

Is Your Business Hiring an Independent Contractor?



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Ideally, you want to be able to check off all of the statements below to ensure your hire meets the requirements of an **independent contractor**.

That said, defining an "employee" isn't always straightforward because there is no one universal definition – this is where the art of lawyering and interpretation comes into play. This checklist is merely meant to serve as a guideline.

If you can say that every one of these things is absolutely true, you almost certainly have an independent contractor. However, you should still consult with an attorney on all the grey areas:

- ☐ Our management staff will not instruct the worker on when, where, and how to do their work.
- ☐ Our company will not provide the worker with training.
- ☐ The success/continuation of our business does not depend on the type of service the worker provides.
- ☐ Contracted services do not need to be personally completed by the worker.
- ☐ Our business will not specifically hire, pay, or supervise someone to help the worker in completing their contracted project.
- ☐ Work will not be done on company premises.
- ☐ There is no set routine or schedule the worker must follow to do their work.
- ☐ Our business has no post-project relationship with the worker.
- ☐ The worker is free to complete the project on their own schedule so long as they meet deadlines.
- ☐ The project does not require the individual to work full-time permanently.
- ☐ Our business does not require task updates.
- ☐ Our business will not pay the contractor by the month, week, or hour.
- ☐ There will be never be individual reimbursement for business or travel expenses.
- ☐ Our business will not be supplying materials or tools to complete the work.
- ☐ No work will be performed in a facility where our business has made substantial investments.
- ☐ The individual will receive no protection from any profit/loss based on their work.