

Women Who Say They Were Assaulted and Harassed by Uber Drivers Continue to Fight for a Trial by Jury

 gizmodo.com/women-who-say-they-were-assaulted-and-harassed-by-uber-1825573200

On Thursday, 14 women who say they were sexually assaulted and harassed by Uber drivers published an open letter to the company's board of directors, urging Uber to free them from arbitration. This would mean that they would be able to have their cases heard in a trial by jury, and not behind closed doors by a third party.

The women have filed a class-action lawsuit against the company, alleging that they experienced sexual assault and harassment by their Uber drivers. But Uber's terms of service states that passengers forfeit their right to a public trial through binding arbitration, meaning "you are required to resolve any claim that you may have against Uber on an individual basis in arbitration, as set forth in this Arbitration Agreement." It also states that you forfeit your right to bring "any class, collective, or representative action against Uber, and also preclude you from participating in or recovering relief under any current or future class, collective, consolidated, or representative action brought against Uber by someone else."

Uber responded to the class-action lawsuit in February, filing a motion that said that all the members of the suit were legally bound by arbitration, according to the case timeline. The next month, seven more women were added to the lawsuit. Uber still failed to voluntarily free the women from arbitration, instead arguing that it was better for them. An Uber spokesperson told Gizmodo in an email that the women can publicly comment on legal proceedings, even to the press. "Arbitration is the appropriate venue for this case because it allows the plaintiffs to publicly speak out as much as they want and have control over their individual privacy at the same time," the spokesperson said last month.

An attorney at Wigdor Law, the firm representing the plaintiffs, responded to Uber's above claim last month, characterizing it as "entirely nonsensical and a clear attempt to shield its pervasive, easily-rectified wrongdoing from the public eye," and adding that the women involved in the case "have control over their privacy and they want to litigate their claims in federal court."

In response to Thursday's open letter, an Uber spokesperson provided the following statement: "Sexual assault has no place anywhere and we are committed to doing our part to end this violence." Uber also once again said that the women involved in the case can publicly speak out about the issue and noted that they have authority over their personal privacy during the proceedings. The spokesperson also pointed out that Uber recently announced new safety features and background check measures.

In their open letter, however, the women point out that forcing their disputes into a private hearing is a disservice to systemic issues of sexual assault and harassment. It's also important to note how rarely arbitration works in favor of the individual. Research has shown that arbitration claims by workers against employers have worse chances of success than ones presented in court, and mandatory arbitration agreements discourage employees from presenting those claims in the first place. Conducting such hearings in secret also helps companies maintain their public images.

“Board Directors, we, as women, think that forcing female riders that have suffered rape, sexual assault and gender-motivated violence to pursue their claims in arbitration rather than in court serves to facilitate more incidents of such crimes and victimizes women a second time,” the women state in the letter. “Silencing our stories and the stories of countless other female victims emboldens predators by failing to hold them accountable. This vicious cycle perpetuates senseless violence.”