

Uber Vows To Drop Arbitration Push For Sex Assault Claims

By Linda Chiem

Law360 (May 15, 2018, 3:32 PM EDT) -- Uber Technologies Inc. said Tuesday that it will no longer push arbitration for individual claims of sexual assault or sexual harassment against Uber riders, drivers or employees, clearing the way for such claims to be heard in court. The ride-hailing giant for years has relentlessly forced all legal claims leveled against it into arbitration — citing the terms and conditions that both riders and drivers must agree to before using the Uber app — but says it will no longer stand in the way of individual sexual misconduct claims proceeding in court.

“We have learned it’s important to give sexual assault and harassment survivors control of how they pursue their claims,” Uber’s Chief Legal Officer Tony West said in a blog post Tuesday. “So moving forward, survivors will be free to choose to resolve their individual claims in the venue they prefer: In a mediation where they can choose confidentiality; in arbitration, where they can choose to maintain their privacy while pursuing their case; or in open court.”

Whatever they decide, they will be free to tell their story wherever and however they see fit, West said.

The move comes as scandal-plagued Uber works hard to rehabilitate its public image amid last year’s storm of reports of illicit business tactics, corporate bullying, institutionalized harassment and rampant flouting of the law. Namely, Uber CEO Dara Khosrowshahi has promised more transparency, integrity and accountability.

West detailed a number of safety improvements the company has made, which has included strengthening driver screenings by re-running criminal background and motor vehicle checks every year and investing in new technology that can notify Uber when a driver is involved in criminal activity.

West said Uber is adding an app feature that allows riders to share live trip information with up to five trusted contacts, so there are multiple sets of eyes on each ride and is also rolling out a new emergency button in the app that can automatically communicate the car’s location to a 911 center.

“But maintaining the public’s trust, and earning back the respect of customers we’ve lost through our past actions and behavior, is about more than new products and policies. It requires self-reflection and a willingness to challenge orthodoxies of the past,” West said.

The dramatic shift in the company’s approach to litigation concerning sexual assault or sexual

harassment claims comes amid the #MeToo movement and what's been a global reckoning for workplace sexual harassers and the employers across multiple industries that enable them.

"Uber is not immune to this deeply rooted problem, and we believe that it is up to us to be a big part of the solution," West said.

It also comes on the heels of a recent request from a group of women seeking to be freed from the constraints of arbitration provisions contained in their consumer agreements so they can pursue a class action alleging that inadequate driver screening procedures led to them and others being raped, harassed or sexually assaulted.

The women, some of whom were identified only by their first names, initials or a Jane Doe pseudonym, **sent a letter** to Uber's board of directors in April ahead of a May 4 deadline for the company to respond to a California federal **class action** alleging that the company maintained lax background-check, monitoring and safety policies despite hundreds of reports by riders of sexual violence by their Uber drivers.

Wigdor LLP partner Jeanne M. Christensen, who represents the women in the California suit, applauded Uber on Tuesday for "choosing not to silence survivors."

"Our hope is that Uber ending forced arbitration for victims of sexual assault will begin a process to reduce future suffering by women passengers," Christensen said in a statement Tuesday.

However, Uber is only eliminating arbitration for individual claims and will still fight to prevent class or collective actions, according to Christensen.

"Uber has made a critical step in this direction, but preventing victims from proceeding together, on a class basis, shows that Uber is not fully committed to meaningful change," Christensen said. "Victims are more likely to come forward knowing they can proceed as a group. This is the beginning of a longer process needed to meaningfully improve safety."

--Additional reporting by Vin Gurrieri and Braden Campbell. Editing by Alyssa Miller.