



## Drivers battle Uber over employment rights



### The Central London Employment Tribunal commenced a hearing on two test cases against the company behind the taxi hailing app Uber from 20 July 2016.

The hearing, which was due to last over 6 days, heard the cases brought by law firm Leigh Day and is supported by the GMB union.

The test case will determine whether Uber is acting unlawfully by not providing drivers with basic workers' rights. These test cases will not only determine a further 17 claims that have been brought against Uber but will have wider implications for the tens of thousands of Uber drivers throughout the UK.

The Tribunal will hear arguments that Uber drivers are workers and that they are therefore entitled to receive holiday pay and to be paid at least the National Minimum Wage.

Lawyers for the drivers also claim that Uber acts unlawfully by frequently deducting sums from drivers' pay, often without informing the drivers in advance, including when customers make complaints.

This is the first time that Uber will have faced legal action in the UK over whether their drivers are **workers** or **self-employed**.

As part of its defence Uber, which has its European headquarters in the Netherlands, is seeking to argue that drivers in the UK should not be allowed to enforce their UK employment rights in the UK courts and that they can only seek a remedy in the Dutch courts. Justin Bowden, GMB National Secretary said: *"The GMB is proud to be supporting this claim against Uber which we see as challenging a growing and pernicious practice by companies, that of wrongly claiming that workers are self-employed. Uber drivers face very difficult working conditions and with cuts to fares we believe that some of our members are taking home less than the national minimum wage when you take into account the costs of running a car. We are also concerned that some drivers are working longer and longer hours in order to make ends meet and are unable to take any paid holiday. We believe that this could pose a safety risk to drivers and the public."*

Annie Powell, lawyer at Leigh Day who is representing the drivers, explained:

*"Uber currently denies that its drivers are entitled to the most basic of workers' rights. Uber's defence is that it is just a technology company, not a taxi company, and that Uber drivers do not work for Uber but instead work for themselves as self-employed business men and women."*

*"We will argue that Uber exerts significant control over its drivers in order to provide an on-demand taxi service to the public. If Uber wishes to operate in this way, and to reap the substantial benefits, then it must acknowledge its responsibilities towards those drivers as workers."*

**A judgement on the case is expected in the coming weeks.**

## Zero-hours contracts rocket by over 20% in one year

The number of workers saying they are on a zero-hours contract for their main job has risen by over 20% in the last year. This is according to the latest figures from the Office for National Statistics, which showed 903,000 workers are on a zero-hours contract compared with 747,000 in 2015.

**Women and young people aged between 16 and 24 were revealed to be more likely than male and older workers to be on zero-hours contracts, and almost a third (31%) of those on the contracts wanted to work more hours than they were currently provided.**

Furthermore, these statistics understate the number of jobs that are currently held under zero-hours contracts, as some workers may not be aware of their status and others may hold a casual job as a secondary means of income.

Figures published in March showed that there were 1.7 million zero-hours contracts in the economy, and despite their higher turnovers, it is the largest companies who are most likely to use this form of casualised labour.

As many as 40% of firms with over 250 workers used zero-hours contracts, compared with around 10% of businesses with fewer than 10 workers.

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## Lidl Announces Intention To Challenge Court Decision

The GMB, has called for Lidl to abandon attempts to subvert workers' rights after the company announced its intention to appeal a decision from the Central Arbitration Committee (CAC) to the court of appeal that would allow workers to have the union represent their interests. Lidl has confirmed to GMB's lawyers and in open court that they will appeal.

The CAC had previously dismissed Lidl's attempts to block warehouse operatives employed at the company's Bridgend distribution centre from having GMB represent their interests

GMB's successful legal defence confirmed the right of members to negotiate pay and terms and conditions within the company after the supermarket's objections were thrown out. Following the ruling, the union called for a ballot to be organised as soon

as possible so warehouse operatives could decide whether GMB should be formally recognised for collective bargaining purposes at Lidl's Bridgend distribution centre.

Lidl's parent company is registered in Germany, but the supermarket already has 637 stores and 9 regional distribution centres across England, Wales and Scotland employing more than 18,000 staff. The company's ambitious UK expansion ambitions could eventually see it more than double in size, with plans for 1,500 stores in the UK.

Maria Ludkin, GMB Legal Director, said **"Lidl has lost two court battles. It is about time it took the jack boots off and started respecting the laws in this country."**



*In the UK since Victorian times, we have had a culture where employees enjoy the legal rights to choose to combine and be represented by an organisation independent of the employer. This right is incorporated into international accords that thanks to the sacrifices of previous generations apply*

*across the civilised world, including Germany.*

***Lidl must now abandon attempts to subvert these rights and begin to bargain with their employees and to extend collective bargaining to their hard pressed retail workers."***

## Half of women in UK have been sexually harassed at work, study finds

More than half of women have suffered sexual harassment in the workplace, including sexual assaults and comments about their bodies, research has found.

Researchers from the Trades Union Congress and the Everyday Sexism Project found that 52% of women had experienced unwanted behaviour at work including groping, sexual advances and inappropriate jokes. Among women and girls aged 16-24, the proportion reporting sexual harassment rose to 63%.

Almost a fifth said they had been harassed by their boss or someone else with authority over them.

***But four in five women said they did not report the incidents to their employers, with many fearing that it would harm their relationships at work or that they would not be taken seriously.***

The findings, described by the TUC as the biggest study of its kind for a generation, are published in a report, still just a *Bit of Banter*.

Frances O'Grady, the TUC's general secretary, said: ***"How many times do we still hear that sexual harassment in the workplace is just a bit of 'banter'? Let's be clear – sexual harassment is undermining, humiliating and can have a huge effect on mental health ... It has no place in a modern workplace, or in wider society."***

The research found working in the manufacturing and hospitality industries were significantly more likely to have experienced such harassment.

The TUC is also calling for the government to scrap £1,200 fees for employment tribunals, which it says restrict access to justice for women.

## TUC Conference 2016



left to right: John Colbert Marketing & Communications Manager UnionLine, Jon Bostock Head of Finance UnionLine, Francis O'Grady General Secretary TUC, James Chadwick trainee Solicitor UnionLine, Sarah White Legal Advisor UnionLine & Tony Rupa Head of Legal Services CWU



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