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How to Draft a Winning Employment Agreement



I always tell new employees that it's better to be upfront about what they're doing and get an exemption under their contract before they start.



Drafting Equitable Employment Agreements

Empowering Workers and Employers with Contracts

Covid catalyzed huge technological and social shifts that changed the labor market. Now the word on the street is that workers have more power than ever. Whether that's true or not, employees are asking for more protections. These are often secured with a contract that offers clear parameters for the employment relationship and allows the worker some say over their job terms. But what are best practices for all involved parties?



Key Takeaways

➔ Importance of Specificity

This applies to an employee's specific duties because you don't want an employee hired for a specific job who performs well in that job only to have their job duties changed so that they're now either underperforming or overperforming in the context of what they're paid for.

➔ Ownership Rights of Employees

There are times when it does overlap and the issue of work for hire arises. It is a situation in which you hire someone but own their work while they are working for you.

➔ Employees Engage in Other Employment

These are complex issues, and depending on the relationship, these concepts should be carefully specified in a contract to avoid future problems.

➔ Ecosystem for Employment Agreements

Many people with skills are feeling more empowered, and there are undoubtedly more employment agreements. Not necessarily for high-level employees, because those people will always have employment contracts, but skilled college-educated workers who are mid-level employees are more likely to have employment agreements to protect their employment interests.



Mark Osherow
Attorney



You don't want a non-compete that restricts an employee's ability to make a living doing what they've done their whole life."

