

## Will Seattle Uber Drivers Really Be Able To Unionize? Uber Takes Legal Action To Halt City Rules

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Last week, Uber, by way of a subsidiary, brought an action in Washington state court claiming that the City of Seattle's recently adopted labor ordinance is arbitrary and capricious and that the City did not follow proper rulemaking procedures when they were adopted. The complaint also alleges that the city's rulemaking process denied members of the public from having a "meaningful opportunity to comment." Late last year, Seattle news outlets started [reporting](#) about the City's proposed rules to implement a recently adopted labor ordinance. The December 2015 ordinance allows "for-hire" drivers (i.e. Uber, taxi, etc.) to unionize and collectively bargain. Drivers for Uber and Lyft are independent contractors, and the National Labor Relations Act does not cover independent contractors. Thus, Seattle has taken the matter into its own hands – by way of a local ordinance – and established a system for drivers to organize. The debate heated up last month when Seattle staff members adopted final rules implementing the law. One of the more controversial provisions of the rules addresses which drivers will get to vote on any contracts reached through bargaining. While Uber and Lyft, and even some drivers themselves, have advocated for every driver to get a vote, union representatives instead have argued for greater voting power to full-time drivers (i.e. those who primarily make a living from driving). The city's final rule landed closer to the union's position: only drivers who have worked with the company for 90 days and made a minimum number of trips would be eligible to vote. The rule also requires organizations seeking to represent drivers to collect signed statements of interest. The Seattle ordinance and its accompanying rules are just another example of local communities taking action to advance labor and employment laws which fail to gain traction at a state or national level. We have already seen waves of local governments adopt laws pertaining to minimum wage rates, family leave time, paid sick leave, etc., and we expect to see more of it in 2017. We will keep you informed of new developments as they happen.

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