

Class-action suit alleges Uber ‘created a system’ conducive to sexual assault, harassment and violence against women

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By Faiz Siddiqui

A class-action lawsuit in California alleges Uber — through perceived driver screening failures — created an environment conducive to sexual assault, harassment and violence. (Andrew Caballero-Reynolds/AFP/Getty Images)

A new class-action lawsuit filed in California alleges ride-hail giant Uber has created a system giving perpetrators of sexual assault, sexual harassment and physical violence access to thousands of “vulnerable victims” nationwide since it launched 2010.

Two anonymous women in California filed the lawsuit Tuesday alleging Uber has fostered a system — through lax driver screening — that endangers thousands of women who use the service on a daily basis. The suit cites numerous cases of rape, violence and sexual assault— along with screening lapses in Maryland and Massachusetts — as evidence of its claim that Uber has prioritized profits over the safety of its passengers.

“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,” the lawsuit says. “Uber has created a system for bad actors to gain access to vulnerable victims.”

The suit, filed in U.S. District Court for the Northern District of California, accuses Uber of repeatedly fighting efforts to improve customer safety in states across the country and names Massachusetts and Maryland as examples where its failures to adequately screen drivers were allegedly exposed.

Uber did not immediately comment on the allegations, but said it was reviewing the lawsuit.

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

The suit includes information from an October story published in The Washington Post that said nearly 15 percent of new ride-hail drivers in Maryland had been dismissed in the preceding six months for failing to meet state regulators’ screening standards; of 3,503 applicants dismissed, 460 were booted for disqualifying criminal histories. In an earlier round of checks dating back to December 2015, the state rejected more than 4,000 applicants in a pool of 74,000 drivers.

In Massachusetts, more than 8,000 Uber and Lyft drivers failed state screening despite passing Uber and rival Lyft’s background checks, according to the suit. Among them, 1,599 had histories of violent crime and 51 were registered sex offenders, the lawsuit says. Maryland does not track specific crimes committed by drivers.

The plaintiffs say the screening inconsistencies highlight the “faulty and defective quality” of Uber’s driver screening.

Uber has argued that the screening standards applied in Maryland — where thousands of drivers have been rejected upon review since December 2015 — are outdated, overly broad and fail to adhere to a legal standard established by the state Public Service Commission last year. Commission staff had been applying a broader vetting criteria until late last month, the company argued. Uber contends that some provisions have disqualified drivers for nonviolent criminal offenses such as drug convictions from a decade ago or more.

The unidentified plaintiffs allege they were raped by Uber drivers in separate incidents in Florida and California. They seek compensation for themselves and other victims of sexual and other violent offenses at the hands of Uber drivers, and a legal order mandating that the \$70-billion company institute measures to protect passengers in the future.

According to the suit, thousands of women have been victimized by Uber drivers since the company's launch in 2010, including cases of "rape, sexual assault, physical violence and gender-motivated harassment." The plaintiffs recommend Uber institute several measures to protect passengers, including permanently barring sex offenders and individuals with rape or assault convictions from driving for the app; mandating in-person screening and vehicle examinations; implementing fingerprint-based background checks favored by law enforcement, and; hiring expert investigators to look into complaints of sexual or violent offenses committed by drivers.

The suit says reports of sexual assault and rape perpetrated by male drivers against female passengers have "skyrocketed" recently, though it does not provide direct evidence to support the claim. In addition to allegations raised by the plaintiffs and news reports of incidents in various cities and states around the country, the lawsuit cites complaints highlighted over social media through the #MeToo campaign, which raises awareness of sexual harassment and its prevalence in workplaces and other facets of life.

The suit is the latest blow in a year of controversies for Uber, including allegations of rampant sexual harassment in its workplace. The company fired 20 employees this year after a wide-ranging investigation into its climate and workplace culture after former employee Susan Fowler detailed how her sexual harassment complaints were ignored by management and human resources employees for a year — and reports abounded about widespread sexual harassment at the company.

Former CEO Travis Kalanick resigned from the company in June, following a string of controversies including the #DeleteUber campaign, allegations of widespread harassment and footage of him berating a driver in a conversation about fares.

Dara Khosrowshahi, the former CEO of Expedia, was picked to succeed Kalanick in August.