Employer worker relationship checklist

**Features of an employer and worker relationship within a contract of service**

Listed are important features of a work relationship indicating that a contract of service exists. This list is not exhaustive and should therefore be treated as a guide.

The person is more likely to be a worker under a contract of service if:

* there are terms and conditions which involve detailed control and direction/supervision of the manner in which the work is carried out
* the person engaged is actually required to perform the work, as opposed to the person being able to subcontract the work
* the person works exclusively for the employer or is intended to be 'tied' to that employer, compared to the person who is free to carry out work, particularly of the same kind, for others
* it is contemplated that the person will be engaged in a lengthy working relationship, compared to performing one particular task.
* regular defined hours must be worked
* the plant, equipment, tools and material are provided by the ’employer’
* wages are paid periodically rather than per job
* wages are paid according to the time during which work is carried out rather than the amount of work performed
* the person is required to work under similar conditions as other members of staff who are workers at common law