WORKSHOP ON THE FUTURE OF SOCIAL PROTECTION
Uber litigation in the UK

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Uber claims

• Employment status in the UK

   • Three categories:

     • Employee
     • Worker
     • Independent contractor

Self-employed?
Uber claims

• **Worker:**
  • individual who works under:
    (a) a contract to work personally for another party
    (b) other party is not a client or customer of any profession or business undertaking carried on by the individual
1. Contract to work personally

We say:  
Uber   Passenger
Driver

Uber says:  
Uber
Driver   Passenger

- Plus – no/limited substitution
2. Individual **not** carrying out a business undertaking

“The notion that Uber in London is a mosaic of 30,000 small businesses linked by a common ‘platform’ is to our minds faintly ridiculous.”

Factors: instruction, management, control, integration...
21st Century or age-old problem?

- Uber
- Pimlico Plumbers
- City Sprint
- eCourier
- Deliveroo, DX, Hermes?
New solutions needed

• Why have all of these cases been necessary?

• Options:
  • Presumption of worker status
  • Penalties for misclassification
  • Automatic application of rulings to all workers
Additional protection for precarious workers

• Meet the multi-tasking Uber drivers who make London run smoothly
Additional protection for precarious workers

• Employment status in the UK

• Three categories:
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Employee protections?
Additional protection for precarious workers

• Maternity rights

• The right to complain

• Unfair dismissal
  • Already limited by service requirement?
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