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# Breakfast BUZZ

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## Uber Black Drivers File Lawsuit Against Uber Following Protest

By David Chang



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Uber Black drivers filed a lawsuit against Uber after protesting at the ride-sharing service's Philadelphia headquarters Wednesday. NBC10 reveals the reasons for the lawsuit and protest. (Published Wednesday, Jan. 6, 2016)

Uber Black drivers filed a class action lawsuit against Uber Wednesday night following a protest in Southwest Philadelphia. The lawsuit, filed by Ali Razak of the Philadelphia Limo Association, an organization of over 500 Uber Black drivers, accuses Uber of failing to pay them compensation according to the requirements of the Fair Labor Standards Act.

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The lawsuit argues Uber has misclassified the Uber Black drivers as independent

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contractors rather than actual employees in order to avoid paying them wages, unemployment taxes, social security, workers' compensation premiums, disability taxes and other mandatory benefits.

Uber Black is marketed as the "luxury version" of UberX and features high-end luxury sedan vehicles.

### Uber Black Drivers Protest Comapny's Commission Rates

Drivers for Uber Black protested Wednesday outside their Company's headquarters in Philadelphia. They are demanding Uber lower the commission charged to drivers. (Published Wednesday, Jan. 6, 2016)

Wednesday afternoon, dozens of Uber Black drivers protested at Uber's Philadelphia headquarters on the 7800 block of Bartram Avenue around 2 p.m. calling for the ride-sharing service to lower its commission. The protesters also said they were upset they were forced to compete with UberX, which is a lower cost service.

"They are promoting UberX over us," Razak said. "They're blocking us. We have numerous riders complaining. We have information where they have blocked us and provided the jobs for UberX."

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The protesters listed the following demands in a written release:

1. *Uber must reduce the commission charged to drivers. We are demanding that Uber commission return to 20% instead of the inflated 25%. Uber has undercut the market with the illegal operation of UberX and Uber Black drivers can no longer afford the inflated 25%.*

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2. *Reset the customer app so that Uber Black is once again the default. We are already at a disadvantage because of UberX's cheaper rates.*

3. *Fix the Uber Black function on the app; when a customer requests an Uber Black, it doesn't appear on the app even though a vehicle is on location. The app is only showing illegal UberX vehicles.*

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4. *Fix the app so that it functions properly at the Airport. Currently the app stops when a driver has waited hours for a fare and is first up for the fare. Because the app freezes, drivers must go to the end of the line.*

5. *Drivers' pay shall be calculated on the full fare, not readjusted later by Uber or customer request. If request is valid, drivers should be informed*

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6. *Stop telling Uber Black drivers to switch to UberX. We are stuck paying for luxury vehicles that you enticed us to through your partnered dealers and lenders. We cannot afford to pay car notes on luxury vehicles and feed our families on UberX rates.*

7. *If customer used a hacked account after Uber released work to driver, then its Uber's responsibility, not drivers'. Drivers should not lose money after completing work approved by the app.*

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A spokesman for Uber responded to the protest with the following statement:

"While we understand that many limousine drivers are frustrated, Philadelphia has shown enormous appetite for more affordable options like UberX," the spokesman wrote. "In Philly alone, more than 12,000 people are earning extra income through UberX, and nearly half a million riders use UberX to move safely from point A to B."

The spokesman told NBC10 the company has taken several recent steps to promote Uber Black and increase demand, including purchasing ad space at 30th Street Station, in-app messages, and emails to Uber riders.

An Uber spokesperson also responded to Uber Black's lawsuit in a written statement:

"Nearly 90 percent of drivers say the main reason they use Uber is because they love being their own boss.," the spokesperson wrote. "Drivers are independent contractors who use Uber on their own terms; they control their use of the app. As employees, drivers would lose the personal flexibility they value most -- they would have set shifts, earn a fixed hourly wage, and be unable to use other ride-sharing apps."

Published at 9:11 PM EST on Jan 6, 2016

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