

## CONTRACTORS (ACADEMIC & GENERAL STAFF DUTIES) PROCEDURES

<b>Section</b>	AVC and University Registrar
<b>Contact</b>	AVC and University Registrar
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**SCHEDULE 1**

**1. Determination of Status of Third Party**

- 1.1 Although there is no single test or exhaustive list to determine the status of a Third party/person, the five broad tests which follow are useful in determining this status. To ensure the status of a third party/person is correctly determined as either an Employee or a Contractor, the relevant Manager must answer the questions in tables A - E below.
- 1.2 If all of the responses to the questions in tables A - E are in column A, then the Third party/person is a Contractor.
- 1.3 If one or more on the responses to the questions in tables A - E are in column B, or if the Manager is not certain of whether a Third party/person is a Contractor, then the Manager answering the questions must contact their Human Resources Advisor for assistance in determining whether the Third party/person is an Employee or Contractor.

<b><u>TABLE A -- CONTROL TEST</u></b>	<b>A</b>	<b>B</b>
<i>The control test looks at the degree of control the University seeks to have over the work of the Third party/person and the manner in which this work is to be undertaken. The greater the extent to which the University controls the work of a Third party/person the more likely it is that the Third party/person will be an Employee.</i>		
Does the third party/person have control over how, where and when the services are performed (within practicality)?	Yes	No
Is the third party/person responsible for the quality and pricing of the services to be provided?	Yes	No
Will the third party/person supervise the provision of services and can the Third party/person hire other people to perform some or all of the services?	Yes	No
Can the third party/person negotiate the price to be paid by the University for the provision of the services?	Yes	No

**TABLE B -- INTEGRATION TEST**

*The integration test looks at whether the Third party/person is 'part and parcel' of the University. The work is likely to be undertaken by an Employee if the work is; integral to the core business of the University, is work commonly done by Employees, is continuous, and is for the benefit of the University rather than the Third party/person.*

**A**

**B**

Are the services to be provided by the Third party/person different from work usually performed by Employees of the University?

Yes

No

