



Brad Avakian, Commissioner

LIVE ENTERTAINMENT WORKERS: WHAT ARE MY RIGHTS?

The rights of live entertainment workers depend on whether the person is an employee or an independent contractor under the law. Generally, workers who are economically dependent on a business are employees, whereas workers who operate their own business are independent contractors. A **worker's status** as either an employee or independent contractor is **determined by the reality of the work relationship**, not a label or title given to a worker.

Under state law, workers who provide service for pay are employees unless they meet the definition of independent contractor (see below). For more information, contact the agencies listed below or visit www.OregonIndependentContractors.com.

<p style="text-align: center;"><u>INDEPENDENT CONTRACTORS</u></p> <p>Typically:</p> <ul style="list-style-type: none"> • Provide services that are not an essential part of the business to which services are provided • Are free of control of the business or person to whom services are provided and able to decide themselves how, when and for how long work will be performed and how much they will charge for their services • Provide services for a specific, defined period of time rather than on an open-ended basis • Provide services that are specialized and require skill and initiative to operate an independent business • Have the possibility of making a profit or suffering a loss (for example, an independent contractor may recruit new clients, hire helpers to assist with work, negotiate contracts, advertise services, or decide which jobs to perform and when to perform them) • Will make some investment in their independent businesses (for example, purchasing equipment or supplies, renting office space or paying for business expenses or labor), and such investments are significant in nature and magnitude when compared to the investments made by the business to whom services are provided <p style="text-align: center;"><u>EMPLOYEES</u></p> <p>Typically:</p> <ul style="list-style-type: none"> • Are workers whose activities are essential to the business of the employer • Perform work as assigned and directed by the employer, who has the right to control how, when, and where work is performed • Are hired to work on a continuing or indefinite basis • Perform work for a wage, salary, or other type of compensation in amounts set by the employer 	<p style="text-align: center;"><u>PROTECTIONS FOR INDEPENDENT CONTRACTORS</u></p> <p>Independent contractors must enforce the terms of their agreements with other businesses (including compensation, services, and the mutual obligations of both independent contractor and the business) in civil court. Both employees and independent contractors can negotiate their own contracts and file complaints in court.</p> <p style="text-align: center;"><u>PROTECTIONS AVAILABLE TO EMPLOYEES</u></p> <ul style="list-style-type: none"> • Minimum wage and overtime pay • Laws prohibiting unlawful wage deductions • Retaliation and whistleblowing protection • Rest and meal periods • Sick leave (paid under certain circumstances) • Civil rights laws prohibiting sexual harassment and discrimination on the basis of the employee's sex, sexual orientation, age, race and other protected classes • Parental and sick child leave • Protected leave time to care for a family member with a serious health condition or for the employee's own serious health condition • Unemployment insurance benefits to replace lost income • Workers' compensation insurance, which pays for medical treatment and lost wages if an employee is injured on the job • Safety and health regulations to protect employees from workplace hazards • Medical insurance coverage in some cases • Remedies for unlawful retaliation by an employer for making a wage claim, testifying in a wage claim proceeding, or opposing an unlawful employment practice.
<p><u>RESOURCES AND CONTACTS</u></p>	
<p>Crimes or illegal activity – Call 911 in emergencies or contact the local police department or county sheriff</p>	
<p>Suspected human trafficking (recruiting, transporting, selling or buying of people for the purpose of various forms of exploitation) - National Human Trafficking Hotline, 1-888-373-7888</p>	
<p>Food safety/sanitation and public health issues - Local (County) health departments</p>	
<p>A problem with a business that serves or sells alcohol – Oregon Liquor Control Commission, 1-800-452-6522</p>	
<p>Workplace safety and health issues – Oregon OSHA, 1-800-922-2689</p>	
<p>Injured worker rights and benefits - Oregon Department of Business and Consumer Services, Workers Compensation Division, 1-800-452-0288</p>	
<p>Tax questions or problems – Oregon Department of Revenue – 1-800-356-4222</p>	
<p>Legal referral service: Oregon State Bar, 1-800-452-7636</p>	
<p>Questions about wage issues including minimum wage, overtime, unpaid wages, unlawful deductions, rest and meal periods, working conditions, employment discrimination and harassment, or employment status – Oregon Bureau of Labor and Industries, 1-844-304-BOLI (2654)</p>	

Toll-free Entertainer Rights Hotline

Have questions or want information about your rights?
 Call 1-844-304-BOLI (2654) for assistance or to make a complaint.
 Complaints may be made **anonymously and confidentially**

This summary is required to be displayed by operators of live entertainment facilities.