

## Uber payday – delivery rider’s \$400,000 settlement

Uber Eats is looking to live to fight another day. As part of a recent Senate inquiry, it was revealed that Uber Eats paid a former rider \$400,000 as settlement to stop her unfair dismissal case from being heard.

The story barely deserves repeating as it relates to the long-suffering issue of whether an Uber Eats rider was a contractor or employee. Clearly not wanting the question answered, Uber Eats made it go away at a sum that is more than 25 times the maximum amount the rider could have got in her unfair dismissal case.

However, the settlement figure likely reflects the full gambit of claims the rider and her union backers were making behind the scenes including in relation to backpay for unpaid entitlements such as leave and superannuation, as well as hefty fines Uber would face for allegedly breaching employment laws. What’s clear is that Uber Eats was willing to pay big to sweep it all under the carpet.

Where to next?

As we mentioned previously, the case caused Uber Eats to revisit its rider engagement model (see [here](#)). More importantly though, the settlement highlights how far things have shifted from where we were two years ago. Back then, Uber and other operators were riding high on a couple of FWC decisions and a significant determination by the Fair Work Ombudsman that found gig workers to be contractors. However, with a recent decision that determined Deliveroo riders to be employees, Menulog’s announcement that it will test run an employment model, and this revelation regarding Uber Eats’ settlement, the tide has changed drastically.

Although we sound like a broken record, this latest development further confirms the desperate need for proper and practical solutions when it comes to the gig economy that seeks to recognise its uniqueness from traditional forms of employment or contracting, promotes its benefits, and protects its workers.

Questions? Give us a call.

MAR  
QUE



Wesley Rogers  
Workplace Relations  
Counsel

+61 2 8216 3035

[Email Wes](#)

**Marque Lawyers Pty Ltd**

Level 4, 343 George St  
Sydney NSW 2000

Ph : +61 2 8216 3000

Fax: +61 2 8216 3001

[Visit Website](#)

