

Pluralistic: Daily links from Cory Doctorow

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Pluralistic: 04 Aug 2022



Today's links

- ◉ [A TRAP for workers](#): Oops, we re-invented indenture.
- ◉ [Hey look at this](#): Delights to delectate.
- ◉ [This day in history](#): 2002, 2007, 2012, 2017, 2021
- ◉ [Colophon](#): Recent publications, upcoming/recent appearances, current writing projects, current reading



A TRAP for workers ([permalink](https://www.bbc.co.uk/programmes/p0ckq7pb))

One of the weirdest parts of conspiratorialism is the hunt for anagrams as secret expressions of guilt. Ken Cheng's recent BBC Comedy of the Week show, he has a great bit on this, pointing out how weird it is that someone figured out that "delta" and "omicron" are an anagram for "media control."

<https://www.bbc.co.uk/programmes/p0ckq7pb>

As Cheng says, "do they think the coronavirus was invented by Tom Marvolo Riddle?" And yet, sometimes, villains really *do* use word-

games to tip their hands. How else to explain that Petsmart's predatory "job training" scheme for new hires is called TRAP?

<https://www.wired.com/story/contract-clause-loading-us-workers-with-debt/>

TRAP – "training repayment agreement provision" – was billed as a free job training scheme for new Petsmart hires, a 4-week program to teach you to groom cats and dogs. But this "free" program actually loaded new hires up with \$5500 in debt that they owed to the company if they quit, got fired, or were laid off within two years.

<https://twitter.com/LifeatPetSmart/status/1148626627389267969>

In a darkly hilarious turn, TRAP didn't even train you to groom pets. As a new class action suit led by ex-Petsmart employee BreAnn Scally reveals, most of the "training" was just sweeping floors, and the "four-week" course ended after three weeks.

https://protectborrowers.org/wp-content/uploads/2022/07/PetSmart-complaint_file.pdf

As Caitlin Harrington writes for *Wired*, California law actually prohibits these schemes, barring employers from clawing back training expenses unless they "primarily benefit the worker." Additionally, California employers are prohibited from "operating as an unlicensed post-secondary school."

But employers know that workers are at a disadvantage when it comes to enforcing these laws. Indeed, it's hard to know how Scally – who was making \$15/hour and relying on family members to cover her monthly shortfall – could have sought justice against the private equity backed Petsmart except through class-action suits.

It's easy for employers to bar their workers from participating in class-action suits: all they need to do is subject those workers to "binding arbitration" agreements where they surrender their right to seek justice in courtrooms, and instead must plead their case to a fake corporate judge (an "arbitrator") who is paid by the employer who wronged them.

Some clever lawyers have developed a fantastic countermove to this, the "mass arbitration" action, where hundreds or thousands of workers or customers bulk-file arbitration claims, forcing the company that harmed them to pay thousands of dollars for arbitrators to hear each claim:

<https://pluralistic.net/2022/06/12/hot-coffee/#mcgeico>

But convicted monopolist Microsoft continues to lead the corporate world in innovative fuckery. They've just updated their terms and conditions to ban mass arbitration:

[https://www.microsoft.com/en-us/servicesagreement/upcoming-updates.aspx?tduid=\(e6d11a05aa8500a3b4be6d4c42131db4\)\(266696\)\(1503186\)\(33330X911642Xf7acc8227d2c85bbb5b31c0b2833ea5b\)\(\)](https://www.microsoft.com/en-us/servicesagreement/upcoming-updates.aspx?tduid=(e6d11a05aa8500a3b4be6d4c42131db4)(266696)(1503186)(33330X911642Xf7acc8227d2c85bbb5b31c0b2833ea5b)())

For customers in the United States, in the Binding Arbitration and Class Action Waiver section, we've added procedures if 25 or more customers file coordinated arbitrations. These arbitrations would be resolved in batches of up to 50 individual arbitrations. After each batch of up to 50 is resolved, the next batch of up to 50 individual arbitrations could be filed. We've clarified that arbitrators may award injunctions that would affect you and us only. We've also clarified that if a court finds part of this section unenforceable, an arbitrator would resolve all arbitrable claims and remedies before any court

proceeding begins on remaining ones. We've given courts rather than arbitrators authority to decide more issues, including whether this section is enforceable and what it covers, and to enjoin arbitrations that don't comply with it. We've also provided that small claims court cases may be filed in your home county only.

It's only a matter of time until this evil fuckery proliferates into every binding arbitration agreement, which would allow companies using TRAP clauses to get away with it, free from the risk of either class action or mass arbitration.

What's that? "Companies using TRAP clauses?" Yes, companies. Petsmart is by no means alone in creating a modern system of indenture, where your employer can fine you for quitting your job, and mire you in debt even if they lay you off.

A report called "Trapped at Work" from The Student Borrower Protection Center shows how TRAP clauses have found their way into "hair salons, hospital chains, IT firms, and trucking companies," sectors that together account for a third of all US workers:

<https://protectborrowers.org/trapped-at-work-how-big-business-uses-student-debt-to-restrict-worker-mobility/>

As the report notes, these employers TRAP their workers with bills in the "tens of thousands of dollars" and charge extremely high interest rates. Harrington points out that Petsmart's contracts promise "the highest rate permitted by law of the state in which this agreement was executed."

Like binding arbitration, TRAP clauses started out as a way to simplify negotiations between extremely powerful entities, but quickly became a means to extinguish any hope of justice in dealings

between the wealthy and the poor. The first TRAP clauses were introduced in the 1980s for high-paid professionals such as "engineers, security brokers, and airline pilots."

But the erosion of labor law and the disappearance of unions freed up employers to TRAP all kinds of low-waged workers. Harrington points to the scholarship of Loyola Law's Jonathan F Harris, who has documented this in detail:

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3642017

TRAPs are ways for employers to get around the few remaining labor protection laws, like California's ban on noncompete agreements and the antitrust laws than ban employers for forming secret "no poach" deals that suppress wages. But they're also a way to head off the Great Resignation, by fining low-waged workers several months' pay for having the temerity to quit, and then smacking them with usurious interest rates.

TRAPs mean that workers who speak up about unfair or unsafe conditions. Carmen Comsti from National Nurses United told Harrington that the \$10,000 TRAPs the monopolist HCA Health burdens nurses with mean that nurses are unwilling to speak out practices that harm patients – because if they get fired, they'll owe HCA \$10k. And, as with Petsmart, the \$10k "training" that HCA charges its nurses for is "regular old orientation that you would get on the job no matter what."

TRAPping workers requires a mix of desperation and deception. Workers who have the power to negotiate the terms of their employment will obviously try to eliminate TRAP clauses, so their new bosses lie about the enforceability of TRAPs. Scally was told that Petsmart wouldn't hit her for TRAP recoupment even if she quit early, provided they'd already made enough to cover the cost of her training. That was a lie.

California banned TRAPs for healthcare workers in 2020, and Colorado is poised to make it harder to TRAP workers, banning employers from forcing workers to repay standard on-the-job training expenses. The Consumer Finance Protection Bureau is considering a nationwide ban on TRAPs:

<https://www.consumerfinance.gov/about-us/newsroom/cfpb-launches-inquiry-into-practices-that-leave-workers-indebted-to-employers/>

But TRAP clauses aren't the only form of corporate indenture. Worker misclassification – where employees are falsely classed as 'independent contractors' – opens all kind of avenues for indenture. The workforce at Arise – predominantly Black women – are forced to pay cash for their own training, and fined if they quit their terrible, humiliating jobs:

<https://pluralistic.net/2020/10/02/chickenized-by-arise/#arise>

Corporate America has an infinite appetite for dreaming up new schemes to reduce worker pay and security, offloading as many business risks as possible onto workers who can be dismissed without notice or compensation. It's going to take unions – mass movements of workers – to provide the countervailing power needed to check the business lobby.

<https://pluralistic.net/2022/07/07/collectivism/#ruling-class-solidarity>

(Image: [Nightscream](#), modified)

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Hey look at this ([permalink](#))



- Public Defenders and Defense Attorneys: Help ProPublica Report on Criminal Justice <https://www.propublica.org/getinvolved/public-defenders-and-defense-attorneys-help-propublica-report-on-criminal-justice>
- Stephen King testifies against merger of publishing giants <https://www.bbc.com/news/world-us-canada-62402141>
- How to write a Flintstones history of money <https://brettscott.substack.com/p/how-to-write-a-flintstones-history>

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This day in history ([permalink](#))

#20yrsago Baen Books' latest reader-friendly e-book venture

<https://slashdot.org/story/02/08/03/2314232/buy-one-book-get-twenty-two-free>

#20yrsago Janis Ian's successful fallout

<https://web.archive.org/web/20020803224324/http://www.janisian.com/article-fallout.html>

#20yrsago Danny O'Brien's Random acts of Internet kindness

<https://web.archive.org/web/20020820082606/http://www.oblomovka.com/entries/2002/08/03>

#20yrsago Bruce Sterling and I, debating spam

http://www.viridiandesign.org/notes/301-350/00325_open_source_speech.html

#20yrsago NSA broke the Internet

http://satn.org/archive/2002_07_28_archive.html#85310732

#15yrsago Henry Rollins rants about Internet freedom

<https://www.youtube.com/watch?v=ut9-hgFbJWs>

#15yrsago CBC bans employee blogging without permission – no politics or causes allowed

<https://web.archive.org/web/20071011063055/http://www.insidethecbc.com/bloggingrules>

#10yrsago HOWTO open an electronic hotel-room lock without a key

<https://www.forbes.com/sites/andygreenberg/2012/07/23/hacker-will-expose-potential-security-flaw-in-more-than-four-million-hotel-room-keycard-locks/>

#10yrsago Cybercrime, patent-theft numbers are total bullshit

<https://www.propublica.org/article/does-cybercrime-really-cost-1-trillion>

#10yrsago Sociability's value comes from privacy

<https://web.archive.org/web/20120806214152/https://kyrobeshay.com/post/28647196980/being-social-is-about-being-private>

#5yrsago William Gibson: what we talk about, when we talk about dystopia

<https://memex.craphound.com/2017/08/04/william-gibson-what-we-talk-about-when-we-talk-about-dystopia/>

#5yrsago Big data + private health insurance = game over

<https://www.bloomberg.com/opinion/articles/2017-08-04/big-data-is-coming-to-take-your-health-insurance>

#5yrsago Bruce Sterling in 1994, talking about crypto backdoors and the future of VR https://www.youtube.com/watch?v=YSINgf_UBS8

#5yrsago Tired of being gouged, Secret Service moves out of Trump Tower and into a box on the sidewalk

<https://thehill.com/homenews/administration/345243-secret-service-vacates-trump-tower-command-post-after-lease-dispute/>

#5yrsago DRM in web standards creates new barriers to accessibility

<https://memex.craphound.com/2017/08/03/drm-in-web-standards-creates-new-barriers-to-accessibility/>

#5yrsago After Defcon, the FBI arrested the UK national who stopped Wannacry

<https://www.vice.com/en/article/ywp8k5/researcher-who-stopped-wannacry-ransomware-detained-in-us-after-def-con>

#5yrsago Global Wannacry payout: \$140,000 – a superweapon in the hands of dolts

<https://memex.craphound.com/2017/08/03/global-wannacry-payout-140000-a-superweapon-in-the-hands-of-dum-dums/>

#5yrsago Quackspeak ascendant: China's subject-changing astroturfers rule the Chinese internet

https://web.archive.org/web/20170701000000*/https://harvardgazette.files.wordpress.com/2016/06/50c.pdf?m=1464790150

#1yr2ago Elite debt hits record heights: How the rich get free money and don't pay taxes on it

<https://pluralistic.net/2021/08/03/fitzgerald-was-an-optimist/#debt>

#1yr2ago Utilities governed like empires: One bad account disconnection can cost you everything

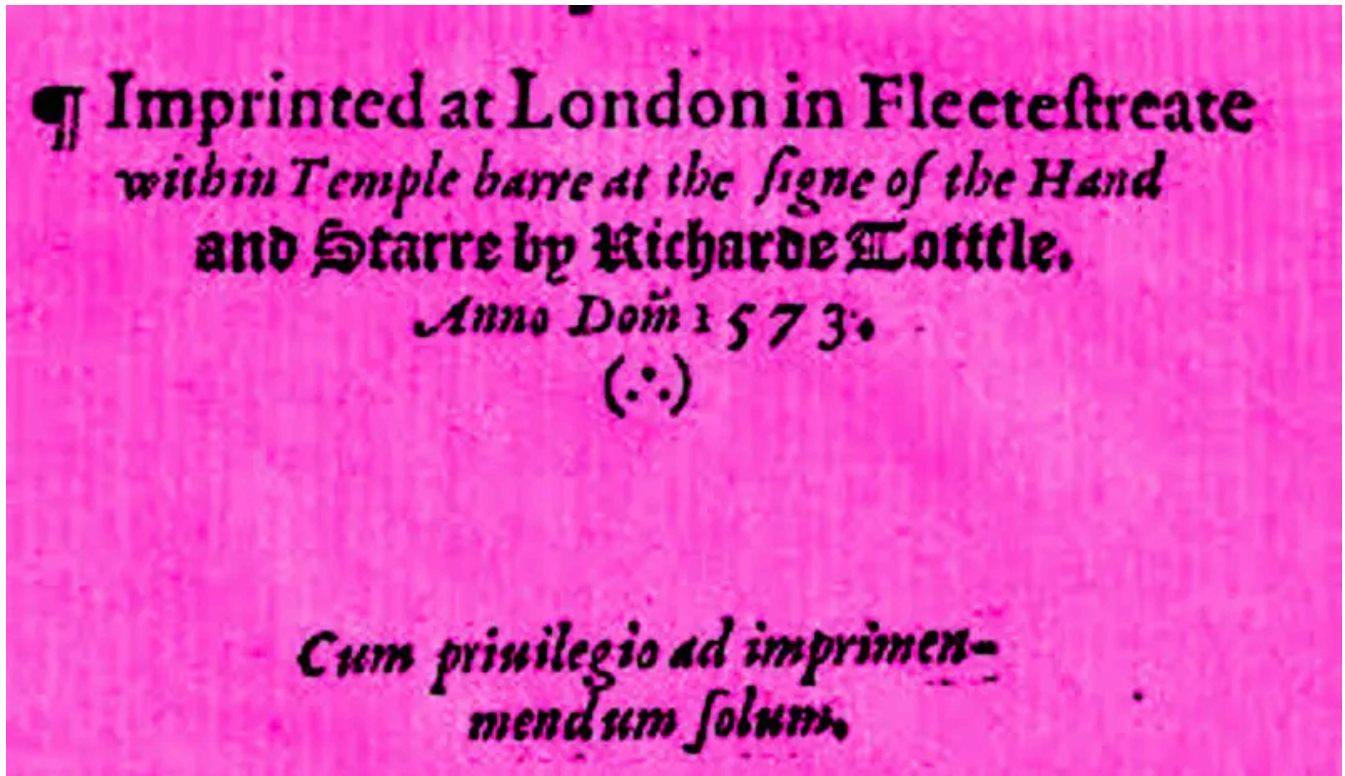
<https://pluralistic.net/2021/08/04/eighty-sixed/#thank-you-come-again>

#1yr2ago Congress has allocated enough money to end the eviction crisis: But they asked the states to hand it out

<https://pluralistic.net/2021/08/04/eighty-sixed/#helicopter-not-found>

#lyrago Vaccine refusal and health insurance: Insurers to
unvaccinated: "Drop dead" [https://pluralistic.net/2021/08/04/eighty-
sixed/#risk-management](https://pluralistic.net/2021/08/04/eighty-sixed/#risk-management)

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Colophon ([permalink](#))

Currently writing:

- The Bezzle, a Martin Hench noir thriller novel about the prison-tech industry. Yesterday's progress: 558 words (28933 words total)
- The Internet Con: How to Seize the Means of Computation, a nonfiction book about interoperability for Verso. Yesterday's progress: 504 words (24943 words total)
- Picks and Shovels, a Martin Hench noir thriller about the heroic era of the PC. (92849 words total) – ON PAUSE

- A Little Brother short story about DIY insulin PLANNING
- Vigilant, Little Brother short story about remote invigilation. FIRST DRAFT COMPLETE, WAITING FOR EXPERT REVIEW
- Moral Hazard, a short story for MIT Tech Review's 12 Tomorrows. FIRST DRAFT COMPLETE, ACCEPTED FOR PUBLICATION
- Spill, a Little Brother short story about pipeline protests. FINAL DRAFT COMPLETE
- A post-GND utopian novel, "The Lost Cause." FINISHED
- A cyberpunk noir thriller novel, "Red Team Blues." FINISHED

Currently reading: Analogia by George Dyson.

Latest podcast: View a SKU: Let's Make Amazon Into a Dumb Pipe
<https://craphound.com/news/2022/07/31/view-a-sku-lets-make-amazon-into-a-dumb-pipe/>

Upcoming appearances:

- DEFCON 30 (Las Vegas), Aug 13
<https://defcon.org/html/defcon-30/dc-30-index.html>
- Unfinished Live (NYC), Sept 21-24
<https://live.unfinished.com/>

Recent appearances:

- DRM Secretly Polices You (Daily Tech News Show)
<https://dailytechnewsshow.com/2022/07/29/drm-secretly-polices-you-dtns-4327/>

- Bricking Tractors (Inside Agri-Turf)
<https://inside-agriturf.captivate.fm/episode/bricking-tractors-with-cory-doctorow>
- Blockchain, Bitcoin & Selling The Brooklyn Bridge (MMT Podcast):
<https://pileusmmt.libsyn.com/135-cory-doctorow-blockchain-bitcoin-selling-the-brooklyn-bridge>

Latest book:

- "Attack Surface": The third Little Brother novel, a standalone technothriller for adults. The *Washington Post* called it "a political cyberthriller, vigorous, bold and savvy about the limits of revolution and resistance." Order signed, personalized copies from Dark Delicacies
https://www.darkdel.com/store/p1840/Available_Now%3A_Attack_Surface.html
- "How to Destroy Surveillance Capitalism": an anti-monopoly pamphlet analyzing the true harms of surveillance capitalism and proposing a solution. <https://onezero.medium.com/how-to-destroy-surveillance-capitalism-8135e6744d59> (print edition: <https://bookshop.org/books/how-to-destroy-surveillance-capitalism/9781736205907>) (signed copies: https://www.darkdel.com/store/p2024/Available_Now%3A_How_to_Destroy_Surveillance_Capitalism.html)
- "Little Brother/Homeland": A reissue omnibus edition with a new introduction by Edward Snowden:
<https://us.macmillan.com/books/9781250774583>; personalized/signed copies here:
https://www.darkdel.com/store/p1750/July%3A_Little_Brother_%26_Homeland.html

- "Poesy the Monster Slayer" a picture book about monsters, bedtime, gender, and kicking ass. Order here:
<https://us.macmillan.com/books/9781626723627>. Get a personalized, signed copy here:
[https://www.darkdel.com/store/p2682/Corey_Doctorow%3A_Poesy_the_Monster_Slayer_HB.html#/.](https://www.darkdel.com/store/p2682/Corey_Doctorow%3A_Poesy_the_Monster_Slayer_HB.html#/)

Upcoming books:

- Chokepoint Capitalism: How to Beat Big Tech, Tame Big Content, and Get Artists Paid, with Rebecca Giblin, nonfiction/business/politics, Beacon Press, September 2022
- Red Team Blues: "A grabby, compulsive thriller that will leave you knowing more about how the world works than you did before." Tor Books, April 2023



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Blog (no ads, tracking, or data-collection):

[Pluralistic.net](https://pluralistic.net)

Newsletter (no ads, tracking, or data-collection):

<https://pluralistic.net/plura-list>

Mastodon (no ads, tracking, or data-collection):

<https://mamot.fr/web/accounts/303320>

Medium (no ads, paywalled):

<https://doctorow.medium.com/>

(Latest Medium column: "Divination: How the Tim Powers method for secret histories keeps my creative juices flowing."

<https://pluralistic.net/2022/07/31/divination/>)

Twitter (mass-scale, unrestricted, third-party surveillance and advertising):

<https://twitter.com/doctorow>

Tumblr (mass-scale, unrestricted, third-party surveillance and advertising):

<https://mostlysignssomeportents.tumblr.com/tagged/pluralistic>

"When life gives you SARS, you make sarsaparilla" -Joey "Accordion Guy" DeVilla

Cory Doctorow / August 4, 2022 / Uncategorized / debt, indenture, labor, petSMART, trap, usury

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