**Appendix A: Status Criteria Table**

This table is intended to assist Managers to determine whether a person should be employed as an Employee or engaged as a Contractor. The Manager must answer the questions in the following table:

|  |  |  |
| --- | --- | --- |
| Is the person currently an employee of the University?   * If the answer to this question is “Yes”, the person **cannot** be engaged on a Contract for Services and a variation to their employment agreement may need to be done. Refer to your HR contact for further advice. * If the answer is “No”, then continue to answer the remaining questions. | | |
|  | A  Contractor | B  Employee |
| 1. Does the person control the manner in which the services are performed? | Yes | No |
| 1. Does the person have the flexibility to set the hours of work, their availability, and where they carry out the work to meet the requirements of the contract (rather than being more closely supervised and instructed)? | Yes | No |
| 1. Is the person being contracted for their specific skills (rather than requiring training for the position)? | Yes | No |
| 1. Is the person permitted to delegate or sub-contract the work to other persons? | Yes | No |
| 1. Are the services to be provided by the person different from the work usually performed by employees of the University? Note – for more information about employment agreements at the University, refer to [this page](https://intranet.wgtn.ac.nz/staff/human-resources/agreements) on the staff intranet. | Yes | No |
| 1. Would other educational providers likely engage an independent contractor to perform the services? | Yes | No |
| 1. Will the person usually pay for any expenditure incurred in performing the services? | Yes | No |
| 1. Is the person able to invoice and be reimbursed for incidentals (rather than having use of a University P-Card)? | Yes | No |
| 1. Should the person be paid only as the services are performed as opposed to a regular payment (e.g. salary or wages)? | Yes | No |
| 1. Are the services to be performed by the person ‘one-off’ (or project-based) as opposed to there being a continuous need for the services? | Yes | No |
| 1. Does the person have a Company, Partnership or Trust, whose business is the provision of goods and/or services provided by them or its employees? | Yes | No |
| 1. Will the person supply the bulk of the necessary tools, equipment and accessories to perform the services? | Yes | No |
| 1. Can the person be available to perform work for other entities while on assignment to the University, subject to such arrangement not interfering with the contractual obligations with the University? | Yes | No |
| 1. Does the person have their own client base? | Yes | No |
| 1. Does the person advertise their services? | Yes | No |
| 1. Would the University be required to pay GST in addition to any payment for the services performed by the person? | Yes | No |
| 1. Does the person have their own insurance cover and pay tax, ACC directly? Note – in certain situations, the University may deduct withholding tax on a contractor’s behalf. | Yes | No |
| 1. Would the person directly benefit commercially or financially from increased efficiency in the performance of early completion of the services? | Yes | No |
| 1. Would the person bear responsibility and financial liability for any negligence or sub-standard work performance during its engagement with the University? | Yes | No |
| 1. Does the person usually issue invoices setting out their fees or charges in order to get paid? | Yes | No |
| 1. Have any discussions/communications which have occurred with the person to date been consistent with them being engaged as a contractor (as opposed to an employee)? | Yes | No |

If most of the responses to the questions in the table are in column A, then the person should likely be engaged as a Contractor. If most of the responses to the questions in the table are in column B, the person should likely be employed as an Employee. Refer to your HR Contact for confirmation and further advice.

Completed by: ……………………………………………..

**(Name)**

……………………………………………

**(Position)**

……………………………………………….

**(Signature)**

……………………………………………….

**(Date)**