

Employment status

Types of employment status

'Employment status' is someone's legal status at work. It affects:

- the employment rights they're entitled to
- their responsibilities
- their employer's responsibilities

There are 3 main types of employment status:

- employee
- worker
- self-employed

These are all defined by law (Employment Rights Act 1996).

Someone's employment status is based on:

- their employment contract or 'written statement of employment particulars'
- what was agreed when they were offered the job
- the way the organisation and the individual work together

How to work out employment status

To help work out someone's employment status, check if their work situation suggests they are:

- [an employee](#)
- [a worker](#)
- [self-employed](#)

It can also be helpful to check:

- the [written statement of employment particulars](#)
- the [employment contract](#)
- if the employment status in the contract or written statement reflects the actual work situation

When employment status might not be clear

In some circumstances, it might not be clear whether someone has the legal status of employee or worker. It's particularly important to work out the employment status of these people.

For example, if they're:

- a zero-hours worker
- bank staff
- working in the 'gig economy' – for example working through online platforms
- on a work experience placement or internship
- on a fixed-term or rolling contract
- a piece worker – when someone is paid for each piece of work they do
- peripatetic – someone who has no fixed workplace or works in different locations
- an employee shareholder
- a locum – someone who temporarily takes on a role in specific circumstances, for example a doctor

Some people might have different employment statuses in different roles. This is usually when they have more than one job, including doing different jobs for the same employer. They might be classed as an employee in one job and a worker in another.

Agency workers

An agency worker could be an employee, worker or self-employed.

[Find out more about employment rights as an agency worker](#)

Employment status for tax purposes

Employment status for tax purposes is different from employment status for employment rights purposes.

If someone is considered self-employed for tax purposes, this does not necessarily mean their employment status is self-employed.

To check if someone is employed or self-employed for tax purposes, use [HMRC's Check Employment Status for Tax Tool](#).

Directors, office holders and volunteers

Company directors, office holders and volunteers do not have the same rights as employees and workers.

Find more information on GOV.UK about:

- [directors](#)
- [office holders](#)
- [volunteers](#)

Get more advice and support

If you have any questions about employment status, [contact the Acas helpline](#).

You can also read [GOV.UK guidance on employment status and employment rights](#).