OUR WORK OUR DIGNITY

ARE YOU AN EMPLOYEE OR AN INDEPENDENT CONTRACTOR?

Illustration: Robert Liu-Trujillo

California law presumes all workers to be employees, but domestic workers are often misclassified as independent contractors.

Why does it matter?

Only workers classified as employees are protected under California's wage and hour laws, covered by workers' compensation, entitled to unemployment, and protected from harassment and retaliation.

How do I know if I am an employee or an independent contractor?

Just because your employer gives you a 1099 or pays you under the table does not mean you are an independent contractor. Under a new law signed in September 2019, an employer who says you are an independent contractor must show that all three of these points are true:

A. You are free from the control and direction of your employer (meaning, your employer does not control how you do your work, in terms of scheduling, supervision, ability to decline a job etc.); AND

B. You perform work that is outside the usual business of your employer; AND

C. You have your own business or occupation doing the same work as you do for your employer.

Under this test, almost all domestic workers in California are employees entitled to protection under the law, even if their employer insists they are an independent contractor.

It does not matter what your immigration status is. Whether or not you have papers to work or are paid in cash, you have rights as an employee.

WANT TO LEARN MORE ABOUT YOUR RIGHTS ON THE JOB?

Find out more about the California Domestic Workers Coalition and the organizations in your area that are working to advance the rights of domestic workers:

415-625-3124
www.cadomesticworkers.org
@cadomesticworkers

LABOR COMMISSIONER'S OFFICE
CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS

CALIFORNIA DOMESTIC WORKERS COALITION

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