SAMPLE EMPLOYMENT AGREEMENT

This contract, executed on , between and , has the following terms of employment:

# START DATE

The Employee will start employment on and continue until either party elects to terminate the relationship.

# WORKPLACE ADDRESS

Work will be performed at .

# WORK SCHEDULE

The following represents a typical schedule\*. The Employer will limit fluctuations as much as possible and provide as much notice as possible of any changes.

|  |  |  |  |
| --- | --- | --- | --- |
| * Sat
 | From: am/pm | To: am/pm | Daily hours  |
| * Sun
 | From: am/pm | To: am/pm | Daily hours  |
| * Mon
 | From: am/pm | To: am/pm | Daily hours  |
| * Tue
 | From: am/pm | To: am/pm | Daily hours  |
| * Wed
 | From: am/pm | To: am/pm | Daily hours  |
| * Thurs
 | From: am/pm | To: am/pm | Daily hours  |
| * Fri
 | From: am/pm | To: am/pm | Daily hours  |

Total weekly hours

Of which the following are deemed “sleepover” shifts, during which the Employee is obliged to be in the Employer’s house, is expected to sleep for most or all the shift and is only woken occasionally to undertake work:

|  |  |  |  |
| --- | --- | --- | --- |
| * Sat
 | From: am/pm | To: am/pm | Daily hours  |
| * Sun
 | From: am/pm | To: am/pm | Daily hours  |
| * Mon
 | From: am/pm | To: am/pm | Daily hours  |
| * Tue
 | From: am/pm | To: am/pm | Daily hours  |
| * Wed
 | From: am/pm | To: am/pm | Daily hours  |
| * Thurs
 | From: am/pm | To: am/pm | Daily hours  |
| * Fri
 | From: am/pm | To: am/pm | Daily hours  |

Based on the above schedule, and taking into account the [award conditions](https://www.fairwork.gov.au/tools-and-resources/library/K600551_Sleepovers-in-the-Social-Community-Services-Award) [for sleepover shifts](https://www.gov.uk/guidance/calculating-the-minimum-wage/working-hours-for-which-the-minimum-wage-must-be-paid), employee \_\_\_\_ accepts \_\_\_\_ does not accept a sleep time exclusion.

1. **NOTES ABOUT THE PERSON REQUIRING CARE**

The person you will care for, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, has been diagnosed with \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, which can cause these changes in their behaviour: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
*(Include any essential information about dementia, Alzheimer’s, food allergies, chronic pain, or other chronic conditions).*

The person you will care for can/cannot be left alone.

Caregiver’s initials \_\_\_\_\_\_\_\_\_\_\_\_\_

# JOB RESPONSIBILITIES

# Here are some of the things you will be responsible for during this job:

|  |  |  |
| --- | --- | --- |
|  | **YES** | **NO** |
| **Health care** |  |  |
| *[These services should be provided by a registered therapist or nurse. It is advised to ask to see the current registration and make a copy.]* |  |  |
| Speech therapy | \_\_\_\_\_ | \_\_\_\_\_ |
| Wound care or bandaging | \_\_\_\_\_ | \_\_\_\_\_ |
| Rehabilitative or therapeutic physical therapy | \_\_\_\_\_ | \_\_\_\_\_ |
| Occupational therapy | \_\_\_\_\_ | \_\_\_\_\_ |
|  |  |  |
| **Medications** |  |  |
| Medication prompting | \_\_\_\_\_ | \_\_\_\_\_ |
|  |  |  |
| **Bedroom** |  |  |
| Help with transfers (getting in and out of bed) | \_\_\_\_\_ | \_\_\_\_\_ |
| Change bed sheets | \_\_\_\_\_ | \_\_\_\_\_ |
| Straighten room, make bed | \_\_\_\_\_ | \_\_\_\_\_ |
|  |  |  |
| **Personal care** |  |  |
| Assist with transfers (going from chair to bed, using the toilet, getting in and out of the bath, etc.) | \_\_\_\_\_ | \_\_\_\_\_ |
| Assist with bathing | \_\_\_\_\_ | \_\_\_\_\_ |
| Assist with toileting | \_\_\_\_\_ | \_\_\_\_\_ |
| Assist with dressing | \_\_\_\_\_ | \_\_\_\_\_ |
| Assist with walking | \_\_\_\_\_ | \_\_\_\_\_ |
| Assist with exercises | \_\_\_\_\_ | \_\_\_\_\_ |
| Assist with shaving | \_\_\_\_\_ | \_\_\_\_\_ |
| Assist with personal grooming (brushing hair or teeth, clipping fingernails or toenails) | \_\_\_\_\_ | \_\_\_\_\_ |
| Observe and record any health or behaviour changes | \_\_\_\_\_ | \_\_\_\_\_ |
|  |  |  |
| **Meals and nutrition** |  |  |
| Plan \_\_\_\_ meals and \_\_\_\_ snacks a day | \_\_\_\_\_ | \_\_\_\_\_ |
| Prepare food | \_\_\_\_\_ | \_\_\_\_\_ |
| Serve food | \_\_\_\_\_ | \_\_\_\_\_ |
| Provide company at mealtime | \_\_\_\_\_ | \_\_\_\_\_ |
| Assist with feeding | \_\_\_\_\_ | \_\_\_\_\_ |
| Clean dishes or put in dishwasher | \_\_\_\_\_ | \_\_\_\_\_ |
| Put away clean, dry dishes | \_\_\_\_\_ | \_\_\_\_\_ |
| Wipe surfaces of counters and stove | \_\_\_\_\_ | \_\_\_\_\_ |
|  |  |  |
| **General duties** |  |  |
| Clean bathtub, toilet, sink | \_\_\_\_\_ | \_\_\_\_\_ |
| Care for pets | \_\_\_\_\_ | \_\_\_\_\_ |
| Empty rubbish in kitchen, bathrooms and bedroom | \_\_\_\_\_ | \_\_\_\_\_ |
| Sort recycling items | \_\_\_\_\_ | \_\_\_\_\_ |
| Secure the home when leaving | \_\_\_\_\_ | \_\_\_\_\_ |
| General/thorough house cleaning | \_\_\_\_\_ | \_\_\_\_\_ |
| Wash, dry, fold and put away laundry | \_\_\_\_\_ | \_\_\_\_\_ |
| Water the plants | \_\_\_\_\_ | \_\_\_\_\_ |
| Vacuum carpets and floors or sweep hard floors | \_\_\_\_\_ | \_\_\_\_\_ |
| Sweep driveway or steps | \_\_\_\_\_ | \_\_\_\_\_ |
| Garden maintenance | \_\_\_\_\_ | \_\_\_\_\_ |
| Keep home surfaces clean, clutter-free and dusted | \_\_\_\_\_ | \_\_\_\_\_ |
|  |  |  |
| **Grocery shopping, errands, and activities** |  |  |
| Errands may include stops at the supermarket, chemist, or petrol station to purchase food and supplies | \_\_\_\_\_ | \_\_\_\_\_ |
| Put items away in the home | \_\_\_\_\_ | \_\_\_\_\_ |
|  |  |  |
| **Transportation** |  |  |
| Arrange for alternative transportation (like a council mobility service) or public transportation | \_\_\_\_\_ | \_\_\_\_\_ |
| Medical or dental appointments | \_\_\_\_\_ | \_\_\_\_\_ |
| Beauty or personal care appointments | \_\_\_\_\_ | \_\_\_\_\_ |
| Social visits to family and friends | \_\_\_\_\_ | \_\_\_\_\_ |
| Faith-based visits | \_\_\_\_\_ | \_\_\_\_\_ |
|  |  |  |
| **Social pursuits** |  |  |
| Going for walks or sitting outside | \_\_\_\_\_ | \_\_\_\_\_ |
| Reading aloud | \_\_\_\_\_ | \_\_\_\_\_ |
| Playing games (board, cards, etc.) | \_\_\_\_\_ | \_\_\_\_\_ |
| General companionship and conversation | \_\_\_\_\_ | \_\_\_\_\_ |

*Additional timelines and instructions are attached in the Adult and Aged Care Rules and Daily Schedule.*

# COMPENSATION

Regular rate of pay = $ per hour

+ Overtime rate of pay = $ per hour (for more than 38 hours in a week or more than total weekly hours agreed)

Total compensation = $ per week

Wages will be paid at the place of work:  Weekly (every Friday)

* + Fortnightly (every other Friday, or 26 times per year) Method of payment:

# Please note: Employers in Australia are required to pay no less than the [Social, Community, Home Care and Disability Services Industry Award](https://awardviewer.fwo.gov.au/award/show/MA000100) rate, which also specifies overtime and other entitlements.

# Please note: Sleepover shifts, where the Employee is obliged to stay at their workplace, is expected to sleep for most or all that shift and is only woken to undertake specific work activity, do not count as ordinary hours under the Award. However, work during a sleepover is paid at the overtime rate.

## MILEAGE & GENERAL EXPENSES

If the Employee agrees to drive any kilometres while on the job using their own car, they will be reimbursed at $0.80 per kilometre (Award rate).

All other pre-approved, work-related expenses will be reimbursed at cost. The Employee will keep all receipts and submit them to the Employer for reimbursement at the end of the payment period.

## OTHER PAYMENTS

In addition to the wages stated above, the Employer will contribute to the following Employee expenses (tick any that apply).

* Parking in the amount of $ per month (supported by receipts)
* Mobile phone service in the amount of $ per month (up to total amount of bill)

If the Employer does **not** reimburse these expenses, the Employee may be able to claim tax deductions for them as work-related expenses.

The Employer has employer liability insurance.

# PAID TIME OFF

The Employee will receive the following paid time off:

* + Sick leave ( days per year). week(s) notice is requested for any medical appointments, etc. which may cause the Employee to miss work.
	+ Annual leave ( days per year). Employee will submit holiday requests at least
	 week(s) in advance.

**Please note**: Employees in Australia are entitled to 20 days’ annual leave or a pro rata amount if part-time. Employees are also entitled to sick leave (pro rata if part-time). The [Fair Work Commission has](https://www.fairwork.gov.au/leave/sick-and-carers-leave/paid-sick-and-carers-leave) [calculation examples](https://calculate.fairwork.gov.au/CheckPay/Summary).

# PUBLIC HOLIDAYS

The Employer will provide **PAID** publicholidays, both national (New Year’s Day, Good Friday, Easter Monday, Anzac Day, Christmas Day and Boxing Day) and state or territory.

The Employer may make a reasonable request for the Employee to work on a public holiday, and substitute days may be agreed.

**Please note:** Entitlements to public holidays in Australia are explained in the National Employment Standards (NES). The NES has a [Pay and Conditions Tool](https://calculate.fairwork.gov.au/findyouraward)to calculate these entitlements.

# PAYING AND REPORTING WITHHELD AMOUNTS

The Employer will withhold the required income tax from the Employee’s pay as well as any Higher Education Loan Program repayment or similar.

So that the Employer can calculate the amount to withhold, the Employee needs to complete a Tax File Number (TFN) declaration and possibly also a Withholding declaration. The Employer will report these withheld amounts to the [ATO](https://www.ato.gov.au/business/payg-withholding/paying-and-reporting-withheld-amounts/) regularly as required.

In addition, the Employer will pay the Superannuation Guarantee Fund contribution.

# CONFIDENTIALITY

The Employee understands that any and all private information obtained about the employers, patients, or their dependants during the course of employment, including but not limited to medical, financial, legal, and career information, is strictly confidential and may not be disclosed to any third party for any reason.

# GROUNDS FOR TERMINATION

Grounds for immediate termination include, but are not limited to:

* Allowing the safety of the dependant(s) to be compromised
* Inconsistent performance or non-performance of agreed-upon job responsibilities
* Concerning issues in police check or credit checks
* Dishonesty
* Stealing
* Misuse of the family vehicle
* Breach of the confidentiality clause
* Persistent absenteeism or tardiness
* Unapproved guests
* Smoking or consumption of alcohol while on duty
* Use of illegal drugs
* Overuse of mobile phone or computer while on duty
* Negotiating terms of employment with care receiver directly
* Failing to report any additional monies or gifts given to caregiver by care receiver
* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# SOCIAL MEDIA POLICY

The Employee understands that no information about their location, plans for the day, or pictures of family members should be shared on any social media network. The Employee will also not tell strangers to the family (i.e. caregiver’s friends) where they are spending the day unless authorised by the family.

1. **RAISES AND REVIEWS**

After the first 90 days, the Employee will have an initial review with the family to check in and gauge how the relationship is going.

After \_\_\_ year(s), the Employee is eligible for a pay increase of $\_\_\_or \_\_\_%. This will be based on
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
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***Raises and reviews notes:*** *Employers are not required to give caregivers annual raises unless required to continue meeting the National Minimum Wage, but it is a common practice. Start with the rate of inflation (check the* [*Australian Bureau of Statistics website for the Consumer Price Index*](https://www.abs.gov.au/statistics/economy/price-indexes-and-inflation/consumer-price-index-australia)*) and then add between two and five percentage points based on performance.*

## The Employer hereby agrees to be fully bound by the terms of this contract.

Employer signature:

Printed name:

Employer address:

Employer telephone number:

Employer email:

Date:

## The Employee hereby agrees to be fully bound by the terms of this contract.

Employee signature:

Printed name:

Employee address:

Employee telephone number:

Employee Email:

Date:

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