



Press Release: California Class Action Alleges that Uber is Illegally Coercing Drivers to Support Prop 22

Over 200,000 Drivers Unlawfully
Pressured to Support Ballot
Measure

Press Release - October 22, 2020



Contact

David Lowe - Rudy, Exelrod, Zieff & Lowe, L.L.P.

(415) 394- 6078

dal@rezlaw.com

George Warner - Legal Aid at Work

(617) 610-1669

gwarner@legalaidatwork.org

San Francisco – A class action lawsuit filed in San Francisco today accuses Uber of illegally exploiting its economic power over its California-based drivers by pressuring them to support the Yes on Prop 22 campaign in violation of the drivers’ century-old right to be free from political coercion in the workplace. A copy of the Complaint can be found [here](#).

Prop 22, a highly contentious ballot initiative that Uber and other gig economy companies have spent more than \$188 million to promote, seeks to strip ride-share drivers and other gig economy workers of some of the most fundamental workplace protections provided to employees under California law, such as the right to minimum wage and overtime.

The drivers, joined by two non-profit organizations, Worksafe and Chinese Progressive Association, allege that since September of this year, Uber has embarked upon a campaign of deceit, coercion, and manipulation by spreading false information about Prop 22 in dozens of postings on the drivers' ride-sharing app that the drivers cannot avoid seeing whenever they open the app, and by threatening the drivers with loss of their jobs and other adverse consequences if Prop 22 does not pass. The lawsuit claims that Uber's actions cause its drivers to fear that if they do not cooperate by speaking out in favor of Prop 22 through the video messages, texts, and positive survey answers solicited by Uber, Uber will retaliate by giving them less favorable or less plentiful assignments, or no assignments at all.

Since 1915, California law has prohibited employers from attempting to direct or control the political activities of their employees or threatening a loss of employment to "coerce or influence" employees to follow any particular course of political action. That law is now codified in Labor Code sections 1101 and 1102.

In addition to this lawsuit, separate legal claims against Uber, Lyft, Instacart, and Doordash, which are the principal backers of Prop 22, are also being filed today with the California Labor Commissioner under the California Labor Code Private Attorney General Act, known as PAGA.

“Let’s be absolutely clear,” said **David Lowe, a partner at Rudy, Exelrod, Zieff & Lowe, one of the attorneys for the workers**, “Uber’s threats and constant barrage of Prop 22 propaganda on an app the drivers must use to do their work have one purpose: to coerce the drivers to support Uber’s political battle to strip them of workplace protections,” Lowe said.

Uber driver **Ben Valdez, a plaintiff in the case**, explained, “Almost every time we log on, we are fed more one-sided information to pressure us into supporting Prop 22.” He added, “Threatening that most of us will lose our jobs if Prop 22 passes is a scare tactic, pure and simple. It’s not right.” **Hector Castellanos, another plaintiff, said**, “Uber is constantly asking whether we support Prop 22. They make us feel like we have to say ‘yes.’”

Beyond aggressively presenting one-sided messaging, the lawsuit alleges that Uber unlawfully interferes with its drivers’ right to be free of political coercion by demanding that they inform Uber how they intend to vote on Prop 22, and by soliciting them to submit statements of support for the ballot measure. Plaintiffs claim

that Uber is exploiting its drivers' reasonable fear that the Company could retaliate against them if they do not go on record in support of Uber's preferred political position. Indeed, the lawsuit alleges that sometimes Uber does not even give its drivers the option of expressing opposition to Prop 22 in its surveys, only the option to select "YES ON PROP 22" or "OK."

Worksafe is one of the nonprofit plaintiffs bringing the case. Executive Director Stephen Knight emphasized, "Worksafe is all about supporting greater power and information for workers; without that, workers cannot be safe at work. These companies are using their outsized power and control over information to intimidate and influence their vulnerable workforce, and it's just wrong. It's also illegal."

"Uber's actions are old-school exploitation, coercing their workforce to support the company's political position. It's undemocratic and a violation of basic workplace rights," said **Shaw San Liu, Executive Director of Chinese Progressive Association, another non-profit plaintiff** in the case. She added, "Our organization fights alongside immigrant workers for just wages, healthy and safe work environment, and respect and dignity on the job. We are proud to stand with these courageous workers and other organizations in this lawsuit to take a stand for democracy and for workplace justice."

“It’s unfortunate, but perhaps not surprising, that a company like Uber with a history of using strong-arm tactics would attempt to bully their drivers in this way,” said **George Warner, one of Mr. Valdez’s attorneys with the nonprofit Legal Aid at Work**. “If I were an Uber driver receiving these messages, I’d think that I better say ‘yes’ I support Prop 22 or the company might not offer me work. And that is exactly why California made it illegal for employers to manipulate employees – and elections – in this way.”

The lawsuit seeks a court order declaring that Uber’s corporate manipulation of the political process is unlawful and enjoining the company from continuing to coerce or direct their workers to support Prop 22. The claims filed with the Labor Commissioner additionally seek civil penalties for violations of the Labor Code’s prohibitions against political interference by employers, 75% of which would be paid to the state Labor Workforce and Development Agency, and 25% is for the benefit of the workers.

The employees are represented by Rudy, Exelrod, Zieff & Lowe, LLP and the nonprofit Legal Aid at Work.

EMAIL US

[Contact Us](#)
[Client Complaint Procedure](#)

[Privacy Policy](#)

[Disclaimer and Terms of Use](#)

[Accessibility Policy](#)

© 2020 Legal Aid at Work. All rights reserved

Legal Aid at Work, 180 Montgomery Street, Suite 600, San Francisco CA 94104 / 415-864-8848