

Contracting Around Class Actions, a Win for Employers

A recent Ninth Circuit ruling that Uber's arbitration agreements did not violate the National Labor Relations Act provides a major victory to Uber by requiring each plaintiff to separately arbitrate his or her claims.

Christine M. Fitzgerald, writing in the Jackson Lewis **California Workplace Law Blog**, explains that plaintiffs filed a putative class action against Uber for failure to remit gratuity paid by customers, and for misclassification of the drivers as independent contractors and failing to pay their business expenses. The O'Connor plaintiffs sought an order declaring Uber's 2013 arbitration agreements unconscionable.

The panel rejected plaintiffs' argument that the lead plaintiffs constructively opted out of arbitration on behalf of the entire class.

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