


How do you create a good assignment description?

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Important to remember

Hiring self-employed professionals remains possible!

- With the expiration of the enforcement moratorium and the possible introduction of the VBAR law, it will remain possible for clients to hire self-employed professionals to perform assignments.
- It is important that you, as an organisation, ensure that your assignments are suitable for a self-employed professional and that you act in accordance with applicable laws and regulations.

Importance of a good assignment description

When a client provides an assignment to a self-employed professional, either through HeadFirst Group or otherwise, it is essential that this assignment is documented in a clear and detailed assignment description

- First of all, a clear description ensures that both parties know what to expect from each other: what exactly is the self-employed professional going to deliver?
- In addition, a clear assignment description helps prevent false self-employment.

HeadFirst Group has prepared a standard form, *Assignment Description for self-employed professionals*, which must be completed by the client. The questions to be answered are based on the Deliveroo-arrest.



Difference between result versus effort commitment

- An important distinction between an employee (false self-employed) and a self-employed professional is that a self-employed professional works with a commitment to achieve a result: within an agreed period, he or she delivers a specific result. With a result commitment, one party assures the other that a specific result will be achieved. Here, a guarantee of the result is given.
- With an employee on the other hand, there is a commitment of effort. One party assures the other that an effort will be made to achieve a certain result. There is only a guarantee of effort, but not of the result.

Key elements taken from the Deliveroo-arrest (1)

- **Nature and duration of the work**
Describe the purpose and content of the assignment in as much detail as possible. What is the reason for outsourcing this assignment to a self-employed professional? Is the required specific knowledge lacking within the client's organisation? What is the actual duration of the assignment, project or program? Is it a stand-alone project with a planned duration? What result is to be achieved in this assignment by the self-employed professional? Also consider intermediate results and deadlines to be met.
- **The way in which the activities and working hours are determined**
Is the self-employed professional free to determine where and when the assignment is done?





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Key elements taken from the Deliveroo-arrest (2)

- **The embedding of the work and the person who carries out the work in the organisation**
What specific knowledge and skills (qualifications) will be used during this assignment? Does the self-employed professional work as part of a team to achieve the result? Is there a distinction between employees and self-employed professionals. Consider difference in welcome package, participation in company outings/events, gifts and different digital signature by adding 'a.i.' or 'ext'. Can the self-employed professional carry out the assignment at their own discretion? Are tools and materials provided to complete the assignment, or does the self-employed professional use their own tools and materials?
- **Obligation to personally perform the work**
Is the self-employed professional required to carry out the assignment personally, or can the self-employed professional replace themselves if they are unexpectedly unable to continue with the assignment?



Key elements taken from the Deliveroo-arrest (3)

- **Manner in which the contractual arrangement was reached between the parties**
The assignment was created by bringing supply and demand together.
- **Does the independent professional behave economically as a self-employed professional?**
Does the self-employed professional bear commercial risks (only actual hours worked are compensated, active on social media, own website, Chamber of Commerce registration, etc.)? This question is asked by HeadFirst Group to the self-employed professional through the 'Entrepreneur check' form.



Attention!

- There should never be guidance and supervision when using a self-employed professional!
- It is possible to give limited directions, but not managerial supervision or detailed instructions on how the assignment should be performed.
- A self-employed professional can carry out an assignment as part of a team (such as SAFE, Scrum, Agile, etc.), as long as it's clear that the self-employed professional is fully responsible for executing the assignment independently and bears full responsibility within the overarching project.
- Do not schedule progress meetings/functional reviews with the self-employed professional. Of course, it is possible to discuss the progress of the execution of the assignment, but someone's performance cannot be a topic of conversation.
- Make it clear that the individual is a self-employed professional (in emails, to employees, etc.). The self-employed professional must also behave as a self-employed professional both during the execution of the assignment and outside of the assignment.

Example incorrect assignment description

- You are part of the local project team. Together with another colleague, you will formally work in the Operations Supply Chain organisation (OSS) department.
- Are you the central figure in having the material supply in order in challenging large technical projects? In the role of Project Material Manager, you are responsible for organizing and remedying irregularities in the flow of materials. You will be the first point of contact for the project management team, contractors, suppliers and logistics staff.
- You ensure correct orders of materials within the set purchase contracts. In addition, you track the orders and schedules of the suppliers and communicate with the customers within the project. You have weekly contact with customers, the project executors, project management and suppliers. You report deviations and propose solutions and scenarios when schedules conflict or deviate. You are an important pivot in registering the total supply chain of material which we deliver to our contractors through a management delivery.
- Acts as the first point of contact for questions about the equipment supply and coordinate the questions to the right department such as purchasing, inspection, engineering or other stakeholders. You provide input to the project team in the context of progress and risks for various reports. You report to the Supply Chain manager. However, the first reporting and escalation takes place within the project organisation.

This description unmistakably points to the embedding of the work and the worker (see the underlined terms). It is a position for twelve months and for 36 hours per week.

