

Individual Contractor Assessment

There is no single factor under the Workers Compensation and Injury Management Act of Western Australia that determines if an individual (the contractor) is likely to be considered your 'Worker'. Is this assessment The Business is you. Please answer all questions on both pages and email it back to us for further advice.

Part A) Contract of Service

This examines whether your contractor is working with you in relationship similar to that of a traditional employee.

Control

- Who determines how the work is to be performed? The Business ☐ Contractor ☐
- Can the Business direct the Contractor on the methods and processes to use? Yes ☐ No ☐
- Does the Business supervise the Contractor's work? Yes ☐ No ☐
- Must the Contractor follow the instructions of the Business for the completion of work? Yes ☐ No ☐
- Can the Contractor choose their own approach to achieving the required result? Yes ☐ No ☐

Remuneration

- On what basis is the Contractor paid? Hourly ☐ Daily ☐ Per Task ☐ Fixed Fee ☐ Commission ☐
- Is payment to the Contractor based on A. time worked or B. task completion? A. ☐ B. ☐
- Are there any allowances or reimbursements provided to the Contractor? Yes ☐ No ☐

Working Hours

- Who sets the working hours? The Business ☐ Contractor ☐
- Is the Contractor required to work your specified regular hours? Yes ☐ No ☐
- Can the Contractor decline work or come and go as they please (when your direct employees cannot)? Yes ☐ No ☐
- Does the Contractor have flexibility in when they complete the work? Yes ☐ No ☐

Right to Employ

- Can the Contractor engage others (outside of the Business) to help with or complete the work? Yes ☐ No ☐
- Must the Contractor perform the work personally? Yes ☐ No ☐
- If the Contractor is unavailable, can they send someone else? Yes ☐ No ☐

Subcontracting

- Is the Contractor permitted to delegate or subcontract any aspect of the work? Yes ☐ No ☐
- Must the Contractor personally perform all the work? Yes ☐ No ☐
- Can the Contractor pay someone else to do the work for them? Yes ☐ No ☐

Equipment & Tools

- Who provides the equipment, tools, and assets required to do the work? The Business ☐ Contractor ☐
- Does the Contractor provide any equipment for which The Business provides an allowance? Yes ☐ No ☐

Integration

- Does the Contractor work as part of the Business's team? Yes ☐ No ☐
- Is the Contractor presented to clients or the public as representing the Business? Yes ☐ No ☐
- Does the Contractor wear the Business's uniform or use the Business's branding? Yes ☐ No ☐
- Is the Contractor furthering the Business's enterprise or the Contractor's own enterprise? Yes ☐ No ☐

Commercial Risk

- Who bears the financial risk if the work is defective or needs to be redone? The Business ☐ Contractor ☐
- Who do you think should cover the Contractor if injured working for the Business? The Business ☐ Contractor ☐
- Is making a profit or loss from the work your responsibility or the Contractor responsibility? Yes ☐ No ☐

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Part B) Contract for Performance of Work

This considers whether your contractor runs their own independent business.

The Contractor’s Business Operation

Does the Contractor operate their own trade or business?

Yes☐ No☐

If so, is the business in their

Own Personal Name☐ A Business/Company Name☐

Is the Contractor’s business or company a Pty Ltd entity?

Yes☐ No☐

Does the Contractor promote their own services i.e. website, social media, advertising, word of mouth?

Yes☐ No☐

Does the Contractor hold themselves out to the public as running their own business?

Yes☐ No☐

The Contractor’s Own Insurance

Does the Contractor have any of the following insurance policies of their own?

– Professional Indemnity

Yes☐ No☐

– Public Liability

Yes☐ No☐

– Workers Compensation

Yes☐ No☐

Is the Contractor insured as a *Working Director under their own Workers Compensation policy

Yes☐ No☐

*Working Director’s cover is optional and not obligatory

Nature of Work

Is the work to be done for the Business part of the Contractor's own regular trade or business?

Yes☐ No☐

Is this work incidental to what the Contractor normally does in their own business?

Yes☐ No☐

Does this work fall within the services the Contractor advertises or promotes?

Yes☐ No☐

The work has nothing to do with the Contractor’s own regular trade or business?

Correct☐ Incorrect☐

Client Base

How many clients/other businesses does the Contractor work for?

Us and one other☐ Several☐ Many☐

Does the Contractor work exclusively (or almost exclusively) for the Business?

Yes☐ No☐

Does the Contractor actively seek work from multiple clients?

Yes☐ No☐

What percentage of the Contractor's income is from the Business?

<10%☐ 10%-20%☐ 21%-50%☐ Over 50%☐

Regularity

How long has the Contractor been operating their own business?

It is a New Venture☐ <1 year☐ >1 year☐

Is the work one-off, occasional, or regular work for the Contractor?

One-Off☐ Occasional☐ Regular☐

Does the Contractor regularly undertake work for other clients?

Yes☐ No☐

Subletting the Contract

Has the Contractor sublet the work to another person or persons?

Yes☐ No☐

Has the Contractor previously sublet other work they had with the Business to others?

Yes☐ No☐

Does the Contractor have the capacity to sublet the work (even if they choose not to)?

Yes☐ No☐

Has or will the Contractor delegate or transfer the work to a third party?

Yes☐ No☐

Employing Workers & Personal Performance

Does the Contractor employ any of their own workers to assist with this contract?

Yes☐ No☐

Does the Contractor personally perform all or part of the work themselves?

Yes☐ No☐

Or does the Contractor only supervise/manage while his own workers do all the work?

Yes☐ No☐

When finished, go ‘Save As’ and add your business name to the file name, then Save the file to your desktop.
Email the file to us and we will provide you with further advice. Call us, if you have any queries.