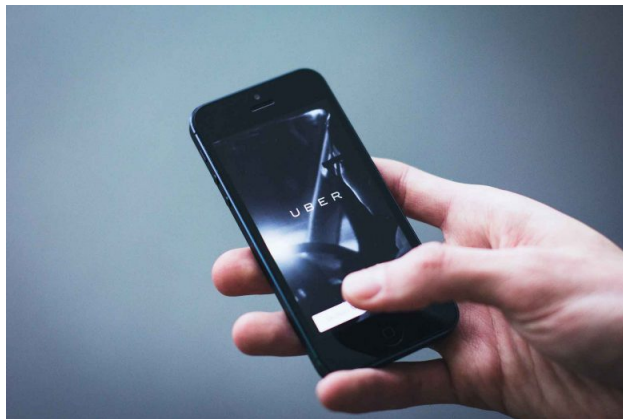


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Ontario Court Decision Favouring Uber Threatens Workplace Rights

TORONTO, April 10, 2018 /CNW/ - The outcome of a recent case before Ontario courts threatens to change the face of employment law and could have a disastrous impact on millions of employees.



On January 30, the Ontario Superior Court stayed a \$400-million proposed class action lawsuit against Uber concerning the misclassification of its drivers as independent contractors. The court determined that the arbitration clause found in Uber drivers' contracts, which declares that all employment disputes are to be arbitrated in the Netherlands, does not breach the province's Employment Standards Act. The decision is being appealed.

"There is a real risk now that Ontario's workers' fundamental rights as provided by the Employment Standards Act can be completely bypassed," said Lior Samfiru, founding partner of Samfiru Tumarkin LLP and the employment lawyer representing the plaintiff in [Heller v. Uber Technologies Inc.](#) "It would be virtually impossible for most drivers in Ontario to pursue their rights 6,000 km away in the Netherlands. If other companies follow suit, any employer in the province can decide to bind an employee to an arbitration in any part of the world they choose. This means that employee rights in this province are a thing of the past."

The Ontario Ministry of Labour introduced significant changes to the Employment Standards in 2017, including increases to the minimum wage and stiffer penalties for the misclassification of employees as independent contractors.

"All of those changes are essentially meaningless and a waste of time and resources, if those rights cannot be enforced in an employee's province of employment," said Samfiru. He states that an employer could take away every single employee right and then state that, if the



employee wishes to dispute the company's actions, it can only do so through a costly arbitration in a foreign jurisdiction. “The Ministry of Labour must take immediate action to update the Employment Standards Act to further strengthen employment law in the province.”

The provincial government can easily resolve this issue by amending the Employment Standards Act or its Regulations, to state that an employer may not take away the fundamental right of individuals to pursue employment entitlements in Ontario.

AUDIO: [Employment Lawyer Lior Samfiru on impact of Uber decision](#)

About Samfiru Tumarkin LLP

[Samfiru Tumarkin LLP](#) is one of Canada’s most recognizable and leading employment, labour and disability law firms, with offices in Toronto, Vancouver and Ottawa.

Since 2007, the firm has embarked on a campaign to help Canadians discover their workplace and disability rights. Their dedication to this goal has seen partners Lior Samfiru and Sivan Tumarkin launch the [Severance Pay Calculator](#) (the first of its kind, now successfully used by over 400,000 Canadians), [Employment Hour in 30](#) on Global TV, and The Employment Hour and The Insurance & Injury Law Show on 5 radio stations across Ontario and British Columbia.

Programming Note

Beginning April 14, [Employment Hour in 30](#) will expand from its current weekly airing on Global TV in Ontario to include CTV Toronto and CTV Ottawa. Hosted by employment lawyer Lior Samfiru, Canada’s only television show dedicated to employment law and workplace rights airs every Saturday at 9 a.m. EDT on CTV and 10 a.m. EDT on Global TV.

SOURCE Samfiru Tumarkin LLP

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