



Traffic Lab

# Unionize Uber? Legal fight over Seattle drivers draws national attention



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The city has given Teamsters Local 117 permission to begin trying to organize drivers, and companies must turn over drivers' contact information to the group by April 3. That is, unless the court intervenes.



By [Jessica Lee](#)

Seattle Times staff reporter

Charles Jenkins first appeared on an Uber-sponsored podcast four months ago. Since then, he's explained on several episodes why [Seattle's law](#) allowing Uber, Lyft and taxi drivers to unionize would hurt entrepreneurs like him.

“It sounds to me like you're adding a middle man in a place where a middle man is not necessary between me as a driver and Uber as my partner,” Jenkins, 51, said in an episode. “It just doesn't make any sense because I'm not an employee.”

The [podcast series](#), which is delivered through the app drivers use, is just one way Uber is trying to convince drivers that unionizing would be a mistake. The company has [used TV](#) and newspaper advertisements, too, as well as emails and in-person meetings.



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Meanwhile, Teamsters Local 117 is moving forward with its efforts to organize for-hire drivers, saying a union would give them the chance to collectively bargain on a company-by-company basis over issues such as better pay.

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3-course dinners for \$32 starting April 2.

Both campaigns could prove meaningless if federal lawsuits seeking to overturn the law prevail.

The [U.S. Chamber of Commerce](#) and about a [dozen Lyft and Uber drivers](#) have filed separate lawsuits arguing that as independent contractors, not employees, drivers do not have the right to unionize under federal law, among other claims. A hearing on the chamber's suit is set for Thursday.

[Advocates, politicians and business leaders](#) nationwide are watching how the Seattle law, the first of its kind, unfolds. The outcome could influence whether other governments move to establish collective-bargaining rights for such workers amid the [growing gig economy](#).

The law went into effect early last year with a waiting period before allowing unionization efforts. Local 117 [got permission](#) from the city to begin trying to organize drivers earlier this month. Unless the court intervenes, companies must turn over their drivers' contact information to Local 117 [by April 3](#).

Among union supporters is Musse Bhata, of Shoreline, who has been with Uber for more than three years. He said many drivers, after vehicle expenses, make far less than the [city's minimum wage](#) and need the opportunity for collective bargaining.

“They don't have the means to live,” said another driver, Kidane Beyene.

But drivers like Jenkins think unionizing would threaten their flexibility to work when and where they want. Uber and Eastside for Hire, a taxi and for-hire company in Seattle, formed a nonprofit, [Drive Forward](#), last year to share the perspectives of drivers who oppose unionization.

“In the fight over the future of rideshare in Seattle, it is not Uber that threatens the Teamsters, it's well-informed drivers,” Uber spokesman Nathan Hambley said in an email.

## Momentum

For Uber drivers, momentum toward collective bargaining began in 2013, shortly after the company's start in Seattle, as drivers expressed grievances such as Uber deactivating their apps without warning, essentially firing them.

Meanwhile, officials were trying to [decide how to regulate Uber and Lyft](#), which were growing quickly and taking business from the city's taxi industry.



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In 2015, after [Seattle became the first major U.S. city](#) to set its minimum wage on a path to \$15 an hour, [Councilmember Mike O'Brien proposed](#) legislation to give taxi drivers, for-hire drivers and drivers working with app-based dispatch companies the right to unionize.

The City Council unanimously [approved the ordinance](#), and the issue has been

contentious since.

Last year, [Uber began calling Seattle-area drivers](#) to tell them that [unionizing does not make sense](#), because many drive part time, not as a career.

Later, the company made another series of calls urging drivers to contact city officials about the first round of rules for the ordinance, according to a [phone script for those calls](#) provided to The Seattle Times by Uber. Those rules dictate [which drivers get a say in unionizing](#).

The most popular episode in the Uber podcast series, [available via SoundCloud](#), has more than 6,200 listens and pertains to those rules. Uber's Seattle general manager Brooke Steger hosts the podcasts, the majority of which address the unionization issue.

“The consequences of it (the law) could be very, very real,” she says in one episode. “We’re quite afraid and concerned about what this will do to all of the small businesses on the platform.”

[Drive Forward](#) has also [run advertisements in The Seattle Times](#) that feature drivers who say they like the way the industry operates now without collective bargaining. A similar company-sponsored message appeared on TV during a Seahawks game last year, [The Stranger reported](#).

Local 117 business representative Dawn Gearhart called the company's messaging strategies “an absurd use of resources that could go elsewhere.”

Uber declined to say how much was spent on the newspaper and TV advertisements.

More than 10,000 Uber drivers and thousands of Lyft drivers operate in Seattle, the companies say. Some drivers work for both companies.

With in-app messages and emails, Lyft's communication with drivers over the unionization issue is similar to Uber's.

Local 117 has already helped set up a [trade association](#) for taxi drivers that advocates for better working conditions, though without the law, companies are not compelled

to negotiate with them.

According to Seattle's Department of Finance and Administrative Services, 1,025 vehicles are licensed as taxis in Seattle and King County, while about 470 are licensed as for-hire vehicles, meaning they charge a flat fee per trip. Some are specific to just the city or county, though other vehicles have dual licenses.

Taxi companies haven't launched visible campaigns against the unionization law, Gearhart said.

## Progressive cities

Charlotte Garden, a Seattle University professor who specializes in labor law, said the union debate in Seattle is important because more and more people work as independent contractors and don't have a traditional relationship with an employer.

"For the union to show that this can be a successful model, that might move to other progressive cities," Garden said.

Or, a court ruling against the Seattle law could frustrate attempts to pass similar legislation elsewhere.

The lawsuits by the U.S. Chamber of Commerce and drivers argue the [National Labor Relations Act](#) (NLRA), which gives employees the right to collectively bargain but does not extend that right to independent contractors, pre-empts the Seattle ordinance, among other claims. The suits seek court orders barring the city from enforcing the law.

The U.S. Chamber of Commerce [first sued Seattle](#) over the law last year, but a federal judge [dismissed the lawsuit](#) as premature. [This month](#), a King County Superior Court judge rejected a [legal challenge](#) by Uber over the law's rules and the city's rule-making process.

Seattle's Finance and Administrative Services department, [which oversees the law's implementation](#), released a [second round of draft rules](#) in March governing the rollout.

For a union to form, Local 117 must submit a majority of qualified drivers' signatures expressing their interest to the city [by the end of July](#). Gearhart said some drivers have already provided those statements.

Councilmember O'Brien said he's "committed as ever" to get the law fully enacted, despite the court challenges.

"We're facing some of the critical moments about what will happen next," he said. "We believe we can do it. A lot of folks are waiting to see how that will settle out."

*Material from The Seattle Times archives and The Associated Press was included in this report. Jessica Lee: 206-464-2532 or [jlee@seattletimes.com](mailto:jlee@seattletimes.com). On Twitter [@jessleeST](https://twitter.com/jessleeST). If you have questions, tips or story ideas, please send them to [traffyclab@seattletimes.com](mailto:traffyclab@seattletimes.com).*

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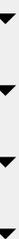
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