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Guidelines

Most of the time, deciding whether you're employed or self-employed will be easy. For example, if you're working for a company on a factory production line, doing a job set by your boss, you're employed. If you're in business for yourself, such as running your own dairy, you are self-employed.

If you have several jobs, you'll need to apply the guidelines to each job. Being employed or self-employed in one job does not automatically mean the same will apply to your other job(s). Consider the main conditions of each job that controls the way you work.

Self-employment guidelines

If you answer "yes" to most of these questions, it usually means you are self-employed.

- Do you decide or control how you do the work? For example:
  - when you take holidays
  - when, where and what hours you work
  - the standard or quality of work
  - how much you get paid and how.

- Do you invest or risk your own money in the activity in any way? For example:
  - Could you sell the business?
  - Do you support the business with your own money?
    For example, lending money, or providing working capital.
    (Excluding shares obtained from any employee share purchase plan).
  - Are you responsible for losses or your own mismanagement?
  - Are you responsible for management and investment decisions for the business?

- Do you provide the major assets or working equipment needed for your job, (not just small tools, work clothing and/or vehicle to get to and from work)?

- Do you provide or pay for your own training?

- Are you responsible for getting the work done?
  - Can you get other people to work with or for you, without needing to get permission from anyone else?
  - Do you pay these people from your own funds?
  - Are you free to do work for other people?
  - Do you advertise on your own account?
  - Do you arrange for someone else to do the job if you can’t (for example, if you’re sick)?
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If you can answer "yes" to most of the following questions, you're probably an employee.

- Do you have to do the work yourself, rather than hiring someone else to do it for you?
- Can someone tell you at any time what to do on the job, or when and how to do it?
- Are you paid at a set rate (for example, hourly, weekly, monthly, or per unit of production)?
- Can you get overtime pay or penal rates? (Please note that even if you're paid by commission or on a piecework basis you may still be an employee, especially if there are other people at your job who work on the same basis.)
- Do you work set hours, or a given number of hours a week or month?
- Does someone else set the standards for the amount and quality of your sales or output?
- Do you work at the premises of the person you’re working for, or somewhere that person decides?
- Are other people who do the same sort of job as you treated as employees?
- Are you under an employment contract (either individual or collective), or any law that says how your relationship with your “employer” should be run?
- Are you prevented from doing work for anyone else?
- Do you have to follow the rules or procedures of the person you’re working for?

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