

PUBLICATION

Independent Contractors Owe a Duty of Loyalty

February 18, 2008

In Tennessee, employees and independent contractors have a duty of loyalty to the company for which they work. Employees and independent contractors should perform reasonably to advance the interests of the companies and to refrain from engaging in any acts that would tend to injure the company's business. This duty was addressed in the recent Tennessee Court of Appeals case of *Biggers v. Transport Services, Inc.*

Biggers involves a courier service's termination of a contract with a driver who was an independent contractor. The Court found that the driver breached his duty of loyalty to the courier service, Transport Services, Inc. The driver used a substitute driver on his route without giving Transport Services notice, ran his route after having been told it had been assigned to another driver, and had been confrontational on other occasions. Based on these facts, the Court found that Transport Services had just cause to terminate the driver's contract. Transportation companies, their employees, and their independent contractors should be aware of the duty of loyalty.