

fact sheet - workplace and business agreements

Whether you are entering into a business arrangement with a friend, colleague, acquaintance or total stranger, you must set out and sign a formal agreement that governs the terms of the business relationship from the outset, to protect all parties.

The Health Professionals and Support Services Award 2010 came into effect on 1 January 2010. Along with the National Employment Standards (NES), this Award contains the minimum conditions of employment for Remedial Massage Therapists. Together, the Health Professionals Award and the NES are a safety net that cannot be altered to the disadvantage of the employee/therapist - any workplace agreement you enter into must meet these minimum conditions.

There are 3 general types of workplace agreement:

1. An enterprise agreement through Fair Work Australia
2. A common law contract for employees
3. A contract for Independent contractors

Enterprise Agreements

Enterprise agreements are collective agreements made at an enterprise level between employers and their employees. They cover the terms and conditions of employment of the employees involved. The terms of an enterprise agreement must not be less beneficial to an employee than the NES and the Health Professionals Award (please refer to AMT's associated Fact Sheet on The Health Professionals and Support Services Award 2010).

Enterprise agreements can also contain terms and conditions that are specific to a particular workplace, and may include some of the following:

- Rates of pay
- Employment conditions (e.g. hours of work, meal breaks, overtime)
- Consultative mechanisms
- Dispute resolution processes
- Deductions from wages for any purpose authorised by an employee

Common Law Contracts

A common law contract of employment sets out the wages and conditions for employees who are not covered by an award or agreement. It is enforceable in a common law court. The terms of a common law contract must not be less beneficial to an employee than the NES and the Health Professionals Award. The Health Professionals Award or an Enterprise Agreement are preferable as they afford greater protection to the employee.

Contracts for Independent Contractors

This kind of contract governs the terms of the business relationship between an employer and an independent contractor. It may delineate the following:

- Job title and description, roles and responsibilities
- Ownership of client files
- Policies and procedures of the practice
- Term of the contract
- Confidentiality
- Hourly rate
- Who will supply the massage table and other equipment

AMT advises that you seek legal advice before entering into a formal agreement or signing a contract with a potential employer. Be aware that most workplace agreements tend to heavily favour the employer, so seek appropriate advice and consult Fair Work Australia if you need clarification on your entitlements.

<http://www.fairwork.gov.au>



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