# Drivers Can Bring Breach of Contract Class Action Lawsuit against Uber




Drivers and delivery personnel have filed a $400 million class action lawsuit contending that Uber improperly classified them as “independent contractors” to avoid having to pay them the ESA, EI and CPP benefits they’d be due as “employees.” Before getting to the merits of the claim about whether the app-related connection between Uber and drivers constitutes an employment relationship, the Ontario court had to decide whether to let case proceed as a class action. Uber, of course, argued that the claims don’t have enough in common and that the drivers’ only recourse is to bring their complaints individually. The court disagreed. But while certifying the class action, the court also knocked out key parts of the drivers’ case by ruling that so-called unjust enrichment and negligence damages weren’t available and punitive damages couldn’t be resolved via class action. **Result:** The class action trial would be limited to employment contract claims [*Heller v. Uber Technologies Inc*., 2021 ONSC 5518 (CanLII), August 12, 2021].