

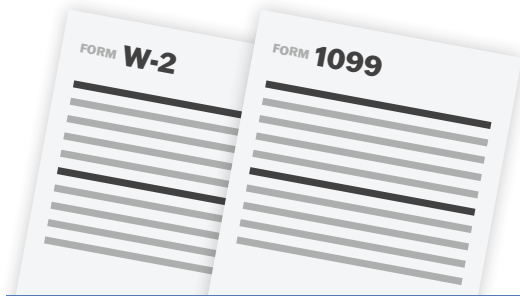
What is Worker Misclassification?

Worker misclassification occurs when an employer treats individuals as independent contractors when they are employees.

Under the law, workers are presumed to be employees unless the employer proves that workers meet the legal criteria to be independent contractors.

Worker classification is important. It determines an employee's legal right to:

- ◆ Unemployment insurance.
- ◆ Wage payments.
- ◆ Civil rights protections.
- ◆ Worker's compensation.
- ◆ Work hours.



Get More Information About Worker Misclassification at:

Misclass.WI.gov



If you believe you may be a misclassified worker, or would like to report suspected worker misclassification, please contact the Department of Workforce Development at:

Misclass.WI.gov

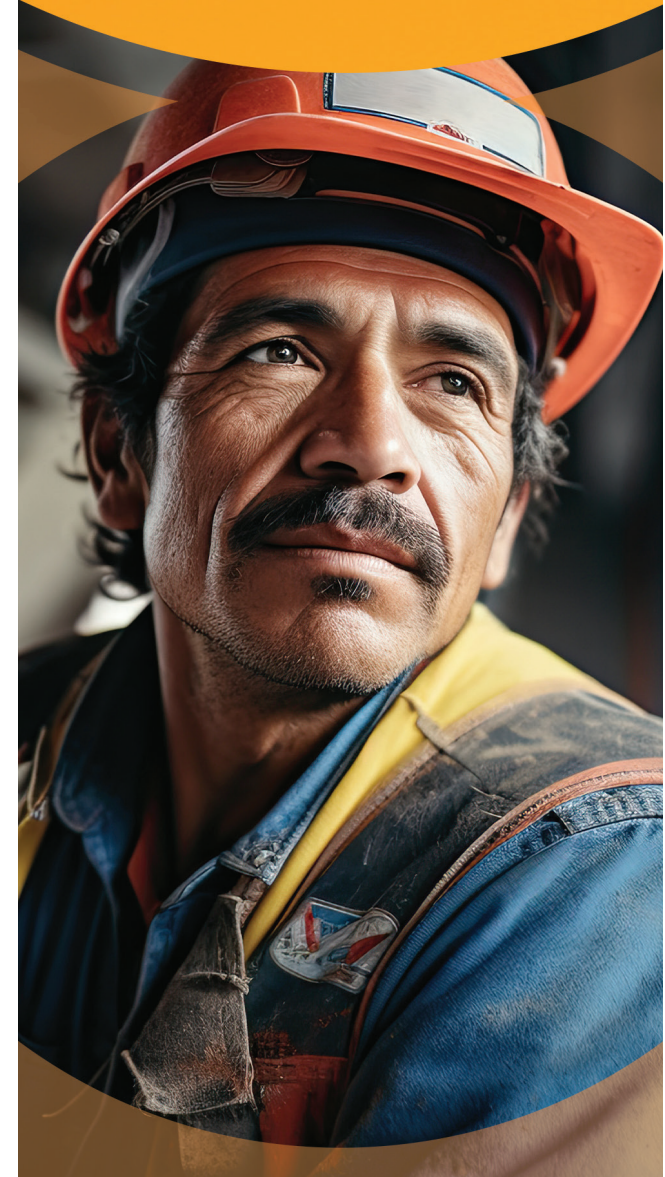
workermisclass@dwd.wisconsin.gov

(608) 261-5835



Unemployment Insurance Division
Worker Classification Section

The Wisconsin Guide to Worker Misclassification



A Hard Day's Work Earns Important Legal Rights and Protections.



Is a Worker an 'Employee' or an 'Independent Contractor?'

Employers are required by law to correctly classify each worker as either an 'employee' or an 'independent contractor.'

The Department of Workforce Development has developed a website to help employers and workers understand the worker classification process and their rights and responsibilities under the law.

Learn more at [Misclass.WI.gov](https://www.misclass.wi.gov)



Employers who misclassify workers as independent contractors gain an unfair competitive advantage over other employers.

The Department of Workforce Development vigorously investigates potential worker misclassification.



Misclassification Harms Everyone.

Employees who are misclassified as independent contractors:

- ▶ May not be eligible for unemployment benefits.
- ▶ May not be covered under worker's compensation.
- ▶ May not be protected under wage and hour laws.
- ▶ May not be protected under civil rights laws.
- ▶ May not be protected under the Family and Medical Leave Act (FMLA).
- ▶ Are paying both the employer and employee share of Social Security and Medicare taxes.

Employers who misclassify workers as independent contractors may be subject to penalties for failing to pay:

- ▶ Unemployment insurance taxes.
- ▶ State and federal income tax withholding.
- ▶ Worker's compensation coverage.
- ▶ Social Security taxes and Medicare taxes.