



Rideshare drivers sue Uber, Lyft to classify them as employees, citing coronavirus

BY [CHRIS MILLS RODRIGO](#) - 03/12/20 11:49 PM EDT



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Rideshare drivers this week re-upped lawsuits against Uber and Lyft to gain employee classification and sick leave benefits, arguing that the spread of coronavirus means judges should act now.

Labor attorney Shannon Liss-Riordan filed an emergency complaint in California against each company and added to existing cases against both companies in Massachusetts on behalf of rideshare drivers. The drivers are asking for judges to issue emergency injunctions forcing Uber and Lyft to comply with each state's employment classification laws and provide paid sick leave for the drivers.

The attorney has been denied emergency injunctions before, with courts saying that there is no pressing need for the cases to be resolved right away. Liss-Riordan now believes, however, that there is a more compelling need for an injunction: coronavirus.

“Now we have an emergency that lays bare the fact that it is a danger to the public, not only to the drivers themselves, that they are not being afforded the rights of employees,” she told The Hill, arguing that the public nature of the danger from not granting sick leave means normal arbitration processes can be skipped.

Both California and Massachusetts have laws — including the newly passed Assembly Bill 5 in California — aimed at classifying most gig economy workers as full employees

with access to benefits like a minimum wage and labor protections, including the right to organize.

Uber and Lyft have avoided classifying their drivers as employees with a combination of lawsuits and arbitration clauses, arguing that the gig economy laws do not apply to their workers.

Analysts have estimated the legislation could raise expenses for the companies by as much as 15 to 20 percent, and Uber has said outright that it will not classify its drivers as employees.

The new arguments filed Wednesday and Thursday by Liss-Riordan argue that Uber and Lyft should have to classify their drivers as employees while those cases are being decided.

"Without paid sick leave, drivers ... are going to need to work in order to eat and pay their rent and survive," she told The Hill. "With the spread of coronavirus ... the recommendation is 'if you feel sick, stay home.'"

Uber has offered up to 14 days of paid time to drivers if they contract the virus, while Lyft has said it will "provide funds to drivers" if they are infected.

Liss-Riordan told The Hill that those commitments are not enough.

"That half-measure does not provide the protections of state law," she said. "State law mandates paid sick leave — and you don't need to be diagnosed with coronavirus to be eligible for it. Testing for the virus is hard to get now, so few drivers are even eligible for whatever compensation Uber and Lyft are talking about."

The Hill has reached out to Uber and Lyft for comment on the legal cases.