

U.S. Agency Says Uber Should Face Claims That Driver Ratings Are Biased

By [Reuters](#)

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*FILE PHOTO: A screen displays the company logo for Uber Technologies Inc on the day of its IPO at the New York Stock Exchange (NYSE) in New York, U.S., May 10, 2019. REUTERS/Brendan McDermid
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By Daniel Wiessner

(Reuters) - The U.S. agency that enforces workplace discrimination laws has urged a federal appeals court to revive a lawsuit alleging that Uber Technologies Inc's system allowing passengers to rate drivers is racially discriminatory.

The U.S. Equal Employment Opportunity Commission (EEOC) filed a "friend-of-the-court" brief this week backing an appeal by Thomas Liu, an Asian-American who drove for Uber in San Diego, California, and claims the five-star rating system improperly relies on passenger evaluations that can be biased.

A federal judge in San Francisco last year said Liu could not prove that Uber's system had a discriminatory impact on non-white drivers, citing a lack of statistical evidence, and dismissed his proposed class action.

But the EEOC in its brief on Monday told the San Francisco-based 9th U.S. Circuit Court of Appeals that evidence Liu did present, including a survey his lawyers conducted of thousands of Uber drivers, was enough to send the case to trial. The survey showed that minorities were significantly more likely to be kicked off of Uber for having low ratings.

The judge had said that the survey was inadequate because it only polled people who, like Liu, were barred from driving for Uber and not the overall population of Uber drivers.

Uber, which has denied that its rating system is discriminatory, did not respond to a request for comment on Wednesday.

Liu's lawyer, Shannon Liss-Riordan, said the commission's brief was important because it recognizes that plaintiffs do not need conclusive statistical evidence just to be able to pursue their discrimination claims.

The EEOC's involvement in a case can be persuasive to courts because the agency is tasked with interpreting federal anti-discrimination laws. The commission typically only files briefs in appeals raising important issues that are likely to arise in future lawsuits.

(Reporting by Daniel Wiessner in Albany, New York, Editing by Alexia Garamfalvi and Richard Chang)

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