

Tomack Law Exposes 'Self-Employed' Myth Amid 2026 NY Labor Crackdown

Tomack Law challenges illegal independent contractor misclassification and worker waivers in NY's construction and healthcare sectors.

MOUNT KISCO, NY, UNITED STATES, January 23, 2026 /EINPresswire.com/ -- Amid New York State's aggressive 2026 crackdown on labor law violations, [Tomack Law](#), a leading injury firm based in Westchester, has issued a critical advisory regarding the rampant misuse of workers' compensation exemption forms and the illegal misclassification of employees as "independent contractors." This strategic initiative aims to protect the "invisible workforce"—thousands of laborers in construction, delivery, and healthcare who are wrongfully denied workers' comp benefits due to being mislabeled as independent contractors.

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Tomack Law Representative

The workers' compensation system guarantees medical care and wage replacement for injured employees. Yet, search trends indicate a surge in workers asking who is exempt from workers' compensation in New York, suggesting widespread confusion. Tomack Law warns that many of these individuals are actually misclassified employees who are being coerced into purchasing their own insurance or signing a workers' compensation waiver to absolve employers of liability.

Employers frequently use the 'independent contractor'

label as a shield to avoid paying premiums, but under New York law, this label often holds no weight," stated David Tomack, founder of Tomack Law. "The Construction Industry Fair Play Act establishes a 'presumption of employment.' Unless a worker meets strict criteria (such as being free from control and having an independently established business) they are legally employees entitled to full benefits, regardless of any 1099 form they may have received.

The "Self-Employed" Myth in High-Risk Industries



Tomack Law: New York Workers' Compensation & Injury Attorneys

The firm's advisory highlights that independent contractor disputes are particularly prevalent in sectors where construction injuries and misclassification fraud are highest:

- Construction: Framers, roofers, and laborers are often told they must sign a workers' compensation exemption form (CE-200) to get a job. Tomack Law challenges the validity of these waivers when the employer dictates the hours and methods of work.

- Gig Economy & Delivery: Delivery drivers for major logistics networks are frequently mislabeled as "partners," stripping them of protections. Many drivers find their workers' comp claim denied after accidents and do not realize they can appeal.
- Healthcare: Home health aides are often classified as contractors by agencies, despite performing integral, supervised work.

Legal Recourse for the Misclassified

Tomack Law urges workers who have suffered back and neck injuries to seek legal counsel before accepting a workers' comp claim denied decision.

The firm utilizes the robust framework of the 2026 legislative updates to dismantle sham independent contractor defenses. By applying the "ABC Test," Tomack Law has successfully secured retroactive coverage for clients who were initially told they were ineligible.

With the state increasing penalties for misclassification fraud in 2026, the window for accountability has never been wider. Workers are advised that their rights are defined by the reality of their work, not the title on their paycheck.

About Tomack Law: Tomack Law is a premier New York injury firm dedicated to representing the rights of workers across Westchester, New York City, Long Island, and the Hudson Valley. Specializing in Workers' Compensation, Construction Accidents, and Social Security Disability, the firm operates on a contingency basis to ensure justice is accessible to all.

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5 Signs You Are Not an Independent Contractor

1. You wear a company uniform. 
2. You are not allowed to work for other companies. 
3. You are paid an hourly wage, not a flat project fee. 
4. You can be fired at any time. 
5. Your boss supervises how you do the work, not just the result. 

Checked more than 2? You may be entitled to Workers' Comp benefits even if you signed a 1099. Call Tomack Law.

Tomack Law Infographic: 5 Key Signs You May Be Misclassified as an Independent Contractor

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