

**OUR WORK OUR DIGNITY**

# ARE YOU AN EMPLOYEE OR AN INDEPENDENT CONTRACTOR?



**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](http://www.cadomesticworkers.org)

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