EMPLOYMENT AGREEMENT TEMPLATES INFORMATION AND PRICING FACTSHEET

Contacting the Victorian Chamber of Commerce and Industry

Our workplace relations team can also provide assistance to both members and non-members on a range of more complex matters tailored to your business or our HR Packages. The consultants can tailor a solution to your needs by providing training to employees, conduct investigations and provide representation at proceedings at the Fair Work Commission.

For assistance or more information, please contact the Workplace Relations Advice Line on (03) 8662 5222, or click on the link to be directed to our website.

Disclaimer

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About the Victorian Chamber of Commerce and Industry

The Victorian Chamber of Commerce and Industry (Victorian Chamber) is the largest and most influential go-to partner for Victorian business, informing and supporting over 65,000 members and clients across the state.

We provide products and services, programs, information and support to members and non-members to ensure a diverse and robust business community in Victoria.

What we do

The Victorian Chamber proudly champions business' interests with a strong focus on ensuring transformational growth, international trade opportunities, and sustainability for all members and non-members. We work as a team to connect and support through:

- Workplace Relations Advice Line
- Workplace Relations Consulting
- Health, Safety, and Wellbeing Consulting
- Policy and Advocacy
- Events
- Training
- International Trade Consulting
- Apprenticeship Services
- Partnering with Government

Workplace Relations Advice Line

Our experienced team are here to give you over-the-phone advice about human resources or workplace relations issues.

Lean on our experts who will provide accurate information and general advice over the phone on all workplace relations issues. Our advisors are trained to give up-to-date information for your business, whatever your industry or size. Our Employer members have free and unlimited access to expert advice through the Advice Line.

Workplace Relations Consulting

With our expert and practical advice, your business can address a wide range of workplace relations matters.

- Representation at the Fair Work Commission
- Workplace investigations into matters such as alleged bullying or harassment
- Enterprise bargaining and union disputes, including right of entry matters
- Mediation services, performance management, disciplinary and termination advice
- Generalist HR services, including policy and procedure reviews and employee engagement strategies
- Advice for equal opportunity, harassment, discrimination and bullying matters
- Modern award compliance and wage information
- Training tailored to your unique needs

In addition to our wide range of consulting services, we've designed a set of packages covering all your workplace relations and HR needs. Lean on our experts so you can get on with what you do best – business.

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Mental Health and Wellbeing Consulting

Promoting positive mental health benefits both your business and your employees. Build a thriving, productive workplace while meeting your legal obligations. Our expert consultants have the skills and experience to help you effectively manage mental health in your workplace. From our Comply and Partner packages, through to our training services, we enable you to build a thriving, productive workplace while meeting your legal obligations.

For assistance or more information, please contact the Workplace Relations Advice Line on (03) 8662 5222 or to access our library of Workplace Relations Tools and Templates.

If you are a member of the Victorian Chamber, contact the Workplace Relations Advice Line on **03 8662 5222**.

Employment Agreement Templates Information and Pricing

Important Information

Templates are provided as a basis from which to draft an employment agreement. Templates are not intended to be used without further amendment being made and information being inserted to address the circumstances of each employee.

Whether you comply with your minimum legal obligations in a particular case may depend on a range of factors. Accordingly, the Victorian Chamber of Commerce and Industry cannot warrant that a contract based on the Template will comply with minimum requirements of relevant legislation including the Fair Work Act or any Modern awards applicable to your business.

Every effort has been made to ensure the Template is an appropriate basis from which to draft an employment agreement. It's made available on the basis and understanding that the Victorian Chamber, its employees, officers, authors or agents are not providing legal advice and do not accept responsibility for any action, or decision not to act, taken on the basis of using the Template or any information contained in a template.

The Victorian Chamber does not make any warranty, guarantee, or promise that a Template(s) is accurate, complete or up to date. To the extent that you acquire goods or services as a consumer (as defined in the Competition and Consumer Act 2010) you may have certain rights and remedies that cannot be excluded or restricted by agreement. Nothing herein operates to exclude the application of any implied warranty or the imposition of any liability imposed by the Competition and Consumer Act 2010 ("Non – Excludable Obligations"). Except in relation to Non-Excludable Obligations, all warranties, guarantees, rights and liabilities that may be implied by statute or general law are expressly excluded under these terms.

Except in relation to Non Excludable Obligations, the Victorian Chamber and its employees, officers, authors or agents expressly disclaim all and any liability to any person, whether a member of VCCI or not, in respect of any action or decision to act or not act which is taken in reliance, whether partially or wholly, on the information in the template, and no responsibility or liability is accepted for any losses incurred in contract, tort, negligence, or any other cause of action, or for any direct or consequential loss including loss of profit or revenue. In relation to the Non-Excludable Obligations, the Victorian Chamber's liability to you for any failure to comply with the Non-Excludable Obligations is limited to the case of:

a) the provision of a Template being considered a service, the cost of supplying that service again or payment of the cost of having the service supplied again; and

b) a Template is considered goods then the cost of replacing a Template or payment of the costs of replacing a Template.

We strongly recommend that you contact the Victorian Chamber Workplace Relations Advice Line and/or the Victorian Chamber Workplace Relations Consultants to obtain advice relevant to your particular circumstances. Please note, any wording changes, other than those where indicated (eg: insert/add business name, etc) may change the context, meaning or purpose of the document. We recommend taking advice before making changes.

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Types of Employment Agreements

There are a number of different employment types: permanent (including full time and part time employees); fixed term; casual; apprentice and trainees; employment agency staff (or labour hire); and contractors and subcontractors.

A **permanent full-time employment agreement** should be used for an employee engaged on an ongoing basis and who works a set number of ordinary hours per week. Typically, a full- time employee will work 38 hours per week, however, employers should check the applicable award, or other industrial instrument to ensure compliance.

A **permanent part-time employment agreement** should be used for a permanent employee who works regular set hours of work which are less than a full-time employee. When engaging or rostering a part-time employee it

is important to consider any relevant award which may require the employee to be engaged for a minimum period, for example, 3 consecutive hours.

A **casual employee** is someone who has no guarantee of hours and works an irregular number and pattern of hours. A true casual has no entitlement to annual leave or paid personal leave. Casual employees typically receive an additional loading to compensate them for not receiving the same benefits and entitlements as a permanent employee. A causal employee who works on a regular and systematic basis may have access to additional benefits and entitlements. Employers should regularly review casual engagements and consider whether permanency should be offered. Employers should also comply with any requirements in relation to casual conversion. For further information we recommend contacting the Workplace Relations Advice Line on 03 8662 5222.

The **employment of an apprentice or trainee** is governed by a formal training contract that is agreed between the business, the apprentice/trainee and the relevant State/Territory training authority. The Victorian Chamber cannot provide advice in relation to the training contract. Assistance in relation to the terms and/or operation of the formal training contract should be obtained from the relevant training authority.

A **fixed term agreement** is intended to be used for employees who are employed for a specific period or task. If you terminate a fixed term agreement before the end of a specific term, you will generally be required to pay out the balance of the term and may be subject to unfair dismissal and redundancy claims. There may also be risks if you allow the employment of a fixed term employee to continue beyond the end of a specified term. Employing employees on consecutive fixed term agreements can also present the risk that the employee may be considered a permanent employee.

The use of **maximum term agreements** following the expiration of an earlier employment contract for existing employees will not remove the risk either of an unfair dismissal claim being brought or a claim for severance pay being made by an employee where such an employee is terminated within a subsequent fixed term period. The issue is that the Fair Work Commission may determine that employment has become on going and is not subject to a specified period contract and therefore no exempt from the protections of the unfair dismissal provisions of the Fair Work Act.

Employers should also note changes were introduced to the Fair Work Act 2009 (Cth) in late 2023 which introduce limitations on the use of **maximum term contracts**. Unless an exception applies, these rules limit the use of fixed term contracts by prohibiting a fixed term contract running for more than 2 years and from being extended more than once (whichever is less). The rules also introduce technically complex rules around new fixed term contracts which follow a previous fixed term contract (known as the “consecutive fixed term contract rules”).

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It is critical your business understands these rules before entering into any fixed term or maximum term contract as the consequences of breaching these provisions include Fair Work Ombudsman Prosecution and the risk the employee is taken to be a permanent/ongoing employee (no matter what your contract says).

A **parental leave agreement** is a type of fixed term agreement. It will terminate on a set date or if the incumbent employee elects to return to their position. It is important to remember that the employee who has taken parental leave is entitled to return to the role even if another person is working in the role as a replacement. If the role no longer exists or it has changed the employee must be offered suitable available positions.

For further information we recommend contacting the Workplace Relations Advice Line on 03 8662 5222.

Employment Agreement Pricing

Pricing Summary		
Agreement	**Member Rates** *(excl GST)*	**Non-member Rates** *(excl GST)*
Full Time/Part Time Employment Agreement	$500	$700
Casual Employment Agreement	$300	$500
Apprenticeship/Traineeship Employment Agreement	$300	$500
Fixed Term Employment Agreement	$300	$500
Maximum Term Employment Agreement	$300	$500
Parental Leave Employment Agreement	$300	$500
Independent Contractor Agreement	$550	$750

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Full Tine and Part Time Employment Agreement

You will receive two agreements with this option, one for full-time and one for part-time employees.

Employment Agreement Content

Standard Clauses

- Compensation for all legal entitlements
- Confidentiality
- Employee details
- Employee qualifications
- Employer details
- Hours of work
- Leave entitlements
- Performance & review
- Position
- Public holidays
- Remuneration (salary/rate of pay)
- Reporting requirements
- Superannuation
- Termination of employment

Optional Clauses

- Additional benefits (non-cash)
- Annual leave loading
- Award coverage
- Discretionary bonus and incentive payments
- Eligibility to work
- Guarantee of annual earnings
- Intellectual property and moral rights
- Performance review and salary review
- Post-employment obligations
- Pre-employment conditions
- Probation period
- Superannuation-additional contributions
- Vaccination
- Work related expenses
- Work-surveillance

Number of Pages

- Full Time Employment Agreement - up to 25 pages depending on optional clauses selected.
- Part Time Employment Agreement - up to 26 pages depending on optional clauses selected.

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Casual Employment Agreement

Suitable for casual employees of all employers.

Employment Agreement Content

Standard Clauses

- Casual loading
- Eligibility to work
- Employee details
- Employee qualifications
- Employer details
- Hours of work
- Leave entitlements
- Nature of employment/location
- Reason for the agreement
- Superannuation
- Termination of employment
- Wages

Optional Clauses

- Additional benefits (non-cash)
- Confidentiality
- Drugs and Alcohol
- Enterprise Agreement
- Expenses
- Intellectual property and moral rights
- Modern Award
- Post-employment obligations
- Vaccination
- Workplace Surveillance

Number of Pages

- Casual Employment Agreement - up to 15 pages depending on optional clauses selected.

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Apprenticeship/Traineeship Employment Agreement

The agreement will typically end without either party needing to give notice to terminate and will conclude at the end of the training contract, not at the initiative of either the employer or mployee.

Employment Agreement Content

Standard Clauses

- Agreement duration
- Compensation for all legal entitlements
- Confidentiality
- Employee details
- Employee qualifications
- Employer details
- Hours of work
- Leave entitlements
- Performance & review
- Position
- Public holidays
- Remuneration (salary/rate of pay)
- Reporting requirements
- Superannuation
- Termination upon completion of Apprenticeship/Traineeship
- Training Contract/RTO Reference

Optional Clauses

- Additional benefits (non-cash)
- Annual leave loading
- Award coverage
- Discretionary bonus and incentive payments
- Eligibility to work
- Intellectual property and moral rights
- Post-employment obligations
- Pre-employment conditions
- Probation period
- Superannuation-additional contributions
- Vaccination
- Work related expenses
- Work-surveillance

Number of Pages

- Apprenticeship/Traineeship Employment Agreement - up to 21 pages depending on optional clauses selected.

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Fixed Term Employment Agreement

This agreement will typically end without either party needing to give the notice to terminate.

The agreement will conclude at the end of the specified term, not at the initiative of either the employer or employee.

Employment Agreement Content

Standard Clauses

- Agreement duration
- Compensation for all legal entitlements
- Confidentiality
- Employee details
- Employee qualifications
- Employer details
- Hours of work
- Leave entitlements
- Performance & review
- Position
- Public holidays
- Remuneration (salary/rate of pay)
- Reporting requirements
- Superannuation
- Termination for Serious Misconduct

Optional Clauses

- Additional benefits (non-cash)
- Annual leave loading
- Award coverage
- Discretionary bonus and incentive payments
- Eligibility to work
- Intellectual property and moral rights
- Post-employment obligations
- Pre-employment conditions
- Superannuation-additional contributions
- Vaccination
- Work related expenses
- Work-surveillance

Number of Pages

- Fixed Term Employment Agreement - up to 21 pages depending on optional clauses selected.

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Maximum Term Employment Agreement

This agreement will typically end without either party needing to give notice to terminate, however the contract does contain a 'Termination of Employment' clause. The agreement will conclude at the end of the specified term, not usually the initiative of either the employer or employee.

Employment Agreement Content

Standard Clauses

- Agreement duration
- Compensation for all legal entitlements
- Confidentiality
- Employee details
- Employee qualifications
- Employer details
- Hours of work
- Leave entitlements
- Performance & review
- Position
- Public holidays
- Remuneration (salary/rate of pay)
- Reporting requirements
- Superannuation
- Termination of employment

Optional Clauses

- Additional benefits (non-cash)
- Annual leave loading
- Award coverage
- Discretionary bonus and incentive payments
- Eligibility to work
- Intellectual property and moral rights
- Post-employment obligations
- Pre-employment conditions
- Probation period
- Superannuation-additional contributions
- Vaccination
- Work related expenses
- Work-surveillance

Number of Pages

- Maximum Term Employment Agreement - up to 23 pages depending on optional clauses selected.

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Parental Leave Employment Agreement

This agreement will typically end without either party needing to give notice to terminate. The agreement will conclude at the end of the specified term, not at the initiative of either the employer or employee.

Employment Agreement Content

Standard Clauses

- Agreement duration
- Compensation for all legal entitlements
- Confidentiality
- Employee details
- Employee qualifications
- Employer details
- Hours of work
- Leave entitlements
- Performance & review
- Position
- Public holidays
- Remuneration (salary/rate of pay)
- Reporting requirements
- Superannuation
- Termination of employment

Optional Clauses

- Additional benefits (non-cash)
- Annual leave loading
- Award coverage
- Discretionary bonus and incentive payments
- Eligibility to work
- Intellectual property and moral rights
- Performance review and salary review
- Post-employment obligations
- Pre-employment conditions
- Probation period
- Superannuation-additional contributions
- Vaccination
- Work related expenses
- Work-surveillance

Number of Pages

- Parental Leave Employment Agreement - up to 27 pages depending on optional clauses selected.

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Independent Contractor Agreement

The Independent Contractor Agreement can be used by all employers.

Agreement Content

Standard Clauses

- Commencement, Duration & Option to Renew
- Company details/contractor details
- Confidentiality
- Contract Fees
- Description of service
- Dispute Resolution
- Equipment details (if required)
- Fee details/general details
- General Provisions
- Indemnity
- Insurance details
- Nature of Relationship
- Obligations of Contractor
- Other Contract Work
- Payment arrangement
- Post agreement obligations and period (if required)
- Representative details
- Taxation
- Termination
- Timetable
- Warranties

Optional Clauses

- Post-agreement obligations
- Vaccination
- Work-surveillance

Number of Pages

- Independent Contractor Agreement - up to 20 pages depending on optional clauses selected.