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Contract Terms: Preamble

- That the employer (or agent) will pay the contractor does Not entitle the employer or agent to offer one sided contract terms.
- The contractor will not be forced into a defensive position of arguing against a Client's initial sometimes predatory clauses, sometimes argued as supposedly 'standard' (from employers one sided view).
- A reasonable balanced contract is easy for Both sides to sign. Agressive one sided contracts are rejected & business does not start.
- Contractor is just as free to reject Client's terms & job, as Client is also equally free to reject Contractor's terms & services.
- Don't waste time offering one sided contracts.
- I have frequently rejected contracts with un-balanced terms.
- I'm a professional, contracting & negotiating 35+ years since 1985.
- Contracts must be balanced for both sides, else Not signed & no work starts. The money & the work are of equal value, else the price would rise, Both contractual partners are Equal in negotiation, neither has the right to shove their draft contract on the other.
- Employer or agent contract terms if received are treated merely as a first suggestion for consideration, equally if contractor offers employer or agnet contract terms, treat them the same.
- Both sides should offer reasonable terms for quick acceptance, not one sided terms that foolishly delay or prevent business.
- Technical project managers (usualy employees) often don't realise when they let their company lawyer provide a contract unchecked, such contracts often seeks to prove lawyer's worth to the employer, by over- securing employer's interest at the expense of the contractor; that agression delays or kills business when sensible contractors then reject un-balanced terms.
- Project manager should, (though they don't always) skim any such "standard" contract their lawyer provides, with the eyes of a contractor, to check its roughly balanced, before sending it to the contractor, so avoid wasted time when it's rejected.
- As a professional engineer with decades of experience, I'm aware of many agent ploys that delay & deter business agreements, often such foolishness is tried by young recruiters with far less experience, who haven't yet moved on, & haven't yet learnt: Don't be too agressive, don't waste our time, annoy, & promote dis-trust, as it Stops business contracts.
Some examles of agents ploys are at: <http://berklx.org/mecc/#false> One more example to beware: They sometimes sign up workers exclusively, then keep them on hold unpaid, unable to work elsewhere, then delay as they still havent signed up the employer ! Dealt with by having an "Ausfallhonorar" in contract, so agent must pay half of daily rate for each day the job is delayed not through fault of worker. (Shades of UK "Zero Hours Contracts?)