

Employment agreements

The basics for both sides in private practice

THIS IS A VERY exciting (and exhausting) time of year for those of you who may be considering employment opportunities in 2016 – sole practitioners or small practice owners who are considering expanding their speech pathology staffing, as increasing demand for services drives growth in your clinic, as well as students who are finishing up placements, assignments, exams and getting ready to become new graduates hitting the professional job market.

For both parties it can be both an exciting time of possibilities that can evolve into a new chapter in your professional career. But, it also can be stressful to make sure that all the legal and ethical requirements of an employment agreement are known and considered.

The first few weeks for both the employer and employee can be challenging. However, preparation for this time can set the stage for a productive and positive working relationship, assist motivation, job satisfaction and retention, and enable the new staff member to become a valuable member of the team. It is vital to provide orientation to the clinical environment and induction to the policies and procedures used, so that the new staff member understands how to work in this environment in an appropriate and safe manner.

To follow is a checklist for new employers and new employees. It is tailored specifically to employment of new graduates, as SPA frequently receives phone calls regarding these circumstances at this time of year.

For employers

Before advertising the position

- Create a job description written specifically for the position identifying the key responsibilities.
- Advertise the position with sufficient detail to identify the key responsibilities.
- Prepare appropriate interview questions.
- Plan how you will support a new graduate within your practice and business model.

After selection of the new employee

- Offer a legal employment contract – preferably prepared by a lawyer experienced in employment law. Do not be tempted to use a proforma contract that will not adequately address the needs of either employer or employee. Only include realistic and enforceable restraint of trade clauses in your contract.
- Be open to discussing any questions the new graduate may have regarding the position.
- Make sure you understand the difference between an employee and a contractor, and how it is best for you to engage staff in your business.
- Familiarise yourself with the appropriate national award: the Health Professionals and Support Services Award (2010)
- Provide the new employee with a copy of the Fair Work Information Statement.
- Ensure the employee has completed the necessary applications or requirements prior to starting work.

For employees

Looking for a job

- Consider what skills and knowledge you have to offer, what caseload/organisation you would like to work for.
- Prepare your CV and introductory letter.
- Consider what may be asked in an interview and practice responding to interview questions.
- In the interview, ask what supervision and support you will receive as a new graduate.

When a position is offered to you

- Read the contract offered to you. You can ask the practice owner questions if you are not sure about any aspect of it, or show it to a lawyer.

Before you start work

- Understand the difference between a contractor and an employee, and how and why you are being engaged in a particular way.
- Familiarise yourself with the appropriate national award: the Health Professionals and Support Services Award (2010).
- Read the Fair Work Information Statement for employees.
- Ensure you have applied for, or completed any necessary applications or job requirements. For example, Working with Children Check, Medicare Provider Number First Aid Certificate.