Guidelines for Making Employment Offers for Research Personnel

A Few Facts to Note
Research Assistants and Research Support personnel are employees of SFU. As such, all offers of employment must be in writing and must come from the Research Initiative Personnel team as an authorized official of the University, and as such, grant holders/ Principal Investigators (PIs) will no longer issue offers of employment.

Any offer of employment is legally binding if it is accepted by the applicant, regardless of whether it is verbal or written, or absent of specific conditions. Therefore, if a candidate is offered a job over the phone or by email and that job is accepted, both parties will be deemed to have entered into a legally enforceable contract, that is enforceable in a court of law. For this reason, PIs/grant holders should not make offers of employment, to ensure compliance with employment standards and protect the university and grant holder from potential complaints and/or legal action.

Risks and Consequences: Verbal and Informal Offers of Employment
An agreement that has been reached verbally or via informal correspondence rather than in an approved written document is legally binding for both parties and enforceable in a court of law.

- Informal or verbal offers usually includes agreement between parties about conditions of employment such as start date and salary, as well as other logistical information. These are potentially subject to misinterpretation.
- There is usually no witness or any other proof of the offer or associated conditions to support the grant holder/ PI or the University’s position. Disputes could result in legal action, and courts often favour the word of the employee over the word of the employer.
- Lack of a legally compliant, written offer of employment may lead to legal action that results in monetary consequences, which are the responsibility of the grant holder/ PI.

Written Offers of Employment
- A document used in a relationship between an employee and an employer for the purpose of laying out the rights, responsibilities, and obligations of both parties during the employment period.
- Allows an employer to solidify the relationship with employees to make certain that the key terms of the contractual relationship are understood by each party.
- Includes information pertaining to the terms and conditions of employment such as; hours, full-time or part-time, compensation, benefits, vacation entitlement, description of duties and responsibilities, termination clause, confidentiality, reference to policies, etc.
- Requires the signature of both the employer and the employee to confirm the employment relationship.

Considerations When Discussing Potential Employment
In conversations with prospective employees regarding the terms and conditions that will form their offer of employment (e.g. rate of pay, vacation, hours, benefits), consider the following:

- use terminology that indicates the terms and conditions are what the PI/grant holder plans to offer;
- state clearly that a verbal conversation or an email discussion regarding terms and conditions is not a formal offer, but that the formal offer will be provided in writing to the individual from SFU; and
- state that the applicant will have an opportunity to review the written offer before signing.

Please speak with a member of the Research Personnel Initiative team if you have questions about offers of employment (rp_info@sfu.ca).

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