

Dewhurst vs City Sprint: Bike courier wins employment status case



A bicycle courier has won an employment rights case against logistics firm City Sprint – and the ruling could have a big impact on both the gig economy and IR35.

A tribunal found that Maggie Dewhurst was not a self-employed contractor as set out in her contract with City Sprint, **but rather a worker, and therefore entitled to basic worker rights.**

- City Sprint found to exert significant degree of control over Dewhurst
- Tribunal judge described City Sprint's contractual arrangements as "contorted" and "indecipherable"
- Dewhurst ruled to be a worker, making her eligible for rights such as holiday and sick pay

Why did the tribunal rule the individual was a worker?

The tribunal outcome follows a similar case in October 2016 where two **Uber drivers won their right to be classed as workers after it was ruled that they were under the control of the company.**

Dewhurst won her case after it was ruled that working practices did not reflect what was specified in her contract, which tribunal Judge Joanna Wade described as "contorted", "indecipherable" and "window-dressing".

Once again the element of control was the determining factor, which Dewhurst said negated any claim that she was a self-employed contractor:

"We spend all day being told what to do, when to do it and how to do it. We're under their control. We're not a mosaic of small businesses and we deserve basic employment rights."

Employment tribunal outcome could set 'legal precedent'

Dewhurst believes the case could provide a model for future tribunal decisions: "I'm delighted that the tribunal ruled in our favour as it has set a legal and moral precedent which others can use to make similar claims."

Paul Jennings, a partner at law firm Bates Wells Braithwaite which represented Dewhurst, added that the ruling should help other workers claim similar rights:

"Until now couriers have occupied a vulnerable position. They carry out physically demanding work, in dangerous conditions, but cannot take paid leave. In the wake of this judgement, we expect that thousands of couriers across the capital will look to assert their rights and seek back pay."

Government called on for clarity over employment law

However, City Sprint, which has 3,500 couriers classed as self-employed, was quick to stress that the decision will only apply to Dewhurst, adding that further clarity is required to help businesses navigate this area of law:

"This case has demonstrated that there is still widespread confusion regarding this area of law, which is why we are calling on the Government to provide better support and help for businesses across the UK who could be similarly affected."

Any effects on contractors and IR35?

The ruling could also have implications for IR35. This is another high profile case where the written contract has been overridden based on evidence of actual working practices.

It reinforces both the need for contractors to ensure that they don't deviate from their contractual agreement and to demonstrate that control is not present within their working arrangement.

This is a significant ruling, and ContractorCalculator will be reviewing the full judgement to assess any impact it may have on contractors and IR35. To find out how this ruling might affect your next contract, watch this space, or [sign up to ContractorCalculator for regular updates](#).

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