

Contractor doctor: am I legally obliged to train the client's staff?

Dear Contractor Doctor,

My client has asked me to train some of their permanent staff. I've said that I'd be happy to do this, but that I would charge more because it is outside the scope of my contract - I was originally hired as a programmer with no discussions about training their staff.

The client has said that they expect me to do this as part of the existing contract and that this was one of the reasons they hired me.

I don't want to upset the client, but also don't want to sell myself short.

Where do I stand here legally? Can I refuse?

John Carter

Contractor Doctor says:

There are two key issues here: first, are you usually employed as a trainer, and, second, what does your contract say?

From what you say, you are a programmer, and training staff hasn't been part of your remit at other jobs on a regular basis.

Contractors are obliged to be reasonable about providing services not explicitly stated in the contract. Says David Royden, a lawyer specialising in contract law with Laytons Solicitors in Manchester: "A contract doesn't have to list with exact precision everything you have to do. You are supposed to provide a service, and that can involve some reasonable extras not specifically stated.

But 'reasonable' is the key word: you can apply common sense and decide what is reasonable or not. But there is one thing to take into account: does your work routinely involve providing extras of this type?

For example, if you are a writer, putting your text into a format required by the publisher, which all writers today routinely do, is clearly not an extra. Providing it in the form of an illuminated manuscript would, on the other hand, involve some extra payment.

"With all that said, the text of the contract is still the basic guide to what you are required to do," Royden adds.

So there are three questions to answer:

1. Does your contract say that you have to train staff?
2. Does your work routinely involve training staff?
3. Is it reasonable to ask you to train staff, meaning would that be a reasonable part of what you do or what people like yourself normally do?

If the answer to all three questions is a resounding 'no,' then your legal position is clear.

But there is also a business issue at stake here that you don't want to neglect.

You may not want to upset relations with the client. If they are only asking for a few extra days you might as well offer it to them as a sign of goodwill. If this is important to you, do set the expectation that more than a few days will need to be charged extra for at your training rate.

You could also use this as an opportunity. Maybe the client will agree for you to develop training material on their time but also allow you to retain ownership so you can use for future clients. Perhaps you'd like to make training part of the services you market? In that case, you'd have a good opportunity for experience and a reference here.

Good luck with your contracting!

ContractorDoctor

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