



your work life

HOW TO NEGOTIATE YOUR EMPLOYMENT CONTRACT

This guide discusses how you should go about negotiating with an employer over your conditions of employment. It provides you with a framework for these negotiations and shows how you can reach a deal with the employer that works well for both of you.

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Disclaimer

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HOW TO NEGOTIATE AN EMPLOYMENT CONTRACT

WHAT IS AN EMPLOYMENT CONTRACT

Employers sometimes require prospective employees to enter into common law contracts with them before the employee begins work in their new job. These contracts are negotiated between the prospective employee and the employer and document the principal terms and conditions of a person's employment and the obligations both the person and the employer have under the contract. These terms and conditions must include the National Employment Standards created in the Fair Work legislation. An employment contract is a legally binding document that can be enforced by both parties through the courts and can only be varied by agreement between the employer and the employee.

Negotiating an employment contract is a skill which employees should develop so that they can make the most of their employment opportunities and are in a strong position to be able to increase the rewards they receive for doing their jobs well.

ABOUT THIS GUIDE

This guide shows you how to go about concluding a contract of employment and how you can negotiate a deal that works well for you. It is written from the point of view of a person who is being offered an employment contract as a new recruit to an organisation. However, the document also provides guidance to anyone who is about to re-negotiate their existing employment contract with their employer.

In this guide we talk about contract negotiations with an "employer". While this may be the case in small businesses, in middle sized and large organisations you will most likely find yourself negotiating with a supervisor, a manager or a representative from the Human Resources Department. For the purposes of this guide you can regard this person as the "employer".

This guide does not address contracts relating to casual employment. Casual employees tend to have quite flexible relationships with their employer and tend to be offered limited and quite different terms and conditions of employment.

AIM OF NEGOTIATIONS

Contract negotiations between you and your employer should aim at achieving a set of terms and conditions of employment that:

- Are acceptable to, and agreed between, you and your employer; and
- Meet the needs and expectations of both parties.
- Meet all relevant legal requirements