

## Features of a Contract

A contract is defined as an agreement between two or more parties. The contract can be expressed orally or in writing. It is preferred and commonplace to have contractual agreements put into writing. When entering into a written contract, the parties involved should affix both signature and date to the document. This would give some legal standing to the understanding reached by the parties. This practice should apply in order to avoid an element of doubt or ambiguity of the understanding reached.

A verbal contract can be a source of contention, as the possibility looms that one or more of the parties to the agreement may have a difference of opinion as to what the understandings reached were. When this occurs, it is more than likely that mayhem will be the end result. The question of who is right or wrong can sometimes prove difficult to resolve, unless one of the parties accepts it was a misunderstanding or error on their part.

This is a practical daily experience where the understanding(s) reached is founded on the confidence and trust the parties place in each other when making a verbal contract. The solution to this would be to have a third party or witness to the discussions that take place. Where a written contract is engaged, it is usually preferred that there is a witness who signs to verify the terms of agreement that have been reached by the parties.

Many employees who respond to an offer of employment, often in the haste of seizing the opportunity, accept the terms and conditions that are verbally thrown at them. They sometimes find themselves in a position where the employer makes some unreasonable demands on them, and contends that these were part of the agreement. It is this type of exploitation of the most vulnerable workers which has become a feature across the globe. It is under this guise that some employers are able to operate successfully where they build their businesses on their ability to hire and fire workers at will; knowing that they have access to cheap labour.

This use of the verbal contract provides an excellent opportunity for those who may desire to enter the world of human trafficking. It is likely that promises of some magnitude are made to those who are lured. This in itself can amount to some form of verbal contract. The problem is that those who fall victim, and in particular those who may enter a jurisdiction illegally, have little legal recourse.

Whereas employees may be victims to verbally expressed contracts, this too can be the fate of small business persons. There are stories of many proceeding on a verbal understanding to complete a task, only to find themselves being under paid for their labour. In many a case, the absence of expressed conditions of their engagement can prove to be a source of contention.

The myth must be dispelled that a contract between two parties requires a legal instrument to drawn up by an Attorney-at-Law. It is however advantageous where possible to have this done, as this enhances the legal status of the agreement. In this form it is not as easy to deviate from what has been agreed upon. Where the parties have entered into a written agreement, the comfort resides in the fact that any changes to it can only be completed on the agreement of the parties.