

Uber B.V. and others (Appellants) v Aslam and others (Respondents)

Appellants (1) Uber B.V.
(2) Uber London Limited
(3) Uber Britannia Limited

Respondents (1) Yaseen Aslam
(2) James Farrar
(3) Robert Dawson & others

Issues (1) Whether the Respondents were “workers” providing personal services to the Second Appellant.

(2) If the Respondents were “workers”, what periods constituted their “working time”.

Facts The Appellants are members of a group of companies providing private hire vehicle booking services in the UK and internationally. Journeys are booked through the Appellants’ smartphone app, which connects passengers to drivers. The Respondents are drivers who are or were active users of that app.

The Respondents contend that, during the periods covered by their claims, they were “workers” for the purposes of the Employment Rights Act 1996, the National Minimum Wage Act 1998 and the Working Time Regulations 1998. As such, the Respondents claim that they were entitled to the minimum wage, paid leave and other legal protections. The Appellants argue that the Respondents were independent, third party contractors and not “workers”.

Following a preliminary hearing, the Employment Tribunal found that the Respondents were “workers” and that they were “working” whenever they (a) had the Appellants’ app switched on; (b) were within the territory in which they were authorised to work; and (c) were able and willing to accept assignments. These findings were upheld by the Employment Appeal Tribunal and the Court of Appeal. The Appellants now appeal to the Supreme Court.

Chronology of proceedings

Date of hearing	Date of judgment	Court	Judge	Order
19-21, 25-26 July 2016, 12 October 2016	28 October 2016	Employment Tribunal	Employment Judge Snelson, Mr Pugh, Mr Buckley	Preliminary issues determined in favour of the Respondents.
27-28 September 2017	10 November 2017	Employment Appeal Tribunal	HH Judge Eady QC	Appeal dismissed.
30-31 October 2018	19 December 2018	Court of Appeal	Sir Terence Etherton MR, Underhill LJ, Bean LJ	Appeal dismissed.

HEARING VIA VIDEO CONFERENCE

Hearing Date: 21 & 22 July 2020

**Lord Reed, Lord Hodge, Lady Arden, Lord Kitchin, Lord Sales,
Lord Hamblen, Lord Leggatt**

Counsel

Appellants

Dinah Rose QC
Fraser Campbell

1st & 2nd Respondents

Jason Galbraith-Marten QC
Sheryn Omeri

3rd Respondents

Oliver Segal QC
Melanie Tether

Timetable

Day 1

Appellants – 10.30am-1pm & 2pm-3.30pm
Respondents – 3.30pm-4pm

Day 2

Respondents – 10.30am-1pm & 2pm-3.15pm
Appellants' Reply – 3.15pm-4pm

You can watch video of today's hearing at www.supremecourt.uk, from tomorrow.

Look for the relevant case profile in our 'Current Cases' section: scroll to the bottom to see the available footage.