

From: [Text redacted]
To: [OnDemand Inquiry \(DEDJTR\)](#)
Subject: Contractor verses Employee
Date: Friday, 8 February 2019 12:09:03 PM

I have been a contractor in the IT industry since 1998. In November 2011 I began a 3 month contract. During that 3 month I was basically performing the tasks outlined in the contract. That contract was not renewed nor was I made a permanent employee. However, I still report for work with that same client to this day – some 7 years later. In the past 7 years I have worked on several different projects.

Every year I am required to sit through a performance review and every year I complain. For the last 2 years I have been denied CPI increases in my rates.

The obvious solution is to get a job elsewhere. However, I am 64 years old and getting another job is next to impossible. So it appears that my client is willing to exploit what is for me anyway, a tight job market.

I believe that I am not a contractor but an employee since:

1. My original contract has expired
2. I have been given tasks not described in that original contract
3. I provide an invoice once a month for the days worked
4. I work on the client's premises using the client's equipment

Therefore as an employee I am entitled to but not receiving employer super contributions and paid annual and sick leave.

In absolute dollar terms I am being paid less today than what I was 18 years ago. In relative terms I think that amounts to about 40% less pay. So 18 years ago employers use to pay a premium to employ people as contractors on a short term basis to work on a specific project. Now contracting is used as a means of paying people less and avoiding the provision of other employee entitlements.

Regards,

[text redacted]