

Contracting mindset tips: you can only send a sick note to yourself

Contractors can fall ill, of course, just like any other worker. As a limited company contractor, it is your company that employs you, not your client. You can only send a sick note to yourself, pay yourself sick pay and use contract law to explain to the client why you could not complete your contract.

Do you pay your service providers for the days they take off for illness?

When your house needs painting, you hire a decorator perhaps on a day rate to start working from room to room. Suppose he does not turn up for three days, then arrives with a sick note from the doctor demanding you pay him for the days that he was off sick. Do you pay him?

Your window cleaner arrives on the tenth of every month. She missed coming last month, texting you that she had a bad back. But she turns up today, cleans the windows and knocks on the door to get paid. Do you demand to see the letter from her doctor explaining why she didn't turn up last week, or do you just want clean windows?

Every week you take your car to the hand car wash for a wash and wax. The usual bloke who valets your car is off sick this week, but one of his mates does just as good a job. Do you refuse to pay him because he's not the bloke you always use?

Clients want a service delivered

As a service provider to your client and not an employee, you only get paid for when you are delivering your services. Even if you are genuinely ill with an official doctor's sick note, your client won't be paying you sick pay.

Clients ideally want you fit and healthy and delivering on your contract, as you have agreed. Most clients are not that fussed about the detail of how the service is performed. They just want to be sure it gets done. They won't come chasing after you for a sick note to explain why you weren't at work last week, they just won't pay you.

If you don't turn up for work, don't expect your contract to be held open for you. If you can't deliver your services, no matter what the reason, the client will just get onto the agency and ask them to send a contractor who can.

Contractors are responsible for their own sick pay

Your limited company is your employer, not your client and not your agency. So, if you get sick, then the employment rights, such as sick pay, which you can expect will come from your own company. You are responsible for ensuring you have enough cash in the business bank account, or a suitable insurance policy, to pay out if you get ill.

If you fail to deliver your services, or to be more precise, if your limited company fails to deliver your services, then you are in breach of contract. It is contract law and not employment law that determines what happens next. A determined client could sue for breach of contract, and you may have to seek legal advice to defend yourself and your company.

You are responsible for maintaining a flow of new business for your company. If you are too ill to find new contracts, it is not the agency's or client's responsibility. And there is no employment law to stop another contractor from stepping into your shoes if you fall ill.

Contractor mindset tip:

Contractors are employed by their own limited company, not by their client, so dealing with sickness is their own responsibility.

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