

# Gig Workers' & Contractors' Rights and COVID-19

Great news! Gig workers, independent contractors, and self-employed individuals are now eligible for Pandemic Unemployment Assistance (“PUA”).

**If you are classified as an independent contractor, you may be eligible for Pandemic Unemployment Assistance (PUA)** if your hours have been reduced or you are out of work for reasons related to COVID-19.

- Under the federal CARES Act, self-employed individuals, independent contractors, and gig workers will be eligible for up to 39 weeks of PUA based on recent earnings and will also be able to receive an additional \$600 per week. This program will be administered by the state and the details, including how to apply, are still being worked out.

**You may also be eligible for an “economic impact payment” under the federal CARES Act.**

- If you filed a 2019 or 2018 tax return using a Social Security Number, you may also be eligible for a one-time payment from the federal government. Eligible individuals who earn up to \$75,000/year can receive a one-time payment of up to \$1,200 (numbers doubled for married couples), plus \$500 per child (under age 17). The payment amount decreases as yearly income increases, up to \$99,000/year for an individual.

**If you are a true independent contractor, you are not eligible for paid leave** under the Philadelphia Sick Leave Ordinance or the FFCRA if you are unable to work for reasons related to COVID-19. You may, however, be eligible for a refundable sick leave tax credit under the FFCRA if you can't do your work between April 1 and December 31, 2020 for qualifying reasons related to COVID-19.



In order to save money, employers often misclassify workers as “independent contractors” when they should be classified as employees. The coronavirus crisis has spotlighted how misclassified workers are forced to work without critical employment protections such as paid sick days, paid leave, and unemployment compensation.

**If you think you have been misclassified as an independent contractor when you were actually an employee, you may be eligible for paid leave for reasons related to COVID-19.**

- Employees who have to miss work for reasons related to COVID-19 may be eligible for paid sick leave or family and medical leave under the federal Families First Coronavirus Response Act (“FFCRA”) and/or paid sick leave under the Philadelphia sick leave ordinance. See CLS’s Paid Sick Leave Flyer for more info.
- If you have been denied paid leave because you are misclassified as an independent contractor, you can file a complaint with the relevant government agency. **However**, your claim will likely take longer to process because the agency will need to investigate to decide whether you are actually an employee.
  - **The Philadelphia Mayor’s Office of Labor** enforces the Philadelphia sick leave ordinance. To file a complaint, visit [www.phila.gov/services/working-jobs/paid-sick-leave/](http://www.phila.gov/services/working-jobs/paid-sick-leave/) or call 215-686-0802.
  - **The U.S. Department of Labor’s Wage and Hour Division** enforces the FFCRA: To file a complaint, visit [www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd) or call 1-866-487-9243.

**If you think you have been misclassified, you may be eligible for unemployment compensation benefits if you have lost hours or are out of work for reasons related to COVID-19.**

- You should still file a claim for Pennsylvania Unemployment Compensation benefits. You can apply online at [www.uc.pa.gov](http://www.uc.pa.gov) (preferably) or by calling 1-888-313-7284. If you have only received 1099 income, you will likely receive a “Notice of Financial Determination” denying you benefits. You should appeal. Follow the instructions on the notice and say you believe you were misclassified. The agency may do a wage investigation and send you a new “Notice of Financial Determination.” If you are still ineligible, appeal again.
- Philadelphia Legal Assistance can assist with appeals, apply for help online or call 215-981-3800.

For more information about eligibility for these and other benefits, see CLS’s [FAQ: COVID-19 and Workers’ Rights](#) or visit [www.clsphila.org](http://www.clsphila.org).  
Need Assistance? Call CLS at 215-981-3700.

