

Workers Hired to Cook, Waitress and Clean for Events were in Insurable Employment



A business providing meeting facilities and dining facilities appealed an assessment of employment insurance and CPP. The court ruled all but one worker was employed and not independent contractors and so were in insurable employment. Waitresses were employees because they were not in business for themselves, had no chance of profit or risk of loss, simply showed up to work an event and were paid an hourly wage set by the facility. The menus were set and food purchased by the facility and the cooks and caterers used the facility's kitchen without charge and were paid an hourly rate set by the facility. So the cooks, caterers and waitresses were all employees not independent contractors. A cleaner with her own separate clients and used her own cleaning supplies was an independent contractor, however. Additionally, since they were all hired for specific events that had a specific time, the court said this was part time rather than casual work. Even if it was casual work, it was in the facility's usual trade or business and thus wasn't exempt from employment insurance [[Morris Meadows Country Holidays and Seminars Ltd. v. M.N.R.](#), [2014] TCC 191 (CanLII), June 6, 2014].