



On Heels of UK Uber Decision, London Bike Courier Ruled Worker

Insights

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Just last month, an employment tribunal in London held a bicycle courier was not self-employed, but instead should be classified as a worker under English law. Consequently, Maggie Dewhurst, who brought suit against UK courier CitySprint, was entitled to two days of holiday pay. The decision comes only months after a Central London Employment Tribunal similarly ruled for Uber drivers, and at a time when it is estimated that one in seven British workers are self-employed. It is the continuation of a worrying trend that American businesses might want to pay attention to as preview into how things might be decided on this side of the pond.

CitySprint employs more than 3,500 couriers in the UK alone and utilizes an app for booking courier requests. Dewhurst worked for CitySprint for two years and was classified as self-employed. Dewhurst was required to wear an employee uniform and GPS technology tracked her location. She alleged she had very little control over her work day, and thus, deserved employment rights guaranteed to “workers,” including paid holidays and a minimum wage. The judge ultimately agreed with Dewhurst and criticized CitySprint’s contractual arrangements with its couriers as “contorted,” indecipherable,” and “window dressing.”

While the ruling only applies to Ms. Dewhurst, four other couriers have also brought suit. To the likely dismay of these businesses, all of these cases will be heard by the same judge. Ms. Dewhurst’s lawyers, meanwhile, have predicted “thousands of couriers across London” will soon come forward with similar claims. In light of this decision, gig companies like CitySprint have called on the government to provide some clarity in this ever-changing area of the law. Late last year, Prime Minister Theresa May requested an independent review of “modern employment” in the UK. Due sometime in the spring, the review may provide an inkling as to how 10 Downing Street plans to address a system of laws many argue are not adapting to the times. Businesses in the UK and the US should follow these developments, as they may end up impacting a broader spectrum of classification models.

