

Practice Note 8 - Notarising an employment agreement

There are a number of options available to deal with employment agreements, depending on what is being sought:

1. If you are asked to notarise a **copy** of an original employment agreement, then the process is straightforward, as is the case with notarisation of a copy of any other type of document. This is the preferred and safest option.
2. If you are asked to notarise an **original** agreement by way of certification of its authenticity:
 - Be confident to challenge this request and the reasons for it, and to decline if you are not satisfied. You might suggest to the appearer that a certified true copy is required, rather than having the original “notarised”. A true copy may satisfy the needs of the foreign authority. If in your professional opinion, notarisation of the original contract is justified/necessary, then independent verification from the non-appearing contracting party is essential, and the process of obtaining that verification can be summarised in your notarial certificate;
 - Be aware that verifying the authenticity of any document significantly increases the notary’s liability. The definition of “authenticity” is open to interpretation by the end user, and may expose the notary to an implication of the veracity or legality of the information within the contract. This is contrary to the notary’s intention that “authenticity” is limited to confirmation that the document is the actual version signed by both parties, regardless of its content, legality or effectiveness; and
 - You should act cautiously before notarising any original document, and provide sufficient clarification in your certificate as to the nature of your notarial act, should it be the subject of any future challenge or action. In the absence of independent verification from the non-appearing party (e.g. if there simply isn’t time, and if appropriate explanation is given to the appearer) then notarisation of an original contract is limited to verifying the authenticity of the signature of the appearing party, in the manner set out in your certificate.