

# EP. 28 - The OFFER

## Overview

In this episode, Jordana provides a comprehensive guide to reviewing a job offer, covering crucial legal aspects that are often overlooked by candidates. Whether working with a recruiter or reviewing an offer independently, candidates should focus not only on the compensation and benefits but also on clauses that could impact their rights, intellectual property, and termination conditions. This guide aims to equip you with the knowledge to navigate the offer process confidently and avoid common pitfalls.

## Key Points

### 1. Importance of Thorough Offer Review

- Candidates often focus on surface-level details like salary, title, commissions, and perks but may overlook critical clauses that could have long-term consequences. Jordana emphasizes the importance of scrutinizing every part of the offer, particularly clauses around intellectual property, confidentiality, and termination.
- Legal regulations vary by region. While her advice is based on Ontario law, similar principles apply globally, so candidates should always be aware of local employment laws and standards when reviewing their offers.

### 2. Critical Clauses to Watch For

- **Intellectual Property Clauses:** Ensure you understand what ownership rights the company claims over work you produce during your employment. These clauses can limit your future ability to use or claim ownership of your work.
- **Waiver of Rights:** Some offers include clauses where you may waive certain legal rights, which can affect your ability to claim severance or dispute issues later on.

- **Confidentiality Clauses:** Pay attention to the confidentiality requirements and restrictions, especially if you plan to work on side projects or partnerships outside of your main role.
- **Termination Clauses:** These clauses outline how you will be compensated if the company terminates your employment. In some cases, a termination clause can drastically reduce the severance you are entitled to. Jordana shares an example of a candidate who lost significant severance due to a poorly worded termination clause referencing the Employment Standards Act.

### 3. Offer Aspects for Junior Candidates

- **Title:** Don't get too caught up in the internal title. You can adjust how you present it on LinkedIn if it doesn't align with your career trajectory.
- **Commission Plan:** Ensure the commission structure or On-Target Earnings (OTE) is clear and included in the offer. If it's not, ask for this information.
- **Benefits:** Check when benefits will start and request a copy of the benefits package. If the benefits don't start immediately, consider whether this is a deal-breaker.
- **Non-Solicitation and Non-Compete Clauses:** These clauses can restrict your ability to work for competitors or solicit clients after you leave the company. Be cautious and ensure you understand the full implications.
- **Vacation Time and Work-From-Home (WFH) Clauses:** Confirm your vacation entitlements and whether work-from-home options are included in the offer.
- **Probation Period:** Understand what the probation period means for your job security. In many cases, termination during this period may result in minimal severance.

### 4. Offer Aspects for Senior Candidates

- **Car Allowance:** If you're in a senior role that requires travel, make sure any car allowance is clearly defined.
- **Equity or Stock Options:** Senior candidates should ensure equity or stock options are outlined, including vesting periods and conditions.
- **Company Property:** Clarify policies around the use of company property, especially for remote work setups.
- **Confidentiality and Waiver of Rights:** These clauses are particularly important in senior roles where proprietary information and trade secrets are involved.

- **Partnerships or Side Hustles:** If you have or plan to maintain side businesses, ensure the offer allows for this and that you won't face conflicts with the company's policies.
- **Food, Beverage, and Expense Policy:** Ensure that expense policies, including corporate card use for business-related meals and travel, are explicitly covered.

## 5. General Tips for Offer Review

- **Legal Review:** If you're unsure about any clauses or the legal implications of the offer, consider seeking legal advice. While costly, a lawyer can provide critical insights that may save you from unfavorable terms.
- **Understand Regional Employment Laws:** Be aware of the local employment laws that govern your rights in relation to severance, intellectual property, and non-compete agreements. These regulations vary by location and can significantly impact your decision.

## Conclusion

Reviewing a job offer goes far beyond checking the salary and perks. It's essential to examine every clause carefully, focusing on areas like intellectual property, confidentiality, termination, and waiver of rights. For both junior and senior candidates, understanding these aspects will help you make informed decisions and avoid potential pitfalls down the road. If you are unsure about any part of the offer, seeking legal advice is a worthwhile investment to protect your career and future.