Court of appeal holds that Uber drivers have worker status

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The Court of Appeal upheld previous decisions confirming that Uber drivers are workers entitled to the national minimum wage and paid holiday.

Despite written documentation to the contrary, the Court of Appeal held that it could not regard Uber as working “for” the drivers as an intermediary. The reality of the relationship between the parties was the opposite. Uber runs a transportation business and drivers provide the skilled labour that enables the business to deliver its services and earn profit. It was found that Uber drivers were to be regarded as working during any period when they were (1) within the territory in which they were authorised to drive, (2) the Uber ‘app’ was switched on, and (3) they were willing and ready to

accept trips. It was acknowledged that drivers were not workers solely when they were engaged in transporting a passenger as an important feature of the business was to maintain a pool of drivers that Uber could call upon as and when a demand for driving services arose. Hence, drivers were considered to be workers during waiting periods for bookings as long as the latter two criteria also applied.

The Court of Appeal has given Uber permission to appeal to the Supreme Court.

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