

Principles of Sham Contracting

Difference between the Employee and Independent Contractor

Indicator	Employee	Independent Contractor
Hours of Work	Generally, works standard or set hours (note: a casual employee's hours may vary from week to week).	Under agreement, decides what hours to work to complete the specific task.
Expectation of Work	Usually has an ongoing expectation of work (note: some employees may be engaged for a specific task or specific period).	Usually engaged for a specific task.
Risk	Bears no financial risk (this is the responsibility of their employer).	Bears the risk for making a profit or loss on each task. Usually bears responsibility and liability for poor work or injury sustained while performing the task. As such, contractors generally have their own insurance policy.

(Independent contractors and employees, 2020)

Prohibitions of sham contracting

Under the sham contracting provisions of the Fair Work Act 2009, an employer cannot:

- Misrepresent an employment relationship or a proposed employment arrangement as an independent contracting arrangement
- Dismiss or threaten to dismiss an employee for the purpose of engaging them as an independent contractor
- Make a knowingly false statement to persuade or influence an employee to become an independent contractor.

Penalties

Fair Work Inspectors are responsible for imposing sham contracting penalties. Then it is the courts that hand out the fines which are \$12,600 for individuals and \$63,000 for corporations, per contravention. "Fair Work Inspectors may also apply to the courts to grant an injunction or an interim injunction if an employer seeks (or threatens) to dismiss an employee for the purpose of engaging them as an independent contractor" (Independent contractors and employees, 2020).

General Protections etc.

Under the Fair Work Act 2009, there are some general protections provided to independent contractors and their principals. They are protected from any "adverse action by any person in relation to the decision to exercise or potentially exercise their rights under these provisions".

Fair Work Ombudsman. 2020. Independent Contractors And Employees. [online] Available at: <<https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/independent-contractors-and-employees>> [Accessed 9 August 2020].

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**United States. Congressional
Oversight Panel**



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Advances in Accounting Education Timothy J. Rupert, 2015-01-12 *Advances in Accounting Education Teaching and Curriculum Innovations* investigates how teaching methods or curricula programs in accounting can be improved Volume 16 examines intelligent online tutoring information literacy in the accounting curriculum and the importance of the foreign corrupt practices act for accounting education **Round Table** ,1867 *Congressional Oversight Panel September Oversight Report* United States. Congressional Oversight Panel, 2009 *The Sham ID, called 'Aadhaar'* Mathew Thomas, 2018-08-06 The truth behind the Sham ID Aadhaar Hoax revealed and made public with incontrovertible documentary evidence Ask the author for advice on problems posed by people asking for the Sham ID Aadhaar number for various purposes such as admitting your child in school for opening a bank account for obtaining a new mobile phone connection for registering property etc For advice please send email queries to info thefifthstateworld com Why are you told to laminate the acknowledgement letter you received from UIDAI informing you of allocation of the Sham ID number and use it as an ID card Take out this Sham ID called Aadhaar card Then take out any other ID card you have your driving license or your voter ID Compare these two the Sham ID called Aadhaar card and your other ID Find out for yourself the differences Have spies terrorists and illegal immigrants obtained Sham ID Aadhaar numbers Do you know that Sham ID called Aadhaar is for all residents citizens and non citizens Do you know that UIDAI cannot know whether the person enrolling in the Sham ID called Aadhaar is a citizen or not If so how can the Sham ID called Aadhaar be used as KYC norm for opening bank accounts Do you know that biometric identification is impossible in large populations Find out what scientific research by top US Academies found out about biometric identification Find out why is UIDAI not allowing our investigating agencies like CBI to use the UIDAI database for investigation of crimes Find out why UIDAI and Oil Companies are not using biometric identification of Sham ID called Aadhaar for LPG supplies but are only using the Sham ID Aadhaar numbers **Debates in the Houses of Legislature** South Australia. Parliament, 1875 *The Round Table* ,1867 **Parliamentary Debates** New Zealand. Parliament, 1885 *The Weekly Reporter ...* ,1878 **Parliamentary Debates** New Zealand. Parliament. House of Representatives, 1885 *Government, Science, and Public Policy* Panel on Science and Technology, 1966 *Official Report of the Proceedings of the Meeting* ,1891 **Conference Papers from the Summer Meeting** IEEE Power Engineering Society, 2000 *Decisions and Orders of the National Labor Relations Board* United States. National Labor Relations Board, 2001 *Trade Law* Emily C. Barbour, 2010 U S trade obligations derive from international trade agreements including the General Agreement on Tariffs and Trade GATT the other World Trade Organization WTO agreements and additional bilateral and regional trade agreements as well as domestic laws intended to implement those agreements or effectuate U S trade policy goals This report provides an overview of both sources of U S trade obligations focusing on a select group of agreements provisions and statutes that are most commonly implicated by U S trade interests

and policy This report is not intended as a comprehensive review of trade law It is an introductory overview of the legal framework governing trade related measures *The Building News and Engineering Journal* ,1891 The Architect ,1871
 Engineering ,1905 **The Engineer** ,1877 Official Report of the Proceedings of the ... Meeting of the National
Conference of Unitarian and Other Christian Churches ... ,1889 **Illustrated Times** ,1860

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Table of Contents Sham Contracting Roundtable Discussion Paper Word

1. Understanding the eBook Sham Contracting Roundtable Discussion Paper Word
 - The Rise of Digital Reading Sham Contracting Roundtable Discussion Paper Word
 - Advantages of eBooks Over Traditional Books
2. Identifying Sham Contracting Roundtable Discussion Paper Word
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Sham Contracting Roundtable Discussion Paper Word
 - User-Friendly Interface
4. Exploring eBook Recommendations from Sham Contracting Roundtable Discussion Paper Word
 - Personalized Recommendations
 - Sham Contracting Roundtable Discussion Paper Word User Reviews and Ratings
 - Sham Contracting Roundtable Discussion Paper Word and Bestseller Lists
5. Accessing Sham Contracting Roundtable Discussion Paper Word Free and Paid eBooks
 - Sham Contracting Roundtable Discussion Paper Word Public Domain eBooks
 - Sham Contracting Roundtable Discussion Paper Word eBook Subscription Services
 - Sham Contracting Roundtable Discussion Paper Word Budget-Friendly Options
6. Navigating Sham Contracting Roundtable Discussion Paper Word eBook Formats
 - ePub, PDF, MOBI, and More
 - Sham Contracting Roundtable Discussion Paper Word Compatibility with Devices
 - Sham Contracting Roundtable Discussion Paper Word Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Sham Contracting Roundtable Discussion Paper Word
 - Highlighting and Note-Taking Sham Contracting Roundtable Discussion Paper Word
 - Interactive Elements Sham Contracting Roundtable Discussion Paper Word
8. Staying Engaged with Sham Contracting Roundtable Discussion Paper Word

- Joining Online Reading Communities
- Participating in Virtual Book Clubs
- Following Authors and Publishers Sham Contracting Roundtable Discussion Paper Word
- 9. Balancing eBooks and Physical Books Sham Contracting Roundtable Discussion Paper Word
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Sham Contracting Roundtable Discussion Paper Word
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Sham Contracting Roundtable Discussion Paper Word
 - Setting Reading Goals Sham Contracting Roundtable Discussion Paper Word
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Sham Contracting Roundtable Discussion Paper Word
 - Fact-Checking eBook Content of Sham Contracting Roundtable Discussion Paper Word
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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