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Uber Named in First Class Action Lawsuit Challenging Discrimination Against Drivers with Criminal History and Violations of the Fair Chance Act and Fair Credit Laws

NEW YORK, April 8, 2021 – Uber has abruptly terminated and failed to hire thousands of workers in New York City due to their criminal history, a practice that violates Fair Chance Act provisions of the New York City Human Rights Law (NYCHRL) and disproportionately harms people of color, according to a [class action lawsuit](#) filed today in New York federal court.

Filed on behalf of Bronx resident Job Golightly, 44, by Mobilization for Justice and Towards Justice, the lawsuit is the first legal action to enforce the NYCHRL against a labor platform company in New York City. Uber cannot escape liability by arguing that its workers are not “employees” because since 2020, the NYCHRL has covered all workers, including independent contractors.

The lawsuit alleges that Uber, using background checks performed by the background check company Checkr, unlawfully and automatically bars current drivers from its labor platform and rejects potential drivers if the background check reveals any criminal history, ignoring the process mandated by the Fair Chance Act provisions of the NYCHRL. These provisions require a company to evaluate current and potential workers with criminal history fairly and on a case-by-case basis, to engage in a multi-factor analysis of that history, to provide that analysis and other disclosures to workers, and then to hold their positions open for at least three business days so workers have an opportunity fix mistakes on their record or address the company’s concerns. The lawsuit contends that Uber and Checkr’s practice has a disparate impact on Black and Latinx residents of New York City and that the companies’ failure to obtain required certifications and provide required disclosures to workers and applicants also violates federal and state fair credit laws.

Job Golightly, the lead plaintiff, and a native New Yorker, stated, “Until last August, I had driven for Uber without any problems for over six years. It’s really unfair for a company like Uber to use an old speeding ticket from another state to immediately deactivate me without letting me know why or giving me an opportunity to explain anything about it.”

Employment discrimination based on criminal history has a particularly outsized impact on communities of color, which have long been over-criminalized and face disproportionately higher rates of criminal history, even for minor violations. As the lawsuit highlights, Black and Latinx residents of New York are far more likely to have arrest records and convictions than white residents. Additionally, in New York City, they are far more likely than white residents to work for Uber and other labor platform companies.

“The Fair Chance Act has been a critical tool for advancing racial justice and reducing barriers to opportunity in New York City,” said Mike Litrownik, Special Litigation Supervisor at Mobilization for Justice. “It is even more important now for companies to treat their workers with criminal histories fairly during the unprecedented unemployment crisis caused by the Covid-19 pandemic.”

“A criminal history should not be a ticket to unemployment,” added Juno Turner, Litigation Director at Towards Justice. “Apparently these companies didn’t get – or simply ignored – the memo that this conduct is illegal in the City of New York. Our client and others like him are fortunate to be able to seek relief under the Fair Chance Act, an avenue to combat injustice that’s unavailable to independent contractors outside of New York City.”

The lawsuit is *Golightly v. Uber Technologies, Inc.* No. 21-cv-03005, in the United States District Court for the Southern District of New York. Read the complaint here: <https://mobilizationforjustice.org/wp-content/uploads/Golightly-Uber-and-Checkr-Filed-Complaint.pdf>

Mobilization for Justice is a civil nonprofit legal services organization with offices in Manhattan and the Bronx whose mission is to achieve social justice, prioritizing the needs of people who are low-income, disenfranchised, or have disabilities. It provides the highest quality and free direct civil legal assistance, conducts community education and build partnerships, engages in policy advocacy, and brings impact litigation, with a focus on four key areas: Housing, Economic Justice, Disability and Aging Rights, and Children’s Rights.

Towards Justice is a nonprofit law firm that seeks to advance economic justice through impact litigation, policy advocacy, and collaboration with workers and movement building efforts. Towards Justice brings cases that dismantle the power imbalances that undermine the value of work and diminish worker rights.

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