

Employment contracts

An employment contract is an agreement between an employer and employee that sets out terms and conditions of employment. A contract can be in writing or verbal.

Can a contract provide for less than the legal minimums?

An employment contract cannot provide for less than the legal minimum set out in:

- the [National Employment Standards \(NES\)](https://www.fairwork.gov.au/Dictionary.aspx?TermID=2027) (<https://www.fairwork.gov.au/Dictionary.aspx?TermID=2027>)
- awards, enterprise agreements or other [registered agreements](https://www.fairwork.gov.au/Dictionary.aspx?TermID=2034) (<https://www.fairwork.gov.au/Dictionary.aspx?TermID=2034>) that may apply.

All employees are covered by the NES, regardless of whether they've signed a contract. A contract can't make employees worse off than their minimum legal entitlements.

You can check minimum award rates with our [Pay Calculator](https://calculate.fairwork.gov.au/findyouraward) (<https://calculate.fairwork.gov.au/findyouraward>) .

Getting help with employment contracts

We can give advice about the legal minimums in an employment contract. You will need to contact a lawyer for advice about any other terms and conditions in the contract.

Find out [where to get legal advice](http://www.fairwork.gov.au/website-information/related-sites/related-sites) (www.fairwork.gov.au/website-information/related-sites/related-sites) .

Think a mistake might have been made about the legal minimums in a contract?

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our [Help resolving workplace issues](http://www.fairwork.gov.au/How-we-will-help/How-we-help-you/Help-resolving-workplace-issues/default) (www.fairwork.gov.au/How-we-will-help/How-we-help-you/Help-resolving-workplace-issues/default) section for practical advice on:

- figuring out if a mistake has been made
- talking to your employer or employee about fixing it
- getting help from us if you still can't resolve it.

Help for small business

- Find tools, resources and information you might need on our [Small business page](http://www.fairwork.gov.au/Find-help-for/Small-business/default) (www.fairwork.gov.au/Find-help-for/Small-business/default) .

You might also be interested in

- [Introduction to the National Employment Standards fact sheet](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/introduction-to-the-national-employment-standards) (www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/introduction-to-the-national-employment-standards)

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.