

## BOARD POLICIES

### ASSESSMENT

At the Workers' Compensation Board Meeting held on September 10, 1985, the following policy was agreed upon and adopted:

#### No. 34 Independent Operator/Contractor or Proprietor

The Assessment Department have indicated that Section 5.1 of the Workers' Compensation Act relative to independent operators provides no real guidance for the application of the term, and that some criteria is required in order to more properly establish the status of people so employed.

- I. An independent operator, contractor or proprietor is considered to be an individual who does not employ workers and who:
  - (1) works for more than one employer concurrently and is available to work regularly for more than one employer.
  - (2) advertise or otherwise solicit business through their own effort directly with the person or principal for whom the work is being performed and assumes as an asset all "goodwill".
  - (3) provide, in addition to their own labour, major equipment used solely for the business or supplies the materials related to the work being performed.
- II. Where all of the above conditions apply, the person will be considered to be an independent operator, contractor or proprietor.
- III. Where none of the above conditions apply, the person will be considered to be a worker in the employ of the person engaging and remunerating the individual for the work performed.
- IV. Where some of the above conditions apply, the person may be considered to be an independent operator, contractor or proprietor.

The Board is of the view it can establish the criteria for those persons being admitted under Section 5.1 of the Workers' Compensation Act and the Board has the right under Section 11.2 to determine the status of a person under the Act.



B. Booth  
Chairman