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SJC judges push lawmakers to better define independent contractors

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Three justices on the Supreme Judicial Court urged state lawmakers on Thursday to better define who is considered an employee and who is considered an independent contractor under Massachusetts law, saying the lack of clarity is hurting both businesses and workers.

The request came in the SJC's ruling that a former newspaper deliverer, Ives Camargo, is not entitled to workers' compensation for injuries suffered on the job because she was an independent contractor of Publishers Circulation Fulfillment, and not an employee.

The case centered on which Massachusetts law applied to Camargo in her quest for workers' comp. Camargo argued that she was an employee as defined by the state's independent contractor law. PCF contended that Camargo was not an employee as defined by the state's workers' compensation law. That distinction is important, because as an independent contractor, Camargo would not be eligible for workers' comp.

The SJC sided with PCF's interpretation, but in so doing, Chief Justice Ralph Gants and two other SJC justices issued a separate ruling that called on the Legislature to sort out the thicket of confusion surrounding employers and independent contractors in Massachusetts.

Under Massachusetts employment law, they said, there are at least four different definitions of an employee. A worker could be considered an employee at a business when it comes to wages, but an independent contractor at that same business when it comes to workers' comp or unemployment insurance.



SJC Chief Justice Ralph Gants authored an opinion calling on the Legislature to clear up confusion in the state's employment law.

"The practical result of this patchwork statutory scheme is confusion and uncertainty," the justices said.

As it stands, employers have a hard time classifying their workers correctly, and state regulators use up more time and money trying to interpret and apply the differing laws, they said. It's easy for workers to be confused about which rights they have, according to the three justices.

The judges concluded that "**it is time to confront the problems that arise from this complex statutory scheme, especially to workers.**" Other states have considered providing workers with more guidance on the issue, they said, and Maine adopted a uniform standard for employment status across its various employment laws.

New Jobs for Massachusetts has advocated for removing the IC law barrier to self-employment since 2013.