



Diagram liability for damage

This diagram is about the differences between employees, contractors and trainees/volunteers in relation to liability. There are also differences between employees, contractors and trainees/volunteers in the field of taxes and social security.

Liability for suffered damage Being held liable or holding liable within the framework of work and assignment.			
You work as:	Employee with employment contract	Contractor (self-employed person without personnel) with a commission contract:	Intern or trainee / volunteer
Question:			
Are you liable when, through your fault, damage is caused within the framework of your work activities?	You are not liable, unless it is a matter of intention or conscious recklessness.	You are liable. You can sometimes limit or exclude this in general conditions or through an commission contract.	See employee.
Can you hold someone else liable if, within the framework of your work, you are involved in an accident or you contract an occupational disease?	Your employer is liable, unless there was intention or conscious recklessness on your side.	It depends on the question if the work that you do is done by the companies employees as well. If so, you're in the same position as an employee. If not, you can only hold your client liable in case of them making a mistake.	See employee.
What about your income if you can no longer work?	By law your employer has to continue to pay a minimum of 70% of your salary for two years and the both of you have to make efforts to get you back to work.	If you cannot finish your assignment as a result of that, you do not get your fee. Are you in the same position as an employee or was the accident caused through someone else's fault, you can maybe ask for damages. This can be more than the fee, also missed assignments because of the accident.	No salary, so no sick leave on full pay.

Recover damage From who can the damage be recovered if someone else (such as an organisation or a person) is liable?	
The other person is a legal personality	You can recover your damages from the legal personality, not from the individual board member or the management board of the legal personality. A professional entrepreneur/organisation/legal personality has taken out insurance against such risks.
The other person is not a legal person but a natural person	The other person is liable with both private and business capital. A professional entrepreneur has taken out insurance against such risks.

More information

On [BeroepKunstenaar.nl](https://www.beroepkunstenaar.nl) you will find more information on income and taxes, social security, insurances, types of enterprises and (wizards on) liability.