

Women alleging sexual assault by their Uber drivers want to see their day in court

By Johana Bhuiyan @JMBooyah Apr 26, 2018, 1:38pm EDT

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Fourteen women who have alleged that they were assaulted by their Uber drivers are asking Uber's board to allow them to proceed with their lawsuit against the company in open court.

The women, who originally filed their lawsuit [seeking class action status in November 2017](#), wrote an open letter to the board complaining that they were bound by an arbitration agreement and as such are not given the option of a jury trial.

"Secret arbitration is the opposite of transparency," the letter reads.

"Secret arbitration takes away a woman's right to a trial by a jury of her peers and provides a dark alley for Uber to hide from the justice system, the media and public scrutiny," it continues.

While Uber employees — as of 2016 — and drivers have the ability to opt out of arbitration agreements, riders do not. The company says CEO Dara Khosrowshahi is currently looking at whether that should still be the case but would not specify what that process entails.

"Sexual assault has no place anywhere and we are committed to doing our part to end this violence," an Uber spokesperson said in a statement.

Khosrowshahi first spoke publicly about this issue in response to former Uber engineer Susan Fowler's questions about why these plaintiffs were being forced into arbitration. Fowler, whose account of sexism and harassment at the company set in motion a series of events that ultimately led to the ouster of multiple executives, has been a [vocal opponent of forced arbitration](#).

Arbitration agreements give riders the option to settle legal disputes confidentially without forcing them to pursue their complaints in open court — an option the company wants to preserve. But the company could not provide any clarity about why riders were not given the option to opt out of the agreement — which would provide the same protections for those seeking to mitigate their issues in private — just that they were looking into it.

It's become an industry norm to require parties, such as employees or drivers, to sign an agreement to litigate disputes behind closed doors as a condition of employment. In fact, Lyft also has arbitration agreements for their riders, drivers and employees but allows them to opt out, according to a spokesperson.

Typically, those agreements preclude people from speaking publicly about their disputes but Uber says the plaintiffs are allowed to speak freely about the lawsuit.

"The critical first step in such transparency is to let our clients litigate their claims through the court system and not bully them into the secret halls of confidential arbitration," Jeanne M. Christensen, the attorney representing the plaintiffs, said in a statement.

There has been a number of efforts on both the federal and state level to end forced arbitration. In California, State Assemblywoman Lorena Gonzalez Fletcher recently introduced a bill that would, if

passed, prohibit companies from making it a condition of employment that employees agree to settle any issue in arbitration. The New York State Senate [recently passed legislation](#) that would prohibit mandatory arbitration in the cases of sexual harassment.

That movement has not come without its roadblocks, however. The California Chamber of Commerce put Assemblywoman Fletcher's bill on its "job killer" list, saying that it would open companies up to more lawsuits.

"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 letter continues. "Silencing our stories and the stories of countless other female victims emboldens predators by failing to hold them accountable."