EMPLOYMENT NEW ZEALAND

Employment agreements

Employment agreements contain the terms and conditions of employment. Every employee must have a written employment agreement.

Good employment relationships start with a good recruitment process so that the employee and employer have the same expectations about the role and working conditions.

A well written employment agreement helps the employee and employer to know what is expected from them and what they're entitled to. This means misunderstandings are less likely to happen and if a problem does come up then the employee and employer can go to the employment agreement to clarify things.

- Every employee must have a written employment agreement.
- The agreement can be either an individual agreement or a collective agreement.
- An individual employment agreement doesn't have to be signed by the employer and employee but it should be.
- There are some things that must be in your employment agreement and other things that are usually in employment agreements but don't have to be, such as your notice period.
- Minimum rights (such as the minimum wage and annual holidays) are legal requirements and apply even if they're not in the employment agreement. Your employment agreement can't reduce these or trade them off for other things.
- Employers are required to keep a copy of the employment agreement (or the current signed terms and conditions of employment). The employer must keep an 'intended agreement' even if the employee hasn't signed it. Employees are entitled to a copy of their agreement on request.
- The type of employment agreement an employee is on may depend on whether or not they are a **union** [/starting-employment/unions-and-bargaining/unions/] member [/starting-employment/unions-and-bargaining/unions/]. It is the employee's choice whether they join a union, and an employer can't undue influence their choice. If an employee chooses to join a union, they will be covered by the relevant collective agreement, if there is one.

Types of employment agreements

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An employee can have an individual employment agreement or if they're a union member they'll be covered by any relevant collective agreement.

Things an agreement must contain

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Employment agreements must have certain clauses. Additional clauses should be agreed which suit the needs of the organisation and the employee.

Offering employment agreements

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The type of employment agreement offered to an employee depends on factors such as if they'll be fixed-term and if they're a union member.

Employment agreement builder

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You can use our employment agreement builder to draft an employment agreement for your employees that suits your organisation's requirements.

Unfair bargaining

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Unfair bargaining is when an employee is significantly disadvantaged when they are negotiating an individual employment agreement.

Tools and Resources

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Employment agreement builder

[https://eab.business.govt.nz/employmentagreementbuilder/startscreen/]

Draft an employment agreement.

Please note that this content will change over time and may be out of date.

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