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COMMENTARY

*UBER REMAINS STRONG DESPITE SEXUAL HARASSMENT
SETBACKS*

JACKLYN BRANBY *

In 2017, a former Uber employee published an essay describing the details of her work experience as a site reliability engineer.¹ In this essay, the employee wrote about inappropriate behavior by her manager and stated that when it was reported to human resources, the company provided no relief.² The employee was told by human resources and upper management that because this was the manager’s first offense, no formal action was needed. The essay provided further details on how Uber had permitted “sexual harassment to fester at the workplace.”³ The revelations led to an outcry over Uber’s toxic culture which led to investigations by federal authorities.⁴

Federal investigations led to more than twenty employees being fired because they had also played a part in the sexual harassment behavior.⁵ Uber also faces at least three lawsuits in at least two countries from former employees alleging sexual harassment or verbal abuse from managers.⁶ The Equal Employment Opportunity Commission has been examining Uber since 2017 (when Susan’s essay was first published) and stated that it had “found reasonable cause to believe that Uber permitted a culture of sexual harassment and retaliation against individuals who complained about such harassment.”⁷ Uber reached a settlement with the EEOC that established (1) a \$4.4 million fund to pay present and past employees that were sexually harassed at work and (2)

* J.D. Candidate, 2020, Arizona State University Sandra Day O’Connor College of Law.

¹ Susan Fowler, *Reflecting on One Very, Very Strange Year at Uber*, SUSAN J. FOWLER (Feb. 19, 2017), <https://www.susanjfowler.com/blog/2017/2/19/reflecting-on-one-very-strange-year-at-uber>.

² *Id.*

³ Kate Conger, *Uber Settles Federal Investigation into Workplace Culture*, N.Y. TIMES, Dec. 19, 2019, at B1.

⁴ *Id.*

⁵ *Id.*

⁶ Mike Isaac, *Inside Uber’s Aggressive, Unrestrained Workplace Culture*, N.Y. TIMES, Feb. 23, 2017, at A1.

⁷ Kate Conger, *Uber Settles Federal Investigation into Workplace Culture*, N.Y. TIMES, Dec. 19, 2019, at B1.

monitoring for three years by a former EEOC commissioner to ensure changes to its practices.⁸ Uber is still being investigated by the Justice department and is subject of a consent decree with the Federal Trade Commission over its privacy practices until 2038.

The scrutiny of Uber doesn't end with sexual harassment claims in the workplace—it extends to sexual assaults that take place in the Uber rides. This December was the first time Uber released a report (“Safety Report”) documenting the number of sexual assaults that occurred in the United States.⁹ There were nearly 6,000 incidents of sexual assaults reported in the past two years (for 2017 and 2018).¹⁰ Only .0003% of trips had a report of a critical safety incidents, which include fatal motor-vehicle crashes, fatal physical assaults, non-consensual kissing and touching.¹¹ The Safety Report further provided that riders account for nearly half (45%) of accused parties.¹² The settlement amounts for sexual assault claims against Uber drivers remain undisclosed.¹³

Though Uber has been under tight scrutiny given the numerous sexual harassment claims and sexual assaults in Uber rides, the company is still the number one rated ridesharing service provider in the United States.¹⁴ While Uber was forced to pay out \$4.4 million in the wake of the sexual harassment claims, this amount is nominal for a company that brought in \$3.8 billion in the most recent quarter.¹⁵

⁸ *Id.*

⁹ *Id.*

¹⁰ Shannon Bond, *Uber Received Nearly 6,000 U.S. Sex Assault Claims in Past 2 Years*, NPR (Dec. 5, 2019), <https://www.npr.org/2019/12/05/785037245/uber-received-nearly-6-000-u-s-sexual-assault-claims-in-past-2-years>. See UBER, 2017-2018 US SAFETY REPORT (Uber Technologies, Inc. eds., Dec. 2019) to learn more about the full safety report.

¹¹ UBER, 2017-2018 US SAFETY REPORT 10, 18 (Uber Technologies, Inc. eds., Dec. 2019).

¹² *Id.* at 18.

¹³ *Uber Settlement*, CLASS ACTION (Aug. 28, 2018), <https://www.classaction.com/uber/settlement/>.

¹⁴ E. Mazareanu, *Lyft – Statistics & Facts*, STATISTA (Nov. 15, 2019), <https://www.statista.com/topics/4919/lyft/>.

¹⁵ Kate Conger, *Uber Settles Federal Investigation into Workplace Culture*, N.Y. TIMES, Dec. 19, 2019, at B1.