

Uber is facing a class action lawsuit from U.S. riders alleging assault

[recode.net/2017/11/14/16647706/uber-class-action-lawsuit-riders-sexual-assault-rape-violence-background-checks](#)

11/14/2017

Uber has yet another lawsuit on its hands.

In a new complaint seeking class action status, two women — who are maintaining anonymity — are asking a court to force the \$69 billion ride-hail company to change many of its driver screening and other practices on behalf of all U.S. riders who were “subject to rape, sexual assault or gender-motivated violence or harassment by their Uber driver in the last four years.”

In addition to compensation for the alleged rapes that these women suffered, the women are asking a judge to order an injunction against Uber that forces the company to, among other things, implement stricter background checks on its drivers.

The women say they were assaulted by their drivers and claim the ride-hail company has engaged in unlawful and “fraudulent” conduct that misled them into believing their drivers would safely transport them. The women further claim the company generally misrepresented the safety of taking an Uber.

“Uber made such false representations after failing to screen the drivers in any meaningful way, thereby presenting grave threats to Plaintiffs’ safety and well-being,” the complaint reads.

These women argue that Uber performs inadequate background checks, creating a “system” within which “bad actors can gain access to vulnerable victims.” That is exacerbated by the company “targeting” intoxicated passengers with claims that Uber is a life-saving option for riders who’ve had a few drinks, the women allege.

The complaint reads:

Uber has done everything possible to continue using low-cost, woefully inadequate background checks on drivers and has failed to monitor drivers for any violent or inappropriate conduct after they are hired. Nothing meaningful has been done to make rides safer for passengers — especially women. This is no longer an issue of “rogue” drivers who act unlawfully.

“Uber received this complaint today and we are in the process of reviewing it,” a company spokesperson said in a statement. “These allegations are important to us and we take them very seriously.”

This lawsuit comes as the ride-hail company is working to revamp its image after a tumultuous year fraught with public scandals.

In addition to boardroom squabbles, Uber’s newly [minted chief legal officer Tony West](#) will also have to navigate a trade secret battle against [Alphabet’s self-driving arm](#) in addition to several federal probes into the company’s privacy practices. [Buttoning up these legal issues, and cutting its financial losses](#), will become increasingly imperative as the company [prepares to go public in the next 18 to 36 months](#).

As the year comes to a close, the company has also [committed \\$5 million to funding several organizations that focus on preventing sexual assault and domestic violence](#).

But the question at the heart of this new case is one that Uber has been navigating since its inception: Are its background checks thorough enough?

In the complaint, the women argue that Uber driver screenings only go back seven years. The company has previously said that is as far back as the law allows it to go, but lawyers for the plaintiffs say that's because the system they use primarily sifts through credit reporting systems. Alternate background checks, like fingerprint background checks, would go back further, the complaint alleges.

As an example of the failings of Uber's background checks, the complaint cites the more [than 8,000 drivers in Massachusetts](#) who were pulled off the road after the state government decided to introduce more stringent screenings and reviewed the records of the 71,000 people who drove on Uber or Lyft.

Those newly banned drivers had passed both Uber's and Lyft's company screenings. In fact, the state found that 51 of those drivers who were rejected were sex offenders and 352 of them had been accused of incidents related to "sex, abuse and exploitation.

At the time, an Uber spokesperson issued this statement to The Boston Globe: "Thousands of people in Massachusetts have lost access to economic opportunities as a result of a screening that includes an unfair and unjust indefinite lookback period. We have an opportunity to repair the current system in the rules process so that people who deserve to work are not denied the opportunity."

Those [state checks have since been modified to](#), for instance, allow drivers who were automatically banned but not convicted of a crime to appeal the rejection.

"In our complaint filed today against Uber, the allegations show that Uber's model of profits over safety has caused countless numbers of female riders to pay the price for Uber's shameless failure to act," the plaintiffs attorney Jeanne M. Christensen said in a statement. "As alleged, if Uber is committed to safe rides for all consumers, including women, it needs to make drastic changes to prevent rapes, sexual assaults and gender-motivated harassment that occur on a regular basis in cities throughout the U.S."

In addition to asking a court to mandate that Uber implement fingerprint background checks — [a measure the company has vehemently opposed](#) — the plaintiffs are asking a judge to order Uber to perform national criminal background checks on its drivers every six months, bar registered sex offenders or people with rape or assault convictions from driving for Uber no matter how long ago it was, and other measures.

However, the case hinges on issues the ride-hail company, which is no stranger to legal battles, has long fought across the globe: Background checks and being treated like other for-hire companies. Uber has long argued that it's not a transportation provider and its drivers are not employees and so should not be subject to the same requirements.

Uber has successfully opposed state or national attempts at mandating fingerprint background checks in many markets, with the notable exception of New York and London. That's also the case for its fight to be regulated as a technology company.

But this complaint wants to re-litigate both those issues.

"To skirt state and local regulatory scrutiny, Uber labels itself a 'technology platform' company rather than a 'transportation' company," the complaint reads. "This self-serving guise has added to Uber's ability to avoid spending more money on driver screening both before and after hiring, and to avoid regulatory measures directed at safety during rides."

The plaintiffs in the case call for more transparency from Uber's new CEO Dara Khosrowshahi, who recently overhauled the company's values to include: "[We do the right thing. Period.](#)" That includes divulging how many

reports of sexual assault Uber receives and what it does with those reports.

In one instance, as [Recode first revealed](#), a former executive got ahold of the medical files of a woman who was raped by her Uber driver in New Delhi, India. The executive — Eric Alexander, who has since been fired — carted those files around for a year. That woman is [now suing the company for invasion of privacy](#).

Internal Uber customer support documents I previously obtained in 2016 showed that when searching the term “sexual assault” [there were more than 6,000 driver or rider complaints that met that query](#).

Uber, however, insisted that only 170 of those had claims of sexual assault and that the rest may have been “reports from riders who were making claims about sexual assault on other transport services, discussions about sexual assaults in the news, and reports about passengers who got into cars that were not Uber vehicles and were then sexually assaulted.”

This is developing...