

Law &amp; Policy Group

**GRIST**

# EU court rules on independent contractors' employment status

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The Court of Justice of the European Union (CJEU) ruled that national courts should decide whether individuals are self-employed independent contractors (for example, gig workers) or employees entitled to employment rights. The ruling presents factors courts should consider to determine if an individual is a self-employed independent contractor, including the individual's subordination to, or independence from, the putative employer, including:

- The ability to appoint a substitute or contract another person to perform the services they provide to the putative employer.
- The freedom to accept or decline work, and to set a maximum number of tasks to be performed for the putative employer.
- The provision of services to other organizations, including competitors of the putative employer.
- The freedom to set their own hours of work (within certain parameters), and the ability to adjust working hours to suit their needs, and not the needs of the putative employer.

The case concerned an individual who provided courier services for a delivery company in the United Kingdom (UK). He argued that his classification as a self-employed independent contractor was incorrect, and that he was a worker with entitlement to various employment rights, such as paid vacation entitlement under the provisions of the European Union directive on working time. The CJEU said that although it was up to the UK court to decide on the correct employment status in this case, its opinion is that the courier's classification as an independent contractor was correct, and didn't disguise an employment relationship.

## Related resources

- [Decision of the court](#) (Court of Justice of the European Union, 22 Apr 2020)
- [Directive 2003/88/EC on the organisation of working time](#) (EurLex, 18 Nov 2003)

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