



# Uber and Lyft Say No More Mandatory Arbitration For Sexual Assault And Harassment Victims

Insights

6.05.18

Just last month, Uber announced that it would no longer require its passengers, drivers, or employees to arbitrate their individual claims of sexual assault and sexual harassment, allowing such claims to proceed in court. Uber's Chief Legal Officer Tony West stated in a blog post: "We have learned it's important to give sexual assault and harassment survivors control of how they pursue their claims. So moving forward, survivors will be free to choose to resolve their individual claims in the venue they prefer: In a mediation where they can choose confidentiality; in arbitration, where they can choose to maintain their privacy while pursuing their case; or in open court." Uber will also no longer require those who settle sexual assault or harassment claims to sign non-disclosure agreements. Hours after Uber's announcement, Lyft announced that it, too, would waive mandatory arbitration and remove the confidentiality requirement for sexual assault and harassment victims.

In addition to its new stance on arbitration, Uber has also undertaken other initiatives to prove its commitment to the safety of its users. The company plans to strengthen its driver screenings and background checks by re-running such checks annually and investing in technology that will notify it when a driver is involved in subsequent criminal activity. It recently made emergency assistance available in the app, so drivers and passengers can call 911 directly from the app and share location and trip details with authorities. The app now also allows riders to share trip details with up to five family members and friends, so they can view a loved one's location on the map and know when he or she has arrived. Uber further stated it would begin publishing a safety transparency report that will comprise data on sexual assaults and other relevant incidents that take place on the Uber platform. Lyft has also committed to publishing a similar report, and the companies are expected to work together on its implementation.

As previously discussed on this Blog, the gig economy has been under scrutiny after Nathan Heller wrote a piece for the New Yorker entitled, "The Gig Economy Is Especially Susceptible to Sexual Harassment." The article cited a voluntary study by HoneyBook, a popular online platform for freelance event-planning workers, which revealed that sexual harassment may be even more prevalent in the gig economy as opposed to traditional employment. Although Congress has responded with proposed legislation, so far, these laws only seek to protect gig workers, not gig consumers. For example, in December 2017, a group of bipartisan lawmakers, including Senators Kirsten Gillibrand, D-N.Y., and Lindsey Graham, R-S.C., introduced a bill (Ending Forced Arbitration of Sexual Harassment Act of 2017) that would make it illegal for companies to enforce workers'

arbitration agreement if their claims included sexual harassment or gender discrimination in violation of Title VII of the Civil Rights Act. Only time will tell if similar legislation will follow to extend such protections to consumers, or if other gig businesses will follow Uber's and Lyft's initiative and take it one step further—waiving arbitration for all sexual misconduct claims, even class claims.

We will continue to monitor these issues and update the blog with any further developments. For now, gig companies should fully evaluate the protections they afford to both workers **and** consumers to ensure safety is always of utmost importance.

### ***Related People***

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