



Author
Jonathan Groux

Ask The Expert - Mass High Tech

My business hires independent contractors on a regular basis. Do I need to worry about what services they provide as independent contractors?

Friday, February 29, 2008

Yes. According to recent revisions to Massachusetts Independent Contractor Law. M.G.L.c 149, section 148B, contractors must provide service "outside the usual course of business." To do otherwise would imperil the contractor status, and they would be considered an employee, rather than an independent contractor. To ensure their independent contractor status, all of the following three elements must be followed:

- (1) The contractor is free from control and direction in connection with the performance of the service, both under his contract for the performance of service, and by the manner in which the actual work is performed, and;
- (2) The contractor provides service "outside the usual course of the business of the employer"; and
- (3) The contractor is customarily engaged in an independently established trade, occupation, profession or business of the same nature as that involved in the service performed.

Additional information for this attorney
may be found on our website.

SHEEHAN PHINNEY BASS + GREEN PA
www.sheehan.com

Manchester, NH | Concord, NH | Hanover, NH | Boston, MA
800-625-SPBG (7724)