



## 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.

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## 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](http://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](http://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 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](http://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 YES  NO
- Records relating to any annualised wage arrangement under an award (including, for example, method of calculation, outer limits on penalty and overtime hours, start times, finish times, and any unpaid breaks) 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](http://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](http://www.fairwork.gov.au)

Download templates for time and wages records and pay slips [www.fairwork.gov.au/resources](http://www.fairwork.gov.au/resources)

Fact sheets on workplace relations issues to read download or print [www.fairwork.gov.au/resources](http://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](http://www.fairwork.gov.au)

**By email** – via a special 'Contact us' email form available at [www.fairwork.gov.au](http://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](http://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 Fair Work Ombudsman is committed to providing you advice that you can rely on. To do this we rely on the accuracy and completeness of information you provide.

Your situation and the law can change so we encourage you to check back with us by looking at [www.fairwork.gov.au](http://www.fairwork.gov.au).