

# **Independent Workers Union of Great Britain (Appellant) v Central Arbitration Committee and another (Respondents)**

**Case ID: 2021/0155**

## **Case summary**

### **Issue**

Did the CAC's refusal to accept the Union's application to be recognised by Deliveroo for collective bargaining interfere with the rights of Deliveroo riders to form and join a trade union under Article 11 of the European Convention on Human Rights? If so, was this interference justified? Should the courts below have construed section 296(1)(b) of the 1992 Act so as to give effect to Article 11?

### **Facts**

This appeal concerns collective bargaining rights in respect of Deliveroo riders. The appellant, the Independent Workers Union of Great Britain ("the Union") is an independent trade union whose members include Deliveroo riders. The second respondent, Rooffoods Ltd ("Deliveroo") operates the Deliveroo food and drinks delivery service.

On 28 November 2016, the Union submitted an application to the first respondent, the Central Arbitration Committee ("the CAC"), that the Union should be recognised by Deliveroo for collective bargaining in respect of a group of Deliveroo riders in the Camden zone. Applications are considered by the CAC in accordance with Schedule A1 of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act"). The CAC refused to accept the Union's application on the basis that the riders were not "workers" within the meaning of the 1992 Act. This was because Deliveroo did not require them to provide delivery services personally, but permitted the use of substitutes.

Both the High Court and the Court of Appeal dismissed the Union's claim for judicial review of the CAC's decision. The Union now appeals to the Supreme Court.

### **Judgment appealed**

[\[2021\] EWCA Civ 952](#)

### **Parties**

#### **Appellant**

Independent Workers Union of Great Britain

#### **Respondent(s)**

Central Arbitration Committee  
Rooffoods Ltd T/A Deliveroo

#### **Intervener**

Secretary of State for Business and Trade

## **Appeal**

### **Justices**

Lord Lloyd-Jones, Lord Briggs, Lord Stephens, Lady Rose, Lord Richards

### **Hearing start date**

25 April 2023

### **Hearing finish date**

26 April 2023

### **Watch hearing**

25 April 2023 [Morning session](#) [Afternoon session](#)

26 April 2023 [Morning session](#) [Afternoon session](#)