

Contractor doctor: can the client use threat of termination?

Dear Contractor Doctor,

I have been contracting for 14 months and the client has recently asked me to train a worker in my speciality. Such training is not in my contract. The client is putting a lot of pressure on me to bring this worker up to speed. The client has even threatened me with termination if I don't make the training work.

Does the client have the right to put this pressure on me and threaten me with termination like this?

Thanks

Harby

Contractor Doctor says:

No, the client doesn't. You should only be threatened with termination if you are not fulfilling your part of the contract.

But you can't avoid it; clients want something and to get you to do it they start warning you about your future on the job. It's a cheap way to get what you want, but an easy and obvious one for a manager, especially a bad manager, to take.

If the clients don't get their way, they can start finding proof of 'non-performance,' often very silly proof but it serves their purpose, and which is typically a reason to terminate in contractor contracts.

To handle this issue:

1. Get a [schedule in your contract](#) that defines targets as well as possible;
2. Gather evidence during the contract to make sure you are hitting targets
3. If you start detecting you may be terminated unfairly then start packing your 'escape pod' with this information.
4. In case of a 'non-performance' charge, you'll be covered with these.

For other termination issues see '[How Contractors Should Handle Being Terminated](#)'

As Much Proof As You Can Get

As our [article on this subject shows](#), you often cannot get precise definitions of targets in the schedule. But get as much as you can. Try and define it further as your project takes place: keep notes from the manager, assignments, etc.

This will constitute your 'escape pod' - a term experienced contractors use for the information they gather and save before leaving a project, particularly when they see a termination threat arising. When you are challenged by the manager, point to the evidence and warn them that you are prepared to defend yourself.

This will also help should any dispute about your overall performance or pay arise. These often happen late in contracts when the client doesn't feel the need for your services any more. Should the dispute become litigation, you will be well placed to make the points you need to in court. Refer to the [Professional Contractors Group](#) if you need specific advice on contract points; they can review your contract for you.

Good luck with your contracting!

Contractor Doctor

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