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“Drivers take on Uber in landmark court case.”

Harmers Workplace Lawyers has launched a landmark legal action in the Federal Court on behalf of 4 drivers and the Rideshare Driver Network (RDN). RDN represents thousands of Uber drivers who are fighting for their industrial rights.

The case will determine whether Uber drivers are in reality employees of Uber, and not independent contractors, as Uber has always claimed. Drivers should be entitled to the same minimum working conditions and protections as other employees.

This is a case about fairness. Uber drivers are doing their very best to provide a public service, and they should be protected.

Debra Weddall, President of the RDN said today:

“Uber argues that its drivers have ‘freedom’ to work when and where they want. This ‘freedom’ is illusory. In reality, Uber has us drivers in a pair of industrial ‘handcuffs’. They are in control, not the drivers. They decide when to give us jobs, and what kind they will be. They decide how much to charge, the rider pays Uber not us. We can be “deactivated”, meaning sacked, without a real chance to defend ourselves.

They act just like a boss, which they are, and which makes us employees.

One major concern is our right to a fair hearing if accused by a rider. The vast majority of riders are terrific, but there is a small number who make false allegations and Uber will refuse to provide sufficient details for the driver to defend themselves. That is not justice, that is not fair.

The RDN started in 2018 when one of its drivers, Sayed, was assaulted by a rider. (pic available)

We believe we have very substantial driver support. RDN has over 2500 members at this time. Once drivers appreciate the importance of this fight for their basic rights, we are confident that number will grow.”

LEGAL BASIS OF CASE

We say that Uber breached S 535 of the Fair Work Act by not keeping records of the drivers’ employment, and S 536 by not giving drivers pay slips. By so claiming, the Court will have to determine whether drivers are, or are not, employees of Uber.

None of the individual Applicants is asking the Court for any monetary compensation. Sections 535 and 536 are civil penalty provisions of the Fair Work Act. That means that the Court can order a financial penalty to be paid by the other party to the case. In this case, the Applicants are asking the Court to order that the financial penalty be paid to the RDN so that it can be an even more effective advocate helping rideshare drivers generally throughout Australia and to fight for their rights. We are applying for the case to be heard by the Full Court of the Federal Court because of its importance and widespread implications. With as many as 20% of the global workforce expected to be engaged in this

form of work by 2050, Uber is the leader in the creation of an underclass of exploited workers. We expect the case eventually to go to the High Court.

FUNDING AND LAWYERS

Harmers is working pro bono and is funding the barristers at this stage. Sheryn Omeri won a similar case against Uber in the UK. Bret Walker, AO SC, is one of Australia's leading SCs. RDN is hopeful of raising funds for the legal fight going forward.

Debra and other applicants are available for interview.

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