Independent Contractor Classification: What to Do and Not Do After Uber

Description: Independent contractor or employee? Learn from the Uber case how to protect your business from costly misclassification lawsuits.

Many businesses today are either supplementing their workforce by the use of independent contractors or have developed a business model that is dependent on ICs rendering services to the company or its customers. Most of those are failing to structure, document, or implement these IC relationships in a manner that complies with applicable federal and state IC laws. This exposes such companies to substantial IC misclassification liability risk. This topic will help those persons whose job it is to avoid lawsuits and retain hard-earned profits from placing their companies at peril for costly IC misclassification liability. Many IC relationships can be restructured, re-documented, and re-implemented in a manner that enhances compliance with relevant IC laws. But IC compliance is counter-intuitive. It may be a matter of dotting your “i”s and crossing your “t”s but it is not readily apparent where the “i”s and “t”s are. This topic will sensitize you to understanding what it takes to step up your company’s game to not just counteract lawsuits and regulatory enforcement initiatives but to avoid them altogether. And if your company has been sued or is in the middle of an audit or had a determination that you have misclassified workers as ICs, this information will give you guidance on whether your company can get itself into compliance without having to reclassify those workers as employees.

Learning Objectives:
- You will be able to define Independent Contractor misclassification.
- You will be able to describe the ways you can minimize or eliminate IC misclassification liability.
- You will be able to discuss the basics of an arbitration agreement with a class action waiver.
- You will be able to explain the pros and cons whether to include an arbitration clause with a class action waiver in your company’s IC agreements.

Contents:
The Claims in the Uber IC Misclassification Lawsuit
- How to Avoid Becoming the Next Uber Defendant
- How to Minimize or Eliminate IC Misclassification Liability
- How to Restructure the IC Relationship
- How to Re-Document the IC Relationship
- How to Re-Implement the IC Relationship

The Use of Arbitration Agreements With ICs
- Should You Include Them in IC Agreements?
- How to Include Them in IC Agreements
- Whether to Include a Class Action Waiver in Arbitration Agreements

The Uber Settlement
- The Cost of Litigating IC Misclassification Lawsuits
- How to Avoid Perpetuating IC Misclassification Exposure
- How to “Price” the Cost of Settling IC Misclassification Settlements

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