

Gig economy update: Deliveroo riders bring claim for union recognition

On 23 - 25 May and 26 June 2017, the Central Arbitration Committee (CAC) in London, which handles collective disputes and other issues relating to union recognition and rights, heard a claim for union recognition by the Independent Workers Union of Great Britain (IWGB), which represents Deliveroo riders in the Camden area of London. In order for the union to be recognised, it first needed to be determined by the CAC that the union members were employees or workers. Naturally, employment status was a major focus of the parties' submissions.

While the CAC's decision is forthcoming, the hearing confirmed some trends in the wider 'gig economy' litigation we have seen. For instance. much was made by the IWGB of the 'practical reality' of the working arrangements for Deliveroo's riders, which were argued to contradict the contractual nature of the relationship. This aligns with the approach taken by the Employment Tribunal and Court of Appeal in Uber and Pimlico Plumbers, respectively, where individuals were found to be workers despite contractual language suggesting they were independent contractors. It seems clear that contractual language cannot by itself entirely mitigate risk.

Use of the CAC is an interesting new tactic for those working in the gig economy to claim entitlement to certain employment rights. It is particularly important as a decision by the CAC has applicability beyond the claimants in the immediate case, meaning that it may be used more widely as a tool to force through widespread change.

With the Taylor Review on Modern Working Practices due to report in the next few weeks, as well as multiple ongoing cases, it seems clear that the 'gig economy' will remain a hot button issue. Given the uncertain political situation in the UK following the recent General Election (see GQ's post-election update here) it remains to be seen whether the government will be able to bring forward legislation to address the 'gig economy' or if it will fall to the courts to offer certainty.

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