

Questionnaire for Determination of Status as an Employee or a Self-Employed Person

This form is for use by a principal or a worker to determine the status of a worker as an employee or a self-employed person.

Status is determined only in those cases where there is disagreement between the principal and the worker concerning the worker's status.

The terms "principal" and "worker" used in this form refer respectively to the employer and to the employee, if such is their status.

Regardless of whether you are the principal or the worker, **answer every question**. If a question does not apply in your case, write "N/A" (not applicable). Use Part 8, "Additional information," if the space provided is insufficient or if you wish to add other remarks. You may also enclose any documents related to this application for determination of status.

A questionnaire completed by a principal may apply to a number of workers in the same employment category (that is, workers doing the same kind of work under the same conditions). In such a case, attach a list of the names, addresses, social insurance numbers and telephone numbers of all the workers.

If the workers are not in the same employment category, complete a separate questionnaire for each category.

1 Identification (please print)

Name of principal		Identification number	
Mailing address		Postal code	Area code Telephone
Last name of worker		First name	
Mailing address		Postal code	Social insurance number Area code Telephone

2 General information

2.1 Who is completing the questionnaire? principal worker

2.2 Period covered by the questionnaire: from

Y	M	D
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 to

Y	M	D
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2.3 Describe the activities carried out by the principal.

2.4 Briefly describe the work performed by the worker for the principal.

- Position or title: _____
- Work schedule: _____

2.5 Has the worker's status already been determined by another organization (for example, the Canada Revenue Agency, the Commission des normes du travail or the CSST)?.....

Yes No

If **yes**, enclose a copy of the decision by that organization.

2.6 Are the worker's services performed under a contract or agreement? Yes No
If **yes**, give details: _____
Type of contract or agreement: individual contract collective agreement

2.7 Is the contract or agreement a written document? Yes No
If **yes**, attach a copy of the contract or agreement to this questionnaire and answer question 2.8.
If **no**, go directly to question 2.9.

2.8 Do present working conditions differ from those that were set down in the contract or agreement? Yes No
If **yes**, state the differences, the reasons for the changes and the dates on which the changes were made.

2.9 If there is no written contract or agreement between the principal and the worker, describe the agreement between the parties.

2.10 Does the worker have business cards or an identification card that he or she uses when introducing himself or herself or as a way of giving contact information to customers? Yes No
If **yes**, enclose the card.

3 Effective subordination of the worker

3.1 Has the worker reported amounts earned as employment income on line 101 of his or her income tax returns? Yes No
Has the worker reported amounts earned as business income on line 164 of his or her income tax returns? Yes No
If **yes**, has the worker filed financial statements with those income tax returns? Yes No

3.2 Does the worker have a commercial name? Yes No
If **yes**, enter the commercial name and the Québec enterprise number (NEQ):

3.3 Does the worker have a business telephone line? Yes No
If **yes**, enter the telephone number: _____

3.4 Has the worker obtained QST identification and file numbers and a GST account number? Yes No
If **yes**, enter these numbers:
• QST identification and file numbers: _____
• GST account number: _____

3.5 Enter the name of the person who determined the worker's tasks.

Enter the position title of this person, and list the tasks and enclose (if applicable) the document describing them.

3.6 Is the principal responsible for planning the work? Yes No

3.7 Is the worker required to comply with regulations and in-house procedures, and to consult the instruction manual of the principal's company? Yes No
If **yes**, enclose a copy of the principal documents concerned.

3.8 Enter the name of the person who assigns the work and describe how the work is distributed.

3.9 Does the principal tell the worker how to carry out the work?..... Yes No

3.10 Enter the name of the person who decides that work has to be redone and pays the expenses related to work redone.

3.11 Does the principal set standards and objectives to be met by the worker?..... Yes No
If **yes**, indicate what the standards and objectives relate to:
 quality of the work quantity of work length of time required
 other (specify): _____

3.12 What are the consequences of not complying with these standards or not meeting the objectives?
Provide a copy of the document setting out the standards and objectives (for example, work plan, specifications, estimates).

3.13 Does the principal provide training for the worker (given by a foreman, or other staff member, or an instructor from outside the company)? Yes No
If **yes**, what kind of training?

Enter the name of the person who pays for the training: _____

3.14 Is ongoing training provided in the principal's company? Yes No
If **yes**, is the worker required to take it (give particulars)?

3.15 Indicate who pays for training and professional development activities: principal worker
Briefly describe these activities: _____

3.16 Does the principal require the worker to take part in certain events (for example, conferences, exhibitions, trade fairs)? ... Yes No
If **yes**, specify which events: _____

3.17 Is the worker required to attend meetings at the principal's establishment in the course of his or her duties? Yes No
If **yes**, give particulars as to the frequency of the meetings and the nature of the subjects discussed:

- 3.18 Does someone supervise or check the work (for example, director, foreman, section head)? Yes No
 If **yes**, enter the name and position title of the person: _____

- 3.19 Does the worker have access to a resource person in the principal's company who can provide assistance, answer questions or settle problems? Yes No
 If **yes**, give particulars: _____

- 3.20 Does the principal develop tools for evaluating the work (for example, evaluation chart, rating sheet)?..... Yes No
 If **yes**, specify which tools are used: _____

- 3.21 Is the worker required to submit written reports to the principal? Yes No
 If **yes**, provide a copy of one such report, or if you do not have a copy, describe the contents.

- 3.22 What documents must the worker use to carry out the work (for example, forms, reports, index cards, contracts, letterhead paper, catalogues, brochures, business cards)?

 Enter the name of the person who supplies these documents to the worker: _____
- 3.23 Does the principal assign the worker a territory? Yes No
 If **yes**, specify which territory: _____

- 3.24 Does the worker use a list of customers given by the principal in carrying out the work? Yes No
- 3.25 Is the worker allowed to solicit customers other than those named by the principal? Yes No
- 3.26 Does the principal hold liability insurance in the worker's name? Yes No
 If **no**, is the worker obliged to have this type of insurance?..... Yes No
- 3.27 What types of contracts or other documents used by the worker must be countersigned or approved by the principal?

- 3.28 Does the principal oblige the worker to carry out the work himself or herself? Yes No
- 3.29 Has the worker ever been replaced by someone else?..... Yes No
- 3.30 If the worker has to be replaced, even occasionally, is he or she required to obtain the principal's consent? Yes No
 If **yes**, specify the following:
 the person who chooses the substitute: _____
 the person who pays the substitute: _____
- 3.31 Has the worker ever enlisted assistants? Yes No
- 3.32 Is the choice of assistants subject to the principal's consent? Yes No
- 3.33 Enter the name of the person who pays the assistants: _____

- 3.34 Is the work carried out in whole or in part at an establishment that is under the principal's supervision? Yes No
If **no**, specify where the work is carried out: _____

- 3.35 Is the work carried out in whole or in part at home? Yes No
If **yes**, is this done at the principal's request? Yes No
Generally, what percentage of the work is carried out at home? _____

- 3.36 Does the worker have an office or a workshop at his or her disposal in the principal's establishment? Yes No

- 3.37 Does the worker perform the same type of work at home as other workers perform at the principal's establishment? Yes No
If **no**, briefly describe the work: _____

- 3.38 If the work is carried out on the road, does the principal tell the worker where he or she must go to do the work (for example, home deliveries, long-distance trucking)? Yes No
If **yes**, specify: _____

- 3.39 Does the principal verify the worker's times of arrival at and departure from the workplace? Yes No
If **yes**, specify how this is done: _____

- 3.40 Does the principal verify the number of hours worked (for example, with time sheets, a time clock)? Yes No

- 3.41 Who sets the work schedule: principal worker

- 3.42 Does the worker have a production quota per period?..... Yes No

- 3.43 Does the worker work only for the principal? Yes No
If **no**, specify: _____

- 3.44 Does the worker undertake to work exclusively for the principal? Yes No

- 3.45 If the worker wishes to work for another principal, is the worker required to inform the principal or seek the principal's consent?..... Yes No

- 3.46 Does the worker sell only the principal's products? Yes No
If **no**, specify: _____

- 3.47 Does the worker have a regular workload? Yes No
If **no**, is the worker remunerated anyway?..... Yes No

- 3.48 Does the principal have the right to impose disciplinary measures (such as salary cuts or a suspension) on the worker?... Yes No

- 3.49 In what manner and under what circumstances can the principal end the contract with the worker?

3.50 If the worker is a salesperson, answer the following questions:

- Does the worker buy products or services from the principal for the purposes of resale? Yes No
 - Does the principal determine the selling price? Enclose a sample of the bill. Yes No
 - Does the worker determine the selling price? Enclose a sample of the bill. Yes No
 - Are sales billed in the principal's name? Yes No
 - Are sales billed in the worker's name? Yes No
 - Does the customer determine the terms of payment? Yes No
- If **no**, who determines them? _____
- _____

3.51 Does the worker take inventory? Yes No
If **yes**, specify: _____

3.52 Does the principal determine a price range or price list? Yes No

3.53 Is the worker allowed to give discounts? Yes No
If **yes**, specify: _____

3.54 Enter the name of the person who collects the amounts due: _____

3.55 Enter the name of the person who delivers the merchandise that is sold:

3.56 Enter the name of the person who is responsible for customer service: _____

4 Financial information

- 4.1 While performing his or her duties, is the worker responsible for expenses related to:
- the theft of or damage to goods and equipment under his or her responsibility..... Yes No
 - credit or terms of payment granted to buyers Yes No
 - bad debts and other losses Yes No
 - errors in calculation Yes No
 - guarantees on material and labour Yes No

If the worker is responsible for expenses related to other elements, specify which ones:

4.2 Is the worker required to pay certain expenses while carrying out the work (for example, repair costs, insurance premiums, costs for transportation of equipment, operating costs, rentals, office expenses)? Yes No
If **yes**, specify: _____

4.3 Is the worker obliged to pay union dues? Yes No

4.4 By what method is the worker remunerated:
 annual salary hourly wage piecework commissions
 other (specify): _____

How often is the worker remunerated? _____

4.5 Does the worker receive advances against expected remuneration? Yes No
If **yes**, does the worker receive these advances at regular intervals (for example, weekly, monthly)? Yes No
If **yes**, indicate the interval: _____

4.6 Does the worker receive another type of remuneration while performing his or her duties? Yes No
If **yes**, check the appropriate boxes below:
 bonuses or gratuities discount on purchases fixed allowance
 other (specify): _____

4.7 What expenses are refunded (in whole or in part) to the worker in the performance of his or her duties?

4.8 Is the worker paid for working overtime? Yes No
If **yes**, specify if the worker is paid at the same hourly rate: _____

4.9 Is the worker entitled to fringe benefits? Yes No
If **yes**, check the appropriate boxes below:
 paid vacations, paid statutory holidays
 sick leave with pay
 employer contributions to a private health services plan, premiums paid to non-group insurance plans, premiums paid to certain plans respecting insurance of persons
 other fringe benefits (specify): _____

4.10 Do other workers perform the same type of work for the principal? Yes No

4.11 Does the worker have recourse to the services offered in the principal's company (for example, secretarial service, photocopying service, the services of a receptionist, the services of the credit department)? Yes No
If **yes**, specify: _____

4.12 Does the worker pay employment insurance premiums? Yes No

4.13 Does the principal pay a contribution to the CSST in respect of the remuneration paid to the worker? Yes No

5 Ownership of equipment, tools or materials

5.1 Is the worker obliged to provide equipment, tools or materials at his or her own expense? Yes No
If **yes**, specify which ones and state their approximate value: _____

5.2 Does the principal provide the worker with equipment, tools or materials? Yes No
 If **yes**, specify which ones: _____

6 Integration

6.1 Is most of the worker's earned income (more than 90%) derived from work performed for the principal? Yes No
 If **no**, specify the worker's source of income:
 employment income from another employer
 employment insurance benefits
 business income (in Part 8, list the names of the worker's customers)
 other income (for example, income security benefits, pension benefits). Specify: _____

6.2 What does the worker do to expand his or her list of customers?

6.3 Is the worker allowed to keep the list of customers when he or she leaves? Yes No

6.4 Has the worker ever worked for the principal as an employee? Yes No
 If **yes**, describe the work: _____

7 Viewpoint of the applicant

7.1 In your view, what is the worker's status: an employee a self-employed person
 Give the reasons for your choice (**it is very important to complete this section**).

7.2 If you consider the worker now to be self-employed, indicate the main differences that account for the change in the worker's status.

