

# Federal Appeals Court Hears Next Round In Seattle's Gig Worker Union Organizing Fight

Insights

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The 9th Circuit Court of Appeals heard argument today over a proposal that would permit ride-sharing drivers who work for companies such as Uber and Lyft to organize and form unions. Given what could be at stake—the potential for the first-ever gig worker union—this has been a hard-fought legal battle to date, and today's argument has been no different in nature.

By way of background, the city of Seattle became the first jurisdiction to pass a law aimed at unionizing ride-sharing drivers in 2015, which is a big deal because these workers are typically classified as independent contractors rather than employees. The controversial ordinance has been embroiled in legal challenges for several years now. While a federal district court in Washington initially granted a preliminary injunction blocking the key portions of the ordinance, it later dismissed the underlying lawsuit brought the U.S. Chamber of Commerce and others challenging the landmark ordinance, who claimed it violated federal anti-trust laws. The district court's August 2017 decision found that the City of Seattle's law remained valid because the State of Washington delegated certain authority to enact certain anti-competitive restraints to the City, known as the "state action doctrine." As expected, the lower court decision went to appeal before the 9th Circuit, where it now resides.

I talked with Law.com's Erin Mulvaney about the oral argument for her great preview article posted earlier today. As she wrote, "the ordinance is considered a test for how far traditional protections should extend to the so-called gig economy," which is why it has drawn national attention. You can read her full preview here, and be sure to watch this space (and Erin's future reporting) for more analysis about the case as it proceeds through the appeals process.

My prediction? No matter who wins this round of argument, the case will likely be heard by a full *en banc* panel of the 9th Circuit in the next year for a final decision. Stay tuned.

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