

Co-employment Risk Questionnaire

1) *Are you told how to do your job?*

- An independent contractor should only be told what the end result of the job should be. If he/she is required to follow instructions during the duration of the project then he/she is most likely an employee.

2) *Can you be fired at any time?*

- Independent contractors and the organizations who hire them are bound by the contract regarding the project. The organization cannot terminate an independent contractor before the contract has been filled unless the contractor has violated the terms of the agreement somehow. If the organization retains the right to terminate in the middle of the contract, then this dictates that they have some control over the person which usually means they are an employee.

3) *Is the project you are working part of the normal business operations?*

- Work which is considered normal for the business usually dictates that the worker is an employee. For example, at a restaurant a chef or a waiter would be considered an employee because they are doing work which the business needs in order to run normally. However an electrician brought in for repairs would be an independent contractor.

4) *Do you have a separately established business?*

- If you make yourself available for hire to the world then you are probably an independent contractor rather than an employee. Employees only work for a business and don't make their services available for hire. If you're able to fire and hire your own employees and run your practice/business as you see fit then you are most likely an independent contractor. Do you have one contract who provides a majority of your revenue? Do you work in the company's offices or in your own place? Did you create a separate set of books and records?

5) *Do your decisions affect your profit and loss?*

- This doesn't refer to losing your salary, but rather exposure to significant risk. If you are in charge of decisions which can significantly affect the profitability of you or your business then you are probably an independent contractor. For example if you choose how much money to allocate towards investing, advertising, and/or purchasing, then you are most likely an independent contractor.

6) *Do you face financial risk?*

- Since independent contractors need to buy and furnish their own equipment they face personal financial risk. Also some contractors finance their own facilities, this is also a good indicator whether or not you are an independent contractor.

7) *Are you doing work that is normally done by an employee?*

- If the work is normally done by an employee, then you may be a temporary/seasonal employee and not an independent contractor, even if the job is project based.

8) *Do you supply your own equipment and materials?*

- Employees usually do not have to invest in their own materials required for work. However independent contractors need to invest their own money into purchasing their tools of the trade and face the financial risk. Are you required to wear special clothing or an uniform.

9) ***Is your work considered semi-skilled or unskilled labor?***

- If your work isn't considered a skill then you are most likely an employee. The laws that protect these kind of workers are generally employees.

10) ***Did you need training?***

- Generally, semi-skilled workers require training for the job and are employees. If you are an independent contractor you should not need training on how to complete the job.

11) ***How are you paid?***

- Independent contractors work by contract for a job. They get paid for completion of the project or specified pieces of the project. Other payment arrangements such as hourly pay usually signify the worker is an employee. Are you receiving any benefit that the company is providing their other employees?

12) ***Are the services you are providing similar to what you have done as an employee?***

- If the job you are performing was done by you previously as an employee of the company then you are still considered an employee. The company can't fire you and then hire you back as a 1099.

13) *Do you believe that you're an independent contractor?*

- Although it isn't legally binding, if both parties think that the relationship is that of an independent contractor-client relationship, then that will be taken into consideration.