



Executive Summary

Platform workers in the UK lack adequate protection against unfair dismissal under current labour law frameworks. This policy brief outlines the current issues faced by platform workers and establishes the two areas which require modifications to offer more protection to the workers. The brief explores platform workers in the driving space, with emphasis on the Uber app, offering critical commentary on Uber's structural limitations for protecting drivers from unfair dismissals.

Finally, our suggested recommendations aim to offer solutions for rebalancing the asymmetry of power in the workers' favour. They are aimed at restructuring the platform's internal procedures to allow workers to defend themselves against deactivation and automated dismissals.

Addressing Unfair Dismissals for Platform Workers in the UK

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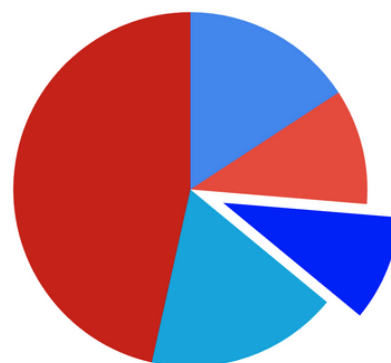
4. Recommendations

1. Current Issues

- Job insecurity is perpetuated by limited protections for platform workers. Platforms (like Uber) lean on account deactivation to dismiss workers, usually due to low customer ratings, and it is unlikely they are reactivated. Further, given their legal status as a worker (Employment Rights Act 1996), they are unable to take these issues to tribunals (Reis, 2019).
- The legal distinction between ‘worker’ and ‘employee’ makes platform workers vulnerable to arbitrary dismissal (Employment Rights Act 1996). ‘Employees’ are under strict contracts involving employer control (among other factors) and are afforded extensive protections. Yet, ‘workers’ are under less control and have minimal protections.
- With automated dismissals, necessary human review is absent, placing workers in greater jeopardy. Further, automated systems raise wider GDPR and Human Rights concerns (Directive (EU) 2024/2831, 2024, recital 4).



Percentage of gig workers employed in UK between Jan-Mar 2022



Source: (CIPD, 2023)

2. Customer Ratings and Deactivation

The consequences of deactivation for Uber drivers are severe as they will be banned indefinitely, with low chances of account recovery (Chan, 2019, p. 186). Deactivation is likely to occur once a driver's ratings fall below the minimum threshold, which is allegedly 4.6/5 (Chan, 2019, p. 186). This means that customers are essentially able to dictate their drivers' employability status based on the ratings they provide (Chan, 2019).

This system does not seem inherently flawed until further considerations are made. For example, it is likely that drivers are to be given a poor review purely on their race or gender, not because they provided an inadequate drive (Prassl, 2018, p. 62). Therefore, customer ratings are subject to customer bias, specifically if they are either female or an ethnic minority worker (Prassl, 2018, p. 62; Beech, 2016, p. 53). As such, the ratings are an improper reflection of the work the drivers are performing and leave them susceptible to unfair deactivation. Furthermore, the rating system itself is based off of asymmetrical knowledge, with customers unaware that 4.6/5 is harmful to drivers' job retention, as it is objectively thought of as a good score (Chan, 2019).

An Airbnb study found that non-Black hosts received 12% higher rates than Black hosts (Prassl, 2018; Reis, 2019). This suggests that racialised ratings are likely to permeate Uber driver ratings too.

The system is unfair and evidently places too much power in the hands of customers who are unaware of how Uber uses customers' ratings, or factor in their personal biases to ratings. (Chan 2019; Prassl 2018). When subject to these issues, Uber drivers are left vulnerable to unfair dismissal something which, due to their status as a worker and not employee, they cannot obtain remedy or reactivation for (Reis 2019; Atkinson and Sedacca, 2025).

3. Procedural Unfairness

As established thus far, the dismissal process is harsh, and even more so as drivers cannot seek out reactivation or take the matter to an employment tribunal due to their status as a worker, not an employee. (Reis, 2019; Atkinson and Sedacca, 2025, p. 28). Therefore, the inability to take this matter to an employment tribunal, leaves them at an even further disadvantage as they cannot obtain any justice for such deactivation, or at the very least, obtain reactivation.

Uber has poor regulatory standards, as in the case of a serious complaint from a customer, they do not follow this up with an investigation, nor are there any substantive ways of monitoring situations and checking for any bias which may have occurred (Reis, 2019). As mentioned previously, customer ratings are impacted by prejudice, and therefore complaints may also fall to this same detriment, further perpetuating the injustice. Uber drivers also cannot appeal against any complaints they receive. (Reis, 2019; Rosenblat & others, 2017, p. 10).

There is no written warning provided to drivers in which they can defend themselves and as they cannot appeal the decision either, they are left vulnerable to racial or sexist attacks in the form of prejudiced customer ratings (Reis, 2019; Prassl, 2018). Not only are drivers burdened with irreversible deactivation, but the unregulated system makes them vulnerable to a lack of work generally (Rosenblat et al, 2017). This is because drivers with higher ratings are able to be offered higher pay and better work opportunities, which suggests that non-white drivers will be at a significant disadvantage as their ratings are more likely to be lower (Rosenblat et al, 2017). Overall, the Uber dismissal system needs reform to give drivers improved protection, with increased regulation and improved procedures to give Uber Drivers the ability to question decisions made about their employability.

POLICY RECOMMENDATIONS

1

Notification of Deactivation and automated dismissals

- As opposed to deactivation without prior-notice of the drivers, they should be informed of a 7 day notice period in which they will receive an explanation as to why they are facing dismissal.
- Decisions made by an algorithm should be subject to human review before sent out to drivers to assess the algorithm's reliability.

2

Formal Appeals Committee

- When platform workers, such as Uber drivers, are faced with deactivation they should have the possibility to appeal the decision, in which the reasons for their dismissal can be thoroughly investigated by the company.
- As a result, if the deactivation has been found to be unfair, they can have their account reactivated and also obtain remedy.

3

The deactivation threshold should be lowered

- Uber drivers should not be susceptible to immediate and automatic dismissals based on average customer ratings falling below 4.6/5.
- Furthermore, the average rating should be set lower, at 3/5. If this average is reached, then investigations, instead of automatic dismissal, can occur.

4

Methods to Validate Ratings

- Uber should monitor driver data through methods such as monitoring driving speeds during journeys, or take video surveillance within the vehicle during drives to monitor the validity of claims concerning both driver and customer behaviour.

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Caselaw

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