

# Employee Status Policy

**Category:** Human Resources

**Approval:** PVP

**Responsibility:** Associate Vice-President, Human Resources

**Date:** January 2016

## Purpose/Reason for Policy:

There are a variety of ways to compensate individuals who perform a service for Trent University. Under taxation laws, the default category is that of employee, whether regular, part time, contract, fee for service or other status.

## Policy Statement:

All persons employed in any capacity at Trent will be assumed to be an employee unless proven otherwise and must be employed in accordance with the University's hiring practices and government regulations. Contractor status will only be allowed if evidence is provided to support the classification of an individual providing a service as an independent contractor.

There are a number of criteria which are used to determine whether or not someone is an employee or contractor. These include:

- Does the employer have the right to control both how and what the individual must do for remuneration. Indicators of control include remuneration by the hour, week or month, specific required hours of work, full-time work, adherence to routines and schedules specified by the employer, and work at the employer's place of business;
- Does the individual hold a defined position within the organization?

For the complete list of criteria see Contractor Status Policy.

## Services Normally Deemed as Employee Status

Anyone who is an employee of the University while providing another service which is not part of his/her primary position will be considered an employee and as such will be paid as an employee. Individuals who teach a course from which students may receive academic credit will always be classified as employees. This would include all course instructors that teach University credit courses.

## Services that may be Deemed as Employee or as Contractor Status

Course Instructors that teach non-credit courses may be treated as employees or as independent contractors depending upon the nature of their relationship with the University. See the policy on Contractor Status for additional information.

Course Instructors- Professional: Some courses offered at the University may lead to professional accreditation. These are not considered academic credits relative to this policy and the instructors

may be treated as employees or as independent contractors depending upon the nature of their relationship with the University. See the policy on Contractor Status for additional information.

### **Services Normally Deemed as Non Employee Status**

**Consultant/Contractor:** The definition is detailed in the policy on Contractor Status. In general this covers services provided by a person specializing in a particular field on a non-repetitive project. Examples: an accounting firm providing a service related to a change in accounting systems, independent actuaries reviewing a pension plan, consulting engineers planning a new facility.

**Guest Lecturers:** These are professionals usually engaged by departments to speak on academic and research topics to a specific audience. Examples: visiting professionals or specialists, and seminar presenters. It is important to ensure that an individual is not a part-time lecturer already employed by Trent since they are considered to be employees. This category does not include performing artists as defined below. Some factors that may indicate that an individual is a guest lecturer are:

1. No ongoing responsibility to attendees;
2. No marking or grading responsibility;
3. No appointment with the University;
4. No office facilities or support staff provided;
5. Guest Lecturer paid a single fee;
6. Guest lecture or lecture series of limited duration.

**Performing Artists:** Persons engaged to perform, for example musicians, actors, comedians or other performing artists. Performing Artists if they are a business entity will be considered independent contractors for the purpose of this policy. If an individual performer and not registered as a business, he/she will be paid via Honorarium.

**Professional Speakers:** Are differentiated from guest lecturers in that they generally perform for a broad or general audience and their business income comes primarily from the speaking engagements. They may be in a Speakers'

Bureau or have an agent. Speakers are normally paid as independent contractors.

### **Contact Officer:**

Associate Vice-President, Human Resources

### **Date for Next Review:**

January 2021

### **Related Policies, Procedures & Guidelines**

- a) Contractor Status Policy

### **Policies Superseded by This Policy:**

- a) N/A