

INDEPENDENT CONTRACTOR ISSUES: A TALE OF DRIVERS, STRIPPERS AND LAWSUITS

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Rich Meneghello was quoted on *Workforce* on July 16, 2015. The article “Independent Contractor Issues: A Tale of Drivers, Strippers and Lawsuits” discussed how drivers suing Uber and Lyft for allegedly treating them as independent contractors instead of employees could learn a few things from another group of workers who successfully navigated the same road — strippers.

Since 2012, exotic dancers have won more than \$27 million in judgments or settlements in at least seven employee misclassification lawsuits across the country, said Rich. If exotic dancers, drivers, house cleaners or delivery service gophers don’t control their work environment, and if a business wouldn’t exist without them, they’re employees, not contractors, Rich said.

“The overwhelming groundswell is for courts and government agencies to find that these individuals are employees and not independent contractors,” he said.

Strippers won judgments or settlements in similar employee misclassification lawsuits because strip-club owners blatantly treated them like employees but classified them as independent contractors, Rich said. In some cases that Meneghello included in a 2014 presentation on the subject, club owners set dancers’ schedules and work hours, made workers clock in and out for shifts, and gave them a “dancers’ packet” with house rules to follow. One club gave dancers the choice of being an employee or contractor but made no distinction in the work either group performed.

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However, it's not up to workers to choose how they want to be classified, Rich said. Employers have to decide which status is legally correct for the situation and apply it. "A worker's wishes will not be determinative, especially since they might change their mind when they realize they have a legal claim against you," he wrote in the presentation.

To read the full article, please visit [Workforce](#).