

Independent Contractor Checklist: Determining Worker Classification



	Yes	No
1. Does the worker lack the opportunity for profit or loss depending on his or her managerial skill (e.g., make business decisions that affect future work, hire workers, purchase materials, advertise, or rent space)?	☐	☐
2. Are any investments by the worker in completing a particular job—either capital or entrepreneurial in nature—insignificant when compared to the ministry’s investment?	☐	☐
3. Is the work relationship indefinite in duration, continuous, or exclusive of work for other employers?	☐	☐
4. Does the ministry control, or have the right to control, when, where, and how the worker performs his or her job?	☐	☐
5. Is the work performed an integral part of the ministry’s business?	☐	☐
6. Does the worker rely on the ministry to provide training for the job?	☐	☐
7. Does the ministry offer employee-type benefits (e.g., pension plan, insurance, vacation, or sick pay) to the worker?	☐	☐
8. Are the business aspects of the worker’s job controlled by the ministry (e.g., how the worker is paid, whether expenses are reimbursed)?	☐	☐
9. Does the ministry supply the tools and materials necessary to do the job?	☐	☐
10. Is the work performed without a written contract?	☐	☐

There is no set total of “yes” or “no” answers to the questions above that establishes whether a worker is an employee or independent contractor—but consider that the more “yes” answers you have, the more likely it is that the worker should be classified as an employee. Be sure to document the factors you use when making the determination. Keep in mind that a true independent contractor is rare—most workers are employees.

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