



Denver Auditor Timothy M. O'Brien, CPA

Denver Labor fights employee misclassification

Since the Civil Wage Theft Ordinance was implemented in the City and County of Denver, Denver Labor, a division of the Denver Auditor's Office, is responsible for protecting all workers in Denver, including individuals hired through digital platforms for short-term work assignments that may last only a few hours, days, or weeks.

Many workers are often classified as independent contractors, but this classification may be incorrect and illegal.

Employee misclassification is a persistent problem in many of our economy's growth industries: home care, janitorial, trucking, delivery, construction, personal services, hospitality and restaurants, and, more recently, in rapidly growing app-dispatched jobs.

Ways in which employees who are misclassified as independent contractors often have their wages stolen:

- They often suffer minimum wage and overtime violations.
- Can't take paid rest breaks.
- Don't receive paid sick leave.
- If they get injured, they can't take advantage of workers' compensation.
- If they lose their jobs, they aren't protected by unemployment insurance.
- If they have a child, get sick, or have to take care of a loved one, they can't use paid family leave.

How does misclassifying employees as independent contractors affect everyone in Denver?

It impacts all of us because it enables certain employers to evade taxes that fund programs such as unemployment insurance, Social Security, and Medicare. Additionally, it harms high-road employers who pay their employees and their taxes but cannot compete against those who cut corners.



Are you really an independent contractor or an employee?

Does the company direct when, where, or how to do your work, either through supervision or standards/rules?

YES
 NO

Is your work integral or essential to the company?

YES
 NO

Are you paid based on how much time you spend working?

YES
 NO

Does the company decide how much you get paid?

YES
 NO

Does the work you do require significant training or education, such as a specialized degree or completion of an apprenticeship program?

YES
 NO

Do you perform most of the work using company-provided equipment, tools, and/or materials?

YES
 NO

If you marked **YES** to some of these, contact Denver Labor at **720-913-WAGE (9243)** or visit [DenverWages.org](https://denverwages.org).