



For Immediate Release

October 14, 2015

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BOLI issues Advisory Opinion on Employment Status of Uber Drivers

PORTLAND, OR—The Bureau of Labor and Industries (BOLI) today issued an Advisory Opinion that finds that Uber drivers are employees under Oregon labor law.

The Advisory Opinion is intended to be instructive on what conclusions can be drawn from current, available information. To date, no case relevant to this question has been filed with BOLI. Any such case would be decided on the specific facts and legal arguments presented.

“Oregon’s worker protections are in place for a reason,” said Labor Commissioner Avakian. “When corporations misclassify an employee, the worker is denied basic protections such as the right to be paid on time and in full. It also creates an unfair playing field for other employers who pay employment taxes, minimum wage and workers’ compensation insurance.”

Oregon’s economic realities test, the basis for the analysis, is comprised of the following factors:

1. The degree of control exercised by the alleged employer;
2. The extent of the relative investments of the worker and the alleged employer;
3. The degree to which the worker’s opportunity for profit and loss is determined by the alleged employer;
4. The skill and initiative required in performing the job;
5. The permanency of the relationship; and,
6. The extent to which the work performed by the worker is an integral part of the alleged employer’s business.

“Our agency has a duty to ensure that workers are treated fairly and that employers understand their obligations,” said Avakian. “Our hope is this Advisory Opinion will bring clarity to how our agency will approach this question during an investigation.”

The BOLI Advisory Opinion follows recent administrative and court cases in California which address the employment status of Uber drivers. In addition, an opinion from the United States Department of Labor ([Administrative Interpretation No. 2015-1](#), July 15, 2015) provides valuable insight into misclassification of workers generally.

Workers who believe that they are being denied wages they’ve earned may contact BOLI’s Wage and Hour Division at (971) 673-0844. Any business seeking guidance on employment status or other Wage and Hour law question may contact BOLI’s free employer hotline at (971) 673-0824.

Copies of the Advisory Opinion can be found online at the agency’s website.

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For more information about BOLI's efforts to support Oregon employers and protect Oregon's workforce, visit <http://www.oregon.gov/BOLI>.