

WORKPLACE INJURY REHABILITATION AND COMPENSATION ACT 2013

Who is a worker?

For most business organisations, the answer to this question is simple. If you employ workers, you are an employer. Workers do not have to be full-time: they can be part-time or casual employees.

Under some circumstances, contractors may be 'deemed' to be workers. If a person operates their own business but provides their services primarily to you (that is greater than 90 days or 80 per cent of their income) they may be deemed workers, even if in some cases their business is incorporated. Obtain advice if doubt exists.

If you cannot clearly identify an employer of the person you engage, or if that employer is unable to provide evidence of a WorkCover policy, assume you are responsible and seek advice. Consider this example: If you have a taxicab which you make available to a driver, you are an employer. This type of working arrangement – a contract of bailment – is specifically listed under WorkCover legislation (*WIRC Act 2013* schedule 1 provision 7). The Act also specifically refers to working and business arrangements that include co-operatives, share farming and outworkers.

Contacting the Victorian Chamber of Commerce and Industry

The Victorian Chamber's team of experienced health, safety and wellbeing and workplace relations advisors can assist members with a range of health, safety, wellbeing, employment, human resources and industrial relations issues.

Our experienced health, safety and wellbeing and workplace relations consultants can also provide assistance to both members and non-members on a range of more complex matters for a fee-for-service. The consultants can, among other things, provide health, safety and wellbeing consulting and training to employees, conduct investigations and provide representation at proceedings at the Fair Work Commission.

For assistance or more information, please contact the Advice Line on **(03) 8662 5222**.

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