

# Worker Classification and Joint Employer Liability Issues

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## Three Primary Topics

- When are my contractors actually employees?
- When are someone else's employees actually my employees?
- How to minimize the risks of employee misclassification and joint employer relationships

# When are my contractors actually employees?



# When are someone else's employees actually my employees?

- A business may be responsible for other business employees in circumstances where the business exercises significant control over the employee;
- These cases continue to be litigated
  - McDonald's & Jimmy John's Cases



# What steps can I take to limit my exposure to risk?

- Evaluate your contractor relationships.
- Evaluate potential liabilities
- Review and insure against the liability
- Negotiate contractual protections

## Three Take Aways

- The more control your business exercises, the more likely a worker is YOUR employee
- Be sure to evaluate the true risk of misclassification
- Insure and contract to mitigate risks