

Seattle Collective Bargaining Ordinance Driver-Partner Frequently Asked Questions

What is the Seattle Collective Bargaining Ordinance?

In late 2015, the Seattle City Council passed an Ordinance (or law) setting up a process for drivers to be represented by labor unions.

The Ordinance allows these labor unions to represent all drivers, even drivers who don't want a union or didn't have the chance to vote on union representation. The union would have the power to negotiate with Uber, Lyft, as well as the taxicab and for-hire companies over all terms and conditions of the drivers' work (including when they drive, where they drive, required background checks, and more).

[Click here to read the full Seattle Collective Bargaining Ordinance.](#)

What is Collective Bargaining?

Collective bargaining is just another name for negotiations, and it can take different forms in different situations.

Under this Ordinance, the union would have the exclusive right to sit down with the company and negotiate over all terms and conditions of work for all the drivers' using the company's platform. This could include things like who can drive, when they drive, where they drive, how drivers are dispatched, background checks for drivers, safety requirements for approved cars, and more.

Under this Ordinance, if the union and the Company come to an agreement, they enter into a binding contract that could be in effect for as long as 3 years, which all drivers would have to follow. If the union and the Company cannot reach an agreement in 90 days, the Ordinance allows a third party arbitrator to set the terms of the contract that would apply to all drivers.

Important fact: Even though the labor contract would control all aspect of a driver's work, the Ordinance does NOT give drivers a vote on whether to approve the contract or any say on the terms that are negotiated.

Will Uber Retaliate Against Drivers Who Support Collective Bargaining?

Absolutely NOT.

We believe all drivers should have a voice and be able to freely express their own opinion. Driver partners are deactivated only for reasons described in Uber's public deactivation policy available [here](#). In addition, in Seattle, driver partners have the option to apply to have deactivations reviewed by a panel of their peer drivers through an [appeals process](#).

Does Any Other City Have This Type Of Ordinance?

No, this is a first for any city.

This Ordinance is trying to expand federal laws and regulations into an area the federal law says they don't otherwise apply. The federal law that sets the rights and obligations of employees, companies, and unions has been in place for around 80 years. There are a variety

of rules and regulations about how employees can vote for or reject union representation, and the protections guaranteed to employees under that law are well established. However, the federal law doesn't apply to independent contractors, like drivers who partners with Uber, who often choose to use the Uber platform because of the flexibility and independence it gives them to run their own business.

In short, this is all new and untested. There are a lot of unanswered questions, which was one of the reasons the Mayor didn't sign the Ordinance. In many ways, the Ordinance is an experiment, but with very real consequences for your rights and business.

What's the Difference Between Being an Employee and Being an Independent Contractor?

Federal and state laws and regulations use a variety of factors to determine whether someone is an employee or an independent contractor.

For example, the types of things that might be looked at are whether a driver provides their own car or is provided one by the company, whether the driver can drive for other platforms or not, whether the driver has the flexibility to turn the app on or off when they want to or have to be on at certain times.

I'm a Driver But Why Should I Care About This Ordinance?

First, all drivers are NOT guaranteed the right to vote for or against being represented by a union. Instead, only a *select* group of drivers will be given a voice. If you don't speak up now to make sure you get a vote, you may never have the chance to be heard.

Second, if a union is given the right to represent drivers on the Uber platform, it would represent all drivers - not just those that want the union or even just those who had a chance to vote - but ALL drivers. If you wanted to use the Uber platform, you would be represented by the union, follow the union rules, work under the union contract, and may have to pay the union dues to keep driving.

Third, the union would have the exclusive right to speak and act for you; you lose your voice and choice in how to run your business. The union would have the right to negotiate and agree to a contract that could control all aspects of how you drive with Uber - including rules on who can drive, when they drive, where they drive, what types of cars or equipment they have to have, how criminal background checks would be run, and when drivers get paid.

Finally, even though drivers would be obligated to follow the labor contract negotiated by the union, the Ordinance does not give drivers a chance to vote or have any other say on whether you like the agreement or not - so now is the time to speak up, while you still have a say.

If you have thoughts or concerns about the Ordinance, you have only a short window to make your voice heard with City officials before the law goes into effect. These rules are to be implemented as of September 19.

[Please RSVP here if you are interested in joining with other Uber drivers on August 3rd to make your voice heard!](#)

Why Was it Passed?

Remember, the federal labor law says unions can not represent independent contractors like many of the for-hire drivers in Seattle. The local Teamsters Union worked with an ally on the City Council last year to get around the federal law by passing this Ordinance so that the Teamsters and other labor unions could represent the independent for-hire drivers and, among other things, require these drivers to pay the union to work in Seattle. Only a small number of drivers, nearly all of whom were working with the Teamsters, spoke out publicly at the time the Ordinance was being considered by the City Council.

How Would It Work?

The details of how the Ordinance will actually work are still being determined by the City. However, what the ordinance does say is the following:

1. Unions or non-profit organizations (including organizations that have never represented anyone in negotiations before) can apply to be a “Qualified Driver Representative” or “QDR.”
2. If the QDR is approved by the City, Uber will have to turn over personal contact information for all drivers so the QDR can contact each driver to solicit support for forming a union. This information includes the driver’s name, address, email address, telephone number and cell phone number.
3. Drivers who meet the requirements under the rules (which are still being written) to be “Qualified Drivers” will get to vote whether they want to be represented by the union or have a non-profit represent them, or whether they want to remain independent.
 - Importantly, even though every driver would be represented by and subject to the rules agreed to by the union, **not every driver is guaranteed a vote on whether they want to be represented.** The ordinance indicates that only drivers that meet a certain number of trips or hours over the prior four months will get a vote.
 - Even for drivers that get to vote, the Ordinance doesn’t require the union to tell the driver about any of the rules, regulations, or obligations that the driver could be subject to - including how much the driver would have to pay the union in dues. (So it is important to ask questions NOW while you still can.)
4. If 50%+1 of the qualifying drivers vote in favor of being represented by the union, then the union would represent all drivers using the Uber platform - even the drivers that didn’t get to vote or who voted against the union.
5. Uber would then have 90 days to reach an agreement with the union on all matters dealing with the terms and conditions of the driver’s use of the platform, including who gets to use the platform, vehicle safety, safe driving, criminal background checks, payments to drivers, minimum hours of work, when a driver can get on the app and drive, and all other working conditions. The Ordinance also allows the agreement to include requirements that drivers to pay the union dues each month in order to be able to drive.

6. If no agreement is reached between the union and Uber during the 90 day window set by the Ordinance, an arbitrator will then set the terms and the “agreement” will go to the City regulatory staff for approval.
7. Drivers are not guaranteed a say in the negotiation process or even the right to vote on whether to approve or disapprove the agreement, even though they will be bound by it.
8. The Ordinance does not give Drivers who do not want to join a union the ability to opt out.
9. The Ordinance also limits the ability for Drivers vote out a union once it has started representing them. For example, the Ordinance prohibits drivers voting out a union for the term of any agreement.

Can the City of Seattle Legally Do This?

The reality is, they have already done it. However, there is already one lawsuit challenging the Ordinance on the grounds that it is illegal and unconstitutional, and more lawsuits are expected in the weeks and months ahead.

But in the meantime, the City is quickly moving ahead to get the rules in place and begin implementation. Now is the time to learn what the Ordinance and union representation could mean for you, your business, and your family; the opportunity to speak up and let the City leaders know your opinion is *right now*.

What Happens Next?

September 19, 2016 is the date set by the Ordinance to begin implementation.

The City is currently working on the rules that fill in the details on how the Ordinance will work. The City is expected to release draft rules by the end of July, and hold a public comment period before finalizing the rules and beginning implementation.

A City Council Committee is currently scheduled to receive a briefing from City staff on August 3rd, where they are expected to receive an update on the status of the City staff’s work on the rules. Drivers and other members of the public will have the opportunity to offer brief public comments at the City Council Committee meeting on August 3rd. This is your opportunity to speak up and be sure your voice is heard on this critically important issue. [Please RSVP here if you are interested in joining with other Uber drivers on August 3rd to make your voice heard!](#)

Where can I find more information?

Here’s a list of resources if you want to dig in and get a better understanding of what’s happened with this Ordinance.

- [City of Seattle Collective Bargaining Ordinance Webpage](#)
- [July 8, 2016 - Uber Workshop - Cover Letter](#)
- [July 8, 2016 - Uber Workshop - Detailed Comments](#)
- [March 3, 2016 - US Chamber of Commerce Lawsuit Filing](#)
- [February 24, 2016 - Uber Letter to City of Seattle FAS](#)

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