On 26 October 2022 in the UK, Uber’s former top lobbyist has turned into a whistleblower, releasing documents about how his former company created “disproportionate” and “undemocratic” power in European countries. Mark MacGann, who was involved in the company’s lobbying operations in 22 countries in 2015-16 has claimed that Uber had “unequal unprecedented access to the very highest levels” in the European Commission as well as every European member state. And throughout the world, he claims that ruling politicians have turned a blind eye to Uber’s  “highly unorthodox” employment model.

Releasing 124,000 Uber company files to the Guardian, he says that Uber was successful in getting governments everywhere to deregulate the taxi industry and allow their company to regard their employees as contractors. Although none of this was illegal, he labelled it “borderline immoral”.

**Why employment status is a vital “gateway” for workers’ rights**

The misclassification of workers as “contractors” by companies like Uber has been a deliberate strategy of companies that are trying to get around the rules which afford basic rights to workers. The gig economy has been created, alongside what Employment Court chief judge Christina Inglis says is “the growing fragmentation, casualisation and globalisation of work and workforces”.

Uber drivers classified as employees

The judge says legal employment status is a vital part of this, because a worker’s legal categorisation as an “employee” is an important “gate” to much more rights and benefits. By passing through this gate, workers can access all sorts of legislative employment entitlements such as annual and sick leave, Kiwisaver contributions, parental and bereavement leave, and the right to bring a personal grievance if sacked without cause. She also said that the employee status was a gateway for government Labour inspectors to be able to take actions on behalf of a workplace or employee.

SCOOTERS

The owners of Lime Scooters employed the former President of the Labour Party, Mike Williams, to get Aucland Transport staff to approve them without any Board consideration or approval.

He then got NZTA to make a change allowing Lime scooters to go on footpaths and roads at 25kmph without helmets and this was gazetted in one week without any risk assessment or consultation. No account was taken of the riskes to pedestrians and to the elderly and disabled.