

Employment contract not available before starting work [closed]

Asked 15 years, 10 months ago Modified 11 years ago Viewed 2k times



7



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I'm dealing with an outsourcing firm that refuses to provide a written letter of offer prior to my first day of work. To confound this problem, it's necessary for me to relocate for this position. Given the current employment market, I feel compelled to act, but it's starting to look like I should be searching for work elsewhere in advance of showing up for my first day.

It seems like this is a fairly common practice, judging from other posts. Is there any advisable action that I can take?

As a footnote, direct [negotiation](#) with the employer is always a great option, and worked in my case.

language-agnostic

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edited Nov 27, 2013 at 14:51



user1228

asked Feb 8, 2009 at 1:49



yacdmnky

487 ● 3 ● 15

Can you link some other posts on this? – cletus Feb 8, 2009 at 2:08

stackoverflow.com/questions/9773/do-programmers-need-a-union/... – yacdmnky Feb 8, 2009 at 2:14

This question appears to be off-topic because it is about career development, which is outside of the scope of this site.
– Brad Larson Nov 27, 2013 at 15:59

8 Answers

Sorted by:

Highest score (default)



28



I would not even begin to consider moving to an employer that would not give me a signed contract first, I would not even move for an offer. If they are not willing to give you a signed contract first I would run like hell to get away from them, that is HIGH on my sketchy meter.



As a business owner I would not even consider asking someone to relocate without a signed contract.



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answered Feb 8, 2009 at 1:52

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UnkwnTech

90.7k ● 65 ● 191 ● 234

+1 Run...far...away...now. Any above board company will pay at least some relocation expenses and will certainly give you a contract. – [cletus](#) Feb 8, 2009 at 1:58

Agreed along with a contract I would expect them to pay some if not all of the relocating fees and I'm going to guess by the lack of a contract that they aren't. – [UnkwnTech](#) Feb 8, 2009 at 2:00

I wish I had this luxury! Hah! – [yacdmnky](#) Feb 8, 2009 at 2:08

@yacdmnky if you don't then you need to find a better company. I don't think I need to expand that but remember that they want you, they should be willing to pay for you! – [UnkwnTech](#) Feb 8, 2009 at 2:09



8

Given the current employment market, I feel compelled to act...



By all means act, but *act rationally*. No contract == no job! Act in your own best interests - tell them you'd be happy to accept the position as soon as you have a formal offer in writing with specific relocation reimbursement/expenses, in the meantime keep looking for work with a firm that respects you and doesn't expect you to take all of the risk. If they don't want to pay relocation then *do not relocate yet*. Instead, ask them to



put you up in a hotel for the first 2 weeks (or do it yourself, weekly efficiencies are about \$150/week in some areas) and see how it goes. You may *hate* this job, especially if they are so disorganized or disrespectful as to not make a formal offer.

If you still feel that you absolutely must accept this job, go ahead - but don't relocate, just visit, until you're sure of their intentions - and ability to pay regularly!

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answered Feb 9, 2009 at 4:28

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[Steven A. Lowe](#)

61.1k ● 19 ● 135 ● 204

Good, solid advice for the specific circumstances. – [Rob](#) Feb 9, 2009 at 4:43



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Sounds dodgy to me mate...

Perhaps you should continue looking? In a scenario like that I would also be tempted to chat to the client directly to fish around a bit and get a feel for what's really going on. Perhaps they can lay your doubts to rest.



Agencies... grrr.

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answered Feb 8, 2009 at 1:54

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[Qerim Shahini](#)

721 ● 5 ● 12

That's some pretty good advice, and I plan to act on it. They seem really keen on having me, so it might cause some action. – [yacdmnky](#) Feb 8, 2009 at 2:21



6



I'd stay away. If they won't give you a contract now it means one of two things, neither good. As you indicate, it might mean they are sketchy. They intend to shaft you or at least leave open the possibility of it. The other, more likely, reason is that they don't have a contract available. They are too disorganized to do so. If that's the case, your employment is probably safe but I have to wonder what the work environment would be like. In either case, I'd stay away if I had any other options.

Another thing to consider is what they'll ask you to sign once you get there. All sorts of annoying things could be in a contract like an onerous non-compete or rights to any code you create any time, restrictions on your off-the-clock activities, etc. It would suck to relocate only to find you don't want to sign.

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answered Feb 8, 2009 at 3:03

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Steve Rowe

19.4k ● 9 ● 53 ● 82

Excellent second point, although there are plenty of other reasons why there might not be formal contracts available to sign. In fact, the best places I've worked at have been "handshake" agreements, rather than formal contracts.

– [womble](#) Feb 8, 2009 at 3:36



2

My previous job they wouldnt even agree to take me unless I signed the papers first so they could have everything ready for me when I arrived!



Can't aid you much. I would probably go ahead but I suppose it get's more difficult if you are head of the family or something.



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answered Feb 8, 2009 at 2:05

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[mhenrixon](#)

6,278 ● 4 ● 41 ● 65



1

I wouldn't put too much confidence in a contract, as most employment contracts are "at-will", meaning the contract can be ended by either party, at any time.



Even with a contract, you could, hypothetically, show up for work, and at the end of your first day, be told your contract is being terminated.



If you have re-location costs, you could write a contract to that, along the lines of:

Employer understands that employee is incurring significant relocation costs, and agrees to pay relocation costs of \$X,XXX if employment lasts less than 6 months.

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answered Feb 8, 2009 at 1:57

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[abelenky](#)

64.6k ● 23 ● 114 ● 161

Although your comments about the termination any good contract with a decent company will pay severance, which is an incentive to keep you employed. – [UnkwnTech](#) Feb 8, 2009 at 2:02

Thanks. I don't feel like I have much in the way of negotiation latitude. There was a verbal mention of a nominal relocation package, but who knows what conditions they will create around it. – [yacdmnky](#) Feb 8, 2009 at 2:03

Then don't take it, RUN LIKE HELL. You always should have negotiation room and there should be ZERO ambiguity. – [UnkwnTech](#) Feb 8, 2009 at 2:11

IANAL, but as I would understand it, "at-will" is in lieu of a contract. If the contract states other terms, they'd supersede the "at-will" part, unless the contract's terms are in fact illegal. "At-will" means there's no contract required or implied by law. – [Ryan Lundy](#) Feb 8, 2009 at 4:07

Also, I think it's worth a few hundred bucks to talk to a lawyer and have him write up a contract just covering the moving part, along the lines of abelenky's last line. Either they'll sign it or they won't. – [Ryan Lundy](#) Feb 8, 2009 at 4:09



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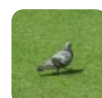


Can they pay for part of your moving expenses or some type of signing bonus as a sign of good faith? They're still not obligated to hire you, but you'll feel better about the situation.

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edited Feb 13, 2009 at 15:38

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[UnkwnTech](#)

90.7k ● 65 ● 191 ● 234



answered Feb 8, 2009 at 4:26



JeffO

8,035 ● 3 ● 45 ● 54



0



They might have a trick in mind. Some developers are very reluctant to sign anything like non-compete agreement or when a company lays claim on whatever you do also in your private time, so as to secure themselves or make sure the employee does not spend his mental powers on side projects.



Unwillingness to offer you a contract before you relocate could have intention of leaving you without negotiation option because you have already committed to the path and relocated.

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answered Feb 13, 2009 at 15:44



User

30.9k ● 22 ● 81 ● 108