



May 1, 2018

ATTORNEY GENERAL MADIGAN FILES BRIEF IN SUPPORT OF MISCLASSIFIED EMPLOYEES' RIGHT TO ORGANIZE

Chicago — Attorney General Lisa Madigan, along with 11 other attorneys general, filed an amicus brief with the National Labor Relations Board in support of a decision against Velox Express Inc. that concluded its misclassification of employees as independent contractors constituted an unfair labor practice in violation of the National Labor Relations Act.

The administrative law judge in the case *Velox Express Inc. vs. Jeannie Edge* determined that Velox Express, an Indiana-based company that performs medical specimen pick-ups, retail deliveries, home infusions and long-term care pharmacy work, misclassified its drivers as independent contractors and, as a result, restrained them from exercising their right to act collectively to improve their wages and working conditions.

"Companies that misclassify workers fail to protect them while on the job and prevent them from organizing to use their bargaining power to improve their pay and working conditions," Madigan said. "The right to organize is a long-held, basic workplace right."

According to the brief, misclassification is an increasingly common way for employers to avoid their legal obligations to employees and unfairly compete in the marketplace. When employers misclassify their workers as independent contractors, it is often impossible for those employees to assert their workplace rights, including protections from wage theft, harassment and discrimination. Misclassified workers are also denied Occupational Health and Safety Act protections, and are unable to form unions, collectively bargain, or join in concerted efforts to improve conditions in their workplace.

Madigan and the other attorneys general said in their brief that employers who misclassify their workers are able to avoid paying unemployment insurance and contributing to the worker's compensation system, which results in significant costs in terms of lost revenue for state, local, and federal government.

Joining Madigan in filing the brief were the attorneys general of Connecticut, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Virginia and Washington.

A copy of the brief can be found [here](#).

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