

Employment status

In the UK different types of employment status attract certain important legal rights.

An **'employee'** is a person who works under a contract of employment. Key tests for employment status are:

- **Mutual obligations**
- **Personal service:** you must provide your own work or skill in the performance of service for the employer (i.e. you cannot deputise the work).
- **Control:** the employer controls how your work is carried out.

A **'worker'** is a person who has entered into or works under a contract of employment, or any other contract whereby they undertake to provide personal service. Key tests for worker status are:

- **Personal service**
- **Business undertaking**
- **Mutual obligations**

If you are not an employee or a worker then you will probably be **self-employed**. In this case the teacher offers their service as an independent contractor, known as a 'contract for services'.

This means that you (the contractor) have control over when, where and how you deliver the work and should be able to set fees and deputise the work if you wish to. You are also responsible for organising your own tax and National Insurance contributions.

Advice from the Musicians' Union

Be clear about whether you are employed or self-employed in your work. You should always work under a contract which sets out terms and conditions such as holiday pay, sickness pay and maternity/paternity/adoption pay. If your employer or engager proposes any changes to your contract then get in touch with your Regional Office.

Summary

- For more information about employment status visit www.hmrc.gov.uk/employment-status.
- Check out employment contracts under the MU's Employment Contract Advisory Service (ECAS).