



hit the road, jack: uber drivers are independent contractors according to nlrb

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Why This Matters

On May 14, the National Labor Relations Board ("NLRB") released an advice memorandum declaring that Uber drivers are independent contractors (not employees) and are, therefore, not eligible to unionize. The memo, dated April 16, 2019, said the drivers are independent contractors under the NLRB's recently-adopted SuperShuttle test (see [here](#)), because they have "significant entrepreneurial opportunity" while driving for Uber. The NLRB's standard only applies in the labor context. It *does not* apply to California wage claims and lawsuits, where the California Supreme Court has adopted the ABC Test set forth in *Dynamex* (see [here](#)).

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