

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 105/2024  
[2024] NZSC 177

BETWEEN

RASIER OPERATIONS BV  
First Applicant

UBER PORTIER BV  
Second Applicant

UBER BV  
Third Applicant

PORTIER NEW ZEALAND LIMITED  
Fourth Applicant

RASIER NEW ZEALAND LIMITED  
Fifth Applicant

AND

E TŪ INCORPORATED  
First Respondent

FIRST UNION INCORPORATED  
Second Respondent

Court: Glazebrook, Ellen France and Williams JJ

Counsel: P F Wicks KC, K M Dunn and N L Walker for Applicants  
P Cranney, G Liu and E Griffin for Respondents

Judgment: 19 December 2024

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JUDGMENT OF THE COURT

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- A** Leave to appeal is granted (*Rasier Operations BV v E Tū Inc* [2024] NZCA 403).
- B** The approved question is whether the four Uber drivers are employees in terms of s 6 of the Employment Relations Act 2000.
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## REASONS

[1] In addressing the approved question, the parties should address not only the reasoning of the Court of Appeal but also that of the Employment Court.<sup>1</sup> The parties may also (to the extent relevant) make submissions on the changing nature of work.

Solicitors:

Russell McVeagh, Wellington for Applicants

Oakley Moran, Wellington for Respondents

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<sup>1</sup> *E Tū Inc v Rasier Operations BV* [2022] NZEmpC 192, (2022) 19 NZELR 475.