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Avoiding joint employment liability: The control factor

Annette Idalski and Sara Hamilton

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In an InsideCounsel article published on Feb 27, 2015, Annette A. Idalski and Sara E. Hamilton provide guidance to employers on how to avoid joint employer liability. Given the current climate of leased employees, temporary workers, franchisees and subcontractors, it is becoming increasingly difficult for non-employers to monitor the quality of their products and services without crossing the line into joint employer liability. The key is to distinguish between direct control (indicative of a true employment relationship) and quality control (indicative of a legitimate subcontracting arrangement). Idalski and Hamilton discuss in detail their guidance for employers.