

How to Draft a Restaurant Employment Contract

Here's your step-by-step guide to creating a restaurant employment contract that will protect both you and your employees.

Decide what type of contract to use for your restaurant's workers.

- **At-will contract:** Lets employers fire employees for any legal reason (popular in US)
- **Fixed term contract:** Used for temporary employment of a predetermined length of time (popular in UK)
- **Independent contractor contract:** Used for self-employed people you work with, technically not your employees

Consider including one of these seven clauses in your employment contracts.

- **Employment status:** Type of employee (full-time, part-time, temporary, seasonal)
- **Compensation:** How they're paid (salary, hourly, wage plus tips)
- **Termination pay:** What, if any, severance pay they're entitled to if employment is terminated
- **Non-compete:** Restrictions around employees leaving for a competitor
- **Non-solicitation:** Restrictions around employees leaving and taking others with them
- **Non-disclosure:** Restrictions around employees sharing proprietary information
- **Intellectual property rights:** You, the employer, own anything created by employees (e.g. restaurant logos, promotional materials, signature dishes, etc.)

- Discuss employment contracts and what you'd like included with your lawyer.**

- Have a lawyer draft your employment contract or contracts (your senior staff may have different clauses than general staff).**

- Talk through and negotiate compensation, time off, and employment status *before* presenting the contract to your chosen candidate.**

- Customize the employment contract for each new employee, including details about their role and employment status.**

- Explain restaurant-specific labor laws to new employees or let them know where they can find this information.**

- Give your new employee a copy for their records.**

- Welcome your new staff member to the team and begin the onboarding process.**