

# CHECKLIST: EMPLOYMENT CONTRACT OR NOT?

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1

## What does the contract say?

Don't look for words only (employment, freelance, intern or volunteer). *Substance over form* means that what is written about the relation and way of working is more important than just the term used.

*Write down your findings and move to the next check!*

2

## Core business or auxiliary service?

What will the contracted person do? Will they work on your core business, like coordinating activities with your community? Or are they providing a service, like IT maintenance? In general, an auxiliary service is more likely hired out to a freelancer or company. While work on core business usually points to employment.

*Write down your findings and move to the next check!*

3

## Similar to or different from employees?

Does the person get similar tasks, duties and benefits to employees in your organization?

If yes, this points toward employment.

*Write down your findings and move to the next check!*

4

## Integrated or passer-by?

Is the person integrated into the organization? For instance, are they part of the staff presence list in the office? Are they mentioned on your website? Do you hold assessments with them? Do they get a birthday card? Etc.

If yes, this points toward employment.

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## What are the fees or wages?

How is the payment calculated? How much would the payment be on a monthly basis? How does that compare to salary levels in your organization? If payment is calculated by hours or days, or by products delivered it could point toward freelancing where for instance leave is unpaid.

*Write down your findings and move to the next check!*

6

## What are the working hours?

Are there any arrangements for the working hours? Does the person need to work from the office, in a certain time frame like from 9 to 5? Or can the person decide for themselves when they will work and from where, so long as they get the tasks done? If the latter, it could point to freelancing.

*Write down your findings and move to the next check!*

7

## Who pays for equipment, courses, etc.?

If the person needs certain equipment or software to get the work done, who is paying for that? What about training courses, do you offer them this opportunity? Do you pay for that? If they pay this as their own business expense, this points toward freelancing.

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8

## Other clients?

Does the person work for other organizations as well? Do they have their own website advertising their work and services? If yes, this points toward freelancing.

Look at all your findings to see what elements are stronger:  
employment or freelancing?

Adjust the contract and arrangements accordingly.