

COMPLAINT NUMBER	17/247
COMPLAINANT	Arden Macdonald
ADVERTISER	Uber
ADVERTISEMENT	Digital Marketing
DATE OF MEETING	31 July 2017
OUTCOME	No Grounds to Proceed

Advertisement: The advertisements for Uber Driver Partners appeared on Seek and provided general information about the position and included a section titled “Requirements” which were identified as:

- You’re at least 21 years old
- You have a 4-door vehicle
- You have a driver’s license and insurance
- You’re friendly and excited to earn money on your schedule.

The Chair ruled there were no grounds for the complaint to proceed.

Complainant, A. Macdonald, said, in part: the advertisement “is legally incorrect as for a private hire under NZTA a Passenger Endorsement License, a fit and proper person check, a medical and a vehicle requiring a Certificate of Fitness along with the Transport services license is required.”

The relevant provisions were Code of Ethics - Basic Principle 4, Rule 2;

The Chair of the Complaints Board noted the Complainant’s concern the advertisement was incorrect because it did not state there were legal requirements for being a private hire passenger driver.

The Chair turned to her findings in complaint (17/047), which said, in part:

“The Chair said while the she took into account compliance with government and industry guidance in relation to social responsibility, the Complaints Board was not the appropriate body to consider legislative breaches or how standards for private hire passenger services were implemented and monitored in New Zealand. The Chair also noted the ongoing Small Passenger Services Review currently being conducted in this area, as well as public announcements by the New Zealand Transport Authority, a senior jurisdiction to the Advertising Standards Authority, who deal specifically with breaches of legislation.

The Chair said there was nothing in the advertisement which was likely to mislead consumers. She was of the view it identified several requirements for applicants considering applying for the job, but was not an exhaustive list. The Chair said the outcome of entering into a contractual employment relationship with Uber was not a matter for the Complaints Board to consider.

Taking into account Ruling (17/047), the Chair said there was no apparent breach of Principle 4 or Rule 2 of the Code of Ethics and ruled the complaint had no grounds to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**