

Sacré Bleu! French Court of Appeals Rules that Uber Driver Had an “Employment Contract”

Insights

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Last week, the French Court of Appeals dealt another blow to global gig businesses, ruling that the agreement between Uber and a former driver was “an employment contract,” because the former driver was “dependent” on Uber “for work.” In so ruling, the court rejected the company’s long held position that it is “merely a service provider with drivers who are self-employed, able to work when and where they want.” The decision overturned a lower court ruling in favor of Uber.

The Court of Appeals found that the “registration partnership” between Uber and the former driver “effectively gave it ‘control’ over the terms of his work,” noting for example that “the driver could not freely choose clients or set his own rates.”

Uber has said that it will appeal the decision to the Court of Cassation, France’s highest court. The former driver filed suit in June 2017, shortly after Uber “deactivated his account,” seeking “to have his ‘commercial accord’ reclassified as an employment contract” and demanding “reimbursement for holidays and expenses as well as payment for ‘undeclared work’ and unfair contract termination.” The French Court of Appeals ruling follows a UK Court of Appeals decision last month that upheld an earlier ruling by UK’s Employment Tribunal and the Employment Appeal Tribunal that found “Uber drivers were not self-employed but regular workers who qualify for basic rights such as minimum wage, holiday and sick pay.” Uber is appealing the decision to UK’s Supreme Court.

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