

Compliance & Risk

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Headlines

- ECHR hands down landmark judgment on child trafficking, p.14
- Irish DPC clarifies right to access CCTV footage, p.16
- HSE releases new official health and safety app, p.19

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Supreme Court rules that Uber drivers are workers

In a judgment handed down by the UK Supreme Court on 19 February 2021, six justices unanimously ruled that Uber drivers are workers and are thus entitled to holiday pay and the national minimum wage.

The decision involved the dismissal of Uber's appeal which argued that drivers are independent contractors who work under contracts made with customers, in favour of a finding that it is Uber London that engages drivers to carry out bookings for which Uber has entered into contracts with customers.

The ruling is partly based on the fact that Uber exercises tight controls over the service performed by drivers and offered to passengers through the Uber app, leading the justices to conclude that the drivers "were "workers" who worked for Uber London under "worker's contracts" within the meaning of the statutory definition".

The Court confirmed that Uber London contracts with passengers and engages drivers to carry out bookings for it.

Law firm Bates Wells LLP, which represented some of the drivers, said the

judgment will have an 'enormous impact' on an estimated 45,000 Uber drivers in London, and on the rights of gig economy workers more generally.

'The Supreme Court held that Uber drivers are "workers". This is still a form of self-employment but will guarantee Uber drivers' basic protections including the national minimum wage, holiday pay, protection against discrimination and will require Uber to adhere to more extensive health & safety obligations,' the firm commented.

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UK competition regulator warns Big Tech of coming investigations

In an interview with the *Financial Times*, Chief Executive of the Competition and Markets Authority ('CMA'), Andrea Coscelli, announced that the regulator is planning a series of antitrust investigations into the practices of Big Tech companies over the coming year.

Big Tech organisations, such as Google and Amazon, are already subject to tougher scrutiny from governments around

the world. The US Justice Department filed suit alleging anti-competitive practices against Google towards the end of 2020 in relation to its search and advertising businesses, and the EU has a number of antitrust investigations under way into big US tech companies including Apple and Amazon.

Mr Coscelli noted that the CMA's aim is not simply to replicate exist-

ing investigations, but to seek out areas that have not yet been investigated, finding "the gaps in the work the European Commission is doing".

He confirmed, though, that the UK does plan to continue working alongside the EU on other joint antitrust investigations at least until 2022.

The UK regulator will be

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