

Sample Student

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Definition/ Toulmin Essay – [Sample #2](#)

Uber has become one of the fastest growing companies in recent years. The taxi app has disrupted the taxi industry and is the quintessential “gig economy” company. Central to Uber’s business model are the drivers who are labeled as independent contractors. However, Uber has come under heavy criticism over the use of this label. Many argue that Uber’s drivers are employees and not independent contractors (**qualifier**). Uber’s drivers are closer related to employees (**claim**) due to Uber’s control over the drivers’ fares, who can drive, and its ability to fire drivers (**reasoning**).

Independent contractors are individuals who work for themselves and are hired by an outside company for a negotiated price (**warrants [definition]**). However, the drivers do not name their fares; Uber controls the fares in a rigid manner. The drivers have no control over the amount charged and are told they cannot collect tips (**backing**). This is closer to the relationship of an employee. An employee works for a company at a set salary and performs work for the company on a permanent basis (**warrants**). Uber maintains that it is not a taxi service and only connects a driver with a passenger for a ride (Huet, 2015). This would be closer to an independent contractor is the driver then discusses the fare with its passenger; however, this is not the case (**qualifier & rebuttal**).

Uber also has extensive control over whether someone is allowed to drive or not (**warrant**). Before someone can drive, Uber conducts inspections of the drivers’ cars and does a background check. If they are not up to par with Uber’s expectations, they are denied the ability to drive. Uber then uses a rating system to decide whether or not someone can continue to drive for Uber (**backing**). Similar to an employee, if a driver is performing under Uber’s expectations,

his or her driving relationship with Uber is terminated (backing). This can also be looked at as an independent contractor situation, as an employee would have more recourse and is typically not fired over bad user reviews (qualifier). However, similar to an “at-will” employer, Uber can still fire for any reason deemed necessary. If the driver were a traditional employee, it would be unusual to be fired over poor reviews without the chance of correction (rebuttal). Nonetheless, this would still fit the description of an “at-will” employer and the driver an employee (warrant). Uber’s control over its drivers is still better defined as an employee-employer relationship (claim).

Many of Uber’s drivers only drive for less than ten hours a week and use Uber as supplementary income rather than primary (Hall, Krueger, 2015). This description does fit into the independent contractor definition much closer (qualifier). However, this does not cover the drivers who use Uber as a primary source of income and drive forty hours or more a week (rebuttal). According to the US Department of Labor, one test to see if an employee-employer relationship exists is “the extent in which the work performed is an integral part of the employer's business” (“Am I an employee?”, n.d) (backing). Whether a driver drives ten hours or forty hours, he or she is still an integral part of Uber’s business, similar to how an employee is an essential component of an employer’s business (claim).

The independent contractor status of Uber’s drivers fit the description of many of Uber’s drivers, but it fails to acknowledge many profound similarities the drivers have to employees (claim). If Uber were to create two separate classes for its drivers, between those who drive only a few hours and those who drive full time, it could accurately describe the dual relationship some drivers have: both independent contractors and employees (qualifier). However, the current debate calls for a single definitive title for all the drivers (rebuttal). It is clear that Uber drivers are much closer to being employees than independent contractors (claim).

Reference List

- Fact Sheet 13: Am I an Employee?: Employment Relationship Under the Fair Labor Standards Act (FLSA). (n.d.). Retrieved April 21, 2016, from
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- Huet, E. (2015, June 17). Uber Driver Is An Employee, Not Contractor, Rules California Labor Commission. Retrieved April 21, 2016, from