expiration” feature to the mobility platform, which removes certain driver personal information from the rider’s view after the trip is completed.

Uber’s Public Safety Response team receives and reviews data requests from law enforcement and public health officials. Uber’s Legal Guidelines for Law Enforcement outline the process by which law enforcement can request user data through the Law Enforcement and Public Safety Response Portal.<sup>92</sup> Under the guidelines, Uber discloses account information to U.S. law enforcement in accordance with the Electronic Communications Privacy Act (ECPA) and other legal authorities. In general, this means that Uber does not disclose certain categories of user data without legal process, such as a subpoena, court order, or search warrant.<sup>93</sup> The types of data provided to law enforcement include, but are not limited to, basic subscriber information, device information, vehicle information, and historical location information.<sup>94</sup> Uber does not disclose real-time location data with government entities, including law enforcement, subject to some limited exceptions for emergency response.

Similarly, the Public Safety Response team’s Playbook includes public safety standards for the Public Safety Response team to follow when responding to data requests from public health authorities. Uber periodically receives data requests from public health authorities via the Law Enforcement and Public Safety Response Portal related to users who may have been exposed to contagious diseases, including COVID-19, and the Public Safety Response team is responsible for assessing the validity of the requests and responding to them. If Uber receives notice from public health authorities that one of its users has been diagnosed with or come into close contact with a confirmed case of an infectious disease related to a public health emergency, it will put a temporary hold on the user’s account, which bars the user from certain Uber services until Uber receives confirmation that the user is no longer contagious.<sup>95</sup>

## Recommendation

- **Continue to align Uber’s privacy program with evolving legal requirements, business needs, and industry best practices, especially those related to equity.** Uber has taken steps to develop and implement a robust privacy program centered around its Privacy Principles. Uber should continue to refresh its privacy program as necessary in response to changing legal requirements, product offerings, industry best practices, and equity considerations. As part of this effort, Uber should continue to seek out opportunities to partner with expert organizations that could help enhance Uber’s privacy program and practices and safeguard privacy for all users.

### 3. Accessibility

Uber is committed to bringing “the same innovative and solutions-based focus to addressing accessibility as [it] bring[s] to improving mobility options for everyone.”<sup>96</sup> Covington assessed several aspects of Uber’s approach to accessibility, including the company’s efforts related to (i) its accessibility strategy; (ii) the experiences of riders with disabilities; (iii) the experiences of drivers with disabilities; and (iv) accessibility education.

#### a. Accessibility Strategy

In May 2022, Uber hired a Head of Public Policy, Accessibility and Underserved Communities to develop and execute Uber’s strategy for accessibility policy. The Head of Public Policy, Accessibility and Underserved Communities leads Uber’s external accessibility strategy, informs the company of the needs of people with disabilities, works in partnership with the Product Equity team to close equity gaps for users with access needs, and responds directly to accessibility issues raised by users and reporters through working groups, media responses, and stakeholder outreach.

#### b. Riders with Disabilities

Uber aims to “support everyone’s ability to easily move around their communities.”<sup>97</sup> To achieve this goal, Uber has developed policies, products, and features to improve the user experience for riders with disabilities.

Uber has implemented policies to improve access to the platform for riders with disabilities.<sup>98</sup> Uber maintains a Service Animal and Assistive Device Policy that requires drivers to accept riders with service animals, to help riders stow their assistive devices (except when the driver’s own disability prevents them from helping to stow the device or when the driver’s vehicle does not have space for the assistive device), and to comply with applicable federal and state law requiring accommodation of riders with disabilities.<sup>99</sup> In addition to underscoring a driver’s obligation to transport service animals, the policy provides drivers and riders with information regarding the definition of a service animal, the process for filing a complaint related to denial of a service animal, and the policy regarding service animal exceptions to the cleaning-fee policy.<sup>100</sup> The policy also states that drivers may not refuse to stow riders’ assistive devices, including folding wheelchairs, walkers, crutches, and canes (except as noted above), and explains how riders can report issues such as ride cancellations related to assistive devices.<sup>101</sup> The company requires all new and existing drivers to acknowledge their contractual and legal



obligations related to accepting service animals and assistive devices on trips via an in-app full-screen notice and handles related complaints through a specialized support team.<sup>102</sup>

Uber has also taken steps to improve existing policies that may inadvertently impact riders with disabilities. Typically, if a rider does not enter the vehicle they requested through Uber within an allotted time, they can be charged a wait-time fee.<sup>103</sup> The grace period before wait-time fees begin to accrue is currently two minutes for UberX and UberXL, and five minutes for UberBlack and UberBlack SUV.<sup>104</sup> Individuals who have a disability as defined under the Americans with Disabilities Act (ADA) that impacts their ability to board a vehicle within the allotted time after meeting the vehicle at their designated pickup location are able to self-certify for a waiver of wait-time fees. In 2021, the U.S. Department of Justice (DOJ) filed a lawsuit against Uber for charging wait-time fees to passengers who, because of a disability, needed more time to enter a vehicle.<sup>105</sup> After DOJ had commenced its investigation but before it filed its lawsuit, Uber implemented a wait-time fee waiver for users with access needs and the ability to request a refund of wait-time fees for trips in the last 30 days where they or a companion needed more time to board the vehicle due to a disability. In 2022, Uber resolved the lawsuit by entering into a settlement with DOJ, agreeing to pay more than \$2,000,000 to affected passengers and to waive wait-time fees for all Uber riders who certify that they or someone they frequently travel with need more time to get in a vehicle they requested through Uber because of a disability.<sup>106</sup>

Uber has developed products specifically geared toward increasing access for riders with disabilities.<sup>107</sup> In 2014, Uber developed “Uber WAV,” a product that connects riders who use non-folding wheelchairs to drivers with wheelchair accessible vehicles (WAVs).<sup>108</sup> This offering—the first of its kind in the rideshare industry—earned praise from stakeholders, such as Tony Coelho, a former member of the U.S. House of Representatives and co-author of the ADA.<sup>109</sup> In 2017, riders from several cities sued to expand the availability of Uber WAV, contending that the company’s failure to provide WAVs in their cities violated the ADA.<sup>110</sup> A court found that Uber had not violated the ADA due to the significant expense associated with equipping and providing WAVs. Currently, WAV is available in 12 U.S. cities.

Many of Uber’s core features enhance the user experience of riders with disabilities. These features include:

- Cashless payments, which reduce “the need for riders to worry about counting out cash or exchanging bills with a driver.”
- On-demand transportation, which makes it easier for people with disabilities to access transportation without “arrang[ing] rides through a dispatcher or resort[ing] to other, less convenient, means of finding a ride.”
- Upfront pricing, which lets “riders know the cost of their trip before they request a ride,” reducing the risk of fraud.
- The ability to share ride details, including route and estimated time of arrival.<sup>111</sup>

Uber has also developed features specifically to improve the user experience for riders with disabilities. For example, Uber offers assistive technology such as visible and vibrating alerts to help riders who are deaf or hard of hearing use the app more easily.<sup>112</sup> Uber’s Product Equity team regularly integrates and manages quality assurance issues related to accessible hardware and software that users utilize to enhance the app experience, such as voiceover/ talkback and screen readers.

### c. Drivers with Disabilities

Uber welcomes anyone onto the U.S. mobility platform who is legally able to drive, regardless of their disabilities, and has developed features to improve the platform experience for drivers with disabilities.<sup>113</sup> In 2016, Uber partnered with Communication Service for the Deaf, the National Association of the Deaf, and Telecommunications for the Deaf and Hard of Hearing to inform the development of app features to enhance the experience of drivers who are deaf or hard of hearing.<sup>114</sup> If a driver self-identifies as deaf or hard of hearing in the Uber app, they are then given access to features that improve the functionality of the app for members of the Deaf community, including:

- Flashing trip request, which signals a new trip request with a flashing light and an audio notification.<sup>115</sup>
- Text-only messaging, which disallows riders from calling the driver to communicate about their trip and prompts them to text instead.<sup>116</sup>

### d. Accessibility Education

Uber has developed resources to educate and support drivers to help ensure they are responsive to the needs of riders with disabilities.<sup>117</sup> Uber partnered with Open Doors Organization—a nonprofit that seeks to improve mobility for people with disabilities—to encourage drivers to be mindful about their interactions with riders with disabilities and to provide tips for interacting with riders with disabilities.<sup>118</sup>

In certain markets, Uber also offers Assist, a product that matches riders with top-rated drivers who have been trained to assist riders with disabilities.<sup>119</sup> Drivers who use Assist are trained by third-party organizations.<sup>120</sup>

## Recommendations

- **Enhance the company's accessibility strategy.** Uber should continue to partner with external organizations and to solicit feedback from users with disabilities to develop a robust long-term strategy that will increase accessibility of the company's products and platform.
- **Continue to enhance the accessibility of the platform.** Uber should consider additional ways to help ensure that its platform and products are accessible for all users. These considerations could include auditing core products for compliance with Web Content Accessibility Guidelines, conducting quality assurance for accessibility, and continuing to provide accessibility-related resources to drivers.

## 4. Safety

User safety is one of Uber's top priorities, and Uber is committed to making its platform safe for everyone to use,<sup>121</sup> regardless of race, gender, and other protected characteristics. Uber's approach to safety focuses on controlling access to the platform through clear policies, screening procedures, and other means; developing app-based technology solutions to reduce safety incidents; responding to reports of safety incidents (i.e., anything that a driver or rider experiences during a ride that makes them feel unsafe) and supporting users with empathy and care; establishing clear and fair consequences for safety violations; and partnering with experts

and advocates to inform the company's safety policies and procedures and to build trust with the communities Uber serves.<sup>122</sup>

Uber has led the rideshare industry in its commitment to safety and has taken steps to ensure that safety is prioritized throughout the company, including at the highest levels. Uber incorporates safety metrics in ELT compensation. As a reflection of the importance of safety to the company, Uber reorganized the Safety team to report directly to the ELT.

Uber's safety strategy reflects input from a wide range of external experts. Uber has consulted with hundreds of organizations—including organizations focused on women's safety, traffic safety, and crime prevention—to inform its approach.<sup>123</sup> In addition, Uber established a Safety Advisory Board in 2015 "to bring new approaches, feedback, and expertise to [Uber's] safety processes and technology."<sup>124</sup> The Safety Advisory Board is chaired by former Secretary of Homeland Security Jeh C. Johnson. It is composed of experts in gender-based and domestic violence prevention, road safety, public health, and law enforcement,<sup>125</sup> but it does not include a member with expertise in platform worker health and safety and related risks.

Covington assessed several aspects of Uber's approach to user safety, including its (i) standards and policies; (ii) prevention efforts; (iii) complaints, investigations, and discipline procedures; (iv) response to fairness concerns in the deactivation experience; and (v) data transparency and accountability practices.

#### **a. Standards and Policies**

Uber expects all users to adhere to the company's Community Guidelines, a set of rules and agreements centered on three principles: "treating everyone with respect, helping to keep one another safe, and following the law."<sup>126</sup> Standards and policies support each principle. Many of these standards and policies relate to creating a safe environment for all platform users. For example, Uber has policies against threatening behavior, inappropriate post-trip contact, nonconsensual physical contact, sexual misconduct, and discrimination.<sup>127</sup>

Uber recognizes that all forms of discrimination, whether overt or subtle, are hurtful to its community members and can make users feel unsafe and devalued.<sup>128</sup> To help ensure all users feel safe and welcome on the platform, Uber's Community Guidelines incorporate a Non-Discrimination Policy, which states that Uber does not tolerate discrimination against riders or drivers based on race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age, or any other characteristic protected under applicable federal or state law.<sup>129</sup> The Non-Discrimination Policy also states that "[a]ny rider or driver found to have violated this standard will lose access to the Uber app."<sup>130</sup>

As part of its 2020 racial equity commitments, Uber pledged to require all users to agree with the company's Community Guidelines. In addition to incorporating the Community Guidelines with the company's General Terms of Use, the company has implemented a prompt requiring users to accept the Community Guidelines. If a user does not agree to abide by the Community Guidelines within their first three trips, they are blocked from a subsequent trip until they do accept. Uber reminds users of their agreement when alerted of behavior inconsistent with the Guidelines.

## **b. Prevention**

To prevent safety incidents, Uber screens drivers, provides drivers and riders with safety education, and designs in-app safety features.

### **i. Driver Screening**

Uber requires every driver on its U.S. mobility platform to undergo thorough screening, including identity verification, a motor vehicle records review, and a criminal history background check, before their first trip.<sup>131</sup> Uber reruns criminal and motor vehicle checks annually.<sup>132</sup> Background checks vary by location based on state and local laws and regulations and are performed by third-party providers.<sup>133</sup> These companies screen driver candidates against national and local crime databases, sex offender registries, and other records.<sup>134</sup> Convictions and pending charges for violent crimes and sexual offenses are disqualifying.<sup>135</sup>

While Uber employs robust driver-screening processes, the company strives to ensure that its platform access controls do not pose unequal barriers based on race, ethnicity, gender, sexual orientation, or other personal protected characteristics.<sup>136</sup> The only demographic characteristic that Uber considers in the screening process is age because it is relevant to having a driver's license.<sup>137</sup> As noted above, Uber contracts with third-party providers to perform background checks in compliance with state and local laws.<sup>138</sup> Uber prefers a name-based background check system as opposed to fingerprint-based systems because the former includes important additional sources of information such as sex offender registries; state, federal, and international watchlists; and proprietary criminal databases that are only accessible by name and not by fingerprint. Uber also opted against fingerprint-based systems because they are based on a Federal Bureau of Investigation database that is sometimes incomplete, containing information on arrests but not always case dispositions, including dropped charges and false arrests.<sup>139</sup> Informed by guidance and leadership from stakeholders within the civil rights community, including former Attorney General Eric Holder, Uber has publicly opposed proposals to require fingerprint-based background checks for non-law enforcement purposes because those checks have been found to have a discriminatory impact in job opportunities for people of color.<sup>140</sup>

### **ii. Safety Resources and Education**

Uber offers drivers and riders resources and education to reduce safety incidents, including discrimination and violence on the basis of sex or race. In August 2020, Uber launched mandatory sexual misconduct education for drivers in partnership with RAINN (Rape, Abuse and Incest National Network), the nation's largest anti-sexual violence organization.<sup>141</sup> The online course includes six video lessons led by drivers who use Uber and covers a range of topics, such as Uber's Community Guidelines, appropriate and inappropriate behaviors, bystander intervention, and what to do if a safety issue occurs.<sup>142</sup> Although the course was designed specifically for drivers, it is available to the general public.<sup>143</sup> In March 2022, Uber launched its "All Are Welcome" campaign to provide optional anti-racism education to drivers and riders, fulfilling the company's commitment to do so. Uber developed All Are Welcome in partnership with Paradigm, a DEI training and consulting company, to help reduce racism on its platform and encourage users to practice more inclusive behaviors.<sup>144</sup> Informed by user feedback, All Are Welcome explains how to recognize racism, address racist behavior as a bystander, and report behavior thought to be racist.<sup>145</sup> All Are Welcome reiterates that safety incidents—including behavior involving discrimination, violence, or harassment—may result in a loss of access to Uber.<sup>146</sup>

### **iii. Safety Features**

Uber strives to reduce safety incidents by building and implementing technology solutions as a core component of the app.<sup>147</sup> Uber's core safety features—many of which have been added over the last several years—include:

- The Safety Toolkit, which allows riders and drivers to access safety features in a single place on the app.
- Phone number and exact address anonymization, which hides personal contact information and helps to prevent inappropriate post-trip contact.
- An in-app emergency button, which connects riders and drivers with 911 and provides the ability to text 911 in locations that enable the feature.
- Share My Trip and Follow My Ride, which allow riders and drivers to share their locations with friends and family.
- RideCheck, which detects long stops, unexpected routes, midway drop-offs, and possible crashes and prompts riders and drivers to verify that all is well.<sup>148</sup>
- Live Help, which allows users to request support from an ADT safety expert, via phone or text.<sup>149</sup>

As a result of driver feedback and the company's ongoing commitment to using technology to enhance safety, Uber continues to explore and add new safety features. For example, Uber recently launched a feature in select U.S. cities that allows drivers and riders to record audio during a trip.<sup>150</sup> When a rider is matched with a driver, Uber notifies the rider if the driver has opted in to the feature.<sup>151</sup> Audio recordings are encrypted, and Uber is only able to access them if a user reports a safety incident and includes the audio file in the report.<sup>152</sup> Uber is also exploring a feature that allows drivers to record video during a trip using the front-facing camera of their smartphones.<sup>153</sup> While Uber also allows drivers to install and use dashcams, this new app-based feature would require less setup and no additional cost to drivers.<sup>154</sup>

### **c. Safety Complaints, Investigations, and Discipline**

Uber's commitment to making its platform safe for all users informs the company's response to safety incidents, from the complaint intake and investigation process to measures taken to address serious safety concerns for substantiated safety concerns.

Uber's Community Guidelines encourage users to report safety incidents that they have experienced or witnessed and provide users with instructions on how to report safety incidents.<sup>155</sup> Uber's All Are Welcome campaign also provides riders and drivers with information and resources related to identifying and preventing racist behaviors, as well as detailed instructions for reporting these behaviors to Uber.<sup>156</sup>

Consistent with the company's commitment to handle safety incidents with care, Uber has created safety support teams that receive and investigate reports of safety incidents from users.<sup>157</sup> To address the most serious incidents, such as reported sexual assault, Uber employs specialized safety agents that receive expert-informed training.<sup>158</sup> As noted above, Uber defines "safety incident" broadly as any incident that makes a user feel unsafe, including any dispute or exchange between users, but not complaints related to professionalism or interpersonal skills. For example, some safety support teams handle reports of safety incidents related to discrimination but would not address a complaint alleging that a driver was overly

talkative or not talkative enough, which would be routed to the other support agents to address. Uber's broader safety support team is composed of several sub-teams of specialized customer support agents, including employees at Uber's "Centers of Excellence" and third-party contractors at call centers. Some customer support agents specialize in addressing sexual misconduct or discrimination, including discrimination against individuals with disabilities or individuals that identify as transgender.

Uber's safety support teams receive and gather safety incident reports from nearly a dozen channels.<sup>159</sup> For example, users can report safety issues through the Uber app, Uber website, and 24/7 Safety Incident Reporting Line (a phone number dedicated to receiving and processing reports of non-emergency safety incidents).<sup>160</sup> Uber proactively gathers additional incident reports by monitoring social media and news mentions.<sup>161</sup> Uber also receives safety incident reports through third parties, including law enforcement and insurance companies.<sup>162</sup>

All incidents reported through official channels such as the Uber app, website, and 24/7 Safety Incident Reporting Line are received and initially reviewed by the Incident Identification team to confirm whether a safety issue is present. To ensure Uber captures and addresses safety incidents reported through other channels, such as social media and news mentions, the company uses a system that sorts the data using keywords and phrases and advanced natural language processing technology to identify reports that may indicate safety concerns.<sup>163</sup> Once the system flags a report as potentially containing a safety incident, it is sent to a safety support team to confirm whether a safety issue is reported. If the team determines a report involves a safety issue, it is routed to a specific safety support team that reviews the report, takes preliminary actions to advance safety (including "waitlisting", i.e. temporarily suspending driver or rider accounts), and investigates the report as needed. As noted above, non-safety related complaints are routed to the appropriate support team for resolution.

Uber's safety support teams use a taxonomy to categorize safety incidents, route reports to investigators, and track safety data.<sup>164</sup> The Safety Taxonomy defines and provides examples of 12 primary categories of unsafe behavior, e.g., sexual misconduct, sexual assault, physical altercation, verbal altercation, and inappropriate post-trip contact.<sup>165</sup> Uber further categorizes and tracks sexual misconduct and sexual assault behaviors using a more detailed, open-source Sexual Misconduct and Violence Taxonomy developed in partnership with RALIANCE.<sup>166</sup> This taxonomy includes 21 subcategories of sexual misconduct and sexual assault behaviors.<sup>167</sup> As a result of Uber making this taxonomy available to the public, several other mobility companies also use it.<sup>168</sup> Uber's safety support teams receive regular refresher trainings on incident classification and the use of the taxonomies.

Uber treats any report of discrimination as a safety incident. The Safety Taxonomy is organized by incident severity in a mutually exclusive and collectively exhaustive (MECE) structure, meaning that Uber classifies complaints that involve multiple potential safety issues based on the most serious issue reported. As a result, reports alleging discrimination on the basis of race or other protected characteristics could be classified in different categories (e.g., within the verbal altercation category, the physical altercation category, etc.).

Once a safety support team reviews and provides an initial classification of the incident and prepares a corresponding report, the team assigns the incident to an investigator. If the safety support team identifies the issue as urgent and requiring a more immediate response (including sexual assault, vehicle crash, physical altercation) the incident is routed to investigators with specialized training and experience. In addition to specialized training, these investigators receive guidance to help them review incidents and gather information to plan their

next steps. As part of the investigation process, the investigator may gather evidence such as statements from involved parties, in-app communication, video recordings, and GPS information.<sup>169</sup> Uber's safety support teams review all reports regardless of severity and allocate additional time and resources to investigate the most serious and urgent safety incidents.

Outside of the investigation process, Uber provides additional resources to victims, survivors, and witnesses of sexual assault and racial discrimination. For example, Uber partnered with RAINN in 2020 to establish a support fund that connects sexual assault survivors with RAINN specialists that provide trauma-informed counseling and other resources.<sup>170</sup> Through its website, Uber also makes available resources to users who have experienced discrimination, including American Psychological Association guidance on self-care and information on where to find racial-trauma-informed therapists.<sup>171</sup>

At the conclusion of an investigation prompted by a safety incident, Uber will consider potential consequences, if appropriate. Depending on the results of the review, a driver or rider might face potential consequences that range from an electronic, in-app warning or reminder to follow the Community Guidelines to deactivation (removal from the platform). While an investigation is pending, the safety support team may waitlist a driver or rider, as noted above. In some states, Uber is legally required to waitlist drivers who are accused of certain offenses (e.g., drunk driving) regardless of the initial evidence in support of or against the accusation.

Uber tracks individual safety data to identify and address patterns of unsafe behavior. If a pattern is flagged, a safety agent will examine the user's history before taking action. Uber addresses repeated unsafe conduct by drivers with actions that are tailored to the type of behavior that has been reported, ultimately leading to review for possible account deactivation. Less severe behaviors make up the majority of reported incidents and many do not warrant deactivation. Instead, users will receive written communications advising them that a report was received and that future incidents may result in loss of account access. Uber may deliver a warning to a driver for a first offense but deactivate the driver's account after multiple substantiated complaints of the same type of prohibited conduct. In addition, Uber shares data on drivers deactivated for the most serious offenses (e.g., physical assault resulting in fatality, sexual assault) with other rideshare platforms via third-party background check organization Hire Right to help ensure that dangerous actors are not allowed to move to another platform and potentially harm others.

In 2018, Uber announced that it would no longer require mandatory arbitration for individual claims of sexual assault or harassment by riders or drivers.<sup>172</sup> At the same time, Uber announced that it would allow claimants with allegations of sexual violence or harassment the option to settle their claims with Uber without a confidentiality, non-disclosure, or non-disparagement provision.<sup>173</sup>

#### **d. Addressing Fairness Concerns in Deactivations Triggered by Safety Incidents**

As discussed further below, Uber uses a variety of mechanisms to gather driver feedback. These efforts have surfaced concerns about the driver deactivation process, particularly deactivations resulting from a user complaint or safety incident. Drivers shared that they were concerned that deactivation notices were not consistently accompanied by clearly articulated justifications, false claims by users and process errors by investigators could result in unfair deactivations, communications regarding deactivation were perceived as lacking empathy

at times, and drivers were unable to appeal a deactivation decision in a consistent or timely manner.

As a result of driver feedback, Uber has taken several steps to help ensure deactivation decisions are made fairly, including:

- Developing an in-app review center, which provides drivers who have been removed from the platform an avenue to understand and appeal the decision.
- Conducting a comprehensive review of the policies and rules that could lead to deactivation and incorporating fairness principles as part of policy development.
- Developing a global team that governs and oversees the deactivation process, including an established team to review deactivation appeals.

Some drivers have suggested that the deactivation process has had a disparate impact on drivers of color. For example, a February 28, 2023, *Los Angeles Times* op-ed advocated for changes to Uber's deactivation practices and identified several general concerns with the deactivation experience.<sup>174</sup> Uber is in the process of reviewing and evaluating its deactivation policies to help improve the experience for drivers, including drivers of color.

#### **e. Safety Data Transparency and Accountability**

Uber believes that publicly sharing safety incident data can help improve safety.<sup>175</sup> In December 2019, Uber became the first company in the rideshare industry to publish a safety report.<sup>176</sup> Uber's first safety report contained information and analysis based on data from 2017 to 2018 and summarized the company's safety-related policies and processes, as well as data on user motor vehicle crash fatalities, physical assault fatalities, and sexual assaults while using the platform.<sup>177</sup> Uber published the report "as part of Uber's larger efforts to drive a new approach to safety in the rideshare industry and set a new standard for corporate transparency."<sup>178</sup> Uber published a second report in June 2022 based on data from 2019 to 2020.<sup>179</sup> Uber is one of only a handful of companies that have made the decision to publish safety reports.

Uber's leadership and Board of Directors play an important role in holding the company accountable on safety. The Safety team provides the ELT with regular updates on safety incident rates, progress on broader safety objectives, the effectiveness of safety policies and processes, and opportunities for improvement. The Safety team also presents incident rates for the most serious incidents to the Board of Directors twice per year. In addition, on an annual basis, Uber's Senior Vice President of Core Services reports to the Board of Directors on motor vehicle fatalities, physical assault fatalities, and critical sexual assaults, as well as safety product highlights. Since 2020, Uber has tied executive compensation to the incidence of serious safety issues—namely traffic fatalities, fatal physical assaults, and sexual assaults. In 2020, 12.5% of each executive officer's PRSU award was based on the company's achievement of safety goals. In 2021 and 2022, 10% of each executive officer's PRSU award was based on the company's achievement of safety goals. For example, Uber achieved 47% of its goal to reduce U.S. critical sexual assaults by 15% over a three-year period using 2020 as a baseline.



## Recommendations

- **Continue and expand reporting on safety metrics.** The practice of publishing safety metrics every two years promotes transparency with external stakeholders and drives accountability for Uber’s action on safety. Uber should continue this cadence of reporting and explore adding additional safety metrics to its current disclosures.
- **Develop a strategy to address safety incidents across different demographic and user groups.** As the company’s efforts to address women’s safety concerns have demonstrated, expert consultation enhances and validates the company’s safety processes and technologies. Uber should likewise consult with experts to identify, consider, and address the specific safety concerns of other potentially vulnerable user populations, including drivers of color. The strategy should take into consideration applicable law, data collection best practices, and user privacy.
- **Continue to improve deactivation policies and procedures.** Additional support and resourcing focused on the driver deactivation experience will help Uber ensure that its policies and procedures are fair and transparent to all users.
- **Broaden the Safety Advisory Board’s expertise by adding a member focused on platform worker health and safety.** Uber’s Safety Advisory Board provides expert guidance and feedback on safety processes and technology. As part of Uber’s ongoing commitments to provide communities with earning opportunities and improve user health and safety, Uber should explore adding a new member to the Safety Advisory Board with experience in evaluating and addressing work-related safety risks.

## 5. Driver Initiatives

There are more than one million drivers on Uber’s mobility platform in the United States. Uber does not ask drivers to provide demographic information but estimates that 83% of U.S. drivers are men,<sup>180</sup> and survey results indicate that 49% of U.S. drivers and couriers are white.<sup>181</sup>

Under Uber’s independent contractor plus (IC+) model, drivers on Uber’s U.S. mobility platform have access to rewards, benefits, and protections while maintaining the flexibility of platform work.<sup>182</sup> Uber developed this approach as an alternative to the traditional employment and independent contractor models for work. In an August 10, 2020, *New York Times* op-ed, Uber CEO Dara Khosrowshahi described the traditional model of employment as a “false choice” that “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,” and proposed the IC+ model as a “third way.”<sup>183</sup>

Uber published a white paper titled “Working Together: Priorities to Enhance the Quality and Security of Independent Work in the United States” on its vision for IC+ work. More commonly known as Uber’s “Working Together Priorities,” the white paper contains calls to action for public policy change and corporate commitments to improve the quality and security of independent platform work in the United States.<sup>184</sup> Uber published the white paper “to gather feedback and encourage dialogue among the wide range of stakeholders committed to

enhancing the quality and security of independent platform work, especially the drivers and delivery people who work with Uber.”<sup>185</sup>













As part of the Working Together Priorities, Uber called for three major legal and policy changes in U.S. states:

1. Uber urged states to extend civil rights laws to independent platform workers to protect them from discrimination, harassment, and prejudice.<sup>186</sup>
2. Uber urged states to require platform companies to contribute to funds for drivers to use to access benefits of their choosing, including paid time off; health, vision, and dental insurance; Health Savings Accounts; disability and life insurance; and qualified retirement savings.<sup>187</sup> Uber suggested that workers could request funds to purchase specific benefits throughout the year or that platform companies could pay workers twice a year in the form of cash benefits.<sup>188</sup>
3. Uber urged states to require platform companies to provide workers with occupational accident insurance to cover medical expenses and disability payments for accidents and injuries that occur while driving or delivering.<sup>189</sup> Uber suggested that medical expense coverage and disability benefits could be based on historical weekly earnings, and that the insurance could include a survivors benefit for covered accidents.<sup>190</sup>

In addition, Uber made a number of corporate commitments in the Working Together Priorities and urged other platform companies to do the same.<sup>191</sup> For example, Uber committed to:

- Undertaking a national survey of all drivers and couriers to gather feedback on what the company is doing well and what it could be doing better.
- Engaging in an ongoing conversation with representatives who can speak credibly to the interests of drivers and couriers.
- Supporting the lifelong learning and skills development of drivers and couriers.<sup>192</sup>

## Calls to action and corporate commitments to deliver on the promise of high-quality independent work

What needs to be done	Who needs to act	
	Governments	Uber and industry
We want to contribute to funds that workers can individually direct toward the benefits that matter most to them. We are asking states to require our industry to accrue such funds.		
We want to provide workers with occupational accident insurance that covers medical expenses and disability payments for accidents and injuries that occur while driving or delivering. We are asking states to require our industry to provide such coverage.		
We are asking that all states extend laws to protect independent workers from discrimination, harassment, and prejudice.		
We will undertake a national survey of all drivers and delivery people to gather feedback on what we're doing well and how we can improve.		
We will engage with representatives who can speak credibly to the interests of drivers and delivery people; representatives with whom we can have an ongoing conversation and who can hold us accountable.		
We will do our part to realize the nation's participatory democracy by helping every eligible driver or delivery person on our platform to register to vote.		
Where data is available and reliable, we will provide transparency to drivers on what they can expect to earn. By the end of 2020, we commit to making the Earnings Estimator available to more than 40% of active U.S. drivers in more than 30 cities.		
We will continue to provide fast access to earnings and give earners the clarity and capacity to review and dispute inaccuracies.		
We will develop opportunities and make investments to support drivers and delivery people in lifelong learning.		

As discussed in more detail below, the commitments and calls to action Uber outlined in its Working Together Priorities animate and align with the company's approach to supporting drivers by engaging with them to address their needs and by providing them with rewards, benefits, and protections.

## a. Driver Engagement

Uber's commitment "to capturing the diverse perspectives of people who earn on [the] platform, listening to their opinions, and addressing and supporting their needs" is reflected in the variety of mechanisms the company uses to solicit and address driver feedback.

Consistent with Uber's Working Together Priorities, Uber held more than 600 engagement and listening sessions with drivers and couriers globally and conducted more than 100 surveys to gather feedback in 2021 and 2022.<sup>193</sup> Since 2021, Uber has made a number of changes to improve driver experience as a result of the feedback it received. For example, Uber:

- Expanded the hours of live phone support.<sup>194</sup>
- Launched UberListen, a program through which drivers can provide feedback to Uber employees while driving and earning on the platform.<sup>195</sup>
- Launched an in-app feature for drivers to find restrooms, gas stations, and restaurants/coffee shops and to take a break.<sup>196</sup>
- Updated platform map technology to provide more precise pickup location data, including what side of a street a pickup will be on.<sup>197</sup>
- Improved the navigation experience by enabling drivers to select alternate routes and to change their navigation provider within the app.<sup>198</sup>
- Developed and installed guided prompts to help first-time drivers learn and adapt to the platform.<sup>199</sup>
- Increased earnings transparency, including by providing drivers with a snapshot of how much they will earn on a particular trip before they accept, and simplifying driver earnings statements to show how much customers paid and the weekly Uber Service Fee.<sup>200</sup>
- Introduced an in-app feature to help drivers and couriers share additional information when they have lost access to earning opportunities on the platform.<sup>201</sup>

Uber has taken steps to ensure that drivers are aware of changes the company has made as a result of driver feedback. For example, Uber sends drivers a monthly newsletter called the "Tune Up" to inform them of changes and improvements to the platform. In 2022, Uber held an event to showcase the changes Uber has made to improve driver experience as a result of driver feedback.<sup>202</sup>

In 2021, Uber established Uber Crew, a program through which drivers and couriers elect representatives—called Crew Members—to provide feedback to Uber.<sup>203</sup> This effort aligns with Uber's Working Together Priorities as part of the company's commitment to engage in ongoing conversations with representatives who can speak to the interests of drivers.<sup>204</sup> Through Street Level Strategy (SLS), an independent consulting firm, Crew Members collaborate with business and product design teams on new app features and other improvements to enhance the driver/courier experience.<sup>205</sup> Uber Crew's main objectives are to ensure drivers and couriers "feel that their interests and voices are represented within Uber, to rebuild their trust; build a sustainable structure allowing [Uber Crew] to amplify [drivers' and couriers'] voices; and improve the experience of driving and delivering with Uber." Crew Member candidates represent diverse demographics across geography, gender, age, and experience.

Since Uber established the program in mid-2021, Uber Crew has expanded significantly. It began with 15 Crew Members elected from a pool of nearly 150,000 eligible drivers and couriers in the Midwest, steadily expanded across the United States, and today includes more than 70 elected Crew Members.<sup>206</sup>

Uber restructured the program after its first five months to address Crew Member feedback. For example: Uber Crew Members suggested that “office hours” (hours during which Crew Members are available to meet virtually with drivers and couriers) were underutilized, so Uber committed to sending more communications to inform drivers and couriers of Crew Members’ office hours as well as potential topics for office-hours discussion to help increase attendance. Crew Members asked for greater transparency with respect to actions that the company was taking in response to Crew Member feedback, so Uber provided additional information in its communications with Crew Members about suggestions that had been implemented. Crew Members told Uber that they would like to be involved earlier in the product-development process, so Uber committed to holding sessions with Uber Crew Members earlier in the product-development cycle. In 2022, Crew Members met with more than 1,400 drivers and couriers, collected more than 3,000 pieces of feedback through office hours and a submissions portal, and participated in 26 sessions with Uber employees.<sup>207</sup>

Covington convened a roundtable discussion with Uber Crew Members to gain additional insight on the Uber Crew program and driver experience. Crew Members spoke highly of the program and suggested that Uber Crew was improving the app for all drivers. Crew Members expressed that Uber was generally receptive to feedback and cared about the driver experience. Pressed for potential improvements, some Crew Members suggested that a more direct line of communication with Uber could allow for more robust conversations, and some suggested that Uber itself (rather than SLS) host meetings with drivers to demonstrate the company’s interest in driver issues and perspectives.

## **b. Driver Rewards, Benefits, and Protections**

Consistent with the commitments described in Uber’s Working Together Priorities, drivers on Uber’s U.S. mobility platform have access to several rewards, benefits, and protections. Uber offers a loyalty program called Uber Pro that allows drivers to access discounts, partnerships, and incentives such as discounted health plans, Health Savings Accounts, tuition coverage, language lessons, gas savings, roadside assistance, and tax-filing discounts, as they gain points through rides and ratings and unlock various status tiers. Examples include:

- **Health benefits.** Uber offers drivers the opportunity to obtain discounted health insurance plans through its partnership with Stride and free Health Savings Accounts through its partnership with Starship.<sup>208</sup>
- **Tuition coverage.** To support the achievement of higher education, Uber has partnered with Arizona State University to provide 100% tuition coverage for eligible drivers and family members in online undergraduate degree programs.<sup>209</sup> Nearly 5,000 drivers, couriers, and family members have enrolled in the program, and nearly 700 have earned a bachelor’s degree through the program.<sup>210</sup>
- **Language lessons.** Because learning language skills (including English) is important for many drivers, Uber has partnered with Rosetta Stone to provide free language lessons. The Rosetta Stone account can be accessed directly through the Uber platform

and has more than 45,000 users in the United States. Approximately half studied English.

As described above, Uber also supports certain legal and policy changes to increase benefits and protections for platform workers. Uber currently offers optional occupational accident insurance for purchase by drivers in more than 40 states, but legal changes would support enabling more universal direct coverage.<sup>211</sup>

Consistent with the Working Together Priorities, Uber has advocated for policy reforms in several states that would preserve drivers' independence but require platform companies to provide additional benefits and protections for platform workers.<sup>212</sup> Such reforms have become law in California and Washington.<sup>213</sup> In November 2020, California voters passed a proposition ("Prop 22") to ensure that platform workers are offered certain benefits and protections like healthcare subsidies, occupational accident insurance, and protection against discrimination and sexual harassment.<sup>214</sup> Prop 22 also includes an earnings guarantee of 120% of minimum wage for drivers' "engaged time," i.e., time spent completing rides or deliveries.<sup>215</sup> After its passage, Uber CEO Dara Khosrowshahi said that the company will continue to "loudly advocate for new laws like Prop 22, which [the company] believe[s] strike the balance between preserving the flexibility that drivers value so much, while adding protections that all gig workers deserve."<sup>216</sup> In March 2022, Washington enacted legislation under which drivers are eligible for state unemployment insurance and accrue paid sick leave and minimum pay rates per minute, per mile, and per trip.<sup>217</sup> The law, which received the support of the local Teamsters-affiliated drivers' union,<sup>218</sup> also creates a process for drivers to appeal deactivation decisions and establishes a Driver Resource Center funded by a new passenger fee.<sup>219</sup>

Uber has also partnered with unions and other gig worker advocates to improve the quality and flexibility of platform work. For example, in February 2022, Uber signed a memorandum of understanding (MOU) with the International Transport Workers' Federation (ITF) to begin a dialogue on the "continued support of decent work for drivers and couriers globally."<sup>220</sup> As part of the MOU, Uber and ITF have committed to host regular roundtable discussions between company management and ITF affiliates and to collaborate on measures to benefit drivers and couriers.<sup>221</sup>

### c. Professional Development

In 2018 and 2020, Uber partnered with Pursuit on the Pursuit LevelUp Fellows Program, which identifies, recruits, and trains drivers and couriers to become software engineers. In 2018—the pilot year for the partnership—13 drivers participated in the program, and three were hired and converted to full-time employees at Uber. All three remain at the company. In 2020, the company expanded the program to increase the number of fellowship positions and to broaden eligibility to include couriers and Greenlight Hub<sup>222</sup> experts.<sup>223</sup> In the program's second year, 18 drivers and couriers participated in the program, and seven were hired and converted to full-time employees.

#### Recommendations

- **Expand and refine the channels for driver engagement.** Uber collects feedback from drivers in several ways, including surveys, listening sessions, and Uber Crew. Uber should consider whether there are additional channels it can use to solicit driver input. Uber should also continue to refine the ways in which it engages with drivers

via Uber Crew. Specifically, Uber should consider how it can continue to enhance communication with Crew Members and continue to evaluate the Uber Crew program by soliciting participant feedback on a regular basis and by making adjustments to the program as needed.

- **Publish an update on Uber's Working Together Priorities.** Uber made a number of public commitments and calls to action as part of its 2020 Working Together Priorities. Publishing an update on Uber's progress will promote transparency and accountability and could encourage other platform companies to engage in these efforts.
- **Explore opportunities to provide drivers with additional rewards, benefits and protections.** Uber should use its Working Together Priorities as a foundation to consider additional ways that the company can support drivers on the platform.

## C. Corporate Workforce

Uber strives to be the “undisputed global leader in connecting diverse people and resources on an equitable, inclusive, and safe technology-enabled platform.”<sup>224</sup> To achieve this objective, Uber recognizes that it must foster diversity, equity, and inclusion within its own workforce, which includes approximately 11,000 employees in the United States, in order to identify the best candidates for every position. Uber’s approach to these principles “starts fundamentally by attracting a diverse workforce, fostering a sense of belonging and community, driving accountability through enhanced data strategy and transparency, and amplifying that across Uber’s ecosystem.”<sup>225</sup>

As part of its 2020 racial equity commitments, following a review of data that demonstrated that COVID-related market shifts slowed Uber’s rate of progress against indicators of equity and inclusion, Uber developed five public goals related to improving diversity and inclusion in its corporate workforce: (i) “expanding opportunities for diverse talent”; (ii) “pay equity, full stop”; (iii) “doubling the talent pipeline”; (iv) “doubling Uber’s Black representation in leadership by 2025”; and (v) “training on cross-cultural management.” Uber has accomplished its “pay equity, full stop” and “training on cross-cultural management” goals and has made progress toward fulfilling the other three goals as part of its broader strategy to ensure equal opportunity and promote DEI in its workforce.

Covington evaluated several aspects of the company’s approach to DEI in its corporate workforce, including its (i) policies and procedures; (ii) complaint and investigation processes; (iii) trainings; (iv) talent acquisition and management processes; (v) compensation and benefit offerings; and (vi) employee resource groups.

### 1. Policies and Procedures

#### a. Overview of Uber’s EEO Policies

The effective implementation of equal employment policies, including policies addressing workplace conduct, discrimination, and the appropriate investigation of complaints and concerns of misconduct, is foundational to establishing an inclusive work environment. Uber’s policies for U.S. employees are included in four key documents: (i) the Business Conduct Guide; (ii) the Global Employee Handbook; (iii) the U.S. Annex; and (iv) the U.S. Sexual Harassment Policy. These documents are available for employees on Uber’s intranet, Uber Hub.

- **The Business Conduct Guide.** The Business Conduct Guide outlines appropriate business conduct and describes Uber’s policies and resources to guide ethical decision making in the workplace. The Business Conduct Guide briefly states that Uber does not tolerate discrimination, harassment, retaliation, bullying, or any violations of company policies. Two sections in the Business Conduct Guide provide guidance on reporting. The first section, titled “Stand Up Speak Out,” states that if employees have a reason to think that someone is not following Uber’s policies or the law, they can raise concerns to their manager, and, if not comfortable doing so, to the People Team, Ethics and Compliance Legal, Internal Audit, or the Uber Integrity Hotline. The second section, titled “Great Minds Don’t Think Alike,” explains that employees may report violations of company policy to their manager, any Uber manager, Human Resources (HR), or the Integrity Hotline. It explains that managers must escalate complaints that implicate what they determine to be ethical or misconduct matters to HR or the Integrity Hotline.
- **The Global Employee Handbook.** The Global Employee Handbook generally provides detailed EEO policies for Uber’s global workforce, including the Policies Against Discrimination, Harassment, and Sexual Harassment; the Policy Against Bullying; Other Examples of Inappropriate Behavior; Managing Interpersonal Conflict; and the Hiring Relatives and Romantic Relationships at Work Policy. The Handbook and U.S. Annex each include an Accommodations for Medical Conditions policy to explain how accommodations are provided to qualified individuals with disabilities, which extends to medical conditions related to pregnancy, childbirth, and lactation. The Handbook also includes an Accommodations for Religious Beliefs policy. Additionally, the Handbook’s Open Door Policy and its Reporting Procedure sections emphasize the importance of reporting good-faith concerns or complaints to any manager, HR, or the Uber Integrity Hotline. The Handbook also has a Protection From Retaliation policy, which is referenced in the U.S. Annex. The Protection From Retaliation policy prohibits retaliation for reporting, filing, testifying, assisting, or participating in any internal or external investigation. This policy also notes that retaliation is prohibited against any employee who opposes harassment and discrimination. Consistent with best practices, Uber’s policy against retaliation provides examples of types of conduct that are considered prohibited retaliation, including demotions or other denials of employment benefits. Employees who violate the anti-retaliation policy may be held accountable through a range of disciplinary actions.
- **The U.S. Annex.** The Handbook serves as a repository for Uber’s global corporate workforce policies, but there are also 36 country-specific appendices to account for variations in employment laws across the globe. The U.S. Annex includes policies that are relevant for U.S. employees, such as an At-Will Policy, a Personnel Records Policy, and various leave policies. The U.S. Annex also generally expands on the Handbook’s EEO policies to align them with U.S. state laws against discrimination, harassment, and retaliation. For example, and as described below, the anti-harassment policy in the U.S. Annex provides detailed examples of conduct that constitutes prohibited harassment and sexual harassment. The policy in the U.S. Annex also defines different forms of sexual harassment—quid pro quo and hostile work environment—as required by some state laws. Although microaggressions are not specifically addressed in current policies, the DEI team is conceptualizing a policy that will address the concept of microaggressions.
- **The U.S. Sexual Harassment Policy.** Uber publishes a separate U.S. Sexual Harassment Policy that is available to employees on Uber Hub. The U.S. Sexual Harassment Policy contains provisions addressing Equal Employment Practices, Drug and Alcohol Use, Standards of Conduct, Communications and Technology, Raising



Questions or Concerns, and Equal Employment Practices. The U.S. Sexual Harassment Policy references and cites to the Handbook and U.S. Annex, but the policies are not perfectly aligned. For example, the U.S. Sexual Harassment Policy states that any Uber employee who engages in discrimination, harassment, retaliation, bullying, or other prohibited conduct may be subject to disciplinary action up to and including termination of employment. The anti-harassment policies in the Handbook and U.S. Annex do not include provisions about possible disciplinary action.

Since 2018, Uber has not required mandatory arbitration for individual claims of sexual assault or harassment by employees.<sup>226</sup> In 2018, Uber also started to provide claimants with allegations of sexual violence or harassment with the option to settle their claims with Uber without a confidentiality, non-disclosure, or non-disparagement provision preventing them from disclosing truthful facts about sexual assault or harassment they have suffered.

### **b. Interaction Between Uber's EEO Policies**

Uber's anti-discrimination and harassment policies support the company's goals to "provid[e] equal employment opportunities and maintain[] a diverse workforce." The Handbook and U.S. Annex state that Uber prohibits discrimination and harassment based on an expansive list of protected characteristics. Uber's Business Conduct Guide directs employees back to the Handbook and local annex, stating that Uber does not tolerate discrimination, harassment, retaliation, bullying, workplace violence, or other violations of its standards of conduct as outlined in the Handbook and local annexes. The anti-discrimination and harassment policies in the Handbook and U.S. Annex, however, differ in their level of detail. For example, the U.S. Annex's anti-harassment policy is more robust than the Handbook's policy because it describes harassment and sexual harassment and includes several illustrative examples of prohibited conduct. Uber employees are more familiar with the Handbook than the U.S. Annex.

Uber's policies against discrimination and harassment do not include information regarding how to report violations. Information regarding how to report violations of company policies are instead contained in separate reporting policies in the Handbook and U.S. Annex, which differ slightly. For example, the Handbook's Reporting Procedure policy informs employees that they can report complaints of potential policy violations directly to their manager, any Uber manager, HR, or the Uber Integrity Hotline. The U.S. Annex's Reporting Procedure instructs employees to report to their manager, HR, or the Uber Integrity Hotline but does not inform employees that they can report complaints to *any* manager, as noted in the Handbook.

The company also publishes a Policy Against Bullying, a Managing Interpersonal Conflict policy, and a Hiring Relatives and Romantic Relationships at Work policy. The Handbook's Policy Against Bullying and Other Examples of Inappropriate Behavior, which are referenced in the U.S. Annex, describe other disruptive and damaging behaviors that may not rise to the level of discrimination or harassment but are nonetheless prohibited. The Handbook's Managing Interpersonal Conflict policy instructs employees to report a conflict with a manager or coworker that cannot be resolved on its own to any Uber manager or an HR Partner. Finally, Uber directs employees to disclose familial, romantic, or close personal relationships with a subordinate under the Hiring Relatives and Romantic Relationships at Work policy.

### c. Efforts to Raise Employee Awareness of EEO Policies

Uber has taken several steps to inform employees about their workplace protections and how to report misconduct. As part of the onboarding process, Uber requires all U.S. employees to review the Business Conduct Guide, Handbook, and U.S. Annex and sign an acknowledgement that they have done so and understand these documents. This process is repeated every two years. Uber’s Ethics and Compliance team—which is the team responsible for updating Uber’s EEO policies and offering compliance trainings on EEO topics—hosts a “Stand Up Speak Out” campaign every year during Ethics and Compliance week to emphasize the importance of reporting misconduct, and Uber issues quarterly communications to employees to increase awareness of particular EEO topics. To identify areas for improvement regarding employee awareness and understanding of EEO issues, as well as the effectiveness of related policies, Uber asks related questions in its semi-annual Pulse survey, and the results establish that the vast majority of Uber employees agree that “Uber is committed to maintaining an environment that is free from sexual harassment,” and that they know how to report ethical or compliance violations and can do so without fear of retaliation.

#### Recommendations

- **Align EEO policies with emerging best practices consistent with the requirements of jurisdictions in which Uber is operating.** Some state anti-discrimination and harassment laws require employers to provide comprehensive definitions and examples of discrimination and harassment, specify that this behavior is unlawful, and clarify that violations will result in disciplinary action. Uber should revise its Policy Against Discrimination accordingly to include specific examples of conduct that violate the policy, similar to the examples of prohibited harassment and sexual harassment provided in the U.S. Annex.
- **Revise Uber’s Global Employee Handbook and U.S. Annex to clarify the relationship between the policies they contain and how Uber employees should report complaints.** Uber should revise the EEO policies contained in the Handbook to make clear that reports of harassment, discrimination, and retaliation should be made using the reporting procedures described in the Handbook. This will help Uber ensure that employees know how and where to direct their complaints. Uber should look for opportunities to increase employee awareness of these policies by, for example, adding hyperlinks to relevant policies in each of the documents.

## 2. Complaints and Investigations

Uber employees can report employment and compliance concerns through a number of channels. The primary channel is Uber’s Integrity Hotline. The Ethics and Compliance team manages the hotline and routes complaints to the appropriate team for investigation. Complaints about discrimination, bullying, retaliation, and workplace violence are investigated by the Employee Relations team, and other violations of Uber’s Standards of Conduct, including conflicts of interest and abuse of company resources, are investigated by teams such as the Ethics and Compliance team, the Internal Audit team, or the Global Security team, depending on the nature of the concern. Employees can also report concerns anonymously through an email address listed on Uber Hub. Employees may informally raise concerns with their managers or ERGs, who refer concerns to the Employee Relations team consistent with the

Handbook's Reporting Procedure. Uber collects the demographic information of its U.S. employees, based on available and voluntarily provided self-ID demographic data, to help ensure diverse teams. That data is used to periodically review the demographic composition of Uber's workforce and leadership.

Uber provides employees with information about the complaint and investigation process through trainings and informational materials. Uber sponsors a "Respect@Uber" week that includes training on how to recognize and report workplace concerns. All employees generally at the level of senior manager and below were automatically enrolled in Respect@Uber curriculum in November 2022 and the related materials are available on-demand on the Uber Learning platform. Respect@Uber covers (i) Uber's policies and standards; (ii) how to speak up when something does not feel right; (iii) how and when to report a concern; (iv) how concerns are reviewed; and (v) where to find additional help. Employees also receive a corresponding guide for recognizing and reporting concerns upon completion of the training and can continue to access the guide through Uber's e-learning platform. If an employee makes a workplace complaint, the Employee Relations team provides the employee with pamphlets regarding the types of concerns that the Employee Relations team investigates, a summary of the investigation process, tips for resolving conflict, information about when and where to ask for help with a conflict, and answers to frequently asked questions about Uber's conflict resolution process. These pamphlets are available to all Uber employees on Uber Hub.

Uber provides process guides to case managers responsible for investigating complaints covering topics such as meeting with employees, acknowledging receipt of the report, gathering additional information, and closing a case. Uber also has an Employee Relations Communications Guide that offers best practices and templates for communicating with employees throughout an investigation. Case managers on the U.S. team meet regularly to discuss cases and best practices for investigations. Case managers are not required to take any investigation-specific training or implicit-bias training.

The Employee Relations team reports complaint and investigation data to the ELT. The reports generally include information about the number of cases reported contextualized by total employee headcount, the proportion of complaints that were investigated versus referred to conflict resolution (as described in more detail below), the most common types of issues investigated, and other trends. The Employee Relations team does not provide the ELT with the aggregated demographics of complainants, subjects, or substantiation rates, though the team is reportedly working on incorporating such data in their reports.

Employee Relations investigators are also responsible for recommending discipline, if discipline is warranted, when they conclude an investigation. To make a discipline recommendation, Employee Relations investigators review a database containing previous case outcomes and sanction data. Reviewing similar case outcomes helps to ensure fair and consistent discipline decisions and minimizes the risk of a high-performing or high-ranking employee receiving less severe discipline based on their position or reputation within the company. The Employee Relations investigator discusses the proposed discipline with the relevant business leader, who may impose discipline that falls outside of the recommended range only if approved by the Chief Compliance and Ethics Officer and Senior Director, Employment Legal.

In addition to the traditional investigation and discipline processes, Uber's Employee Relations team offers an innovative alternative conflict resolution option through its Restorative Practices program, which was piloted in 2022 and is now available to all employees globally

who utilize the Employee Relations review and reporting process. Restorative Practices is intended to provide a process for mediating conflict for allegations of behaviors that do not rise to the level of a potential policy violation, as determined either at the outset of a complaint or after an investigation has been conducted and the complaint is unsubstantiated, and to repair relationships between complainants and subjects after investigations are closed. Uber modeled this program after restorative justice programs offered in some prisons and schools and consulted with subject-matter experts to inform the development of the program. Employee Relations team members—all of whom have been certified in mediation after undergoing significant training—facilitate “Restorative Conversations,” which are informal conversations between two or more parties where employees have the chance to repair and strengthen their relationships through collaborative problem solving. Restorative Conversations are offered for all cases reviewed by the Employee Relations team and may be offered where conflict or disagreements involving Uber employees are disrupting team dynamics (same team or cross-team), including business objectives.

During the pilot phase, participants received a survey 30 days after they completed the Restorative Conversations process. According to the survey results, 75% of respondents had a positive experience, and all respondents appreciated having facilitator support and felt the process helped them understand the other employee’s perspective. The pilot survey informed the creation of a new survey launched in April 2023. The new survey will be sent to employees 15 days after the closure of their case, and will ask employees about their experience with the case-resolution process—including Restorative Practices—and confirm the employee received information about Uber’s anti-retaliation policy.

Employee Relations also conducts discussions with subjects and complainants after an investigation. Once an investigation concludes, Employee Relations partners make support calls to complainants and subjects for up to 90 days after an investigation to help them identify strategies to move forward. The follow-up calls with Employee Relations provide complainants opportunities to report whether they feel they are facing retaliation.

## Recommendation

- **Evaluate the effectiveness of the Restorative Practices and traditional investigation processes.** To evaluate and compare the impact of its Restorative Practices program, the Employee Relations team should consider collaborating with the People Data and Analytics team to survey participants in both the Restorative Practices and traditional investigations process (including complainants, subjects, and witnesses) about their experiences in both programs. Surveys could include questions about whether participants felt adequately supported throughout the process, whether relevant relationships have been repaired, and whether there were any perceived career impacts such as retaliation. The company could also collect and analyze other data (e.g., time to close, volume of repeat participants, reports of alleged retaliation, subsequent career progression) to compare the two processes.

### 3. Trainings

#### a. Compliance

Uber offers a suite of mandatory compliance trainings related to ethics and compliance, including a new “Preventing Workplace Harassment and Discrimination” training developed through a partnership with the Purple Campaign—an organization formed in the wake of the #MeToo movement to offer resources for addressing harassment in the workplace.<sup>227</sup> In 2021, the Purple Campaign developed a corporate certification program to assess workplace harassment prevention strategies. Uber participated in the program by completing HR policy surveys and submitting relevant workforce policies, practices, and procedures for review.<sup>228</sup> The Purple Campaign analyzed the responses and policies against a set of criteria designated as critical components for effective harassment prevention. Examples of the criteria include “the company conducts mandatory anti-harassment training for all new hires” and “the company has conducted a climate survey within the last two years.” Based on its review of Uber’s survey responses and policies, the Purple Campaign awarded Uber a Purple Certification with a perfect score of 100 points.<sup>229</sup>

The Purple Campaign’s scorecard also assessed Uber against criteria that will be used for future Purple Certifications, which take into account emerging trends and best practices in addressing workplace harassment. As a result, Uber partnered with the Purple Campaign to update its anti-harassment and discrimination training, customize it to Uber, and include topics about appropriate alcohol use and additional information about Uber’s reporting procedures. Uber’s updated training also provides different modules based on state requirements, such as bystander intervention training and specific manager training in states that require it, such as California.

The Preventing Workplace Harassment and Discrimination training is a mandatory annual training for employees and a mandatory biennial two-hour training for managers. The Ethics and Compliance team tracks completion of compliance trainings—including the Preventing Workplace Harassment and Discrimination training—by position level and business unit, region, and business leader. Current data indicate that more than 70% of employees and managers have completed the Preventing Workplace Harassment and Discrimination training.

Uber’s e-learning management system generates weekly reminders to employees who have not completed mandatory trainings; and for certain compliance courses, the system sends notifications of employee noncompliance to managers and regional managers. Uber does not discipline employees who do not fulfill the Preventing Workplace Harassment and Discrimination training requirement, but the company encourages completion of the training by awarding employees with digital badges for their Uber Hub profiles and by sending regular email reminders to complete the training. Training completion is not considered as an evaluation criterion in the annual performance review process.

For certain compliance trainings, including courses on the Business Conduct Guide and Security, Uber has implemented initiatives to respond to knowledge gaps. Uber utilizes detailed scoring technology in these trainings to determine whether an employee missed key knowledge areas, and if so, follow-up steps and assessments are implemented.

The Ethics and Compliance team solicits feedback from participants on compliance trainings, including the Preventing Workplace Harassment and Discrimination training, following training completion and during Ethics and Compliance week. This team has also partnered with

ERGs and the DEI team to obtain feedback on how certain trainings may be perceived before they launch to identify and address any issues with the training. In addition, Uber assembled a Training Tactics Squad—a select board of 50 employees that have the highest engagement with Compliance programs—to inform future trainings.

### **b. DEI Training**

Uber offers optional trainings on topics related to promoting DEI. Calibration training teaches managers how to achieve fair and equitable performance outcomes during the performance-calibration process, including strategies to eliminate bias in feedback. Uber also offers trainings for “Bias Busters” in performance calibration discussions, which is someone that speaks up and calls out biases when they appear and encourages others to remain focused on objective criteria. All employees can participate in the “All In For Inclusion” training, which includes modules on privilege, bias, and microaggressions. Finally, Uber launched the “Advancing Anti-Racism” training to fulfill its commitment to “offer training to all Uber managers on inclusive management and cross-cultural competency.” The Advancing Anti-Racism training has four modules that provide managers with practical insights and tools to go beyond awareness to active allyship. This training includes scenario-based learning and role-play activities to help managers identify and address racism.

Although these trainings are not required by Uber, they are strongly encouraged. Uber tracks completion rates for the Advancing Anti-Racism training but does not track completion data for other DEI trainings. To incentivize participation in the Advancing Anti-Racism training, Uber awards digital badges that are visible on employees’ Uber Hub profiles. Uber solicits feedback from training participants through the DEI team and Uber Learning.

#### **Recommendation**

- **Continue to encourage compliance with the mandatory workplace harassment and discrimination training requirement.** Uber should consider additional ways to enforce the training requirement by, for example, preventing an employee from executing certain tasks until training has been completed or incorporating training completion as a performance evaluation criterion during the annual review process.

## **4. Talent Acquisition and Management**

Uber is committed to building a diverse and inclusive workforce consistent with applicable law that effectively serves the diverse communities in which Uber operates. Uber’s Talent Acquisition team sets recruiting priorities each year to drive the company’s equitable workforce representation goals to ensure Uber is facilitating equal employment opportunity. Previous talent acquisition priorities have included investing in apprenticeship, “Opportunistic Hiring,” and sponsorship programs, as well as hosting inclusive recruiting events to increase engagement with Uber among underrepresented populations.

### **a. Recruiting from Diverse Sources**

Uber employs several strategies to identify and recruit diverse talent. Uber’s university recruiting team is “school agnostic” in that it seeks to hire high-achieving students across a variety of schools rather than only students from universities that are highly ranked. Uber also

emphasizes recruiting at Hispanic-Serving Institutions (HSIs) and targeted, regional universities, as well as Historically Black Colleges and Universities (HBCUs). To identify promising talent, Uber also sponsors and participates in events diverse candidates are likely to attend, such as AfroTech, Out and Equal, and the Grace Hopper Celebration, among others.

Having identified a lack of diversity in mid-level management positions in the engineering organization, Uber established “Discover Uber,” which seeks to encourage Black or Hispanic/Latino manager-level talent from inside and outside the company to apply for positions within the engineering supervisory organization, as part of Uber’s racial equity commitment to develop “Diverse Tech Teams for Diverse Customers.” As part of the program, a panel of diverse employees from the engineering organization interviews qualified candidates, including Black and Hispanic/Latino candidates, and makes hiring decisions based on whether candidates fit Uber’s tech competencies rather than hiring for designated positions. If hired, an appropriate position is identified by surveying engineering leaders about their needs for specific talent. The program seeks to address the difficulties with hiring URP talent in tech roles, generally at the manager level or above.

Uber is also focused on expanding the diversity of executive-level candidates for director-level and above positions through a new program titled “Executives in Residence.” At Uber, URP representation in tech leadership roles decreased from 3.6% in 2020 to 2.1% in 2021 and increased to 2.3% in 2022.<sup>230</sup> With the Executives in Residence program, Uber hopes to identify additional diverse leaders by the end of 2023. As with Discover Uber, Executives in Residence seeks to identify qualified candidates, including diverse candidates, and then identify appropriate roles for them.

## **b. Equity in Hiring**

Uber asks candidates to voluntarily self-identify their gender, race/ethnicity, sexual orientation, and other demographics in their employment application. Uber only reviews candidates’ demographic information in the aggregate, and the information is not accessible to hiring decision makers. As part of its efforts to ensure equal opportunity, Uber sets goals to interview a candidate pool at the business phone screen stage that at least meets the demographics of the relevant hiring market for all open positions generally at the senior analyst level and above. The business phone screen generally occurs after an initial phone screen with members of Talent Acquisition. Collecting candidates’ demographic information allows Uber to measure progress against its diversity goals at the business phone screen stage and to track the proportion and flow of URP candidates throughout the recruiting process. Uber also uses software to review its job descriptions for implicit bias.

Uber refers to its business phone screen diversity goals as its “Mansfield Rule.” The original Mansfield Rule, led by Diversity Lab, asks participating law firms to consider at least 30% historically underrepresented lawyers when appointing candidates to leadership roles.<sup>231</sup> In 2020, Diversity Lab designated Uber’s legal department as “Mansfield Certified” after it successfully complied with the Mansfield Rule requirements. Due in part to the legal department’s recruiting success using the Mansfield Rule, Uber decided to implement a modified version of the rule companywide.

Since expanding its applicant pools to promote equal opportunity, Uber has increased the representation of women and URP at the company. Uber increased its representation of women overall, women at the manager level and above, URP overall, and URP at senior analyst level and above.<sup>232</sup> While the total representation of URP continues to grow, Uber has

experienced a decline in Black or African American employees, from 10.3% in 2021 to 9.3% in 2022 and 9.1% in 2023 (although the time periods for reporting are not perfectly comparable).<sup>233</sup> Uber attributes this decline, in part, to its overall reduction in headcount hiring in response to market fluctuations. Recruiting Black candidates for tech roles continues to be a challenge for Uber; however, the overall representation of URP employees in tech roles has increased from 13% in 2021 to 13.7% in 2022 and 14% in 2023.

The Talent Acquisition team makes an effort to provide candidates with diverse interviewers to promote equitable consideration of candidates by leveraging UPanel, a platform that enables talent coordinators to identify employees qualified to make candidate assessments and to support the goal to have a diverse group of Uber employees conduct interviews with candidates. Uber also offers all candidates the opportunity to speak with a member from an ERG with which they identify.

Uber provides optional online trainings for managers and interviewers called “Hire the Uber Way,” which addresses conducting inclusive interviews and avoiding bias, keeping diversity, equity, and inclusion top of mind, and tips for selecting a diverse panel of interviewers. Approximately 15% of Uber employees have completed this training, though approximately 40% of the workforce participates in the interview process. UPanel provides talent coordinators with data showing which potential interviewers have completed the Hire the Uber Way training so they can take training completion into consideration when selecting interviewers.

Uber provides suggested questions for interviews, but it is ultimately within an interviewer’s discretion to determine the questions to ask candidates. Uber does not provide interviewers with a rubric or standardized criteria to evaluate candidate responses during interviews.

After all panelists have interviewed a candidate, the recruiter organizes a debrief to allow the interviewers to share their thoughts on the candidate. To mitigate potential bias during conversations for engineering roles, Uber uses a “bar raiser”—an individual trained and certified in helping the panelists evaluate the candidate against a standardized set of competencies necessary for the role. It is the bar raiser’s responsibility to ensure the group focuses on objective criteria. Uber plans to launch a “Hiring Foundations” framework to instill inclusive and efficient practices in hiring processes for all vacant roles. This framework might replace the need for bar raisers by implementing new, consistent hiring standards across the company.

## Recommendations

- **Continue to target additional diverse sources of talent in the recruiting process, particularly for technology roles.** Uber should continue to sponsor and recruit at events that candidates from a diverse array of backgrounds are likely to attend. Uber should expand recruiting efforts at HBCUs, HSIs, and other universities with diverse student bodies. Uber should consult tech-focused external stakeholders for additional strategies for identifying and attracting URP with engineering and related tech backgrounds.
- **Require anti-bias training for all managers making hiring decisions and consider implementing additional anti-bias measures in the interview process.** Uber should consider requiring all employees who conduct interviews and make hiring decisions to complete the Hire the Uber Way training to ensure they are aware of



## Recommendations

strategies to identify and mitigate bias in the recruiting process. Uber should also consider standardizing aspects of its interview process (e.g., competencies and interview questions) among business units to reinforce objectivity and to mitigate potential bias in the hiring process.

### **c. Performance and Promotion**

Uber employees undergo an annual performance review process, which is supplemented by ongoing performance feedback and four manager Impact Check-Ins each year, and employees have an opportunity to be nominated for promotion semi-annually. The performance and promotion review processes are managed by Uber's Performance team, which is under the People and Organizational Development function. Before each process, Uber offers several "just-in-time" (i.e., offered immediately before the process opens) trainings for managers, including a calibration training and a Bias Busters training to minimize bias and promote equitable outcomes in evaluations and promotion decisions. Managers also conduct calibration sessions contemporaneous with each process during which they align on performance expectations and performance indicators, which inform promotion outcomes. Managers receive a calibration training and are encouraged to familiarize themselves with different types of potential bias found in feedback language as well as various coded terms to avoid. The Bias Busters training described above encourages fact-based discussions and inclusive behaviors during the calibration process.

To promote equitable consideration of candidates, Uber collects and reviews data on nominations and promotions, including demographic information, which is reported on a regular basis to senior leadership. Uber does not, however, have a process in employees' performance reviews for consistently recognizing employees' DEI contributions—such as ERG leadership or recruiting activities that contribute to attracting a diverse array of talent to the Uber workforce. Managers, in their discretion, may include this information while reviewing their team members in the performance and promotion processes.

### **d. Development and Retention**

Uber's mentorship program is open to all employees. Uber uses a tool called Chronus to match mentors and mentees according to predefined criteria. The Chronus dashboard allows program administrators to track participation data, which can be disaggregated by gender identity, region, ERG membership, and job family. Between January 2022 and February 2023, there were 3,395 active mentees and 1,443 active mentors in the program. For the same time period, 8% of mentors and mentees were members of the Asian at Uber ERG, 4% were members of the Black at Uber ERG, and 3% were members of the Los Ubers ERG.

Uber's DEI team promotes equitable sponsorship across all employee demographics by senior leadership, including by managing a sponsorship program for women and URP, generally at the analyst and manager levels who have been in their roles for at least six months. Launched in 2019, the program's purpose is to engage Uber's leadership to support emerging diverse talent through active sponsorship over the course of six months through visibility, influence, and connection. Participants receive a dedicated sponsor, training, and resources to promote their visibility. As of January 2022, 148 sponsors and 215 sponsored employees had

participated in the program. At that time, 78% of the original sponsored employees were still active within the company and 86% of nominated sponsored employees had been promoted.

The DEI team recently began holding focus groups to promote inclusion and retention and to better understand the experiences of URP. For example, in 2022, Uber invited 42 Black, Latino, and Black/Latino mixed-race leaders to attend the first Black and Latino Leaders Roundtable for employees at the director level or above. The same year, Uber invited 65 female leaders to attend the first Women Leaders Roundtable for employees at the senior director level or above. Roundtable participants attended sessions that were dedicated to hearing each other's varied experiences and expanding their networks. Virtual roundtable sessions are now held every other month for the Black and Latino Leaders Roundtable and monthly for the Women Leaders Roundtable, with the goal of understanding the experiences and challenges faced by these employees. The Black and Latino Leaders Roundtable has approximately 60 members, and the Women Leaders Roundtable has approximately 80 members. Uber has also held Racial Equity Dialogue Circles for participants to engage in honest conversation and share their experiences in small groups.

Uber's People and Organizational Development team manages several initiatives to encourage employee development and retention. Notable programs include the Supporting Women Leaders mentorship program and various academy and apprenticeship programs. While the People and Organizational Development team leads these programs, it collaborates with the DEI team and ERGs to facilitate sessions of each. The People and Organizational Development team manages the initiatives, while the DEI team and ERGs provide expertise on inclusive language, content, and audience.

Uber also provides a diverse array of educational events, which are available to all interested employees, throughout the year. Some educational events are directed at particular cohorts of employees. For example, Uber plans to implement an "Immunity to Change" program that will offer one to two educational events per year for 20–30 female leaders to learn how to create positive, sustainable mindset changes to promote professional development, and is considering providing other educational experiences for small cohorts of employees.

Uber has established a number of academy and apprenticeship programs to facilitate and encourage professional growth within the company.

- **CST in Motion** reskills Community Specialist team members—generally frontline customer support agents with substantial URP representation—and matches them to salaried corporate roles, such as sales roles. As part of CST in Motion, Uber offers CST employees with interview-preparation sessions and provides short-term assignment opportunities so that CST employees have support to make a career transition at Uber.<sup>234</sup> Uber has set a goal to fill 10% of its non-tech openings with CST employees.<sup>235</sup> In 2021—Uber's first full year after making this commitment—Uber filled 9.5% of its non-tech positions with CST employees.<sup>236</sup>
- The **Boost Fellowship** is a seven-month training program for employees from underserved populations, including military veterans, drivers/couriers, and individuals with nontraditional backgrounds who are early in their engineering careers. The most recent cohort of 16 apprentices all belong to the armed-forces community.
- The **Talent Acquisition Academy** is a 16-week program that trains inexperienced candidates so they can join the Talent Acquisition team as full-time Sourcers and

Recruiters, generally at the analyst level. Since the program's inception, there have been 59 participants in the program and 65% are URP.

Uber does not conduct exit interviews with every departing employee, though they are offered to some employees on a voluntary basis.

## Recommendations

- **Account for contributions to DEI initiatives in performance reviews.** While Uber rewards certain ERG leaders with cash bonuses, the company does not formally consider participation in ERGs or other DEI initiatives in its performance review process. By incorporating employee participation in RELC, ERG leadership, diverse recruitment efforts, or other DEI initiatives into evaluations for all employees and directing managers to consider these efforts in performance reviews, Uber can signal that it values contributions to DEI initiatives.
- **Enhance existing career development opportunities that support URP, such as by encouraging their enrollment in the sponsorship program and CST in Motion.** Potential methods to increase participation include encouraging ERG member participation, soliciting nominations from managers, and reducing barriers for CST employees who want to attend related programming.

## 5. Compensation and Benefits

Uber's compensation philosophy emphasizes its commitment to being market competitive, having a pay-for-performance culture, and ensuring pay equity. Uber has established defined procedures and criteria to ensure implicit bias does not impact compensation decisions for new hires and internal promotions. For most roles, compensation is composed of a base salary, equity, and a discretionary annual bonus.

To determine base salaries, Uber considers a number of factors, including cost of labor for every role, geographic data, education level, niche skills, and performance at Uber. Uber does not consider a candidate's previous salary and only asks about a candidate's desired salary if necessary to help ensure expectations are aligned. Candidates are generally not permitted to negotiate their salaries, minimizing the risk of disparities due to implicit bias and helping to ensure pay equity. The Compensation team conducts pay equity analyses of all elements of compensation and compensation cycle adjustments twice annually in collaboration with HR, Legal, and external counsel to verify the company's pay equity practices are achieving equitable pay. Uber also benchmarks its compensation against peer companies annually, using external market data to provide an unbiased representation of the labor market. Uber is transparent about the existence of these practices and publishes salary ranges in the United States both internally and externally. In addition, Uber internally publishes details about its compensation cycle adjustment process and compensation criteria.

Uber offers a discretionary year-end bonus to reward employees who meet their personal targets, which are unique for every job profile, level, and location combination. Uber's discretionary annual bonus has been a dollar amount rather than a percentage of employee salaries, which ensures that employees within the same roles receive the same bonus for meeting the same targets, regardless of whether their base salaries are different.

In addition to compensation, Uber offers competitive benefits for all employees who work 30 hours or more per week. Uber’s benefits package is standard across levels of seniority from hourly employees through executives. Health and wellbeing benefits include medical, dental, vision, life, and disability insurance; access to a mental wellbeing app; a monthly wellbeing reimbursement; and access to other voluntary benefits, including legal services and estate planning. Lifestyle and financial benefits include access to a 401(k) plan with a match of 50% of up to 6% of eligible compensation, capped at a maximum of \$8,000 annually; a Health Savings Account; a Flexible Savings Account; pre-tax commuter benefits; monthly Uber credits; a 17% discount on all Uber rides and Uber Eats orders; unlimited paid time off for eligible employees; a cellphone allowance; and a corporate discount program. Uber offers 18 weeks of paid leave for all parents when their children are born, adopted, or placed in their homes. Uber offers additional family benefits, including coverage for in vitro fertilization regardless of medical necessity, breast milk shipping, and care-coordination services. Uber’s healthcare plan also covers pregnancy termination, as well as travel expenses to access healthcare generally. The company is modifying its bereavement leave policy to cover pregnancy losses. Uber also gives full-time employees paid time off to vote on Election Day.

Eligible employees are automatically enrolled in Uber’s health plan upon hire if they have not elected coverage during the enrollment window or opted out of coverage. To increase enrollment in other benefits, new employees receive a benefits training during the onboarding process, employees receive educational materials through a quarterly newsletter, and the Benefits team does educational “roadshows” during open-enrollment periods. Uber tracks utilization rates for all benefits to monitor its return on investment and maximize the value of benefits for employees.

Uber solicits employee feedback about its benefit offerings. The Benefits team regularly consults with the DEI team and meets quarterly and as needed with the global heads of ERGs to collect input concerning Uber’s benefits. The Benefits team also receives feedback through twice annual surveys in partnership with the People Data and Analytics team, which built a benefits dashboard and helps analyze the resulting data. The Benefits team uses this feedback to develop new benefit offerings or modify existing offerings. For example, in response to employee requests during the pandemic, Uber began offering care-coordination services and expanded the eligible items under the wellbeing reimbursement program. The Benefits team also reported receiving feedback from Uber employees seeking a 401(k) matching contribution, which was implemented in 2023.

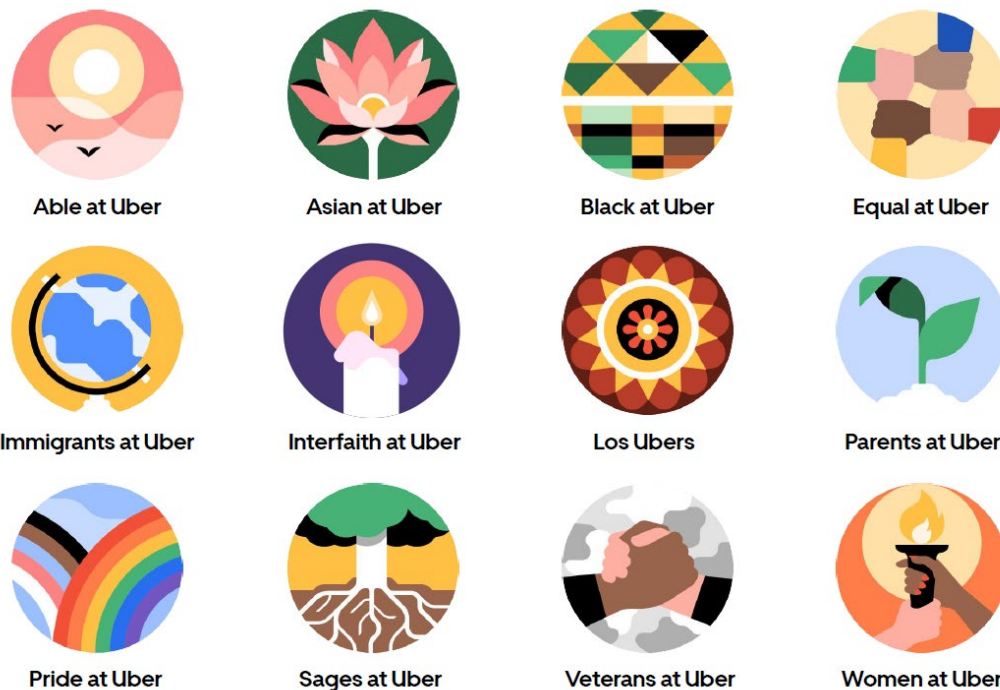
## Recommendation

- **Consider conducting a review of Uber’s benefits programs through a DEI lens.** The company should consider working with an outside vendor to conduct a quantitative analysis of its benefits offerings, assessing utilization by demographic and evaluating whether the offerings meet the needs of the full employee population and benchmark well against peers.

## 6. Employee Resource Groups

Uber offers 12 ERGs to provide programming, support, and other resources for employees across a number of identities, as depicted in the graphic below. ERGs educate, celebrate, and raise cultural competence about their groups’ identities by planning and

implementing cultural and educational events, participating in community outreach, and fostering mentorship and coaching within each ERG and the entire ERG community.



Uber supports ERGs in a number of ways. First, Uber provides financial support to ERGs through the DEI budget according to their size as well as their prospective events, projects, and programs. Funding is provided based on an ERG’s priorities plan, annual budget allocation request, and usage of the prior year’s allocated budget. Second, ERGs have access to company leadership through executive sponsors, which serve as liaisons to the ELT, and annual meetings with CEO Dara Khosrowshahi. Third, Uber compensates global ERG leaders and certain regional leaders with cash and equity bonuses. In 2022, 63 ERG leaders received a standard cash bonus, with leaders of several ERGs receiving an additional bonus for exceptional contributions that year based on the view that the company relied heavily on these leaders during recent crises. In 2022, 59 ERG leaders who had been with the company for at least six months also received a one-time equity award worth three times the amount of their standard cash bonus.

ERG participation is voluntary and open to any interested employee. Nearly 5,000 employees participate in ERGs in the United States; the membership of the different ERGs ranges from a few hundred to several thousand employees. To encourage participation, Uber introduces the ERGs during every employee’s onboarding. Most employees do not need approval to participate in ERG activities, but some do. In particular, members of the Community Operations teams generally need permission to be “off the floor” to attend ERG activities, and some have reported that they are hesitant to ask because they do not want to burden their colleagues.

Uber is making efforts to enhance and add structure to the ERG experience. First, Uber developed a new role—Global Head of ERGs—that reports to the DEI team and coordinates efforts across groups. ERG leadership reported that this position has provided helpful support

as they balance their day-to-day responsibilities. Second, ERG leaders are now selected through a standardized application process. Previously, ERGs had various methods of selecting leaders (i.e., some held elections; others used a “shoulder-tapping” process). Third, Uber began developing an ERG playbook in April 2022, which serves as a resource guide for ERG leaders. This document is expected to evolve over time and is available for reference in the ERG CommUnity area of Uber’s internal employee systems. To raise awareness of ERG programming, Uber is also developing an ERG calendar and will include all ERG-related events, added in partnership with the Internal Communications team.

In addition to promoting an inclusive workplace culture, ERGs provide valuable insight across Uber’s various business units and initiatives as discussed above. For example, ERGs (i) are represented on RELC; (ii) provide periodic feedback to the Ethics and Compliance team on certain new trainings; (iii) participate in informational calls and interviews when asked by the Talent Acquisition team; (iv) consult with the People and Organizational Development team to design and facilitate programming; and (v) provide input on the company’s benefit offerings. ERGs also provide a target population for the business to consult for guidance on developing business opportunities in underserved market areas. Some ERG members have expressed a desire to provide additional insight in the early stages of product development and marketing decisions.

## Recommendation

- **Continue to encourage products, equity, and operations businesses to seek input from ERGs on new product designs for customer populations.** Uber has an opportunity to leverage the perspectives and experiences of its ERG members to help identify and mitigate bias-related risks with respect to its products.

## D. Community Initiatives

Uber seeks to make a positive difference in the communities it serves by cultivating a diverse base of suppliers, partnering with a wide range of external organizations to support and advance social impact initiatives, and supporting civic engagement.

### 1. Supplier Diversity

Uber’s supplier diversity program is in an early stage; it was established in 2021 to encourage equal opportunity for all and “with the vision to increase and more intentionally partner with best-in-class diverse suppliers for sourcing needs across all areas of [Uber’s] business.”<sup>237</sup> Uber believes that supplier diversity strengthens both the company and the communities it serves.<sup>238</sup> Research has found that supplier diversity benefits corporations, contractors, and communities by driving competition up and costs down, increasing minority business enterprise revenues, creating and supporting jobs, and boosting local economies.<sup>239</sup>

Uber’s supplier diversity program seeks to broaden the pool of suppliers who make bids and provide diverse-owned suppliers equal opportunity to compete for its business.<sup>240</sup> Eligible diverse suppliers include “businesses owned by historically underrepresented groups and ethnic minorities, women, LGBTQIA+ individuals, veterans, and/or people with disabilities, plus certified small businesses.”<sup>241</sup> Uber procures products and services across a number of categories, including legal, marketing, information technology, facilities, and office supplies.

Marketing and technology are Uber's largest procurement categories. Uber seeks not only to diversify its supplier base (known as Tier 1 or direct suppliers), but also the entire supply chain, including the suppliers and vendors that work with its Tier 1 suppliers (known as Tier 2 or indirect suppliers).<sup>242</sup> For example, Tier 1 suppliers include vendors from which Uber purchases electronic supplies, such as laptops or printers, and professional marketing agencies that execute commercials, produce events, or develop marketing campaigns for the company. An example of a Tier 2 supplier is a vendor that sells email and cloud storage services to one of Uber's Tier 1 suppliers. While diverse suppliers are encouraged to compete for Uber's business, suppliers are ultimately selected based on criteria related to Uber's business needs, such as cost, efficiency, and capabilities.

Uber's supplier diversity program is led by two program managers and supported by five senior stakeholders, including the CDIO, CFO, Chief Accounting Officer, Senior Director of Strategic Sourcing, and Head of ESG Strategy and Engagement. This year, the team will expand to include "Supplier Diversity Champions," whose role will be to advocate for supplier diversity in the sourcing and bidding processes and serve as the point of contact for their business on program governance and best practices.

Uber has established goals for its annual spending across the full spectrum of diverse suppliers and plans to publish "metric-driven updates and goals in the future."<sup>243</sup> The company's current goal is to increase Tier 1 and Tier 2 supplier diversity spend as a proportion of the 2022 total U.S. procurement budget.

Uber's 2020 racial equity commitments included a goal of doubling supplier spending with Black-owned business, which had previously been a small percentage of the company's overall supplier spending.<sup>244</sup> Uber exceeded this goal in 2021. Marketing spend with Black-owned businesses accounted for a significant proportion of this increase.

Uber has a Supplier Code of Conduct that applies to all Uber suppliers, as well as their subcontractors, agents, representatives, suppliers, third-party consultants, and employees.<sup>245</sup> Uber's Supplier Code of Conduct includes anti-harassment and anti-discrimination provisions noting that Uber "does not tolerate" discrimination or harassment, requiring that suppliers "commit to a workplace that is free of harassment and abuse," and stating that suppliers "are expected to support diversity and equal opportunity in their workplaces."<sup>246</sup> The Supplier Code of Conduct states that noncompliance "will result in a review of [the] business relationship, up to and including termination of the relationship."<sup>247</sup> Uber does not currently audit supplier compliance with the Supplier Code of Conduct. In addition, Uber has a Tier 2 program that asks its Tier 1 suppliers to report their direct spend with diverse suppliers. In 2022—the first year Uber began collecting Tier 2 diverse spend data—Uber spent more than 2.13% of the company's spend with Tier 2 suppliers.

Uber also categorizes suppliers by spend in Tiers A, B, C, and D, with Tier A representing the highest spend range. In 2022, Uber piloted a collaboration with EcoVadis, a sustainability ratings company, to assess one-third of Uber's Tier A technology suppliers across several key pillars.<sup>248</sup> Uber is expanding the pilot in 2023 and 2024 to cover all of Uber's Tier A technology suppliers.<sup>249</sup> EcoVadis ESG scores will be entered into performance scorecards designed to measure performance of Uber's Tier A technology suppliers every six months.<sup>250</sup> Uber plans to expand the program to other areas, such as services and marketing, in 2023 as well.<sup>251</sup>

## Recommendations

- **Continue to develop Uber’s supplier diversity program.** Establishing KPIs (e.g., on the company’s overall diverse supplier spend, percentage of total procurement budget, and number of suppliers) and publishing progress updates are important components of maturing the program, as Uber has recognized. Uber should consider creating more opportunities for engagement between members of the Supplier Diversity team—including Supplier Diversity Champions, program managers, and business leads—to identify opportunities for the company to contract with diverse suppliers. In addition, Uber should conduct a feasibility study to identify an approach to audit supplier compliance with the Supplier Code of Conduct.
- **Continue increasing Tier 2 supplier diversity.** Uber should continue its efforts to encourage its suppliers to identify and engage diverse subcontractors when appropriate, which could compound Uber’s downstream supplier diversity efforts.

## 2. Community Engagement and External Partnerships

### a) Social Impact Strategy

Uber’s Social Impact team was established in 2020 to advance the company’s mission to “reimagine the way the world moves for the better.”<sup>252</sup> Guided by Uber’s mission, impact pillars, and decision-making framework, the Social Impact team engages in partnerships with external organizations on behalf of the company.

The Social Impact team is composed of full-time employees and independent contractors. All team members have cross-functional roles and contribute to program design, operation, and implementation, with a focus on specific geographic regions across the globe.

The Social Impact team focuses on initiatives that increase access and equity across three impact pillars of safety, economic empowerment, and sustainability.

The Social Impact team uses a four-part framework to make decisions regarding external partnerships and to promote decision transparency.

1. **Evaluate:** Score the issue using standardized criteria related to business case, impact, and capability.
2. **Recommend:** Respond to issues and recommend a response.
3. **Respond:** Coordinate response and communicate with relevant partners.
4. **Communicate:** Assess quantitative and qualitative impact to tell the story.

The initiatives described below illustrate the Social Impact team’s approach to partnerships with external organizations in the United States.

- **Maternal Care Access.** Consistent with Uber’s commitment to provide access to affordable and reliable transportation and reduce systemic barriers to mobility, the Social Impact team partnered with Uber Health, Surgo Ventures, and two federally qualified health centers to provide free transportation for prenatal and postnatal appointments in Washington, D.C., between January 2021 and June 2022.<sup>253</sup> “Rides for Moms” provided



more than 4,500 rides for the 457 participants of the program. Participants reported that they found the program easy and reliable, and that they would have attended fewer appointments without it.

- **Vaccine Access.** Uber partnered with more than 80 companies, nonprofit organizations, and localities to support access to COVID vaccines during the COVID-19 pandemic by providing more than 63,000 free rides. In partnership with Paypal and Walgreens, Uber created the Vaccine Access Fund to provide free Uber rides to and from COVID-19 vaccine sites.<sup>254</sup> Uber, Paypal, and Walgreens contributed \$11 million to the Fund in 2021.<sup>255</sup> The Local Initiatives Support Corporation (LISC) administered the program across 26 states with significant BIPOC or low-income populations and disproportionately low vaccination rates among Black or Hispanic/Latino residents. When the Vaccine Access Fund program ended in 2022, Uber transitioned the program to a Health Access Fund, also administered by LISC, which aims to continue to serve the same communities. The Health Access Fund is supported by Uber and community-based organizations.<sup>256</sup>
- **Safety.** In addition to promoting the safety of users on the platform as discussed in section V.B.4., Uber partners with organizations to use its technology to help promote safety off the platform. For example, the Social Impact team partners with organizations to move people to safety in times of need or to deliver essential supplies and services in response to natural disasters and political conflicts. In 2017, Uber launched the Driving Change initiative, committing \$5 million in grant funding over five years to prevent, address, and respond to gender-based violence in the United States.<sup>257</sup> Uber fulfilled its \$5 million commitment in 2022. Uber has since expanded the initiative to every continent where Uber operates. In 2021, Uber provided approximately \$160,000 in free rides to 68 domestic violence and sexual assault prevention organizations in California, Colorado, Florida, Maryland, New Jersey, New York, Pennsylvania, Texas, Washington, D.C., and Washington State as part of the company's larger effort to address gender-based violence.
- **Economic Opportunities.** Consistent with the Social Impact team's focus on building economic opportunities for drivers and small businesses, Uber recently partnered with the National Urban League (NUL)—a prominent civil rights organization dedicated to economic empowerment of historically underserved urban communities—to provide eligible drivers and couriers with opportunities to use NUL's programming and resources, including the NUL Entrepreneurship Program, in 2023.<sup>258</sup> NUL's Entrepreneurship Program enables minority entrepreneurs to hire employees, grow revenues greater than \$750,000, and expand small businesses by providing coaching and technical assistance, as well as education on building economic capacity and securing capital investment.<sup>259</sup>

Uber regularly evaluates its partnerships to measure progress and impact and to inform its partnership strategy. The Social Impact team works with partners to assess commitment, capacity, and expertise to increase access and equity across economic empowerment, safety, and sustainability with Uber's platform. The team collaborates closely with partners to monitor program design, implementation, and reporting. Uber routinely requires partners to provide periodic updates on activities and expenditures.

## **b) 2020 Racial Equity Commitments**

The Social Impact team has been responsible for executing two of the company's 2020 racial equity commitments: \$10 million to support Black-owned businesses over two years and \$1 million to support the work of the Center for Policing Equity and the Equal Justice Initiative on criminal justice reform.<sup>260</sup>

Uber fulfilled its commitment to support Black-owned businesses with \$10 million over two years. Uber made progress on this commitment by partnering with LISC to manage and distribute the funds, and by engaging with communities and organizations to support Black-owned businesses across the country. One such partnership was with EatOkra—an app that connects customers with Black-owned restaurants. EatOkra is working with Uber to enroll more Black-owned restaurants on the Uber Eats platform and provides participating businesses with networking opportunities, programming, and resources to help them grow and thrive. In addition, Uber hosted community events, such as Black-owned restaurant popups in Atlanta, Harlem, and Washington, D.C., to increase visibility for Black-owned businesses and restaurants.

In 2020, Uber fulfilled its original commitment to provide the Center for Policing Equity and the Equal Justice Initiative with \$1 million. As of December 2022, Uber had expanded its support of criminal justice reform by providing 25 additional organizations and 1,400 individuals with rides, meals, and financial support directed to reskilling programs for formerly incarcerated people. Additionally, Uber supported efforts to eliminate debt-based license suspension.

## **c) Civic Engagement**

Over the last several years, Uber has demonstrated its commitment to civic engagement and free and fair elections by supporting voter registration, recruiting poll workers, participating in get-out-the-vote efforts, and providing ride discounts to voters and poll workers. In 2020, Uber partnered with TurboVote to help more than 76,000 Uber users register to vote through the Uber app.<sup>261</sup> In response to a shortage of poll workers during the COVID-19 pandemic in 2020, Uber also worked with Civic Alliance, National Voter Registration Day, Vote Early Day, and Time to Vote to form Power the Polls—a nonpartisan initiative to recruit more than 700,000 new poll workers to keep polling places open and fully staffed.<sup>262</sup> Similarly, because social distancing reduced the capacity of existing polling places, Uber helped transform two Greenlight Hub locations into new polling locations in Los Angeles County.<sup>263</sup> In addition, Uber launched an in-app poll-finding feature to help riders and drivers find their polling locations and provided a 50% discount (up to \$14 off) on roundtrip rides to and from the polls.<sup>264</sup> In 2022, Uber offered eligible poll workers free rides to and from polls by providing Power the Polls participants ride vouchers for up to \$200.<sup>265</sup>

Uber has also taken a stance against voter suppression laws. In 2021, Uber opposed a Georgia law that strengthened identification requirements for absentee ballots, shortened early voting periods for runoffs, and made it a misdemeanor to offer food or water to voters waiting in long lines at the polls.<sup>266</sup> Uber signed onto a joint statement with Civic Alliance, which stated: “We stand in solidarity with voters—and with the Black executives and leaders at the helm of this movement—in our nonpartisan commitment to equality and democracy.”<sup>267</sup>

## Recommendation

- **Solicit feedback from external partner organizations.** The Social Impact team should consider implementing a standardized process for soliciting formal feedback from partner organizations to evaluate the effectiveness and quality of their partnerships with Uber and to identify areas for improvement.

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<sup>1</sup> Uber's business is organized in three operating segments: mobility, delivery, and freight. The mobility platform connects riders with drivers; the delivery platform connects consumers with restaurants and other merchants; and the freight platform connects shippers with carriers. Uber Techs., Inc., Annual Report (Form 10-K) 5–6 (Feb. 21, 2023), [https://s23.q4cdn.com/407969754/files/doc\\_financials/2023/ar/2022-annual-report.pdf](https://s23.q4cdn.com/407969754/files/doc_financials/2023/ar/2022-annual-report.pdf).

<sup>2</sup> Most of the organizations that participated in the listening session have no significant financial relationship with Uber.

<sup>3</sup> Uber Techs., Inc., *supra* note 1 at 6.

<sup>4</sup> *Id.* at 7.

<sup>5</sup> *Always the Ride you Want*, UBER, <https://www.uber.com/us/en/ride> (last visited Feb. 2, 2023).

<sup>6</sup> Uber's micromobility options are managed by a third party and are not discussed in this report.

<sup>7</sup> *Use Uber in Cities Around the World*, UBER, <https://www.uber.com/global/en/cities/> (last visited Feb. 2, 2023); *Investor Day*, UBER (Feb. 10, 2022), [https://s23.q4cdn.com/407969754/files/doc\\_presentations/2022/Uber-Investor-Day-2022.pdf](https://s23.q4cdn.com/407969754/files/doc_presentations/2022/Uber-Investor-Day-2022.pdf).

<sup>8</sup> Janine Perri, *Uber vs. Lyft: Who's Tops in the Battle of U.S. Rideshare Companies*, BLOOMBERG SECOND MEASURE (June 15, 2023), <https://secondmeasure.com/datapoints/rideshare-industry-overview/>.

<sup>9</sup> JingJing Jiang, *More Americans are Using Ride-Hailing Apps*, PEW RSCH. CTR. (Jan. 4, 2019), <https://www.pewresearch.org/short-reads/2019/01/04/more-americans-are-using-ride-hailing-apps/>.

<sup>10</sup> Monica Anderson, Colleen McClain, Michelle Faverio, & Risa Gelles-Watnick, *The State of Gig Work in 2021*, PEW RSCH. CTR. (Dec. 8, 2021), <https://www.pewresearch.org/internet/2021/12/08/the-state-of-gig-work-in-2021/>.

<sup>11</sup> Joseph P. Schwieterman & Mollie Pelon, *First Zipcar, Now Uber: Legal and Policy Issues Facing the Expanding "Shared Mobility" Sector in U.S. Cities*, 4 BELMONT L. REV. 109, 110–11 (2017), <https://bpb-us-w2.wpmucdn.com/blogs.belmont.edu/dist/8/25/files/2017/05/Schwieterman-Article-Final-Numbered-2.pdf>; Yongwook Paik & Christos A. Makridis, *The Social Value of a Ridesharing Platform: A Hedonic Pricing Approach*, 64 EMPIRICAL ECON. 2125, 2126–28 (Sept. 25, 2022), <https://link.springer.com/article/10.1007/s00181-022-02310-9>; Yanbo Ge, Christopher Knittel, Don MacKenzie, & Stephen Zoepf, *Racial and Gender Discrimination in Transportation Network Companies* 18 (Nat'l Bureau of Econ. Rsch., Working Paper No. 22776), [https://www.nber.org/system/files/working\\_papers/w22776/w22776.pdf](https://www.nber.org/system/files/working_papers/w22776/w22776.pdf) ("Transportation sharing networks such as UberX and Lyft bring a number of benefits to the economy, ranging from cheaper transportation options to employment opportunities for drivers."); AJ Agrawal, *5 Ways Ridesharing Is Making the World a Better Place*, INC. (Mar. 6, 2016), <https://www.inc.com/aj-agrawal/5-ways-ridesharing-is-making-the-world-a-better-place.html>.

<sup>12</sup> Anne Elizabeth Brown, *Ridehail Revolution: Ridehail Travel and Equity in Los Angeles*, UNIV. OF CALIFORNIA, LOS ANGELES 3 (2018), [https://escholarship.org/content/qt4r22m57k/qt4r22m57k\\_noSplash\\_7f98750cbcbc4ffef596355ef5b9ae32.pdf](https://escholarship.org/content/qt4r22m57k/qt4r22m57k_noSplash_7f98750cbcbc4ffef596355ef5b9ae32.pdf).

<sup>13</sup> Leslie Saxon, Rebecca Ebert, & Mona Sobhani, *Health Impacts of Unlimited Access to Networked Transportation in Older Adults*, JOURNAL OF MHEALTH (Aug. 13, 2019), <https://thejournalofmhealth.com/health-impacts-of-unlimited-access-to-networked-transportation-in-older-adults/>.

<sup>14</sup> UBER, ESG REPORT 2023 13 (2023), [https://s23.q4cdn.com/407969754/files/doc\\_downloads/2023/04/Uber-2023-Environmental-Social-and-Governance-Report.pdf](https://s23.q4cdn.com/407969754/files/doc_downloads/2023/04/Uber-2023-Environmental-Social-and-Governance-Report.pdf) [hereinafter "2023 ESG Report"].

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<sup>15</sup> M. Keith Chen, Judith A. Chevalier, Peter E. Rossi, & Emily Oehlsen, *The Value of Flexible Work: Evidence From Uber Drivers* 1 (Nat'l Bureau of Econ. Rsch., Working Paper No. 23296), [https://www.nber.org/system/files/working\\_papers/w23296/w23296.pdf](https://www.nber.org/system/files/working_papers/w23296/w23296.pdf); see also Laura Katsnelson, Felix Oberholzer-Gee, *Being the Boss: Gig Workers' Value of Flexible Work* 1, 7 (Harvard Business School, Working Paper 21-124) [https://www.hbs.edu/ris/Publication%20Files/21-124\\_4a28fd0c-e395-46ce-b621-2b32c3dd2fa0.pdf](https://www.hbs.edu/ris/Publication%20Files/21-124_4a28fd0c-e395-46ce-b621-2b32c3dd2fa0.pdf) (describing flexibility around childcare and class schedules).

<sup>16</sup> See, e.g., Patrice Nagle, *The Gig Economy is a Champion of Diversity*, JD SUPRA (Sept. 23, 2019), <https://www.jdsupra.com/legalnews/the-gig-economy-is-a-champion-of-21125/>; Kristy Illuzzi & Portia Tang, *Gig Economy Trends and Impact on Small and Medium Practices*, IFAC (Oct. 4, 2021), <https://www.ifac.org/knowledge-gateway/contributing-global-economy/discussion/gig-economy-trends-and-impact-small-and-medium-practices>; Patrick Llewellyn, *How the Gig Economy Helps Boost Diversity*, ENTREPRENEUR (Nov. 23, 2018), <https://www.entrepreneur.com/science-technology/how-the-gig-economy-helps-boost-diversity/323253>.

<sup>17</sup> Valerie Yingling, *Uber, Lyft, and Service Animals: The Discrimination Continues*, NAT'L FED'N OF THE BLIND (Apr. 13, 2020), <https://nfb.org/blog/uber-lyft-and-service-animals-discrimination-continues>; *Celebrating the 31st Anniversary of the Americans with Disability Act*, AAPD, <https://www.aapd.com/movement/> (“[T]he use of technology and the gig economy across industries create new opportunities and barriers for the disability community . . . But development of these new tools often outpaces the development of accessibility standards, and disabled people are frequently excluded from enjoying the benefits of these tools”); Andrew Hawkins, *How the Ride-Sharing Revolution Failed Passengers with Disabilities*, THE VERGE (July 11, 2022), <https://www.theverge.com/23199117/ride-sharing-disabled-passengers-accessibility-uber-lyft> (describing remarks made by Technology Policy Consultant from the American Association of People With Disabilities regarding accessibility in the rideshare industry); Eric Westervelt, *Ride-Hailing Revolution Leaves Some People with Disabilities Behind*, NPR (Aug. 21, 2019) (sharing statements made by individuals with disabilities and disability rights advocates regarding accessibility in the rideshare industry), <https://www.npr.org/2019/08/21/753034337/ride-hailing-revolution-leaves-some-people-with-disabilities-behind>; *Uber Sued for Discriminating Against Wheelchair-Users*, DISABILITY RTS. ADVOC. (June 11, 2019), [https://dralegal.org/press/uber-sued-for-discriminating-against-wheelchair-users/#:~:text=Pittsburgh%2C%20PA%20\(June%2011%2C,area%20through%20its%20rideshare%20service](https://dralegal.org/press/uber-sued-for-discriminating-against-wheelchair-users/#:~:text=Pittsburgh%2C%20PA%20(June%2011%2C,area%20through%20its%20rideshare%20service).

<sup>18</sup> *Color of Change Unveils New Racial Equity Framework to Hold Tech Companies Accountable to Racial Justice Commitments*, COLOR OF CHANGE (June 16, 2021), [https://colorofchange.org/press\\_release/color-of-change-unveils-new-racial-equity-framework-to-hold-tech-companies-accountable-to-racial-justice-commitments/](https://colorofchange.org/press_release/color-of-change-unveils-new-racial-equity-framework-to-hold-tech-companies-accountable-to-racial-justice-commitments/); Nicol Turner Lee, Paul Resnick & Genie Barton, *Algorithmic Bias Detection and Mitigation: Best Practices and Policies to Reduce Consumer Harms*, BROOKINGS INST. (May 22, 2019), <https://www.brookings.edu/research/algorithmic-bias-detection-and-mitigation-best-practices-and-policies-to-reduce-consumer-harms/>.

<sup>19</sup> Lee, Resnick & Barton, *supra* note 18.

<sup>20</sup> See Eloise Barry, *Uber Drivers Say a 'Racist' Algorithm Is Putting Them Out of Work*, TIME (Oct. 12, 2021), <https://time.com/6104844/uber-facial-recognition-racist/> (describing a Missouri lawsuit in which a Black driver claimed he was “forced to lighten the photos he submitted for immediate verification” and ultimately suspended from the app because the facial-recognition software “could not identify his face in ‘pitch darkness’”); Kori Hale, *Microsoft Is Scrapping Some Bad A.I. Facial Recognition Tools*, FORBES (July 5, 2022), <https://www.forbes.com/sites/korihale/2022/07/05/microsoft-is-scrapping-some-bad-ai-facial-recognition-tools/?sh=27f99797a6b5> (explaining that Uber utilizes Microsoft's facial-recognition technology to “verify that a driver’s face matches the ID on file for that same driver’s account,” and stating that this technology has “higher error rates for African Americans”).

<sup>21</sup> Ge, Knittel, MacKenzie & Zoepf, *supra* note 11; Claire Taigman, *AVs Must Avoid the Discriminatory Impacts of Today’s Rideshares*, UNIV. OF MICH. L. SCH. (Apr. 7, 2021), <https://futurist.law.umich.edu/avs-must-avoid-the-discriminatory-impacts-of-todays-rideshares/>.

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<sup>22</sup> Bobby Allyn, *Uber Fires Drivers Based On ‘Racially Biased’ Star Rating System, Lawsuit Claims*, NPR (Oct. 26, 2020), <https://www.npr.org/2020/10/26/927851281/uber-fires-drivers-based-on-racially-biased-star-rating-system-lawsuit-claims>; Sam Harnett, *Black and Brown Gig Workers Report Lower Ratings – But Companies Make Bias Hard to Track*, KQED (July 22, 2021), <https://www.kqed.org/news/11878952/black-and-brown-gig-workers-report-lower-ratings-but-companies-make-bias-hard-to-track>.

<sup>23</sup> Cade Metz, *Silicon Valley County Battles with Uber Over Reporting of Sexual Assault*, N.Y. TIMES (Oct. 3, 2022), <https://www.nytimes.com/2022/10/03/technology/uber-sexual-assault-reporting-santa-clara-county.html>.

<sup>24</sup> See, e.g., *id.* (reporting that a representative from ValorUS, an association of rape crisis centers and sexual assault prevention programs, stated “[w]hen survivors come forward and share something, they want to have control over who that information gets shared with . . . that choice should belong to them and no one else”).

<sup>25</sup> *Driving Danger: How Uber and Lyft Create a Safety Crisis for Their Drivers*, SOC 1, 3 (Apr. 2023), [https://thesoc.org/wp-content/uploads/2023/04/SOC\\_RideshareDrivers\\_rpt-042023.pdf](https://thesoc.org/wp-content/uploads/2023/04/SOC_RideshareDrivers_rpt-042023.pdf); Letter from U.S. Senators, Edward J. Markey, Elizabeth Warren, Richard Blumenthal, Sherrod Brown, Bernard Sanders & Members of Congress, Ayanna Pressley, Stephen F. Lynch & Seth Moulton to Dara Khosrowshahi, CEO, Uber Techs., Inc., 1–2 (June 1, 2022), [https://www.gigsafetynow.com/files/ugd/7ac46e\\_377382bc48dc41998899578a0fbd8f8c.pdf](https://www.gigsafetynow.com/files/ugd/7ac46e_377382bc48dc41998899578a0fbd8f8c.pdf); *Death and Corporate Irresponsibility in the Gig Economy: An Urgent Safety Crisis*, GIG WORKERS RISING 10 (Apr. 3, 2022), [https://www.gigsafetynow.com/files/ugd/af5398\\_e1b49d831a0149a08df4be57c612ae88.pdf](https://www.gigsafetynow.com/files/ugd/af5398_e1b49d831a0149a08df4be57c612ae88.pdf).

<sup>26</sup> SOC, *supra* note 25 at 2; Markey, Warren, Blumenthal, Brown, Sanders, Pressley, Lynch & Moulton, *supra* note 25.

<sup>27</sup> Samantha Lai & Brooke Tanner, *Examining the Intersection of Data Privacy and Civil Rights*, BROOKINGS INST. (July 18, 2022), <https://www.brookings.edu/blog/techtank/2022/07/18/examining-the-intersection-of-data-privacy-and-civil-rights/> (explaining that privacy violations have put historically marginalized groups “at risk of ostracization, discrimination, or even active physical danger”).

<sup>28</sup> Aaron Gordon, *Uber Will Start Serving You Targeted Ads Based on Where You Go*, VICE (Oct. 19, 2022), <https://www.vice.com/en/article/v7vxv8/uber-will-start-serving-you-targeted-ads-based-on-where-you-go>.

<sup>29</sup> COLOR OF CHANGE, *supra* note 18; Chynna Foucek, *Is Data Privacy A Privilege? The Racial Implications Of Technology Based Tools In Government*, TECH POL’Y GREENHOUSE BY TECHDIRT (June 24, 2020), <https://www.techdirt.com/articles/20200622/07255444756/is-data-privacy-privilege-racial-implications-technology-based-tools-government.shtml>.

<sup>30</sup> Brian Chen, *NELP and Other Workers’ Rights Advocates Urge Court to Stop Uber and Lyft’s Independent Contractor Misclassification*, NELP (July 20, 2020), <https://www.nelp.org/blog/california-v-uber-lyft/> (describing efforts by the National Employment Law Project, Legal Aid at Work, and other California-based workers’ rights groups to advocate against the alleged misclassification of rideshare drivers as independent contractors).

<sup>31</sup> Letter from the National Employment Law Project to Senate and House Leaders, NELP (Jan. 25, 2021), <https://www.nelp.org/publication/letter-congress-labor-protections-app-based-workers/> (stating the gig economy is the “deliberate destruction of our most basic labor standards,” which “disproportionately impacts workers of color and immigrants”); Brief for National Employment Law Project & American Civil Liberties Union of Northern California et al. as Amici Curiae Supporting Plaintiff, *People of the State of California v. Uber Technologies, Inc. and Lyft, Inc.*, (No. A160701 & A160706) (Sept. 22, 2020), <https://www.nelp.org/wp-content/uploads/People-v.-Uber-Lyft-Application-Amici-Curiae.pdf> (stating that in California, “workers of color comprise even greater shares of Uber and Lyft’s drivers” and explaining how race “underwrite[s] the practice of misclassification” because “the whole unseemly business might be more easily ignored when its injustices are borne by poor people of color already on the margins of society.”).

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<sup>32</sup> Uber's CDIO resigned from the company after the conclusion of Covington's fact-finding. Uber is currently seeking to fill this role.

<sup>33</sup> UBER, ESG REPORT 2022 64 (2022), [https://uber.app.box.com/s/7otjaxo7978mio4x59kqovh47doppq4w?uclick\\_id=c266bf2a-2281-4004-86f4-d1d107a800fa](https://uber.app.box.com/s/7otjaxo7978mio4x59kqovh47doppq4w?uclick_id=c266bf2a-2281-4004-86f4-d1d107a800fa) [hereinafter "2022 ESG Report"].

<sup>34</sup> Uber's ELT includes the CEO; Chief Financial Officer; Chief People Officer; Senior Vice President, Chief Legal Officer, and Corporate Secretary; Chief Product Officer and Senior Vice President of Engineering; Senior Vice President of Marketing & Public Affairs; Senior Vice President of Safety & Core Services; Senior Vice President of Delivery; Senior Vice President of Mobility & Business Operations; and the Vice President of Platform Engineering.

<sup>35</sup> Consistent with Uber's internal practices, this report generally uses the term "URP" to refer to underrepresented racial and ethnic minority populations in Uber's corporate workforce.

<sup>36</sup> 2023 ESG Report at 8.

<sup>37</sup> UBER, UBER 2022 PROXY STATEMENT 35 (2022), [https://s23.q4cdn.com/407969754/files/doc\\_financials/2022/ar/Final-2022-Proxy-\(1\).pdf](https://s23.q4cdn.com/407969754/files/doc_financials/2022/ar/Final-2022-Proxy-(1).pdf) ("Our Board of Directors currently includes four women, three ethnic minorities, directors ranging in age from 46 to 73, and directors with a range of ethnic diversity, with six of our directors identifying as White (Non-Hispanic or Latinx), two as Middle Eastern/North African, one as Black or African-American, one as South Asian, and one as Southeast Asian, East Asian or Pacific Islander.") [hereinafter "2022 Proxy Statement"].

<sup>38</sup> Megan Rose Dickey, *Uber Has Hired a Chief Diversity Officer*, TECHCRUNCH (Jan. 23, 2018), <https://techcrunch.com/2018/01/23/uber-has-hired-a-chief-diversity-officer/>.

<sup>39</sup> 2022 Proxy Statement at 50, 65; UBER, UBER 2021 PROXY STATEMENT 51 (2021), [https://s23.q4cdn.com/407969754/files/doc\\_financials/2021/ar/FINAL-Typeset-Definitive-Proxy.pdf](https://s23.q4cdn.com/407969754/files/doc_financials/2021/ar/FINAL-Typeset-Definitive-Proxy.pdf); UBER, ESG REPORT 2021 19 (2021), [https://s23.q4cdn.com/407969754/files/doc\\_downloads/2021/07/Uber-2021-ESG-Report.pdf](https://s23.q4cdn.com/407969754/files/doc_downloads/2021/07/Uber-2021-ESG-Report.pdf) [hereinafter "2021 ESG Report"].

<sup>40</sup> 2022 Proxy Statement at 65.

<sup>41</sup> Uber considers a commitment to be fulfilled when the original target has been met. In many instances, Uber has continued to advance an initiative after the original commitment has been fulfilled.

<sup>42</sup> *Reaffirming Our Commitment to Being an Anti-Racist Company*, UBER NEWSROOM (May 14, 2021), <https://www.uber.com/newsroom/reaffirming-our-commitment/>; 2023 ESG Report.

<sup>43</sup> *All Are Welcome*, UBER, <https://www.uber.com/us/en/community/all-are-welcome/> (last visited Mar. 30, 2023) [hereinafter "All Are Welcome"].

<sup>44</sup> While these teams are largely dedicated to advancing fairness at Uber, there are many additional teams that support this charge. For example, the Internal Audit team independently monitors risk within the company and occasionally evaluates instances of potential bias in Uber's products.

<sup>45</sup> Dara Khosrowshahi, *Being an Anti-Racist Company*, UBER NEWSROOM (July 17, 2020), <https://www.uber.com/newsroom/being-an-anti-racist-company/>.

<sup>46</sup> *Weaving Equity into the Way the World Moves*, UBER, <https://www.uber.com/blog/weaving-equity-into-the-way-the-world-moves/> (last visited Mar. 30, 2023).

<sup>47</sup> *Id.*

<sup>48</sup> Eloise Barry, *Uber Drivers Say a 'Racist' Algorithm Is Putting Them Out of Work*, TIME (Oct. 12, 2021), <https://time.com/6104844/uber-facial-recognition-racist/>.

<sup>49</sup> Dan Svirsky, *Promoting Safety and Fairness with Real-Time ID Check*, UBER UNDER THE HOOD (Oct. 29, 2021), <https://medium.com/uber-under-the-hood/promoting-safety-and-fairness-with-real-time-id-check-8a190fdb3b45>.

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<sup>50</sup> See *Uber Privacy Notice*, UBER, <https://www.uber.com/legal/da/document/?country=united-states&lang=en&name=privacy-notice> (last modified June 16, 2023) (describing in several locations that the company may infer demographic information from data it collects from users) [hereinafter “Privacy Notice”].

<sup>51</sup> Akshat Pandey & Aylin Caliskan, *Disparate Impact of Artificial Intelligence Bias in Ridehailing Economy’s Price Discrimination Algorithms*, GEO. WASH. UNIV. DEPT. OF COMPUT. SCI. 9 (May 3, 2021), <https://arxiv.org/pdf/2006.04599.pdf>.

<sup>52</sup> The study also found that neighborhoods with younger residents and residents with high education levels were significantly associated with higher fare prices. *Id.*

<sup>53</sup> Barry, *supra* note 48.

<sup>54</sup> *Engineering Safety with Uber’s Real-Time ID Check*, UBER (Mar. 13, 2017), <https://www.uber.com/blog/real-time-id-check/>.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Understanding Why Drivers and Delivery People Lose Account Access*, UBER, <https://www.uber.com/us/en/drive/safety/deactivations/> (last visited Apr. 17, 2023).

<sup>58</sup> Svirsky, *supra* note 49.

<sup>59</sup> 2021 ESG Report at 60.

<sup>60</sup> *Fair Information Practice Principles (FIPPs)*, FPC, <https://www.fpc.gov/resources/fipps/> (last visited July 9, 2023).

<sup>61</sup> *Our Values*, UBER, <https://www.uber.com/us/en/careers/values/> (last visited July 9, 2023).

<sup>62</sup> 2021 ESG Report at 60.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Global Advertising Content Policy*, UBER, <https://www.uber.com/legal/en/document/?name=global-advertising-content-policy&country=united-states&lang=en> (last modified June 26, 2023).

<sup>66</sup> Ruby Zefo, *Celebrating Data Privacy Every Day*, UBER PRIV. & SEC. (Jan. 25, 2021), <https://medium.com/uber-security-privacy/celebrating-data-privacy-every-day-5809e9aa367c>.

<sup>67</sup> 2021 ESG Report at 60.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> Sachin Kansal, *Only on Uber: Safety in the Driver’s Seat*, UBER NEWSROOM (Oct. 28, 2022), <https://www.uber.com/newsroom/safety-in-the-drivers-seat>.

<sup>71</sup> 2021 ESG Report at 60.

<sup>72</sup> *Id.* at 61.

<sup>73</sup> *Id.* at 60–61.

<sup>74</sup> *Id.* at 61.

<sup>75</sup> *Id.*

<sup>76</sup> Privacy Notice.

<sup>77</sup> 2023 ESG Report at 84.



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<sup>78</sup> UBER, TRANSPARENCY REPORT (2022), [https://www.uber.com/us/en/about/reports/transparency/law-enforcement/?uclid\\_id=aaf8b04a-e0dc-47ad-8750-5b95da7e439a](https://www.uber.com/us/en/about/reports/transparency/law-enforcement/?uclid_id=aaf8b04a-e0dc-47ad-8750-5b95da7e439a).

<sup>79</sup> *Id.*

<sup>80</sup> See Privacy Notice.

<sup>81</sup> See *id.*

<sup>82</sup> See *id.*

<sup>83</sup> See *id.*

<sup>84</sup> See *id.*

<sup>85</sup> See *For Users in the United States*, UBER, <https://privacy.uber.com/privacy/california> (last visited July 9, 2023).

<sup>86</sup> 2023 ESG Report at 84.

<sup>87</sup> *Id.* at 82.

<sup>88</sup> *Id.* at 84.

<sup>89</sup> *Id.*

<sup>90</sup> See Privacy Notice.

<sup>91</sup> 2021 ESG Report at 60.

<sup>92</sup> *Guidelines for United States Law Enforcement*, UBER, <https://www.uber.com/legal/en/document/?country=united-states&lang=en&name=guidelines-for-law-enforcement#kix.20wzhd9fjrqa> (last modified Feb. 10, 2022).

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> *Guidelines for Public Health Authorities*, UBER (May 15, 2020), <https://www.uber.com/legal/en/document/?name=public-health-guidelines&country=united-states&lang=en>.

<sup>96</sup> *Uber Accessibility*, UBER, [https://seuc.senate.ca.gov/sites/seuc.senate.ca.gov/files/uber\\_accessibility\\_ca.pdf](https://seuc.senate.ca.gov/sites/seuc.senate.ca.gov/files/uber_accessibility_ca.pdf) (last visited Feb. 2, 2023).

<sup>97</sup> *Accessibility Using Uber*, UBER, <https://www.uber.com/us/en/about/accessibility/> (last visited Mar. 30, 2023) [hereinafter “Accessibility Using Uber”].

<sup>98</sup> *Id.*

<sup>99</sup> *Service Animal and Assistive Device Policy*, UBER, <https://www.uber.com/legal/en/document/?name=service-animal-policy&country=united-states&lang=en> (last modified Oct. 31, 2022).

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> Accessibility Using Uber.

<sup>103</sup> *I Have a Disability. How do I Request a Wait Time Fee Refund or Waiver?*, UBER, <https://help.uber.com/riders/article/i-have-a-disability-how-do-i-request-a-wait-time-fee-refund-or-waiver-?nodid=6e395964-7d4d-4521-a1a0-c78910a1c685> (last visited June 27, 2023).

<sup>104</sup> *Id.*

<sup>105</sup> *Justice Department Sues Uber for Overcharging People with Disabilities*, DOJ (Nov. 10, 2021), <https://www.justice.gov/opa/pr/justice-department-sues-uber-overcharging-people-disabilities>.

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- <sup>106</sup> UBER, *supra* note 103.
- <sup>107</sup> Accessibility Using Uber.
- <sup>108</sup> *Id.*
- <sup>109</sup> *Id.*
- <sup>110</sup> Jonathan Stempel, *Uber Need Not Provide Wheelchair Access Everywhere, U.S. Judge Rules*, REUTERS (July 26, 2022), <https://money.usnews.com/investing/news/articles/2022-07-26/uber-need-not-provide-wheelchair-access-everywhere-u-s-judge-rules>.
- <sup>111</sup> Accessibility Using Uber.
- <sup>112</sup> *Id.*
- <sup>113</sup> *Id.*
- <sup>114</sup> *Id.*; *Uber Teams Up With Communication Service for the Deaf to Expand Opportunities for Deaf Drivers*, UBER (Apr. 19, 2016), <https://www.uber.com/newsroom/csd-partnership/>.
- <sup>115</sup> Accessibility Using Uber.
- <sup>116</sup> *Id.*
- <sup>117</sup> *Serving People with Disabilities*, UBER, [https://www.uber.com/us/en/drive/accessibility/?utm\\_campaign=CM2177595-search-google-brand\\_1\\_-99\\_US-National\\_o-c\\_web\\_acq\\_cpc\\_en\\_T2\\_Generic\\_BM\\_uber%20eats%20for%20driver\\_kwd-892963432980\\_601618917087\\_137892654912\\_b\\_c&utm\\_source=AdWords\\_Brand](https://www.uber.com/us/en/drive/accessibility/?utm_campaign=CM2177595-search-google-brand_1_-99_US-National_o-c_web_acq_cpc_en_T2_Generic_BM_uber%20eats%20for%20driver_kwd-892963432980_601618917087_137892654912_b_c&utm_source=AdWords_Brand) (last visited June 29, 2023).
- <sup>118</sup> *Id.*
- <sup>119</sup> Accessibility Using Uber.
- <sup>120</sup> *Id.*
- <sup>121</sup> UBER, 2019–2020 US SAFETY REPORT 9 (2022), [https://uber.app.box.com/s/vkx4zgwy6sxx2t2618520xt35rix022h?uclick\\_id=ab2896ae-6fb7-43cd-9573-01841c918ad4](https://uber.app.box.com/s/vkx4zgwy6sxx2t2618520xt35rix022h?uclick_id=ab2896ae-6fb7-43cd-9573-01841c918ad4) [hereinafter “2022 Safety Report”]; 2021 ESG Report at 35.
- <sup>122</sup> 2022 Safety Report at 19.
- <sup>123</sup> *Id.* at 12.
- <sup>124</sup> *Id.* at 33.
- <sup>125</sup> *Id.*
- <sup>126</sup> *Id.* at 10.
- <sup>127</sup> *Treat Everyone With Respect*, UBER, [https://www.uber.com/us/en/safety/uber-community-guidelines/respect/?uclick\\_id=bdb54267-32f1-4cf6-ab72-c747979bfcfa](https://www.uber.com/us/en/safety/uber-community-guidelines/respect/?uclick_id=bdb54267-32f1-4cf6-ab72-c747979bfcfa) (last visited Mar. 30, 2023); *Help Keep One Another Safe*, UBER, <https://www.uber.com/us/en/safety/uber-community-guidelines/keep-safe/> (last visited Mar. 30, 2023); *Follow the Law*, UBER, <https://www.uber.com/us/en/safety/uber-community-guidelines/follow-law/> (last visited Mar. 30, 2023).
- <sup>128</sup> All Are Welcome.
- <sup>129</sup> *Non-Discrimination Policy*, UBER, <https://help.uber.com/riders/article/non-discrimination-policy?nodeId=a6c8ff85-677d-47e3-912f-895161d0828e> (last visited Mar. 30, 2023).
- <sup>130</sup> *Id.*
- <sup>131</sup> 2022 Safety Report at 10.
- <sup>132</sup> *Id.*

- 
- <sup>133</sup> *What Does the Background Check Look For?*, UBER, <https://help.uber.com/driving-and-delivering/article/what-does-the-background-check-look-for?nodeId=ee210269-89bf-4bd9-87f6-43471300ebf2> (last visited Mar. 30, 2023).
- <sup>134</sup> Sarah Gantz, *Uber, Lyft Fight Against Fingerprinting for Drivers*, THE BALTIMORE SUN (Nov. 16, 2016), <https://www.baltimoresun.com/business/bs-bz-uber-fingerprinting-hearing-20161116-story.html>.
- <sup>135</sup> UBER, *supra* note 133.
- <sup>136</sup> UBER, WORKING TOGETHER 10 (2020), <https://ubernewsroomapi.10upcdn.com/wp-content/uploads/2020/08/Working-Together-Priorities.pdf> [hereinafter “Working Together”].
- <sup>137</sup> *Id.* at 11.
- <sup>138</sup> *Uber to Step Up Driver Background Checks*, CBS N.Y. (Apr. 12, 2018), <https://www.cbsnews.com/news/uber-to-step-up-driver-background-checks/>; Gantz, *supra* note 134.
- <sup>139</sup> *Uber Fights Fingerprinting Requirement For Drivers In New Jersey*, CBS N.Y. (Apr. 1, 2016), <https://www.cbsnews.com/newyork/news/uber-n-j-fingerprinting/>; David McCabe, *Racial Undercurrents Inflamm Uber Fight Over Background Checks*, THE HILL (June 18, 2016), <https://thehill.com/policy/technology/283929-racial-undercurrents-inflamm-uber-fight-over-background-checks/>; Gantz, *supra* note 134; Heather Kelly, *Uber CEO Explains Why He Thinks Fingerprinting Drivers is ‘Unjust’*, CNN (June 24, 2016), <https://money.cnn.com/2016/06/23/technology/uber-travis-kalanick-ges-fingerprinting/index.html>; Matthew Hamilton, *Fingerprinting Becomes Latest Battleground in Uber, Lyft Debate*, TIMES UNION (Dec. 27, 2016), <https://www.timesunion.com/tuplus-local/article/Fingerprinting-becomes-latest-battleground-in-10805056.php>.
- <sup>140</sup> CBS N.Y., *supra* note 139; McCabe, *supra* note 139; Gantz, *supra* note 134; Kelly, *supra* note 139; Hamilton, *supra* note 139.
- <sup>141</sup> 2022 Safety Report at 12; *Helping to Create a Safe Community*, RAINN, <https://learn.edume.com/p/m/14674/personal-safety-education/30769?previewToken=2c97c4c5> (last visited Mar. 30, 2023); *About RAINN*, RAINN, <https://www.rainn.org/about-rainn> (last visited Mar. 30, 2023); Danielle Abril, *Uber Has a New Training Requirement for Drivers*, FORTUNE (Aug. 7, 2020), <https://fortune.com/2020/08/07/uber-mandatory-sexual-misconduct-assault-driver-training-u-s-canada/>.
- <sup>142</sup> 2022 Safety Report at 12; *Helping to Create a Safe Community*, RAINN, <https://learn.edume.com/p/m/14674/personal-safety-education/30769?previewToken=2c97c4c5> (last visited Mar. 30, 2023).
- <sup>143</sup> RAINN, *supra* note 142.
- <sup>144</sup> All Are Welcome; *Why Paradigm*, PARADIGM, <https://www.paradigmhq.com/why-paradigm/> (last visited June 29, 2023).
- <sup>145</sup> All Are Welcome.
- <sup>146</sup> *Id.*
- <sup>147</sup> 2022 Safety Report at 10, 26–28.
- <sup>148</sup> *Id.* at 10, 26–27.
- <sup>149</sup> Rebecca Payne, *Uber’s New Safety Toolkit Featuring Live Help from a Safety Agent*, UBER (Aug. 30, 2022), <https://www.uber.com/newsroom/ubers-new-safety-toolkit/>.
- <sup>150</sup> 2022 Safety Report at 10, 28.
- <sup>151</sup> *Id.* at 28.
- <sup>152</sup> *Id.* at 10.
- <sup>153</sup> 2023 ESG Report at 31.
- <sup>154</sup> *Id.*

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- <sup>155</sup> *Treat Everyone With Respect*, UBER, [https://www.uber.com/us/en/safety/uber-community-guidelines/respect/?uclid\\_id=bdb54267-32f1-4cf6-ab72-c747979bfcfa](https://www.uber.com/us/en/safety/uber-community-guidelines/respect/?uclid_id=bdb54267-32f1-4cf6-ab72-c747979bfcfa) (last visited Mar. 31, 2023); All Are Welcome.
- <sup>156</sup> All Are Welcome.
- <sup>157</sup> 2022 Safety Report at 29.
- <sup>158</sup> *Id.*
- <sup>159</sup> 2022 Safety Report at 11.
- <sup>160</sup> *Id.* at 39.
- <sup>161</sup> *Id.*
- <sup>162</sup> *Id.*
- <sup>163</sup> *Id.*
- <sup>164</sup> 2022 Safety Report at 4.
- <sup>165</sup> The other categories are vehicle crash or claim, theft or robbery, substance abuse, health/self-harm, law enforcement/regulatory, potential safety concern, and dangerous driving.
- <sup>166</sup> 2022 Safety Report at 4.
- <sup>167</sup> *Id.*
- <sup>168</sup> Emma Hinchliffe, *Uber Wants to Lead the Way on Tracking Sexual Assault and Harassment*, FORTUNE (Nov. 12, 2018) <https://fortune.com/2018/11/12/uber-sexual-assault-harassment-taxonomy/>.
- <sup>169</sup> 2022 Safety Report at 29.
- <sup>170</sup> *Id.* at 11.
- <sup>171</sup> All Are Welcome.
- <sup>172</sup> Tony West, *Turning the Lights On*, UBER NEWSROOM (May 15, 2018), <https://www.uber.com/newsroom/turning-the-lights-on/>.
- <sup>173</sup> *Id.*
- <sup>174</sup> Brian Merchant, *Column: Uber and Lyft's 'Deactivation' Policy is Dehumanizing and Unfair. It Must End.*, L.A. TIMES (Feb. 28, 2023), <https://www.latimes.com/business/technology/story/2023-02-28/column-uber-and-lyfts-deactivation-policy-is-dehumanizing-and-unfair>.
- <sup>175</sup> 2022 Safety Report at 38.
- <sup>176</sup> 2022 Safety Report at 7.
- <sup>177</sup> *Id.*
- <sup>178</sup> *Id.*
- <sup>179</sup> *Id.*
- <sup>180</sup> 2023 ESG Report at 12.
- <sup>181</sup> *App-Based Driver Survey*, BENENSON STRATEGY GRP. (July 2020), [https://ac32b1ba-8f5b-411f-91ab-b7ae9a046606.usfiles.com/ugd/ac32b1\\_63f0f776a70a4cc5b532f4521ebab453.pdf](https://ac32b1ba-8f5b-411f-91ab-b7ae9a046606.usfiles.com/ugd/ac32b1_63f0f776a70a4cc5b532f4521ebab453.pdf).
- <sup>182</sup> 2022 Proxy Statement at 9 n.2.
- <sup>183</sup> Dara Khosrowshahi, *I am the C.E.O. of Uber. Gig Workers Deserve Better*, N.Y. TIMES (Aug. 10, 2020), <https://www.nytimes.com/2020/08/10/opinion/uber-ceo-dara-khosrowshahi-gig-workers-deserve-better.html>.
- <sup>184</sup> Working Together at 3.

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- <sup>185</sup> *Id.*
- <sup>186</sup> *Id.* at 11.
- <sup>187</sup> *Id.* at 12.
- <sup>188</sup> *Id.* at 12–13.
- <sup>189</sup> *Id.* at 13.
- <sup>190</sup> *Id.*
- <sup>191</sup> *Id.* at 10–16.
- <sup>192</sup> *Id.* at 16.
- <sup>193</sup> 2022 ESG Report at 23; 2023 ESG Report at 20.
- <sup>194</sup> 2022 ESG Report at 23.
- <sup>195</sup> 2023 ESG Report at 20.
- <sup>196</sup> 2022 ESG Report at 23.
- <sup>197</sup> *Id.*
- <sup>198</sup> *Id.*
- <sup>199</sup> Sachin Kansal, *Year in Review: Listening & Fixing*, UBER NEWSROOM (Dec. 14, 2021), <https://www.uber.com/newsroom/listening-fixing/>.
- <sup>200</sup> 2023 ESG Report at 22.
- <sup>201</sup> *Id.*
- <sup>202</sup> Dara Khosrowshahi, *Only on Uber: More Flexibility, Choice, and Support*, UBER NEWSROOM (July 29, 2022), <https://www.uber.com/newsroom/only-on-uber/>.
- <sup>203</sup> Kansal, *supra* note 199.
- <sup>204</sup> Working Together.
- <sup>205</sup> *Learn All About Uber Crew*, UBER CREW PORTAL, <https://www.ubercrewportal.com/faq> (last visited June 27, 2023).
- <sup>206</sup> *Id.*
- <sup>207</sup> 2023 ESG Report at 20.
- <sup>208</sup> *Uber Pro: Rewards at Every Status*, UBER, <https://www.uber.com/us/en/drive/uber-pro/rewards/> (last visited June 27, 2023).
- <sup>209</sup> 2022 ESG Report at 24. To be eligible for the tuition coverage, drivers must have completed a required number of lifetime trips and achieved Gold, Platinum, or Diamond status through Uber Pro. “Gold” status requires 1,000 points, a 3% cancellation rate, and a 4.7 driver rating; “Platinum” status requires 1,800 points, a 3% cancellation rate, and a 4.7 driver rating; and “Diamond” status requires 2,800 points, a 3% cancellation rate, and a 4.7 driver rating. Eligible family members include spouses and domestic partners, children, siblings, parents and legal guardians, and dependents. *Uber and ASU*, UBER, <https://uber.asu.edu/> (last visited June 27, 2023).
- <sup>210</sup> 2023 ESG Report at 19.
- <sup>211</sup> Working Together.
- <sup>212</sup> Kirsten Korosec, *After Prop 22’s Passage, Uber Is Taking Its Lobbying Effort Global*, TECHCRUNCH (Nov. 5, 2020), <https://techcrunch.com/2020/11/05/after-prop-22s-passage-uber-is-taking-its-lobbying-effort-global/>.

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<sup>213</sup> Lisa Stiffler, *Lyft, Uber and Unions Back New Washington State Legislation Protecting Drivers*, GEEKWIRE (Mar. 7, 2022), <https://www.geekwire.com/2022/lyft-uber-and-unions-back-new-washington-state-legislation-protecting-drivers/>.

<sup>214</sup> CAL. BUS. & PROF. CODE § 7448 et seq.

<sup>215</sup> *Id.* §§ 7453, 7463; Camiel Irving & Sarfraz Maredia, *Prop 22: Improving the Lives of California Drivers and Couriers*, UBER NEWSROOM (Dec. 8, 2022), <https://www.uber.com/newsroom/prop-22-benefits/#:~:text=Minimum%20Earnings%20Guarantee%3A%20Earners%20always,on%20top%20of%20those%20earnings.>

<sup>216</sup> Korosec, *supra* note 212.

<sup>217</sup> 2022 Wash. Sess. Laws Ch. 281, <https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/House/2076-S.SL.pdf?q=20230317065103>.

<sup>218</sup> *Drivers Celebrate Nation-Leading Pay and Benefits Statement*, DRIVERS UNION WA (Mar. 31, 2022)

<sup>219</sup> 2022 Wash. Sess. Laws Ch. 281, *supra* note 217.

<sup>220</sup> *ITF Signs Agreement with Uber to Begin Social Dialogue on Working Conditions for Drivers and Couriers*, ITF (Feb. 17, 2022), <https://www.itfglobal.org/en/news/itf-signs-agreement-uber-begin-social-dialogue-working-conditions-drivers-and-couriers-0>.

<sup>221</sup> *Id.*

<sup>222</sup> Greenlight Hubs offer in-person support services for drivers, including activating their account; finding an approved, insured vehicle; signing up for new promotions or benefits; answering questions about payments and fares; and any other issues that drivers may encounter while working on the platform.

<sup>223</sup> *Greenlight Activation*, UBER, <https://help.uber.com/driving-and-delivering/article/greenlight-activation?nodeId=379beddd-9a4d-46a9-bb49-bb4dd6684df5> (last visited June 27, 2023); Dave Johnson, *How to Contact Uber Support as a Driver or Rider if You Need Help Resolving an Issue*, BUS. INSIDER (Mar. 3, 2021), <https://www.businessinsider.com/guides/tech/how-to-contact-uber#:~:text=There%20are%20more%20than%20150%20Uber%20Greenlight%20locations,the%20site%20knows%20what%20city%20you%20are%20in.>

<sup>224</sup> UBER, PEOPLE AND CULTURE REPORT 2022 17 (2022), [https://uber.app.box.com/s/97uk6h0jhuwrrwq4n0mldpaqd51ttbyh?uclid\\_id=9b93cf7d-cdff-461c-8008-ff0d2c9adc29](https://uber.app.box.com/s/97uk6h0jhuwrrwq4n0mldpaqd51ttbyh?uclid_id=9b93cf7d-cdff-461c-8008-ff0d2c9adc29) [hereinafter “2022 People and Culture Report”].

<sup>225</sup> *Id.*

<sup>226</sup> West, *supra* note 172.

<sup>227</sup> *Our Mission*, THE PURPLE CAMPAIGN, <https://www.purplecampaign.org/our-mission> (last visited August 1, 2023).

<sup>228</sup> Ally Coll, *Announcing Our Certification Partnership with Airbnb, Amazon, Expedia & Uber*, THE PURPLE CAMPAIGN (July 17, 2019), <https://www.purplecampaign.org/purple-post/2021/11/3/announcing-our-certification-partnership-with-airbnb-amazon-expedia-amp-uber>.

<sup>229</sup> 2021 ESG Report at 57.

<sup>230</sup> 2022 People and Culture Report at 20.

<sup>231</sup> *Mansfield Rule*, DIVERSITY LAB, <https://www.diversitylab.com/pilot-projects/mansfield-overview/> (last visited July 9, 2023).

<sup>232</sup> 2022 People and Culture Report at 18.

<sup>233</sup> *Id.* at 19.

<sup>234</sup> *Id.* at 41.

<sup>235</sup> *Id.*

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<sup>236</sup> *Id.*

<sup>237</sup> *Id.* at 31.

<sup>238</sup> *Supplier Diversity at Uber*, UBER, <https://www.uber.com/us/en/suppliers/diversity/> (last visited June 27, 2023).

<sup>239</sup> See, e.g., Milan Prilepok, Shelley Stewart III, Ken Yearwood & Ammanuel Zegeye, *Expand Diversity Among Your Suppliers—and Add Value to Your Organization*, MCKINSEY & CO. (May 17, 2022), <https://www.mckinsey.com/business-functions/operations/our-insights/expand-diversity-among-your-suppliers-and-add-value-to-your-organization>; Bobby Chasnis, *Creating Opportunities for Equality Along the Supply Chain*, MICH. ECON. DEV. CORP. (Feb. 17, 2021), <https://www.michiganbusiness.org/news/2021/02/creating-opportunities-for-equality-along-the-supply-chain/>; *Minority Businesses Economic Impact Report 2021*, NMSDC (2021), <https://nmsdc.org/wp-content/uploads/2022/05/NMSDC-2021-MinorityBusinessesEconomicImpactReport.pdf>; Alexis Bateman, Ashley Barrington & Katie Date, *Why You Need a Supplier-Diversity Program*, HARV. BUS. REV. (Aug. 17, 2020), <https://hbr.org/2020/08/why-you-need-a-supplier-diversity-program>; Nedra Dickson & Briane Pease, *Five Reasons Why You Should Prioritize Supplier Diversity as Part of Your Sourcing Strategy*, ACCENTURE (2020), <https://www.accenture.com/acnmedia/PDF-157/Accenture-Five-Reasons-Why-You-Should-Prioritize-Supplier-Diversity.pdf>; Steven Jones, *Benefits of Supplier Diversity May Go Beyond 'Social Good'*, WALL ST. J. (Aug. 21 2006), <https://www.wsj.com/articles/SB115611527732140564>.

<sup>240</sup> UBER, *supra* note 238.

<sup>241</sup> *Id.*

<sup>242</sup> *Id.*

<sup>243</sup> 2022 People and Culture Report at 31.

<sup>244</sup> Khosrowshahi, *supra* note 45.

<sup>245</sup> *Supplier Code of Conduct*, UBER (Mar. 2021), [https://uber.app.box.com/s/n9whauqo3rwj8p1c2ipazsfflk4yxb86?uclid\\_id=e043c01a-decc-4232-b919-e356f90e9147](https://uber.app.box.com/s/n9whauqo3rwj8p1c2ipazsfflk4yxb86?uclid_id=e043c01a-decc-4232-b919-e356f90e9147).

<sup>246</sup> *Id.* at 8.

<sup>247</sup> *Id.* at 12.

<sup>248</sup> 2023 ESG Report at 45.

<sup>249</sup> *Id.*

<sup>250</sup> *Id.*

<sup>251</sup> *Id.*

<sup>252</sup> *We Are Uber*, UBER, <https://www.uber.com/us/es/careers/values/> (last visited Mar. 23, 2023).

<sup>253</sup> *Solving the Transportation Challenge for Pregnant Patients in Need: Rides for Moms*, SURGO VENTURES (Dec. 16, 2022), <https://surgoventures.org/resource-library/solving-the-transportation-challenge-for-pregnant-patients-in-need-rides-for-moms>.

<sup>254</sup> *How LISC +Uber are Driving Vaccine Access for All*, LISC (Jan. 4, 2022), <https://www.lisc.org/our-stories/story/how-lisc-uber-are-driving-vaccine-access-all/>.

<sup>255</sup> Julia Paige, *Donate a Ride to Someone in Need*, UBER NEWSROOM (Apr. 12, 2021), <https://www.uber.com/newsroom/donate-a-ride/>.

<sup>256</sup> *Request For Proposal: LISC Health Access Fund Grant Program*, LISC MEMPHIS (Aug. 23, 2022), <https://www.lisc.org/memphis/regional-stories/rfp-lisc-health-access-fund-grant/>.

<sup>257</sup> Brittany Anthony, *Driving Change – Committing \$2.6 Million to Combat the Global Crisis of Gender Based Violence*, UBER NEWSROOM (Apr. 21, 2021), <https://www.uber.com/newsroom/driving-change-2021/>.

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<sup>258</sup> *About*, NUL, <https://nul.org/about> (last visited June 27, 2023).

<sup>259</sup> *Uber Earner Entrepreneurship Program*, NUL, <https://nul.org/program/uber-earner-entrepreneurship-program#:~:text=Through%20a%20partnership%20with%20the,affiliates%20to%20support%20their%20enterprise> (last visited June 27, 2023).

<sup>260</sup> *Zero Tolerance for Racism*, UBER, <https://www.uber.com/us/en/u/right-to-move/> (last visited June 27, 2023).

<sup>261</sup> *Our 2020 Get Out The Vote Efforts*, UBER NEWSROOM (Oct. 5, 2020), <https://www.uber.com/newsroom/uber-announces-2020-get-out-the-vote-effort/>.

<sup>262</sup> *Id.*; *Help Staff Your Local Polling Place*, POWER THE POLLS, <https://www.powerthepolls.org/Uber> (last visited July 9, 2023).

<sup>263</sup> UBER NEWSROOM, *supra* note 260.

<sup>264</sup> *Id.*

<sup>265</sup> Kelly Tyko, *Election Day Brings Food Deals and Freebies*, AXIOS (Nov. 8, 2022), <https://www.axios.com/2022/11/08/election-day-deals-freebies-voters>.

<sup>266</sup> Shawna Chen, *Flood of CEOs, Corporations Speak Out Against Georgia's Voting Restrictions*, AXIOS (Apr. 2, 2021), <https://www.axios.com/2021/03/31/georgia-voting-restrictions-microsoft-corporations>.

<sup>267</sup> *Joint Statement on Protecting Voting Access*, CIVIC ALL. (Apr. 2, 2021), <https://www.civicalliance.com/votingaccess/>.