pennsylvania
DEPARTMENT OF LABOR & INDUSTRY

BUREAU OF LABOR LAW COMPLIANCE

# CONSTRUCTION WORKPLACE MISCLASSIFICATION ACT

## ACT NO. 72

**FACT: If you work in construction, you may not be classified as an independent contractor unless:**

1. You have a written contract with the business or person you work for.
2. You control and direct your own work.
3. You possess the tools that are needed to perform your work.
4. Your arrangement with the business you work for allows you to earn a profit or suffer a loss from your work.
5. You are an owner or partner in your own business.
6. Your business location is separate from the location of the business or person which hired you to perform the construction.
7. You previously worked as an independent contractor, or you hold yourself out to the public as available and able to work as an independent contractor.
8. You had liability insurance of at least $50,000.

**FACT: Any person who misclassifies an employee as an independent contractor could face criminal prosecution, administrative fines up to $2,500 per violation and a court-issued stop work order.**

*It is also unlawful for a person:*

*To contract with an employer knowing that the employer intends to misclassify workers.
*To retaliate against workers who exercise their rights under this law, including the right to file a complaint.

**FACT: You can contact the Bureau of Labor Law Compliance with questions or to report an employer may be violating the law.**

Department of Labor & Industry | Bureau of Labor Law Compliance
651 Boas Street, Room 1301 | Harrisburg, PA 17121
(800) 932-0665 | Fax: (717) 787-0517 | E-mail: ra-li-slmr-lic@state.pa.us | www.dli.state.pa.us

*Auxiliary aids and services are available upon request to individuals with disabilities.*
*Equal Opportunity Employer/Program*

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