Inquiry into the Victorian On-Demand Workforce

Uber’s Submission
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Executive Summary

The on-demand economy and the future of work have been at the forefront of public debate over the past couple of years. It is clear that across many sectors of the economy, digital technologies are opening up opportunities for income generation and new ways of working. Today, we offer economic opportunities to over three million people around the world, in 65 countries, including a growing number of people in Victoria choosing to use the Uber app to earn on a schedule that suits them.

We welcome recognition by the Victorian Government that digital advances offer unprecedented economic opportunities. We also agree that, as with any technological advancement, there are emerging policy questions that deserve discussion, debate and consultation to balance the interests of business, users and the community. Uber is grateful for the opportunity to make our contribution to this inquiry.

Since Uber’s ridesharing launch in 2012, Victorian consumers and businesses have come to embrace on-demand transport and delivery across the State — from Mornington to Ballarat; Bendigo to Geelong. Today over one million Victorians use Uber to get from A to B on a regular basis or to access the food they love at the touch of a button. At Uber, we continue to respond to this consumer demand, with new investments in advanced pooling technology, new product innovations and a bold new vision for transport — from eBikes to urban aviation.

The story of Uber’s popularity with consumers has also been met by strong take up of the App as a new earning opportunity. With Uber, anybody who meets the regulatory requirements in the state can sign up to use the App and drive or deliver. Today, more than 30,000 people in Victoria are choosing to partner with Uber to earn.

While on-demand work represents only a small portion of Victoria’s broader workforce, the flexibility Uber offers is proving an attractive option for many, from retirees, to parents, immigrants, students and entrepreneurs. Some use Uber to earn on the side, or save up for a holiday, while others are logging on more regularly to support their families. Uber can also be a powerful tool to support people in transition between jobs, or an earning option for people who have traditionally struggled to find work.

Whatever their situation, partners tell us they value the freedom of being their own boss and choosing if, when and where they drive or deliver. Unlike most traditional jobs, individuals using Uber can log-in and out of the App to suit their schedule — if they need to run an errand, pick up children from school, or go to a job interview. More than 90 per cent of driver and delivery-partners in Australia tell us that this flexibility is the key attraction to using the Uber app. Nearly 80 per cent of driver partners said they would be unlikely to continue using Uber if they had to drive fixed shifts.

As driver and delivery-partners are self-employed, they are also free to earn money through other means, including through a competing platform, and can choose to log out
at any time, or only log in for a few weeks in the year, with no consequences. This absolute flexibility — the ability to set and adjust their own schedule in real time, with no input from Uber — is what sets the Uber apps apart from other types of work, and even other on-demand platforms. It is this worker controlled, genuine two-sided flexibility that is unique, and what aligns the Uber app with independent working arrangements, as recognised by the Fair Work Commission on two separate occasions.¹

We want users to be successful and invest significant resources in engaging with and responding to issues or concerns they may raise. We also proactively seek feedback on the user experience so we can use this to continue to improve our offering to them.

While we know delivery and driver partners around the world value being their own boss and the flexibility this offers, this does not need to come at the expense of security and dignity in work.

That's why in early 2018, Uber’s CEO laid out our global standard that "at a basic level, everyone should have the ability to protect themselves and their loved ones when they’re injured at work, get sick, or when it’s time to retire".²

There is more we can do as a society to support independent workers. Platforms can play a role, and around the world, Uber has found innovative ways to help solve some of the gaps in the safety net, but we have also identified areas for reform to support independent workers.

For example last year, we launched a new support package for driver and delivery-partners that means they are insured by Chubb for on-trip accident and can access counselling through Converge should something go wrong while on trip. Similarly, in Europe we have been able to pioneer social coverage for independent workers because of reforms pursued by governments such as in France.

However, in many countries including Australia, existing employment law means platforms like Uber are constrained in providing additional support to those who use the App to find work. This is because offering benefits and training to our partners could compromise the self-employed status of the individual. In this way, the frameworks to support people in independent work are out of date and do not reflect the way people are choosing to work today.

We need policies and reforms that find thoughtful solutions for delivering social protections, as well as lifelong learning, better targeting of transitional support, and stronger credentialing. These kinds of reforms will lay the groundwork for a more resilient workforce, capable of responding to increasing change across the economy, driven by globalisation, innovation and automation.

It is important however, that any proposals for change be dealt with holistically by the Commonwealth, in consultation with individual states. Isolated state-based intervention into existing workplace laws should be avoided, for risk of returning to a national system of haphazard State and Federal laws regulating the same subject matter. While reviews

of this nature are an important balance to the Federal delegations that currently exist, the historic state-by-state Approach to workplace relations proved unsuitable for the Australian market, leading to inefficiency and uncertainty for multiple parties.

We want to bring our technology and global experience to engage in constructive discussions on how technologies like Uber can contribute to a better future of work. We look forward to working with the Government as it considers this important subject, and continuing to support the millions of Victorians who benefit from on-demand economy.
Why Victorians choose on-demand work with Uber

Uber was started to solve a simple problem: how do you get access to a ride at the touch of a button? More than 10 billion trips later, we're building products to get people closer to where they want to be, by changing how people, food, and things move through cities.

Today Uber operates in nine Victorian cities and towns, including Melbourne, Ballarat, Bendigo, Geelong and the Mornington Peninsula and as of February 2019, also the Surf Coast, Shepparton, Horsham and Warrnambool.

In 2016 we also launched Uber Eats in Melbourne. Uber Eats is an on-demand food delivery App and website that helps connect people with the food they want. Uber Eats has now expanded to Geelong, Bendigo and Ballarat and across Victoria, we partner with 5,000 local restaurants, helping them reach more customers and grow their businesses.

As well as providing safe and affordable rides, and a convenient option for food delivery, Uber has created additional economic opportunities for those who want to make money and work flexibly with over 30,000 driver and delivery-partners in Victoria using Uber to find work each month.

Uber enables truly flexible work, in a way that hasn’t been possible for many Victorians before

While independent work itself is nothing new, the ability for users of the Uber app to choose exactly if, when and where to work, and vary those decisions in real-time, is new.

The term “flexible work” is often used to describe a diverse range of working models. While some forms of work may provide flexibility to employers or the contracting party, they do not offer very much control and flexibility for individuals themselves. Even in casual engagements, employers may establish rosters which dictate when, where and for how long a casual employee must work, restricting an employee's ability to enjoy true and absolute flexibility.

Similarly, among the different kinds of independent work, there are significant differences in the level of control felt by the individuals. For example, in the taxi industry independent operators are often required to pay an upfront fee to the operator, are required to accept jobs, and to work certain shifts or in certain locations. Similar arrangements exist in the independent courier industry, and under franchise arrangements that often impose considerable control on the franchisee, dictating how they operate their business.

Among on-demand platforms — there are also significant variations in business models,
with some Apps requiring set shifts, exclusivity and a requirement to accept jobs, among other requirements.

With Uber, users decide if, where and when they want to work and can stop at any moment. There are no set shifts, scheduled hours or delivery zones. There is no obligation to work at all, or to use the Uber app exclusively; driver and delivery-partners can simply log in or out when and where they choose.³

Driver and delivery-partners tell us that it is flexibility that they value the most

In our September 2018 survey of Australian driver-partners who were regularly using the App, they told us there were two key motivations to drive with Uber: the first is the need for flexibility to choose their own hours; the second is to supplement existing income.

Of the drivers surveyed, 93 per cent said it was flexibility that was the main attraction.

Similarly, a key source of satisfaction for delivery-partners surveyed is the flexibility Uber Eats offers.

A secondary motivation for 13 per cent of driver and delivery-partners using the Apps was to make money while looking for full time/part time employment. A further 8 per cent of driver-partners like the social interactions it provides or because they couldn’t find other work seven per cent. For delivery-partners, 12 per cent were motivated by the ability to make money and get exercise while another 11 per cent said they were not able to find other work.

The preference for independence is also shown in how drivers use the App. Internal Uber data illustrates the variety of ways people in Victoria use the App, showing that over one third of drivers in Melbourne are logged into the App for 10 hours or less each week. In regional Victorian cities, more than half of drivers are accessing the App for less than 10 hours each week.

All around the world we hear that this ability not only to set your schedule but to adjust it in real-time is what is most valued by our users.

Davina [redacted text] has been driving with Uber for two years and values the flexibility of being able to log on and log off around her family schedule as well as her other casual work. She drives in the afternoons, night times or the weekends after her kids have had their dinner or gone to bed.

*Before I started driving Uber, I owned a takeaway shop in Melbourne. After I became pregnant with my third child, we decided to sell the business so that I could spend time at home with my kids.

*Uber really came at the right time with having children — driving I am able to provide more from my family, it has allowed me to make an income in between

³ A detailed explanation of the experience of signing up and using the Uber app in Victoria is included in Annex 2.
and during pregnancies, which were times that I would not have been able to commit to a full-time job. We can also go on holidays now whereas before it was quite difficult. It has made a big impact knowing I can always work and make money.

My partner also recently suffered a workplace injury — throughout this time he was getting paid out, and we were on and off Centrelink for a while. Without Uber, it would have been really difficult to get by and pay our kids expenses without a weekly wage."

— Davina [redacted text]

Last year we worked with Oxford University on a study of drivers using the Uber app in London, looking at their earnings and well-being. The study found that drivers had higher levels of well-being than the wider London workforce, including those earning a higher hourly wage than drivers. It concluded that the “higher subjective well-being partly can be explained by strong preferences for flexible work among the majority of Uber drivers, and the fact that they have full discretion over working hours”.

Earning opportunities for those who have difficulty accessing work

Thanks to the genuine two way flexibility offered by App based work, as well as the relatively low friction and low cost access to the App, Uber can also help people who have traditionally struggled to find meaningful, reliable work.

This is reflected in driver partners demographics. The ten suburbs in Melbourne with the highest number of resident Uber driver partners are also suburbs with a mean unemployment rate of Approximately 9 per cent, well above the national average at 5 per cent suggesting that Uber provides earnings opportunities for communities that need them most.

Uber can also present an accessible earning opportunity for people with a disability or access needs, who may have otherwise been shut out of other opportunities. Even in times of high employment nationally, the unemployment rate for people with a disability can be much higher than the national average. The Uber app has products designed specifically for Deaf and Hard of Hearing driver-partners, and people who have mobility disabilities who use modified hand controls are encouraged to Apply to become driver-partners. Any person who is legally able to drive can Apply to partner with Uber.

Technology such as visible and vibrating alerts and features such as the ability to enter a destination or SMS your driver ahead of your trip, ensure effective communication between the rider to the driver-partner. The Uber Partner App signals a new trip request with a flashing light in addition to the existing audio notification. The option to call a Deaf or Hard of Hearing driver is turned off. Instead, riders are only given the option to text their driver if they need to provide special instructions for pickup. The App adds an extra prompt for riders to enter their destination ahead of their trip and lets them know that their driver is Deaf or Hard of Hearing.

These features were developed following extensive conversations with Uber’s Deaf driver-partner community, who helped identify improvements in the driving experience.

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4 https://www.oxfordmartin.ox.ac.uk/downloads/academic/201809_Frey_Berger_UBER.pdf
Who is choosing flexible work with Uber in Victoria

Despite Uber’s popularity since launching in Victoria, driver and delivery-partners represent a small fraction of the broader workforce in the state of Victoria. The Australian Bureau of Statistics (ABS) data shows that of the 12.6 million people who were employed in August 2018 in Australia, Approximately 8 per cent were classified as Independent Contractors.\(^5\) Data for Victoria shows that independent contractors made up a similar proportion of total employed persons.

For the majority of workers and employees across Victoria, traditional employment arrangements are likely to remain the dominant form of work for some time. What is clear, however, is that for a growing number of people, flexibility and independence in work are becoming increasingly important priorities.

Work that is flexible to people’s schedules — in particular family life or studies — has traditionally been hard to find. Personal commitments like childcare, can also make full-time or even traditional part-time jobs difficult.

In our September 2018 driver-partner survey, almost two thirds told us they were employed before they started driving using Uber, including, 30 per cent in full-time work, 19 per cent who were self-employed and 16 per cent who were employed part-time. Another 18 per cent of driver-partners were previously unemployed, 7 per cent were retired before they chose to drive and 4 per cent were studying.

Uber Eats delivery-partners were surveyed in November 2018, and results showed that 46 per cent were employed prior to using the Uber Eats App: 16 per cent were employed full time, 21 per cent were employed part time and 9 per cent were self employed. Nearly 30 per cent of delivery-partners were students and another 18 per cent were unemployed.

We asked Uber driver-partners which employment industries they came from and results were varied. The most prevalent industries were logistics and transport, hospitality, digital / IT / Tech, and manufacturing & industrial.

Of the Uber Eats delivery-partners surveyed who were employed prior to using the App, primary occupations included hospitality, retail, manufacturing and construction.

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Helping make flexible work work for Victorians

Equipping driver and delivery-partners to succeed

We want driver-partners and delivery-partners to be successful when using the Uber app which is why we proactively share information about when and where the busiest times are, information on our safety features and details about major events in their local area. We provide this information to equip partners with the knowledge they need to make choices and decisions that work for them.

We also share newsletters and regular podcasts providing information to driver-partners and delivery-partners based on their feedback and frequently asked questions.

Uber also has a range of support channels for partners to engage with Uber and provide feedback on their experience including regular roundtables and focus groups, surveys, plus phone and 24/7 in-App support. We also welcome partners into our local Greenlight Hubs where we can help them with elements of using Uber.

Our support teams are highly engaged with partners and take any issues that are raised seriously. For example, over the past month (January 2019), Uber support responded to 89 per cent of in-App messages within 6 hours and 86 per cent of phone calls within 60 seconds.

We understand the desire from driver and delivery-partners for detailed information about earnings opportunities which is why we have developed new features to improve clarity and context on earnings. In addition to providing information on which parts of a city are busier at what times, we also share information that makes it easier to track progress and earnings in real-time. We also recently introduced a redesigned driver App, developed in consultation with driver-partners and in response to their feedback, which includes the following features:

→ **Earnings Tracker**: the new real-time Earnings Tracker lets drivers know at a glance how much they earned on their last trip, and makes it easy to track progress toward their personal goals.

→ **Status Bar**: the new Status Bar helps drivers decide where to go next by letting them know where most riders are requesting rides.

→ **Trip Planner**: the Trip Planner allows drivers to set driving preferences to personalise their driving experience.

→ **Notifications**: the Notifications feature lets drivers see messages about upcoming earning opportunities, feedback from their riders, and information about their account.

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In the United Kingdom we have also been working on a pilot program called Uber Engage\(^7\) aimed at creating formal structures to empower partners with a greater voice in the business. The pilot idea was designed in partnership with driver partners, and will inform our work elsewhere in the world. The outcome was to have eligible partners form an advisory group, and their core responsibilities include holding office hours with other local partners, meeting with Uber staff monthly and working with internal Uber teams on new product features and changes to the App.

**Support and protection for driver and delivery-partners using Uber**

New technology has enabled Uber to build safety into the App for all users — delivery-partners, driver-partners, riders and eaters — from beginning to end: before a rider even gets into the car, throughout the journey and after they have reached their destination.

All trips through the Uber app are GPS-tracked from start to finish. Drivers and riders know that there is a record of the journey should something happen. This creates accountability, which is lacking in many other forms of transport.

Riders and drivers also rate each other after every ride and can easily provide feedback via our App. Our safety team reviews this information and takes action when anything dangerous or inappropriate is reported. If something happens during a ride, our customer support team is ready to help 24/7. Uber also has the records — route taken, length of journey, and driver / rider information — which it can share with law enforcement if necessary.

Uber has also been investing in providing additional support and protection for partners and new features in the App to enable more peace of mind while on trip. Our fatigue management policy is designed to help driver partners stay safe on the road. It means driver and delivery-partners automatically go offline for eight straight hours after a total of 12 hours of online time. We have also introduced an optional product for driver-partners to receive speed alerts\(^8\) via the Uber app.

Last year we launched Share My Trip\(^9\) to give driver-partners the ability to share information about their trip like where they are on the map with loved ones. In September 2018, we also launched an emergency assistance button as part of an in-App safety toolkit\(^10\) to help both riders and driver-partners stay protected and connected on trip.

Driver-partners also benefit from many of the same transparency and accountability features that riders do, such as feedback and ratings and GPS records of each trip. In addition, we have a team of former law enforcement professionals who are on call to work with police 24/7 to respond to urgent needs and assist in investigations. We use the same type of technology and processes to help keep delivery-partners safe when they’re earning with the Uber app too.

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\(^7\) [https://www.uber.com/en-GB/drive/resources/uberengage/](https://www.uber.com/en-GB/drive/resources/uberengage/)

\(^8\) [https://www.uber.com/en-AU/newsroom/speedalertsau/](https://www.uber.com/en-AU/newsroom/speedalertsau/)


In December 2018 Uber launched a new partner support and protection package for more than 80,000 driver and delivery-partners across Australia. The protection package extends new benefits to our partners through an insurance agreement with Chubb for any on-trip accidents, providing different types of payments for death and disability or if they are injured and unable to work. This insurance cover is market leading in the on-demand economy and is provided to delivery and driver-partners at no additional cost.

Uber has also partnered with a counselling provider Converge to help driver and delivery-partners, as well as Uber riders, if something goes wrong while they are using the App to gain access to professional help.
Impact on Community, Consumers and Business

Since launching the Uber app in Australia, ridesharing has had a profound impact on the way people move around our cities. From innovative technology to help cities move better, to supporting local Australian restaurants by connecting them to consumers who love their food, on-demand work and innovative technology has provided new choices and opportunities to millions of Australians.

Point to point transport was just the beginning. We now have the opportunity to leverage technology to deliver more innovative and efficient solutions for the Australian community.

Uber’s journey in Australia

Uber enables reliable transport at the push of a button, right across Melbourne

Melbourne, Victoria

The colour of each hex indicates the average wait time for Uber pickups in that area.

- Under 5 minutes
- Under 7 minutes
- Under 8 minutes
- Under 10 minutes
- Over 10 minutes

Data from Melbourne (September 2015 to 2016).

Complementing public transportation

Today, ridesharing complements and extends the reach of public transport, helping to reduce reliance on private cars. Across Australia, Uber’s data shows that over 60 per cent of Uber trips start or end in a public transport desert, and almost half of all trips are one-way, implying that for some suburbs, for at least part of the day, public transport is unavailable to cover either the outbound or return leg. In this way, ridesharing complements public transport where services are limited.

We know that areas with limited transport access are often the least well off neighborhoods. A 2015 Harvard study found that the single biggest factor in determining whether someone can escape poverty is not crime rates or school test scores, but commuting time. Limited access to transport is also linked to higher unemployment.  

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Uber is working to improve access to low-cost transport by extending the reach of the public transport network, connecting individuals to jobs within and across metropolitan areas, and helping unlock economic opportunity for more Victorians.

This phenomenon was reflected in a recent New South Wales Independent Pricing and Regulatory Tribunal (IPART) survey of point to point transport which found that in 2018, “the use of ridesharing in urban areas outside Sydney (Newcastle, Wollongong, Gosford and Wyong) more than doubled from 10 per cent to 28 per cent”, showing a vast improvement in urban mobility for those in traditionally underserved areas.14

Solving for the first and last mile

A key barrier to more people taking public transport is the “first and last mile” gap, or the distance between someone’s home and rail or bus station. Some governments around the world have started turning to on-demand transport solutions to flexibly adapt to commuter behaviour.

Uber sees ‘first and last mile’ solutions as an important part of the future transport mix, supported by strong partnerships between governments and point to point transport providers.

In Australia, Uber has collaborated with Transport Canberra to provide Late Night Rapid bus passengers with a $10 discount if they used Uber to travel to and from bus stops, effectively extending the reach of the bus network. This was launched over the 2016 New Year period and is now operating for a third year.

Growing the pie: more options for consumers

By meeting riders where they are located, ridesharing has also created an entirely new transport option, growing the whole category of point to point transport and complementing the transport network.

In the same New South Wales (IPART) survey of point to point transport use, it was revealed that “even with the increase in ridesharing, the use of taxis have remained largely stable over the past year.”\(^\text{15}\) This is indicative of the fact that users perceive ridesharing to be a new, distinct mode of transport — growing the pie and making transport more available.

Innovations in transport

In 2018, Uber made carpooling possible at scale for the first time in Melbourne. UberPool was introduced in June 2018, making it easy for people headed in the same direction at the same time to share the journey, getting more people in fewer cars.

Seven months on from launch, a growing number of Uber trips in Melbourne’s core area are now UberPool trips, saving millions of kilometres of car journeys. In the time since launch, if Uber riders had driven alone instead of sharing their rides using UberPool, we estimate that 1,735,000 more kilometres would have been travelled — consuming more than 173,000\(^\text{16}\) extra litres of petrol and emitting 400 tons (440 US Tonnes) of carbon dioxide.

Partnering with cities

Over the past eight years, we have learned a lot about mobility — and what it means for cities and the people who live in them.

In select jurisdictions around the world – including Sydney, Melbourne, Brisbane and Perth – Uber has launched Movement, a website that uses Uber’s data to help urban planners make informed decisions about our cities. Movement gives detailed historical insights to enable them to measure the impact of roadworks, major events and new traffic policies.

By partnering with cities on new innovations and shared ventures, we can leverage our technology to help deliver better transport and mobility solutions for the broader public.

Uber sees the future of transport as connected, integrated and seamless, with the ability to push a button and get from A to B using multiple modes.

Earlier this year, Uber announced the first-ever App integration with the Regional Transportation District (RTD) in Denver. Riders in Denver can now plan their transport journey with real-time information and end-to-end directions, in the Uber app. Soon, they’ll also be able to purchase and use RTD tickets through the Uber app.


\(^\text{16}\) This assumes that the vehicle is a Toyota Camry, consuming at a rate of 10L per 100KMs. Link here: [http://www.myrtta.com/online-services/drive-green/jee/drive-green-help.html](http://www.myrtta.com/online-services/drive-green/jee/drive-green-help.html) Toyota Camsys do the most trips out of any vehicle make, model.
In NSW, Uber was recently selected as a successful incubatee as part of the Transport for NSW (TfNSW) Mobility As A Service innovation challenge. The initiative that Uber developed in conjunction with TfNSW is a pilot program in which Uber is providing a discount for riders taking UberPool trips within a service geofence in Manly, coupled with a 20 per cent discount on Captain Cook ferry trips from Manly to Barangaroo (CBD) during commuter hours. This means riders can leave their car at home and save time trying to find a parking spot, helping reduce emissions and congestion.

We believe on-demand services can also help governments provide better access to transport in a cost-effective way. In Australia, some governments are already exploring how models of shared transport can positively impact urban mobility. For example, the New South Wales Government has recently proposed an on-demand transport trial, providing special bus services on suburban routes.

Uber has been considering mechanisms to leverage our pooling technology to make existing forms of transport, for example bus networks, more dynamic and efficient. We are excited to continue this conversation with governments around the country to activate these initiatives.

Safer Roads

Each year nearly 1.3 million people around the globe die as a result of road traffic crashes. Left unchecked, road injury will likely become the seventh leading cause of death around the globe.

Uber wants to continue to be a part of the solution and we’re deeply committed to the safety of not only the people who access the App to ride, drive and deliver, but also for everyone who shares the road. We believe technology can help save lives and address some of biggest challenges we face on the roads.

In Australia, a new study from Empirica Research found that 3 in 4 Australian riders believe Uber helps reduce drink driving in their community and for those who drive. An extraordinary 78 per cent say it’s helped them personally avoid drink driving.

Australian riders also reported that what they found most valuable about Uber was that they could get an affordable ride, any time during the day or night. More than a quarter of Australian riders said they were more comfortable going out socially now that Uber is available, and almost half report they are less likely to drive themselves on a night out.

Uber has partnered with organisations such as DrinkWise in Australia and Cheers in New Zealand to raise awareness about alternatives to drunk driving.

This comes after a range of new safety features were rolled out on the App in 2018, including Spotlight which makes it even easier for riders to identify their ride, and the Safety Toolkit which includes the Emergency Button connecting riders and drivers to 000, and the ability to share your trip with Trusted Contacts.

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17 https://www.who.int/news-room/fact-sheets/detail/road-traffic-injuries
18 https://www.uber.com/en-AU/newsroom/ausdrinkdriving/
Investing in the future

Uber is invested in the future of Australian cities, and is working on the development of innovative technological solutions to our most pressing urban challenges.

New modalities and micro-mobility

At Uber, our goal is to reduce personal car use by providing alternative ways to get around efficiently and sustainably. In February 2018, Uber expanded its focus to new modalities, with riders in San Francisco given the option to book a JUMP bike — an electric-assist smart bike — using the Uber app.

The results of offering micro mobility alternatives have been encouraging. Overall, trip frequency (Uber + JUMP trips) increased by 15 per cent after their first JUMP ride — a promising early sign of the ability of eBikes to alleviate congestion and reduce car trips.

The future of urban aviation

Uber Air is Uber’s initiative to create a network of all electric, on-demand, VTOL (Vertical Take-off and Landing) aircraft that will integrate into the Uber platform. Just as riders can now push a button and get a car, soon they will be able to push a button and get a flight via Uber Air.

We are working towards a goal of flight demonstrations in 2020 and commercial availability in 2023. Uber’s first U.S. Uber Air cities will be Dallas and L.A. and we are looking for a third international city. In November 2018, we were delighted to announce that Sydney and Melbourne were shortlisted as ideal test cities.
On-demand aviation has the potential to change the way we think about urban transport, and radically improve urban mobility by giving people back time lost in their daily commutes. Uber Air also represents a unique opportunity for Australian — including the local businesses Uber would partner with — to be part of the development of this innovative technology.

Business and ridesharing

Business travellers around the world have embraced ridesharing and Uber as an easier and more cost-effective way to get travelling staff from A to B. With Uber for Business, companies can control access and monitor trip activity, including tagging trips with an expense code, creating customisable ride policies that set when and where employees can ride, and designing customisable trip reports that include details businesses need to keep track of and analyse travel spend. Small and large businesses, as well as government clients have embraced this Approach to travel management.

In February 2016, the Australian Bureau of Statistics (ABS) became one of the first government agencies in Australia to establish a formal ride sharing policy after careful and extensive consultation.

[redacted text, worker’s name], discovered that simple in-App features of Uber for Business – like the ability to simply and clearly separate personal and business trips when using Uber – took pressure off employees and significantly reduced the possibility of making a mistake on the App. The result of this behavior shift is a projected saving of Approximately 14 per cent on the annual [redacted text] ground transport spend.

Supporting Australian restaurants

Uber Eats is supporting the growth of Victorian restaurants, connecting them to a growing customer base via a virtual storefront. Across the state, thousands of restaurants — from local small businesses to international chains — partner with Uber Eats to deliver their food to customers quickly and reliably.

Using our technology, restaurants are able to pursue new business opportunities — from delivery-only kitchens to chef-driven pop-ups — using Uber Eats as a virtual storefront as a way to reach more customers with lower overhead costs.

Mister Minh

One of the many examples of the opportunity Uber Eats creates is Vietnamese restaurant Mister Minh, [redacted text] has thrived as a result of their partnership with Uber Eats. [redacted text].

Since then, [redacted text] has been delivering [redacted text] authentic Vietnamese food to thousands of loyal customers, and has become one of the most popular restaurants on the Uber Eats platform. Following the success of [redacted text] delivery only kitchen, in March 2018 [redacted text] opened
a full service restaurant and bar in Bridge Road Richmond [redacted text]. [redacted text] restaurant seats 100 people and is open for lunch and dinner seven days a week and [redacted text] continues to use Uber Eats exclusively for delivery.

“[redacted text].

“I had a restaurant for 17 years and it was very stressful but it was pretty full on. I sold my business so I could spend more time with my family. Now I’ve opened a commercial kitchen for catering and delivery. I’m addicted to Uber from a customer point of view. I thought it would be great if I could build an App that would allow customers to order my food from anywhere. Now I can concentrate on the quality of the food. I’m pretty excited I can reach customers anywhere.”

Proposals for reform

There is clearly demand for more flexible, independent forms of work and digital technologies are providing tens of thousands of Australians with new opportunities for income generation that are flexible to their needs.

At Uber we believe our technology has enormous potential to improve the quality of work, giving power and control to individuals to find work easily, support better work-life balance, and by providing new opportunities for people traditionally marginalised from the labour market.

We are striving for a future of work with:

→ **Access**: where workers can reliably find and keep quality, safe work, free from discrimination, and be able to maintain a good standard of living.

→ **Flexibility**: where workers can work in a way that suits them and can vary their portfolio of work to suit their needs, including at different stages of life, as well as freely move between different types of work.

→ **Protection**: where work includes access to a broad set of benefits and entitlements so workers can protect themselves and their loved ones if they are injured at work, sick or when it comes time to retire.

→ **Growth**: where work promotes social mobility and workers can access lifelong learning and development opportunities.

Importantly, we want to continue to offer true choice and flexibility to individuals, but also be able to provide more support and assistance to those choosing to use our Apps.

As the on-demand economy grows, marketplaces and governments have a shared responsibility to ensure that work opportunities deliver flexibility, as well as adequate social protections.

We do not believe the solution can be found in restricting how people choose to work, or pushing them into traditional modes or definitions of work that some have been excluded from in the past. Preserving one of the key reasons why people choose to partner with Uber — namely flexibility — is critical, for the majority of those choosing to use our App.

This submission identifies four key areas for consideration by Australian governments in both the short term and longer term. We have looked to practical solutions being developed elsewhere in the world that will deliver better outcomes to independent workers in the short term. There is also a critical need for longer term thinking on how we can update our social institutions for an age where people work in more fluid and varied ways throughout their careers.
Social benefits and protections

Uber believes that everyone should have access to a set of affordable and reliable social protections, whatever category of work they are in. As already outlined, Uber recently announced a new Partner Support and Protection package in partnership with Chubb Insurance and Converge International, providing personal accident cover, as well as access to counselling services should something go wrong while on a trip. This program enables Uber to maintain both the freedom and flexibility our partners value, while also delivering greater security and addressing concerns about protections at work.

Elsewhere in the world, we have been able to go further. In Europe our partnership with AXA provides a range of insurance coverage including sickness, injury and maternity and paternity payments for drivers and couriers when they are on and off the Uber app\textsuperscript{19}.

We want to continue to offer a better experience and more support and benefits through our App for driver and delivery-partners in Victoria and across Australia. However, providing additional benefits is not something contemplated by the existing employment regimes, and could create the risk of having partners reclassified as employees. It creates a perverse situation where a marketplace like Uber could provide benefits to one set of users (for example, riders and eaters) with no legal consequence, but could not reciprocate benefits for another set of users, namely driver and delivery-partners.

This risk may be addressed by governments providing greater clarity on the Application of the law and in particular, confirmation that the provision of protections and benefits that improve workers rights and entitlements do not impact on the classification of individuals.

For example, in France, the Macron Government is proposing an innovative framework called the “social charter”, aimed at solving this situation and encouraging platforms to improve independent worker protections and working conditions.\textsuperscript{20}

Under the French social charter proposal, each platform provider would be allowed to list benefits, training and other conditions provided to independent workers in a “social charter” which would be verified by the administration and could not be seen as indicator of an employment relationship. One of the requirements of the social charter is guaranteeing the non-exclusive nature of the relationship between the worker and the platform and the freedom for the worker to use (or not use) the platform.

This would empower platform businesses to provide and do more, without challenging the independent status of individuals accessing the platforms. It follows that platforms would then compete for the custom of individuals to use them, such as providing more support, training and benefits as well as excellent customer support.

Saving for the future

For most driver and delivery-partners, Uber is a source of supplementary income. However, there are users who are earning through the Uber app more than 30 hours per week and who could generate good savings if they allocated some of their earnings to superannuation.

\textsuperscript{19} https://www.uber.com/newsroom/ensuring-independent-drivers-not-on-their-own/

Independent contractors are free to allocate funds derived from their enterprise in a manner that best suits their business — this includes in relation to making superannuation contributions. While we do not currently enable superannuation contributions directly through the App, we recognise the imperative to save for retirement and are considering ways to better support partners to do so through product innovations such as in-App integrations and bulk discounts.

We would also like to work with governments in Australia especially the Commonwealth to create a framework for contributions made from multiple income sources, through streamlined administration arrangements and better targeting of concessional contributions.

Lifelong learning

The speed and intensity of digital innovations and technological transformation around the world will continue to create uncertainty about jobs. While people may disagree over the impact of automation on work, most agree that people will be changing jobs more frequently and we need to find ways to ease transitions and prepare people for new pathways.

It is common around the world to see Uber used as an earning opportunity for people in between jobs. Based on our surveys in late 2018, already today 13 per cent of Uber driver and delivery-partners in Australia are working to earn money during career transitions. That’s why we believe preparing for the future will require consideration of lifelong learning, and around the world we have begun work on initiatives to help driver and delivery-partners reach their long term goals.

There is no one-size-fits-all or “silver bullet” Approach to lifelong learning. Globally, Uber is working with partners, stakeholders and policymakers to focus on four key areas:

→ **Navigation**: Empowering individuals to make informed choices about learning by facilitating access to advisory and coaching services for enrollment, as well to career planning services.

→ **Options**: Greater access to high quality, affordable educational opportunities by offering flexible, portable and scalable development or learning options with financial support or by connecting them to existing funding sources.

→ **Recognition**: Creating opportunities for recognition, and credit for skills and experiences learned in work (and streamlining prior credit usage), that can be stacked to reduce costs and time to complete full qualifications.

→ **Networks**: Helping build professional networks that help individuals, and their families, access additional economic opportunities.

For example, in the United States, our partnership with Arizona State University offers eligible drivers (or their families) tuition–free access to degree units, entrepreneurship programs and English language courses.

We note that in Australia there are restrictions in terms of the capacity of businesses to offer options for learning and training. We believe that companies should be incentivised by government, not penalised, for helping independent workers access training.
Recognition of work and credentials

Legitimate experience acquired in the on-demand economy should be recognised. Uber driver and delivery-partners are independent contractors who run their own businesses. In doing so, they acquire a range of skills relevant to other employment, including digital literacy, customer service skills and time and expense management. Uber would like to work with government to develop a system that provides for Appropriate credentialing in relation to these skills gained by Uber driver and delivery-partners, which they can then use to secure future employment opportunities.

Independent workers’ income and experience needs to be recognised in more practical ways also. Just as the earnings generated by Uber driver and delivery-partners is recognised for tax purposes, Uber would like to work with governments and private sector institutions to ensure income drivers earn and hours worked on the platform are fairly accounted for — for example, when they apply for a loan. Similarly, we would like to work with governments on initiatives that make it easier for independent contractors to provide income information for the purpose of government benefits such as childcare subsidies.

Practical support for independent workers

Today, each Uber trip is electronically recorded and fully transparent to all parties using the App, and as a result, has the potential to bring more of the transport sector into the formal economy.

Uber provides its partners with ways to make tax time easier, including access to their monthly and annual tax summaries online. Uber also works with Airtax, Quickbooks and H&R Block who offer discounted services to driver-partners to help them with their individual tax obligations.

Globally, we have been exploring how technology can further support tax compliance. For example, in the US, we worked with third parties and built a tax calculator that makes it simple for drivers to ensure they pay the right amount.

In Estonia we are working with the tax authority to explore a system that would allow self-employed drivers registered with Uber to easily declare their income online, at the push of a button.

We note the Australian Treasury has released a consultation paper on reporting regimes for the sharing economy, which includes comments on pre-populated tax returns in the future. Uber is interested in working with government in this area to ensure independent contractors, including Uber partners, are provided with sufficient information, support and tools to help them easily manage their tax affairs and obligations.

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21 http://t.uber.com/auspodcasts
22 Uber, Stride + Uber: Helping driver-partners get the most out of every mile, 1 March 2017
https://medium.com/uber-developers/stride-uber-helping-driver-partners-get-the-most-out-of-every-mile-b8e091c5374c4
An inclusive reform process

We recognise these are complex policy areas, and Uber is just one voice among many. Delivering long term solutions to the changing nature of work will require deliberation by policymakers, workers, Apps and platforms, traditional employers, social partners and the community.

This month in the state of California Governor Gavin Newsom announced a new Commission on California's Workforce & Future of Work — which includes players from both the labour and business sectors — to develop innovative technologies and ensure opportunities for workers. Uber supports such efforts by government and other stakeholders around the world aimed at finding modern solutions that help ensure dignity, security, and opportunity for all workers. We’re eager to be part of the conversation that seeks constructive answers for how technology can help improve the quality of independent work.

We look forward to working with the Inquiry and relevant jurisdictions to continue discussing opportunities for reform.

23 https://www.peoplesworld.org/article/new-california-governor-calls-for-housing-health-care-for-all/
Conclusion

In Victoria today, over one million Victorians are embracing the positive benefits of Uber from making affordable transport more accessible and complementing public transport, to helping people get the food they want at the touch of a button.

We’re committed to investing even more in Victoria, including leveraging new technology like UberPool to get more cars off the road, designing city partnerships on first and last mile solutions and on-demand public transport as well as in our bold vision for the future of urban aviation and food delivery.

Uber offers genuine self-employment opportunities for more than 30,000 partners in Victoria and the ability to be their own boss. They decide if, when, and where to work, and can vary those choices in real time — with no shifts, no exclusivity, and no minimum commitment. The vast majority are choosing the Uber app as an option precisely because of the flexibility on offer. Flexibility is not something Uber imposes on drivers, but a core feature of our App globally and one we will continue to preserve.

We recognise there is more to do to support independent workers and we want to be the driving force in Australia towards this future, with concrete actions including our recent partner support and protection policy for Australian driver and delivery-partners.

We believe the best way to secure an inclusive future of work is to pursue reforms that better reflect the growing preference for more independent and flexible earning opportunities, without coming at the expense of the security and dignity that Australians expect of work.

That is why around the world, we are engaging in efforts to improve the quality of work including innovative partnerships to offer greater protections, ways to save for the future, opportunities to learn new skills, as well as providing partners with ongoing help in support of their goals.

We look forward to working with Australian governments on meaningful solutions to improve the experience for Uber drivers and delivery-partners today, as well as developing innovations and improvements to independent work in the longer term.
Annex 1: Regulatory landscape

Fair Work Act

As the discussion paper for this inquiry notes, the Fair Work Act remains the principal source of employment rights and conditions for Victorian, and Australian, workers.

State governments across Australia, including Victoria, have recognised that it is desirable for workplace relations issues to be regulated and dealt with at a Federal level. Uber agrees with the benefits of a harmonised, national system, since the multiplicity of jurisdictions and laws has been accepted as a factor which creates barriers to productivity.24

The concept and advantages of a national workplace relations system was comprehensively considered in 2009. The national workplace relations system received strong support from key stakeholders in business, unions25 and academia, calling for an end the complexity, duplication, overlap and confusion created by competing state and federal workplace relations systems.26

Uber complies with all Applicable laws in Australia, including laws at a Federal level. In 2017 and 2018 the Fair Work Commission considered the Applicability of the unfair dismissal provisions of the Fair Work Act to Uber’s operations in Australia, finding that these do not Apply.27

When introducing the legislation to solidify a truly comprehensive national workplace relations system, the Minister for Employment and Workplace Relations, the Hon Julia Gillard MP, outlined the benefits:

“The Bill I introduce today answers the many calls made by business over many years to end the overlap and duplication of state and federal workplace relations systems; to end the inefficiency, uncertainty and legal complexity for Australian businesses and employees.”

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25 ACTU Submission on the Fair Work Amendment (State Referrals and Other Measures) Bill 2009, p. 3
26 Fair Work Majority Report, at [1.28]
Australia’s modern economy and the need to remain globally competitive necessitated a national workplace relations system. The Committee Majority report described this as follows:

These views were supported by Professor Andrew Stewart, Adelaide University, who provided a number of reasons to support the creation of a national system of labour regulation for the private sector. He submitted that the system would be ‘simpler, cheaper and more efficient than the present arrangements’ and would set ‘universal standards that are more likely to be understood and observed’.

Uber echoes these sentiments. The Fair Work Act, and the Commonwealth Government, continues to be the most appropriate mechanism for the regulation of Australia’s workplace relations system. State-based intervention (to the extent such intervention would be consistent with referred powers) should be avoided, for risk of returning to a system of haphazard State and Federal laws regulating the same subject matter.

The discussion paper also questions whether the mechanisms available for determining the application of the law to on-demand workers are adequate.

While flexible and independent work enabled by technology comes in different forms and modalities, the working arrangements found in many new digital Apps and services are not radically different to those in the sectors they are seen to be “disrupting”. The innovation added to this framework by Uber lies in the technology used to pair drivers with riders and to manage practicalities such as the payment process.

**Employment status**

People who drive or deliver using the Uber app are independent contractors and supply their own tools of trade, including their vehicle and related equipment. When Uber started, we didn’t build our business model because of the independent contractor model; we built an on-demand business. With the Uber app you literally press “Go” and you start work. In Australia, this type of work fits overwhelmingly in the independent contractor category.

The discussion paper for this Inquiry rightly notes that some platforms in the on-demand economy may be legitimately comprised of both employees and independent contractors. It also states that there are ‘inconsistent decisions handed down by the FWC when considering the legal status of on-demand businesses’.

In fact, these decisions accurately reflect the different business models that operate within the on-demand economy. The Fair Work Commission has on two occasions recognised that Uber’s business model aligns with that of independent work, with the Commission noting that the terms of the services agreement between driver-partners and Uber were consistent with how the arrangement operated in practice.

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28 Fair Work Amendment (State Referrals and Other Measures) Bill 2009, Submission to the Senate Standing Committee on Education, Employment and Workplace Relations, November 2

29 Fair Work Majority Report

These decisions show that Uber values and respects the genuine two-sided flexibility that comes with independent work — embracing flexibility even where it may not commercially desirable. For example, Uber does not know if a given individual will use the Uber apps within the next minute, and if they do, where, when and for how long they will do it. Further, Victorians who drive or deliver with Uber may simultaneously use other Apps, including competitors and may reject trips sent to them by Uber.

The independent contractor categorisation may not be Appropriate for all on-demand platforms, including for operators who choose to operate under arrangements akin to employment while Applying a label of independence. Existing mechanisms are in place to deal with these situations, including individual-backed litigation in the Fair Work Commission, an easily accessible tribunal that exercises powers in a manner that is efficient and avoids unnecessary technicalities, and through the Fair Work Ombudsman, which provides free advice and information to workers and, will prosecute companies that fail to comply with workplace laws, including in the on-demand economy.

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31 Section 577 Fair Work Act 2009 (Cth)
Annex 2: Using the Uber app

→ With Uber, drivers and delivery-partners have an opportunity to get work at the touch of a button. There’s no exclusivity, no favouritism, and no discrimination. By making it easy to get started, and the freedom to work whenever and for how long people choose, Uber helps provides a path back to work for many who have previously been shut out of the labour market.

→ Signing up to begin earning money using the Uber apps is relatively straightforward - there are no resumes or interviews required. Provided individuals meet the relevant criteria, including Applicable government accreditation, pass a background check and right to work check, they are able to start earning through the App within a few weeks of signing up online. Once using the App, driver and delivery-partners can choose to accept or reject trips or deliveries, and are free at all times to log out. There are no adverse consequences for a partners if they choose to log off and stop driving or delivering.

→ Uber has a set of Community Guidelines which are published on our website and outline the standards we uphold for all users of our App. Users who breach the Community Guidelines or our terms of service may lose access to the Uber app, either temporarily or permanently depending on the seriousness of the breach. Except in instances of a serious breach of the Community Guidelines, users will generally receive several notifications from Uber before losing access to the Uber App. Our 24/7 safety and support team is also ready to assist all users should they have questions or concerns about the Community Guidelines.

→ With Uber, driver-partners earn based on the work they perform and also have transparency into what they earn, what a rider pays and what Uber makes on every trip. For the Uber Eats App, the fee a delivery-partner receives from restaurants for a delivery is calculated using a drop-off fee, pick-up fee, and a fee per kilometre for the distance travelled to drop-off from pick-up — all of which are published on the Uber website. Within the Driver App, Uber partners have their own online dashboard, which shows the fares that they have earned while using the Uber app, and get email updates setting out their earnings for the week.

→ Like the vast majority of self-employed taxi and private hire drivers, driver-partners and delivery-partners who use the Uber app are responsible for administering and paying their own taxes. Australian partners can access tax summaries online (which sets out the gross income and potential expenses for the period), which make it easier for partners to submit the relevant taxable income and expenses to the Australian Tax Office (ATO) at tax time.

→ Uber also has partnerships with third-party tax experts, such as H+R Block and Air-Tax who driver partners can turn to for assistance with tax filing or for advice. For instance, driver partners who uses Air-Tax (and connects their Uber and Air-Tax accounts) can have their BAS forms automatically pre-filled using data from Uber.

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33 It is a requirement that driver-partners and delivery-partners using the Uber apps in Australia have a citizenship, residency or a visa status that allows them to work. During the signup process, a Visa Entitlement Verification Online (VEVO) check is conducted for driver-partners and delivery-partners who are not able to provide an Australian Passport, New Zealand Passport, Australian Birth Certificate or Australian Citizenship Certificate.