

How current are your contracts... really?

Employment Agreements are one of the most overlooked documents in any business and tend to be treated as a “set and forget” document... until something goes wrong.

Clear Employment Agreements set expectations, define working arrangements and help protect both your business and your people. With ongoing changes to Fair Work, Awards and workplace legislation, many businesses are still relying on contracts that:

- X HAVEN'T BEEN REVIEWED IN YEARS**
- X NO LONGER REFLECT HOW EMPLOYEES WORK**
- X INCLUDE CLAUSES THAT MAY NO LONGER BE ENFORCEABLE**
- X MISS KEY PROTECTIONS**
- X DON'T ALIGN WITH CURRENT WORKPLACE OBLIGATIONS**

Recent Fair Work changes relating to casual employment, fixed-term contracts and Right to Disconnect obligations have also changed what many businesses should be reviewing within their Employment Agreements.

This checklist is designed as a quick health check to help identify some of the key areas commonly expected within an Employment Agreement. It is not intended to replace a full legal or compliance review.

Let's get started!

1. The Foundations

The core details are essential when defining the employment relationship. These are the details that help both the employer and employee understand the employment relationship and workplace expectations.

Do your Employment Agreements include?

Employee's Full Name	<input type="checkbox"/>
Employer's Legal Entity Name and ABN / ACN	<input type="checkbox"/>
Commencement Date	<input type="checkbox"/>
Employment Type (e.g. full-time, part-time, casual or fixed term)	<input type="checkbox"/>
Award Coverage and Classification Level	<input type="checkbox"/>
Position Title	<input type="checkbox"/>
Duties and Responsibilities	<input type="checkbox"/>
Reporting Line	<input type="checkbox"/>
Primary Work Location	<input type="checkbox"/>
Probation Period	<input type="checkbox"/>
Hours of Work	<input type="checkbox"/>



Did you know?

A probation period does not extend the Fair Work minimum employment period for unfair dismissal eligibility.

For most businesses, employees become eligible after 6 months of employment, or 12 months for small businesses with fewer than 15 employees.

2. Let's Talk Pay

Confusion regarding pay is one of the fastest ways to create workplace headaches. Clear clauses help everyone understand what applies, what is included and what employees are actually entitled to.

Do your Employment Agreements include?

Base Rate of Pay (aligned with the NES or applicable Award)	<input type="checkbox"/>
Pay Frequency	<input type="checkbox"/>
Superannuation	<input type="checkbox"/>
Allowances, Bonuses or Incentives	<input type="checkbox"/>



Did you know?

Minimum pay rates and Award obligations are commonly updated at the start of each financial year.

Employment Agreements should be reviewed regularly to ensure pay rates remain aligned with current Award and legislative requirements.

3. Workplace Expectations

An agreement isn't just about pay and hours. It helps reinforce workplace standards, behavioural expectations and compliance obligations before issues arise.

Do your Employment Agreements contain clauses to support?

Policy Compliance	<input type="checkbox"/>
Work Health and Safety	<input type="checkbox"/>
Fitness for Work	<input type="checkbox"/>
Drug and Alcohol	<input type="checkbox"/>
Conflict of Interest	<input type="checkbox"/>
Technology, Systems or AI Use	<input type="checkbox"/>
Workplace Surveillance	<input type="checkbox"/>
Training Obligations	<input type="checkbox"/>
Employment Eligibility and Ongoing Obligations	<input type="checkbox"/>



Did you know?

Inserting workplace policies directly into an Employment Agreement can make future updates more difficult. Policies are generally more effective when managed as separate documents that can evolve with the business.

4. Protecting Your Business

Well-drafted clauses can help protect your business information, client relationships and operational interests long after someone leaves the business.

Do your Employment Agreements include clauses for?

Confidentiality	<input type="checkbox"/>
Intellectual Property	<input type="checkbox"/>
Privacy	<input type="checkbox"/>
Post-Employment Restraints	<input type="checkbox"/>



Did you know?

Some employment clauses, including restraint and workplace surveillance provisions, may be impacted by State or Territory legislation and can vary across Australia.

Employment Agreements should reflect both national workplace obligations and any relevant State or Territory requirements where applicable.

5. When Employment Ends

Nobody likes thinking about this part, but having clear termination clauses saves a lot of pain, confusion and paperwork later.

Do your Employment Agreements include clauses for?

Notice Periods	<input type="checkbox"/>
Termination provisions	<input type="checkbox"/>
Summary Dismissal provisions	<input type="checkbox"/>
Final Pay	<input type="checkbox"/>
Redundancy	<input type="checkbox"/>
Stand down	<input type="checkbox"/>



Did you know?

Final pay obligations vary depending on the applicable Award or Enterprise Agreement, including timeframes for when payment needs to be made.

A generic clause that doesn't align with your Award or Enterprise Agreement can increase the risk of underpayments.

6. Put it in Writing

Once the agreement has been prepared, make sure it is properly signed, acknowledged and retained.

Do your Employment Agreements include?

Employee Signature and Date	<input type="checkbox"/>
Employer Signature and Date	<input type="checkbox"/>
Confirmation that a copy was provided to the employee.	<input type="checkbox"/>



Did you know?

Providing a signed copy to the employee isn't just good practice. Keeping signed Employment Agreements on file helps ensure both parties have a clear record of the agreed terms, particularly if questions or disputes arise later.

Common Red Flags

These are some of the most common issues identified when reviewing Employment Agreements. If your agreements contain any of the below, it may be a sign that something is no longer current, compliant or aligned with workplace obligations.

Do any of these appear in your Employment Agreements?

- X Outdated pay rates or Award classifications.**
Minimum rates are updated annually at the start of each financial year. If your agreements haven't been reviewed in the last 12 months, you may be at risk of underpayment.
- X Pay secrecy clauses.**
New pay secrecy laws commenced in December 2022. If your agreements still prohibit employees from discussing pay, those clauses may no longer be enforceable.
- X Policies written directly into the Employment Agreement.**
Policies should remain as separate documents, allowing you to update them without requiring employees to sign a new Employment Agreement each time.
- X Missing Fair Work Information Statements.**
All employees must receive the Fair Work Information Statement. Casual and fixed-term employees must also receive the relevant additional Information Statement for their employment type.
- X Generic templates used for every employee.**
Employment type, Award coverage and workplace arrangements can all influence what should be included in an Employment Agreement. What is appropriate for one employee may not be appropriate for another.
- X Contradictory or unlawful clauses.**
Just because something is written in an agreement does not mean it is legal. Agreements cannot provide conditions below minimum legislative or industrial obligations.
- X References to outdated legislation or workplace obligations.**
Older agreements may reference laws that no longer apply or fail to reflect obligations that now do.
- X Inconsistent or vague wording.**
Unclear clauses can create interpretation issues, disputes and difficulty enforcing workplace expectations.

When Were Your Agreements Last Reviewed?

Employment Agreements don't need to be complicated, but they do need to be clear, compliant and aligned with how your business operates.


At Baseline Consulting, we help businesses build stronger workplace foundations, whether you are starting from scratch, reviewing what you have or working out where the gaps are.


We provide support for businesses to review, update and strengthen their Employment Agreements so they:

- ✓ **REFLECT CURRENT FAIR WORK OBLIGATIONS**
- ✓ **ALIGN WITH AWARDS AND WORKPLACE PRACTICES**
- ✓ **SUPPORT BOTH MANAGERS AND THEIR PEOPLE**
- ✓ **REDUCE RISK AND CONFUSION**
- ✓ **CREATE STRONGER WORKPLACE FOUNDATIONS**

Whether your agreements need a review, an update following legislative changes or a full rewrite, we can help.

Reach out for an obligation free conversation.

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DISCLAIMER

This checklist has been prepared in good faith and reasonable care has been taken in developing its content.

It is intended as a general guide only and does not constitute legal, industrial relations or professional advice. Workplace obligations vary depending on your industry, workforce arrangements, applicable Awards, Enterprise Agreements, operational requirements and individual circumstances.

This resource should not be relied upon as a substitute for obtaining advice tailored to your specific business or workplace situation. Although care has been taken in preparing this checklist, it is designed as a general reference tool only and should be reviewed and tailored to ensure alignment with your organisation's specific requirements, workplace practices and applicable obligations.

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EMPLOYMENT AGREEMENT REVIEW



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