

The Evolution of Legal Classifications of Workers as Employees or Contractors in Response to the Gig Economy

Statutory protections for workers largely rely on their classification as employees (rather than contractors). This classification in turn relies on common law principles which determine whether a worker is performing work on behalf of the employer or running a business on their own account. Both common law tests and statutory modifications of these tests are evolving to reflect modern working arrangements. Gig workers provide a particular challenge to existing tests because their working arrangements rarely fit within existing classifications. A PhD project could explore aspects of the evolution of the employee/contractor distinction in common law and/or legislative tests. A range of methods would be suitable for the project including traditional legal analysis, empirical and/or comparative methods.

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