



University of Lethbridge

Employee vs. Contractor Evaluation

Human Resources 403-329-2274

Financial Services 403-329-2206

Use this document to determine the status of the worker relationship (employee/employer or contractor). This determination is important to ensure the University is following Canada Revenue Agency legislation for the taxation of employees.

Contact information:

Name of worker:	Legal Form (individual, proprietor, corporation)
Company name (if applicable)	
WCB #:	
GST business number:	
Work assignment and intent of both parties: (attach detailed description)	

"Disagree" (employee) **"Agree"** (contractor)

Immediate Decision Questions

Answer the following questions in order, if you hit a stop sign proceed as directed, otherwise continue to the next question.
If you only partially agree or disagree, continue to next question.

<p>The payment is for an incorporated company (registered Canadian Business Number) and not for instruction.  If "agree" is checked, stop here, the relationship is a contract, otherwise continue to next question.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>The worker is NOT an employee of the University in a similar field as needed in this assignment.  If "disagree" is checked, stop here, they are an employee, otherwise continue to next question.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>The worker has a GST number, charges GST and is NOT completing work normally done by University employees.  If "agree" is checked, stop here, the relationship is a contract, otherwise continue to next question.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>The work is NOT included in a collective or association agreement (such as AUPE, APO, ULFA).  If "disagree" is checked, stop here, the relationship is an employee, otherwise continue to next question.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>The work is paid based on defined outcomes or specific deliverables, where the University does not direct the process. Generally speaking, the payment is not based on hours worked but on the final product.  If "agree" is checked, stop here, the relationship is a contract, If you only agree to part of the statement, or "disagree" is checked, continue to next section.</p>	<input type="checkbox"/>	<input type="checkbox"/>

Proprietor Questions:

The worker operates his own business or provides similar services to other clients.	<input type="checkbox"/>	<input type="checkbox"/>
The worker has their own business insurance and WCB coverage.	<input type="checkbox"/>	<input type="checkbox"/>
Control		
The University will NOT direct, scrutinize and effectively control many elements of how the work is performed. The relationship is has NO element of subordination.	<input type="checkbox"/>	<input type="checkbox"/>
The University DOES NOT control the worker with respect to the results of the work OR the method used to do the work.	<input type="checkbox"/>	<input type="checkbox"/>
The worker DOES NOT require permission to work for other companies while working for this University.	<input type="checkbox"/>	<input type="checkbox"/>
Where the work schedule is irregular, the University IS NOT necessarily a priority on the worker's time.	<input type="checkbox"/>	<input type="checkbox"/>
The worker determines all tasks they will perform to fulfill the work obligations; the University has no or limited control in the tasks	<input type="checkbox"/>	<input type="checkbox"/>
The worker receives NO training or direction from the University on how to do the work.	<input type="checkbox"/>	<input type="checkbox"/>

The worker DOES NOT have a University employee supervising them (i.e.. attendance, assigning and reviewing work etc.) and they set their own hours to complete tasks without direction from the University.	<input type="checkbox"/>	<input type="checkbox"/>
The worker is usually free to work when and for whom he or she chooses and may provide his or her services to different companies at the same time.	<input type="checkbox"/>	<input type="checkbox"/>
The worker can accept or refuse work from the University.	<input type="checkbox"/>	<input type="checkbox"/>
The working relationship between the University and the worker DOES NOT present a degree of continuity, loyalty, security, subordination, or integration, all of which are generally associated with an employer-employee relationship.	<input type="checkbox"/>	<input type="checkbox"/>

Tools

The worker supplies most of the tools and equipment required to complete the work. In addition, the worker is responsible for repair, maintenance and insurance costs.	<input type="checkbox"/>	<input type="checkbox"/>
The worker has investment in tools and equipment needed for their business and they retain the right over the use of these assets.	<input type="checkbox"/>	<input type="checkbox"/>
The worker uses his or her own workspace to perform substantial amount of the work, equipment, clerical, photocopying, meeting rooms, lab space etc. The worker incurs expenses relating to the operation of the workspace that are not reimbursed by the University.	<input type="checkbox"/>	<input type="checkbox"/>

Subcontracting Work or Hiring Assistants

The worker has control to retain helpers or assistants to complete the University's tasks. The University work does not have to be completed by them personally.	<input type="checkbox"/>	<input type="checkbox"/>
The worker is responsible for the costs associated with subcontracting and assistants.	<input type="checkbox"/>	<input type="checkbox"/>

Financial Risk

The worker is responsible for all operating expenses.	<input type="checkbox"/>	<input type="checkbox"/>
The worker is financially liable if he or she does not fulfill the obligations of the contract.	<input type="checkbox"/>	<input type="checkbox"/>
The worker determines and controls the method and amount of pay.	<input type="checkbox"/>	<input type="checkbox"/>
The worker has NO expectation to receives protection or benefits from the University. (WCB, EI, CPP, pension, etc)	<input type="checkbox"/>	<input type="checkbox"/>
The worker has the risk of profit or loss resulting from the assignment.	<input type="checkbox"/>	<input type="checkbox"/>
The worker has an active business presence where they advertises their services, actively market themselves and search for clients.	<input type="checkbox"/>	<input type="checkbox"/>

Responsibility for Investment and Management

The worker has a capital investment in the business such as start up funding, loans and tools.	<input type="checkbox"/>	<input type="checkbox"/>
The worker manages his or her staff and work projects themselves.	<input type="checkbox"/>	<input type="checkbox"/>

Conclusion

<input type="checkbox"/> Worker's an Employee Date: _____ Completed by: _____	<p>If you have answered predominantly in the 'Disagree' column, then it is likely that the worker would be seen as an employee by CRA. Conversely, if you have answered mostly on the 'Agree' side it is likely that the worker would be a ruled a contractor by CRA. Review all details and intentions to determine relationship, and inquire if the result you'd expect doesn't agree with the responses above.</p>	<input type="checkbox"/> Worker is a Contractor Date: _____ Completed by: _____
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SUBMIT THIS FORM TO:

ACCTS PAYABLE (INVOICE) OR
MATERIALS MANAGEMENT
(REQUISITION)