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Separating the employees from the "wannabe's" - Employees versus Independent Contractors

Determining whether a person is an employee or an independent contractor has material financial implications for a company, particularly in the context of retrenchments, equal pay as well as the rights of a company to terminate the relationship. The CDH Employment practice has developed the following determination tree to assist you in making this assessment.





(State Information

29 ILJ)

Technology Agency (Pty)

Ltd v CCMA & Others (2008)

(Denel (Pty) Ltd v

26 ILJ 1256 (LAC))

Gerber (2005)



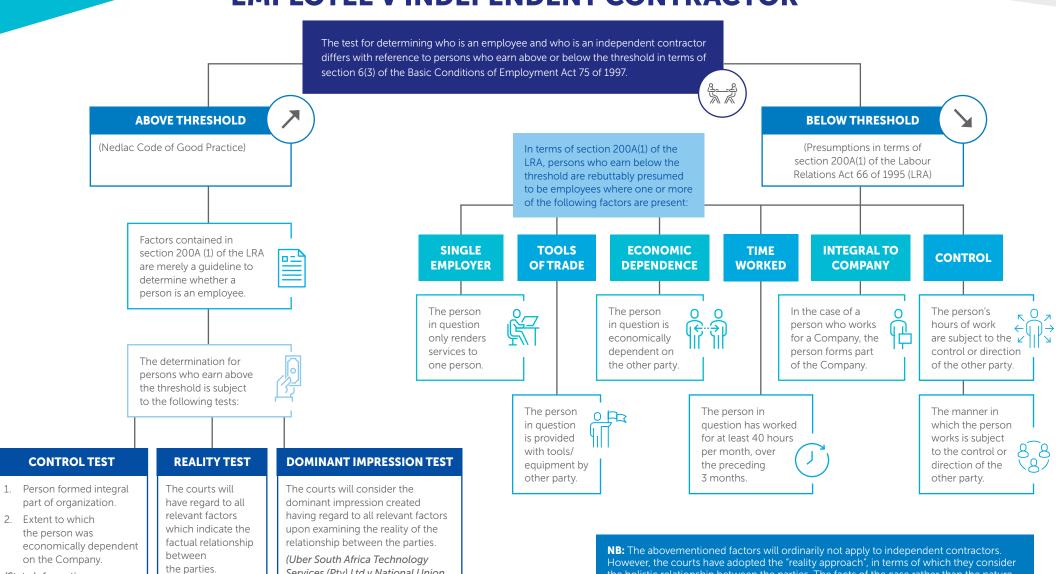
the holistic relationship between the parties. The facts of the case rather than the nature

An independent contractor, unlike an employee, is obliged to perform a specific task or

of the agreement is the determining factor.

produce a specified result as opposed to doing work personally.

EMPLOYEE V INDEPENDENT CONTRACTOR



Services (Pty) Ltd v National Union

(NUPSAW) and Others (2018)

39 ILJ 903 (LC))

of Public Service and Allied Workers



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Gillian Lumb ranked by CHAMBERS GLOBAL 2020 in Band 3: Employment.

Hugo Pienaar ranked by CHAMBERS GLOBAL 2014 - 2020 in Band 2: Employment.

Michael Yeates ranked by CHAMBERS GLOBAL 2020 as an up and coming employment lawyer.



Our Employment practice is ranked as a Top-Tier firm in THE LEGAL 500 EMEA 2020. Fiona Leppan is ranked as a Leading Individual in Employment in THE LEGAL 500 EMEA 2020. Aadil Patel is recommended in Employment in THE LEGAL 500 EMEA 2020. Gillian Lumb is recommended in Employment in THE LEGAL 500 EMEA 2020. Hugo Pienaar is recommended in Employment in THE LEGAL 500 EMEA 2020. Michael Yeates is recommended in Employment in THE LEGAL 500 EMEA 2020. Jose Jorge is recommended in Employment in THE LEGAL 500 EMEA 2020.





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BBBEE STATUS: LEVEL TWO CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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