

Uber Australia investigation finalised

7 June 2019

The Fair Work Ombudsman has completed its investigation relating to Uber Australia Pty Ltd (Uber Australia) and its engagement of drivers.

Fair Work Ombudsman Sandra Parker said that inspectors examined a wide range of evidence, including drivers' contracts, log on and log off records, interviews with drivers and Uber Australia, ABN documents, payment statements, banking records and pricing schedules.

"The weight of evidence from our investigation establishes that the relationship between Uber Australia and the drivers is not an employment relationship," Ms Parker said.

"For such a relationship to exist, the courts have determined that there must be, at a minimum, an obligation for an employee to perform work when it is demanded by the employer."

"Our investigation found that Uber Australia drivers are not subject to any formal or operational obligation to perform work," Ms Parker said.

"Uber Australia drivers have control over whether, when, and for how long they perform work, on any given day or on any given week."

"Uber Australia does not require drivers to perform work at particular times and this was a key factor in our assessment that the commercial arrangement between the company and the drivers does not amount to an employment relationship," Ms Parker said.

"As a consequence, the Fair Work Ombudsman will not take compliance action in relation to this matter."

"This investigation related solely to Uber Australia and was not an investigation of the gig economy more generally," Ms Parker said.

Companies in the gig economy use a range of business models and the Fair Work Ombudsman will continue to assess allegations of non-compliance on a case-by-case basis. Anyone with concerns about their employment arrangements should contact the FWO.

Employers and employees can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for free advice and assistance about their rights and obligations in the workplace. A free interpreter service is available on 13 14 50.

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