



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

UBER BV vs. ASLAM

– Relevance to Indian Jurisdiction

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INTRODUCTION

The growth of the so-called gig economy has recently changed the nature of work throughout the world and put the old ideas regarding employment including rights for workers to the test. The legal standing and rights of employees who are categorised as independent contractors inside platforms related to the gig economy are crucial to this paradigm change. The Supreme Court's historic Uber v. Aslam decision, which encapsulated the larger contradictions between technology advancement, labour rights, including the regulatory structures governing contemporary workplace relationships, is at the centre of this developing discussion. Due to its novel business strategy, which depends on a sizable network of operators that give rides via the application while being categorised as independent freelancers, Uber, the global ride-hailing system, has found itself at the centre of this controversy. The Uber v. Aslam case has become a crucial legal issue in the United Kingdom, with ramifications not solely for Uber along with the drivers it employs but additionally for the whole gig economy environment.

A number of drivers working for Uber, led by Yaseen Aslam along with James Farrar, filed a lawsuit towards Uber, claiming that they ought to be considered workers rather than autonomous contractors, which is how the case got started. Since workers have the right to a variety of legal rights and incentives, such as minimum pay, paid leave, as well as defence against unjust dismissal, the difference between the two designations has major ramifications. On the other hand, independent contractors are typically not covered by such protections. The nature of the connection involving Uber along with its drivers was the main question on the Supreme Court's agenda in Uber v. Aslam. Uber argued that it just served as an interface that connected customers with autonomous automobile drivers, claiming that its riders were independent contractors and not qualified to employee advantages. The drivers countered that Uber had significant influence

over their working conditions, including setting rates and evaluating performance, which indicated an employment connection deserving of the accompanying legal safeguards.

Workplace interactions are not all generated equally. Each legal framework around every continent offers a variety of frameworks for people and enterprises to organise their commercial dealings, each controlled by certain rules and protections. Varying alternatives often involve varying flexibility as well as security trade-offs. For instance, in the United States, those employed as "employees" are entitled to crucial safeguards like the minimum wage set by the government along with legislation against discrimination, but they also have to adhere to the company's schedule along with respect their manager while on the job. On the contrary hand, "independent contract workers" are often exempt from such safeguards but have more discretion over how and for whom they perform their employment. Determining certain partnerships has traditionally been a difficult and fact-specific task, but gig economy businesses have presented unique difficulties since they have attempted to keep the control related to "employee" classification while minimising its expenses. Gig workers have spoken out against attempts by the companies they work for to push them into the least safeguarded legal categories in their nations over the past ten years.

UBER BV vs ASLAM CASE

The App Drivers along with Couriers Union was founded by Yaseen Aslam as well as James Farrar. Applications Drivers along with Couriers Union as well as the lead plaintiffs, who were all automobile drivers especially were represented by Bates Wells Solicitors, asserted that while employed as automobile drivers for Uber, they ought to be provided the minimum wage in accordance with the National Minimum Wage Act of 1998 and entitled to paid annual leave in accordance with the Working Time Regulations of 1998. Uber BV, a Dutch-incorporated Uber subordinate, claimed that its drivers were self-employed workers working for themselves and that Uber obliged employees no compensation or employee duties. In its agreements, it declared that "absolutely nothing would create a contract of employment amongst Uber and the partner" also referred to the drivers as "partners." This was nothing but a hoax, the drivers said. According to Section 230 of the Employment Rights Act of 1996 (and related provisions in the National Minimum Wage Act of 1998), everyone who is an "employee" has the right to a minimum salary as well as paid vacations. Furthermore anyone,

(a) having an employment contract or

(b) Any individual who works alone, not for an end user or consumer.

The drivers said they were employees, but they didn't say what kind.

In October 2016, an employment tribunal ruled that a group of Uber drivers (supported by their union GMB) were not independent but "employees" entitled to workers' rights, including the National Minimum Wage and wages. holiday as part of its defense, Uber denied that its drivers have workers' rights because it is only a technology company, not a taxi service provider, and that Uber drivers do not work for Uber but are self-employed. women. Uber appealed, arguing that the court erred and that it was actually acting as an agent for the drivers, who were not employees but independent contractors. The EAT dismissed the appeal on all grounds and stated on the subject of the contract that the case law is clear - the courts must look at the actual situation rather than what is written in the contract. The reality was that, despite what the contracts said, the drivers were involved in Uber's business of providing transport services, subject to procedures and controls that did not always show a direct contractual relationship with the passenger and therefore outside the claim that they were self-employed by the company. Uber appealed.

The Uber legal battle lasted for five years. A coalition of Uber operators headed by Yaseen Aslam along with James Farrar filed a multitude of complaints against the company in 2016 alleging that it had failed to compensate the National Minimum Wage as well as provide paid annual leave. Employment Justice Snelson at the London Central Employment Tribunal unequivocally determined that applicant automobile drivers were employees rather than autonomous freelancers in a preliminary instance judgement rendered that autumn. The comprehensive contractual paperwork provided by Uber did not accurately represent the actuality of its partnership with the automobile drivers, and as a result, was to be overlooked, according to a thorough assessment of the circumstances beforehand the tribunal. The three forms of employment arrangements recognised by British law. At the top of the range, "employees" are broadly comparable to workers in American society and operate under legitimate agreements for employment. Contrarily, "self-employed" people are "in operation for oneself, held accountable for the accomplishment or collapse of the company they run, and [able to] generate either a loss or make a profit," much like American "independent freelancers." However, British law also recognises the intermediary category of "workers," or those who are self-employed but also an integral component of another person's enterprise.

While certain legislative protections, like the right against wrongful termination, are solely applicable to employees, others, including the right to the minimum wage as well as an annual

paid holiday, apply to employees as well as workers. Uber claimed for years that its U.K. automobile drivers remained "independent contractors" in an effort to circumvent these costs, and it constructed the agreements it signed with them in a way that would lead to that classification—including, most significantly, by presenting the company's role as that of a middle man given the responsibility only with establishing mutually beneficial agreements involving consumers alongside supposedly self-sufficient automobile drivers. In order to make distinctions for the objectives of labour legislation in the UK, following are the three categories:

- (1) Personnel
- (2) Employees and
- (3) Self-employed freelancers.

Each group has distinct rights, such as the ability for an employee to file an unjust termination suit with an employment tribunal but not for a staff member. Before the employment tribunal, a worker may file a discrimination suit; a self-employed individual may not. We consider a number of various elements when determining someone's work status. The Supreme Court's ruling that the agreement was not the basis for litigation in the Uber dispute was an important one. The Supreme Court ruled that a labour agreement is distinct from other contracts and is instead classified by subordination and reliance. The Supreme Court ruled that people who are ensnared in an employment connection should be protected owing to the hierarchical relationship that is unique to those involving employment. Because of this, the Supreme Court wondered, "Are these the kinds of people who warrant safeguards for the law including the protection of employee status?" as opposed to examining the contract explicitly. The important thing is to consider the kind of connection that Parliament envisioned to be protected by legislative employment laws.

JUDGEMENT BY UK's COURT

The extent of Uber's driver supervision was investigated by the court. The degree of control the corporation exercised might have an impact on whether or not the drivers were truly independent contractors or were under enough control to be regarded as employees. The drivers' integration with Uber's commercial activities was evaluated by the court. This covered elements like the drivers' involvement in providing Uber's services including the question of whether they were considered an essential component of the broader business strategy. The court assessed whether Uber as well as the drivers it employed had a shared responsibility. This relates to the drivers' responsibility to accept employment that is offered by the employer. An employment connection

may be shown by the existence of a reciprocal accountability.

The Uber challenge was denied by the Supreme Court by a unanimous vote. It affirmed the tribunal's ruling by stating that Uber drivers are employees and as such are entitled to paid holidays, the minimum salary, and rest periods. These are people who are not operating their own company who are working for a client individually under an agreement. Additionally, they have affirmed the tribunal's first ruling that a driver's working time encompasses all times that they are connected into the app and is not only restricted to times when they are actually transporting another person. The Supreme Court highlighted that it is incorrect in principle to accept a written contract as the basis for determination since determining a person's position as a "worker" is a matter of legislative interpretation, not contractual understanding. It further highlighted that no employer could opt out of these regulations since they are designed to safeguard vulnerable people from those who want to exert influence over their employees. The Supreme Court found that automobile drivers are in a subordinate and dependent condition because "the service provided [by the drivers] ... is very precisely established and administered by Uber." The court underlined the following Employment Tribunal decisions as being pertinent:

Uber sets the conditions of the agreement, which are not flexible;

Uber sets the price for passengers, not the individual who drives;

Uber tracks the endorsement rates of its automobile drivers, and if they fall short of standards, those who drive face sanctions;

The destination of the customer is not disclosed to the driver until following the time they accepted the job. This implies that automobile drivers cannot refuse to go to a likely location;

Uber limits the kind of vehicle a driver may use;

The driver may face a warning procedure and possible suspension if their performance evaluations drop too low;

Uber limits the driver's ability to interact with the passenger and hinders the driver from developing a long-term relationship alongside the customer;

The only option for those who drive to increase their pay is by putting in more hours.

The Employment Tribunal had the right to conclude that the taxi drivers were employed as "employees" by Uber and are consequently entitled to the necessary employment rights along with security measures, the Supreme Court said, rejecting Uber's petition. The Supreme Court also concurred with the Employment Tribunal's ruling that the automobile drivers' hours of

employment included any time that they had the Uber app open, were in the area where they were designated to perform their duties, and were able and prepared to undertake responsibilities, in addition to the time they utilised driving customers.

INDIAN APPLICABILITY OF THE JUDGEMENT

The distinction between drivers who were considered employees and those who were independent contractors represented one of the main arguments in the Uber v. Aslam lawsuit. Similar discussions have taken place in India, where many gig economy workers—including those who work for ride-hailing along with grocery delivery services—are self-employed. The distinction between workers and independent contractors is generally recognised under Indian labour rules, and rulings like the Uber v. Aslam judgement may affect how Indian courts handle analogous conflicts. According to labour regulations, employees in India are entitled to a number of rights as well as incentives, including social security, a minimum pay, and protection from wrongful termination. The conclusion drawn from the Uber v. Aslam lawsuit may spark debates in India over how workers in the gig economy need to be given the same rights, particularly if their interactions with networks like Uber are comparable to those of employees.

The Uber v. Aslam lawsuit brings up the issue of platform responsibility and whether or not companies ought to be held responsible for offering certain perks and safeguards to their employees. Authorities along with politicians in India may think about whether companies operating there should be required by law to protect the wellbeing of gig workers. The case emphasises the necessity to scrutinise the contracts made between marketplaces and gig workers. The conditions of participation between gig workers along with platforms may be closely examined by Indian courts to see whether they accurately depict an independent contractor partnership or if they conceal an employment arrangement. In order to adjust to shifting job dynamics, especially those spurred on by the gig economy, the Indian government is currently looking at reforming the labour laws. The Uber v. Aslam lawsuit may shed light on the difficulties and factors involved in governing gig employment and may guide future changes in India.

Legal concepts and labour rules in India may not be the same as those that apply in the United Kingdom. Indian justices' interpretation and application of the rules articulated in the Uber v. Aslam decision may be influenced by the country's current legislative framework for workplace including labour rights. India's gig economy is complex, offering a variety of networks and businesses. It is crucial to evaluate the effects of the Uber v. Aslam judgement on each component

of the gig economy separately since various components of the gig economy could lead to unique legal difficulties and implications. India, like other nations, must balance the promotion of technology innovation with the protection of freelance workers' freedoms along with well-being. The Uber v. Aslam case's findings may influence how Indian authorities and courts handle this precarious equilibrium.

In past instances, such as the “**Bangalore Water Supply and Sewerage Board vs. R. Rajappa & Ors**” case, which is relevant when discussing the Indian Jurisdictional Applicability, the complainant submitted a lawsuit against the respondent because they were penalised various amounts of money that had been recovered from them through misconduct. Additionally, the Industrial Disputes Act's section 33C (2) was used, claiming that the repercussions were meted out despite being inconsistent with natural justice. The accused additionally brought a lawsuit against the labour tribunal and its statutory board, arguing that they are not performing their necessary royal duties by failing to provide the people with the necessities of life. Additionally, the Industrial Disputes Act's section 2(j) does not assert that it has the authority to determine the competence of the workers in the sector. But the legal challenge was rejected, and the high court of Karnataka also rejected the writ petitions as well since the court's panel denied all of the arguments.

The “Bangalore Water Supply and Sewerage Board (BWSSB)” stated that because it is a systematic activity requiring collaboration between both employers and workers for the production and delivery of services to meet human needs, it should be classified as an "industry". They argued that they shouldn't be disqualified from being categorised as an industry since they don't have a business motivation. In opposition, those questioned disputed the inclusion of particular firms under the concept of "industry." They challenged whether organisations like clubs, charities, and schools should be classified as industries, highlighting how important it is to take into account the character of employer-employee relationships when deciding how a practise constitutes as an industry.

The concept of "industry" as stated in Section 2(j) of the Industrial Disputes Act was addressed by the court in the first half of the decision. It emphasised that, regardless of the intention to make money or gain, the term "industry" has a broad meaning and encompasses operations planned by collaboration between workers and their employers. The court made it clear that as long as philanthropic or charity endeavours meet the definition's requirements, they should be included in

the category of industries. The court considered the implementation of the standards and principles laid down in the dispute in the second portion of the ruling. It accepted that a more expansive meaning of the term "industry" would provide difficulties for private businesses in a nation like India with few options for public employment.

CONCLUSION

The ruling rendered by the Supreme Court in the Uber lawsuit has been successfully implemented. In a ruling issued on April 22, 2021, the Court of Appeal denied Addison Lee Ltd. authorization to bring an appeal towards the Employment Tribunal as well as the Employment Appeal. The case was Addison Lee Ltd. v. Lange. The Addison Lee drivers were determined to be employees by the Employment Tribunal along with the Employment Appeal Tribunal. But Addison Lee resisted taking it. After bringing its subsequent petition dismissed, Addison Lee was forced to concede that its drivers, like the Uber automobile drivers, are employees and are so entitled to employee constitutional safeguards including vacation pay and the federal minimum wage. The Bangalore Water Supply vs. R Rajappa & Others decision was crucial in helping the Industrial Disputes Act define the term "industry." The definition's broad construction by the court increased its applicability to a variety of actions involving an employer-employee relationship. It was emphasised how crucial it is to take into account how companies and employees cooperate when figuring out whether a certain activity constitutes as an industry. An examination of the term was also necessary as a result of the case, which sparked debates about perhaps removing some enterprises from the scope of the Industrial Disputes Act. The court's decision functions as an instance of the fine line that must be drawn between upholding workers' rights and promoting national economic development.

Perhaps the greatest court in the nation made a decision that, while each of these cases is highly fact-specific, appears to establish a different tone by emphasising the need to safeguard the ones who are under the strict control of their bosses, lack the capacity to grow and develop, while can only increase their earning authority by working harder. The gig economy is likely to be most affected by this shift of emphasis, and there are now many additional instances through appeals. The Supreme Court emphasised the critical significance of labour rights along with equitable compensation in the gig economy by deciding in the drivers' favour and classifying them as "workers" as opposed to independent contractors. With regard to the entitlement to the minimum income, paid holidays, as well as additional perks of employment that were traditionally withheld

from gig workers, this judgement clarifies the fundamental ideas of worker protection. The Supreme Court emphasised the critical significance of labour rights along with equitable compensation in the gig economy by deciding in the drivers' favour as well as classifying them as "workers" as opposed to freelancers. With regard to the entitlement to the minimum income, paid holidays, as well as additional perks of employment that were traditionally withheld from gig workers, this judgement clarifies the fundamental ideas of worker protection.

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