

# Compliance & Risk

Volume 5, Issue 6

November/December 2016

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- Internet robbery targets Tesco Bank customers, p.15
- Apple to repay Ireland €13bn of unlawful state aid, p.17
- Former BlackRock manager pleads guilty to insider trading, p. 19

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## Uber drivers are 'workers' with employment rights says tribunal

Uber, a software platform which connects passengers to drivers of cars available for private hire through a smartphone app, has lost a crucial legal battle in London brought by two of its drivers supported by the GMB union.

At the end of October 2016, the Central London employment tribunal decided the test case in favour of the two drivers who claimed that Uber's classification of its drivers as self-employed is wrong and that its drivers should be entitled to the basic rights enjoyed by workers in the UK.

The tribunal held that the drivers are "workers" who are entitled to the minimum wage and holiday pay, with Judge Anthony Snelson (the tribunal leader) saying, "The notion that Uber in London is a mosaic of 30,000 small businesses linked by a common 'platform' is to our minds faintly ridiculous".

The Uber case is the first in the UK to test the key premise that underpins many so-called 'gig' technology platforms, which connect workers with customers without incurring the expense of employing the people themselves.

Uber is currently available in hundreds of cities world-wide, with the technology company always treating the drivers who work through its platform as self-employed and therefore not entitled to the minimum employment law rights.

The tribunal decided that drivers who are logged into the app, and willing to accept assignments from Uber are in fact working for Uber as workers within the meaning of the UK's employment legislation.

As such, they qualify for

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## £100m equal pay claim against Asda given go ahead by tribunal

In a preliminary judgment issued in October 2016, a Manchester employment tribunal has granted thousands of Asda store staff, most of whom are women, the right to proceed with a £100m equal pay claim against the supermarket group.

The shop staff allege that Asda unfairly pays them less than warehouse workers, most of whom are men. Lawyers for the shop staff say their work is as

valuable as that of the supermarket chain's overwhelmingly male distribution centre workforce, but they are paid between £1 and £3 an hour less.

Asda has argued that the pay and employment terms of the two groups could not be compared because they were employed in different places, but this argument was rejected by the tribunal.

The case, which is the UK's biggest private sector equal pay claim, is brought by 7,800 current and former store staff, but Asda employs around 180,000 workers in total, many of whom work in its stores.

If successful, the action could prove to be an extremely expensive one for the supermarket operator, and also for others in the

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