



Workplace Safety In the Gig Economy: Is Anyone Actually Paying Attention?

Insights

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The gig economy has created a seismic shift to the traditional workplace model. With new (and oftentimes inexperienced) workers performing dangerous tasks in a “faster is better” manner, workplace safety has the potential to fall through the cracks. While the Occupational Safety and Health Act does not currently provide protection to most individuals working in the gig economy – the OSH Act covers employers/employees, not independent contractors – many employee advocacy groups are calling for more safety protections.

The concern is partially well taken. The gig economy is now estimated to be about 34% of the workforce and expected to be 43% by next year. Known for flexible hours and autonomy, the gig economy tends to attract younger workers – with minimal work history and less experience with occupational safety hazards. This inexperience, coupled with the high-risk industries associated with the “gig” (e.g., passenger transportation and freight delivery services), inevitably makes these individuals more prone to on-the-job injuries.

The gig economy can also trigger OSHA’s agenda to reduce workplace violence. Decisions, such as OSHA’s ruling earlier this year that the statute’s general duty clause requires employers to protect workers from incidents of workplace violence, highlight OSHA’s use of a broad interpretation of its statute to accomplish its objective. Gig workers often transport or perform in-home projects for complete strangers, who, in some situations may not be thinking clearly. The exposure gig workers have to the public understandably makes violence-related issues one of the more recognized safety concerns. It’s only a matter of time before aggressive plaintiffs’ attorneys find a viable avenue to hold companies liable for injuries to gig workers.

Companies operating in the gig economy would be well served to face the safety issues impacting their contingent workers head on. Companies must understand the risks and adopt procedures to meet these concerns – Lyft and Uber have. While there may not be specific safety regulations *yet* for gig companies, take note that OSHA and worker advocacy groups are definitely watching. Consult with counsel to learn how you can proactively address safety issues and implement a process to mitigate risks and liabilities.