

Industrial instruments

- ▲ 7 The laws surrounding industrial instruments have changed. Are you aware of which of the following current instruments (if any) cover and apply to your employees?

- Modern award
- Award-based transitional instrument
- Agreement-based transitional instrument
- Division 2B State employment agreement*
- Enterprise Agreement
- Other:

*These are State employment instruments that were in operation immediately before 1 January 2010, and have since moved into the national workplace relations system. Division 2B State awards terminated on 31 December 2010. From this date a modern award will generally apply to these employers.

Unsure? Contact the **Fair Work Infoline** on **13 13 94** or your industry association.

Modern awards & the National Employment Standards (NES)

- ▲ 8 Are you aware of the modern awards (if any) which may cover and apply to your employees? YES NO
- ▲ 9 Are you aware of the National Employment Standards (NES) which apply from 1 January 2010? YES NO
- ▲ 10 Are you aware of your obligations with respect to:
- Requests for flexible working arrangements? YES NO
- Notice of termination? YES NO
- Redundancy pay? YES NO
- ▲ 11 Are all new employees given a Fair Work Information Statement? YES NO
- ▲ 12 Do you retain details of how the statement was given? YES NO
- ▲ 13 Are you aware of how the modern awards and National Employment Standards interact with your existing workplace agreements? YES NO

Did you answer NO to any of the above questions? List the actions you need to take to meet the modern awards and NES entitlements checklist requirements.

For information about modern awards and the NES, visit www.fairwork.gov.au/nes

Leave Entitlements

- ▲ 14 Do you maintain accurate records of employee leave entitlements? YES NO
- ▲ 15 Do you have processes in place for employees to apply for:
- | | | |
|--------------------------|------------------------------|-----------------------------|
| Annual leave? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| Personal/carer's leave? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| Compassionate leave? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| Parental leave? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| Community service leave? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| Long service leave? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

Did you answer NO to any of the above questions? List the actions you need to take to meet the modern awards and leave checklist requirements. For information about modern awards and leave, visit www.fairwork.gov.au/leave

Pay & conditions

- ▲ 17 When are your employees paid? Weekly Fortnightly Monthly
- On which day: Mon Tue Wed Thur Fri Sat Sun
- Paid by: Cheque Cash EFT
- ▲ 18 Do you include the following details on the employee's pay slip?
- | | | |
|---|------------------------------|--|
| Employer ABN | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| Legal and/or trading name of employer | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| Employee name | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| Date of payment (e.g. 19/06/09) | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| Period of payment (e.g. 04/06/09 – 18/06/09) | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| Gross and net amount of pay | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| For employees paid an hourly rate – the ordinary hourly rate of pay, number of hours worked at that rate and the amount of payment at that rate | N/A <input type="checkbox"/> | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| For employees paid an annual rate (salary) that rate as at the last day in the payment period | N/A <input type="checkbox"/> | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| Details of any deductions made from the employee's pay | | |
| Amount and the name of the superannuation fund (for employers required to make superannuation contributions for the benefit of employees) | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

- ▲ 19 Do employees get a pay slip within 1 working day after they are paid? YES NO
- ▲ 20 Do casual employees receive the correct loading for ordinary time/overtime/weekend work and public holidays in accordance with the relevant Award/Agreement? N/A YES NO
- ▲ 21 If work is performed on weekends, nights or public holidays
- Do you accurately record the start and finish times for employees who receive penalty rates? N/A YES NO
- Do you pay the correct penalty rates (according to the relevant Award/Agreement)? N/A YES NO
- ▲ 22 Are district/uniform/late work or other allowances being paid as per the relevant Award/Agreement/Act? N/A YES NO
- ▲ 23 Do employees get the correct meal break according to the relevant Award/Agreement? N/A YES NO
- If no, are employees properly compensated? N/A YES NO

If you answered NO to any of the questions numbered 18-23, you may be in contravention of your workplace obligations. Visit www.fairwork.gov.au/pay or contact the **Fair Work Infoline** on **13 13 94** for advice.

Note: any areas where you may need to take action in order to meet the pay and conditions checklist requirements..

Time & wages record keeping

- ▲ 24 Do you include these details on the employee's records? **Note:** you can keep manual and/or electronic records.
- Legal and/or trading name of employer YES NO
- Employee name YES NO
- Date the employee commenced work with the employer YES NO
- Employee status – whether the employee undertakes part-time or full-time work and whether they are engaged as a permanent, temporary or casual employee YES NO
- Number of hours worked YES NO
- Number of overtime hours worked YES NO
- Rate of pay
- Any written agreements of hours worked, individual flexibility arrangements or guarantees of annual earnings YES NO
- Gross and net amount of pay YES NO
- Deduction details YES NO
- Monetary allowances YES NO
- Leave accrued/taken YES NO
- Superannuation details YES NO
- Termination details YES NO

If you answered NO to any part of question 24 that applies in your circumstances, you may be in contravention of your workplace obligations. Visit www.fairwork.gov.au/resources or contact the **Fair Work Infoline** on **13 13 94** for advice.

Note: any areas where you may need to take action. in order to meet the time and wages record keeping requirements.

▲ 25 Did you know you have to keep time and wages records for 7 years?

YES

NO

Dismissal and bargaining

New unfair dismissal laws, including a small business fair dismissal code, apply under the *Fair Work Act 2009*. New requirements for employers and employees to bargain in good faith when making enterprise agreements also apply. These obligations commenced on 1 July 2009.

More information

Contact the Fair Work Infoline on 13 13 94 or visit www.fairwork.gov.au

Download templates for time and wages records and pay slips www.fairwork.gov.au/resources

Fact sheets on workplace relations issues to read download or print www.fairwork.gov.au/resources

How do you contact the Fair Work Ombudsman?

Over the telephone – call the Fair Work Infoline on 13 13 94 for the cost of a local call.

Over the internet – visit our website at www.fairwork.gov.au

By email – via a special ‘Contact us’ email form available at www.fairwork.gov.au

By post – address your letter to the Fair Work Ombudsman at GPO Box 9887 in your capital city.

In person – visit one of our offices located in each capital city and in 18 regional areas across the country. Find your nearest office at www.fairwork.gov.au

Contact the **Translating and Interpreting Service (TIS)** on **131 450** for the cost of a local call if you need help communicating in English.

If you have a hearing or speech impairment you can call through the **National Relay Service (NRS):**

TTY users phone 133 677. Ask for the Fair Work Infoline 13 13 94.

Speak and Listen (speech-to-speech relay) users phone 1300 555 727. Ask for the Fair Work Infoline 13 13 94.

The information included in this checklist has been provided by the Fair Work Ombudsman (FWO) as part of its function to provide education, assistance and advice (but not legal or professional service advice). The FWO does not provide this information for any other purpose. Your completion of the checklist does not guarantee that you have met the key requirements referred to in the checklist. You may wish to refer to www.fairwork.gov.au or the Fair Work Infoline on 13 13 94 for further information. You may wish to obtain your own independent legal advice or other professional service or expert assistance relevant to your particular circumstances.