

Employee or Contractor – ATO's online decision tool

Providing you accurately enter the details of the arrangement with your worker into the ATO's online employee or contractor decision tool <https://www.ato.gov.au/Calculators-and-tools/Employee-or-contractor/> and keep a hard copy of the contractor "decision" on file, according to the ATO it may be used to have penalties remitted, if your worker is later found to be an employee. However, properly completing the online tool does not excuse the payment of any unpaid PayG Withholding or superannuation guarantee. Worse still, such amounts unpaid for a period of greater than 3 months may attach to the directors personally under the directors penalty notice regime regardless of external administration of the relevant company. So obtain independent legal advice in relation to a worker that you are treating as a contractor. There are things your legal practitioner can do for your company from a taxation and workplace relations perspective.

Important Notice

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