



App Drivers & Couriers Union

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Rt Hon Sadiq Khan
Mayor of London
City Hall
The Queen's Walk
London SE1 2AA

February 24, 2021 (via email)

Re: Urgent – your intervention to insist on Uber's compliance with the Supreme Court ruling on worker rights and with the Private Hire Vehicles (London) Act 1998

Dear Mayor Khan

We are writing to request your urgent intervention to ensure Uber complies with last week's Supreme Court decision confirming Uber drivers as 'workers'.

We have been dismayed by Uber's reaction to the ruling and the deliberate decision of management to misinform Uber drivers about the broader applicability of the ruling. In short, Uber has doubled down on misclassification and is determined to continue with a business model the Supreme Court described as a 'mischief'. Uber intends to carry on cheating low paid workers out of the right to minimum wage and holiday pay.

Throughout six years of gruelling legal proceedings Uber insisted that it was not a transport provider but acts merely as an agent of the driver. Uber has concocted this contractual 'mischief' for the purposes of avoiding VAT and employment liability. Four separate court rulings have rejected these arrangements as not real in practical or legal terms.

Further, Lord Leggatt, in writing the majority ruling on behalf of the court, suggests that Uber's contractual arrangements could not be compliant with regulatory regime supervised by Transport for London under the Private Hire Vehicles (London) Act 1998. He wrote:

Uber maintains that the acceptance of private hire bookings by a licensed London PHV operator acting as agent for drivers would comply with the regulatory regime. I am not convinced by this.

Therefore, the time has now come for you to act to ensure Uber's compliance and we ask you to now do so urgently.

In 2017, the London Assembly recognised the findings of Frank Field's report that Uber drivers suffered sweatshop conditions while working in the TfL licensed trade. Caroline Russell AM proposed a motion calling on TfL to make worker rights a condition of license which was passed 16-1 with only Shaun Bailey AM voting against.

Mayor Khan, you now have the legal and moral obligation to insist on worker rights protections for Uber drivers in London. In New York, Mayor Deblasio has successfully implemented such protections through the regulatory regime supervised by the Taxi & Limousine Commission. As a result, for hire vehicle numbers have dropped by 20,000 and driver incomes have increased by 25%. Congestion has eased, vehicle utilisation has increased and poverty has been alleviated, all with no appreciable detriment to the travelling public.

For six long years, the predominately BAME private hire driver community have bravely stood up collectively for their rights and they have won the argument every time. Our victory last week comes after many years of painstaking organising, campaigning, and strategic litigation undertaken by the ADCU and GMB unions. Now, there is a very real risk that Uber will simply shrug it off and carry on exploiting as before unless you act now. If Uber get away with ignoring the law despite a Supreme Court ruling, it will represent a catastrophic failure of our political, regulatory, and legal system. Moreover, it would represent a terrible betrayal of low paid workers who have worked so hard to collectively organise and are so deserving of your protection.

Mayor Khan, we respectfully ask for your clear commitment that you will now insist on Uber's compliance with the Supreme Court ruling and the recognition of all Uber drivers as workers as condition of Uber's continued license to operate in London.

We look forward to receiving your reply as soon as possible.

Sincerely,

James Farrar
General Secretary & co lead claimant

Yaseen Aslam
President & co lead claimant