



# EMPLOYMENT TRIBUNALS

**Claimant:** Aamir Malik  
**Respondent:** Uber London Ltd  
**Heard at:** East London Hearing Centre (by CVP)  
**On:** 16 September 2022  
**Before:** Employment Judge Housego

## Representation

**Claimant:** In person  
**Respondent:** George Molyneaux, of Counsel, instructed by Anna-Louise Thomond, Solicitor, of DLA Piper UK LLP

# JUDGMENT

**The claim is struck out.**

# REASONS

1. It was agreed that the correct respondent was Uber London Ltd., and I amend the name of the respondent accordingly.
2. Mr Malik was an Uber driver, from 01 September 2017. On 21 May 2021 his account with Uber was suspended. The reason given was feedback from a passenger he had transported. Mr Malik was given no details of this, and so was unable to comment on it, or seek to rebut it.
3. Mr Malik chased this up for some weeks. Ultimately someone from Uber telephoned Mr Malik. I was provided with a transcript of the recording of that call, which Mr Malik agreed was accurate. He was told that *“they have decided that unfortunately we are not going to be continuing the partnership with you going forward”*.
4. Mr Malik asked whether this was permanent and was told *“it would be permanent, yeah, it would be a permanent decision”*.

5. Mr Malik then asked whether he could appeal. He was told *“Unfortunately there is no appeals process. It is a final decision which cannot be overturned”*.
6. Mr Malik then received an email, on 16 June 2021. This said *“We are writing to confirm that we have exercised our right to terminate the Services Agreement. Please find the notice attached”*.
7. Mr Malik could not open the attachment. He asked repeatedly for it to be sent to him in another format, but this was never done.
8. Mr Malik approached Acas on 01 September 2021. He obtained an early conciliation certificate, the early conciliation period being 21-28 September 2021.
9. On 10 November 2021 he started this claim. He gave his end date as 01 September 2021, the date he approached Acas.
10. From these undisputed facts, I have to dismiss the claim. I do not decide whether or not Mr Malik was an employee.
11. Mr Malik says that he was an employee, and in his claim form states that the Supreme Court in Uber BV & Ors v Aslam & Ors [2021] UKSC 5 so decided. I explained that the Supreme Court had decided that Uber drivers were workers but had not considered whether they were also employees.
12. If Mr Malik was an employee the reason I have to dismiss the claim is that a claim for unfair dismissal must be brought within three months of being dismissed. If it was not reasonably practicable to bring the claim within three months it must be brought within such further period as I consider reasonable. (The Acas early conciliation period extends that period in various different ways, which makes no difference in this case.)
13. Mr Malik did not get the notice of the ending of his arrangement with Uber, because he could not open it. But he knew that he no longer worked for Uber, that he could not appeal that decision, and that it was permanent. Naturally he wanted to know why Uber had decided to do this, but that is a different matter. The fact is he knew that he had, if an employee, been dismissed. He was told this in a telephone call and in an email.
14. Within that three-month period Mr Malik also threatened legal action if he was not given the notice in a form he could read and told why Uber had ended the arrangement with him.
15. The three-month period for bringing a claim for unfair dismissal ended on 07 September 2021, before Mr Malik started the early conciliation period with Acas. Therefore, there is no extension of the time limit, because it had already expired.
16. There was nothing preventing Mr Malik bringing his claim within the three-month period. It was reasonably practicable for him to have done so, and so I must dismiss the claim.

17. Mr Malik did not bring the claim until 10 November 2021, and so even if it had not been reasonably practicable for Mr Malik to have brought his claim by 07 September 2021 I would still have had to dismiss the claim, because the delay from then until 10 November 2021 (less the one week Acas early conciliation period) is a further period which is unreasonably long.
18. Mr Malik feels an understandable sense of grievance that his livelihood was taken from him without him knowing why, and with no right of appeal, but that is not something I have the power to do anything about.

**Employment Judge Housego  
Dated:16 September 2022**