

Happy Holidays From The DOL: User-Friendly Webpage On Independent Contractors Misclassification Arrives

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In the announcement about its new educational and resource tool, the DOL states that the misclassification of employees as independent contractors is a “huge problem for workers, employers who play by the rules and our economy.” It also quotes two alleged victims of misclassification, a taxi driver who said he was underpaid and subjected to terrible working conditions akin to “modern day slavery,” and a masonry contractor who said that misclassification “makes for an unfair playing field” that “has to stop.”

In the cover page, the DOL states that it supports the use of legitimate independent contractors, but when employers deliberately misclassify employees as independent contractors in an attempt to cut costs, everyone loses. The DOL then states that “this new resource offers information about how misclassification affects pay, unemployment insurance, safety and health protections, retirement and health benefits, and taxes. It then pleads to the user: “Help us address this problem by learning more.”

The site leads the user to another portal entitled: “Where can I get more information,” then lists links to the following topics: Pay and Misclassification, Health and Safety Concerns on the Job, Unemployment Insurance and Misclassification, Anti-Retaliation/Anti-Discrimination Rights for Workers, Federal Taxes and Misclassification, Health Care and Retirement Benefits-Information on Employer Sponsored Benefit Plans, Resources for State and Federal Governments, and Other Resources/Information.

Clicking on any one of the above links brings the user to numerous outlines, charts, legal information, and other resources explaining the rights of those affected by misclassification. For example in the Pay and Misclassification link, the following links are listed:

- [Myths About Misclassification](#)
- [Get the Facts on Misclassification Under the FLSA](#)
- [Know Your Rights Video: Employee v. Independent Contractor](#)
- [Employment Relationship Under the FLSA](#)
- [Elaws: Independent Contractors](#)
- [Am I an Employee: Employment Relationships Under the Fair Labor Standards Act](#)
- [Coverage Under the Fair Labor Standards Act](#)
- [Wage-Hour Division Administrator's Interpretation, The Application of the Fair Labor Standards Act's "Suffer or Permit" Standard in the Identification of Employees who are Misclassified as Independent Contractors](#)
- [WHD Press Releases about Employee Misclassification as Independent Contractors](#)

This new webpage is an impressive compilation of a huge amount of data and information, as part of the Wage and Hour Division's continued all-out attack on independent contractor misclassification and so-called "fissured" workplaces. Employers that use independent contractors should use this new webpage as a resource to conduct a self-audit or analysis of its business model, to ensure that it can withstand any lawsuit or government scrutiny. They should also expect that this information might be viewed by at least some of their workers who are classified as independent contractors.

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