



NLRB Publishes Memo Limiting Independent Contractor Rights for Unionizing

News

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The National Labor Relations Board said in a memo that Uber drivers are independent contractors who aren't eligible to unionize. The memo declares that gig economy workers aren't "employees" under federal workplace law. Rich Meneghello told *Law360* that the memo is a strong one for gig economy employers looking to avoid unions. He explained how the NLRB used "the prism of entrepreneurial opportunity" as its test for classifying workers, but cautioned that the test applies only in the labor arena. "Courts in California and other blue states that apply the so-called ABC test to employers accused of violating state wage claims may view gig economy workers as employees, at least for pay purposes."

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