

As Easy as 1-2-3, Court Rules ABC Test Applies Retroactively

“In a unanimous decision, the California Supreme Court held that the worker friendly ‘ABC’ test set forth by the Court in its 2018 landmark ruling, *Dynamex Operations West, Inc. v. Superior Court*, applies retroactively. The ABC test thus applies to all pending cases governed by the California Wage Orders in determining whether a worker is an independent contractor or an employee,” write Eric Lloyd and Pamela L. Vartabedian in *Seyfarth’s California Peculiarities Employment Law Blog*.

Jan-Pro Franchising, a franchisor offering cleaning and janitorial services. A case was brought by independent contractor franchisees claiming “they should have been treated as Jan-Pro employees.”

“In *Dynamex*, the court held that, for purposes of claims arising from the Wage Orders, the ‘ABC’ test governs whether workers are properly classified as independent contractors rather than employees.”

Read the article to see what the hiring entity must prove through the ABC test.