

## Record-keeping



We've made it easier for you to find information about pay and entitlements under the Horticulture Industry Award.

For more tailored information about your Award, visit our [Horticulture page \(www.fair-work.gov.au/find-help-for/horticulture\)](http://www.fair-work.gov.au/find-help-for/horticulture) .

Employers have to keep time and wages records for 7 years.

Time and wages records have to be:

- readily accessible to a Fair Work Inspector (FWI)
- legible
- in English.

Time and wages records can't be:

- changed unless the change is to correct an error
- false or misleading.

Use our templates to help manage record-keeping obligations for:

- [Weekly time and wage records \(DOC 102.5KB\) \(www.fairwork.gov.au/ArticleDocuments/766/Weekly-time-and-wages-record-template.doc.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/766/Weekly-time-and-wages-record-template.doc.aspx)
- [Employment records - employer and employee details \(DOC 81.5KB\) \(www.fairwork.gov.au/ArticleDocuments/766/Record-of-employee-details.doc.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/766/Record-of-employee-details.doc.aspx)
- [Employment records - leave \(DOC 178KB\) \(www.fairwork.gov.au/ArticleDocuments/766/Leave-record-template.doc.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/766/Leave-record-template.doc.aspx)
- [Rosters \(DOC 81KB\) \(www.fairwork.gov.au/ArticleDocuments/766/Roster-template.doc.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/766/Roster-template.doc.aspx) or [Rosters \(XLSX 26.3KB\) \(www.fairwork.gov.au/ArticleDocuments/766/Roster-template.xlsx.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/766/Roster-template.xlsx.aspx)
- [Timesheets \(DOC 76KB\) \(www.fairwork.gov.au/ArticleDocuments/766/Timesheet-template.doc.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/766/Timesheet-template.doc.aspx)

### What records have to be kept and what needs to be in them?

Certain information needs to be kept for each employee.

Here is a list of the records that an employer has to keep and what information has to be in the record.

#### General

- employer's and employee's name
- employer's ABN (if any)
- employee's commencement date
- whether the employee is full-time, part time, or casual
- whether the employee is permanent or temporary.

#### Pay

- pay rate paid to the employee
- gross and net amounts paid
- any deductions from the gross amount
- details of any incentive-based payment, bonus, loading, penalty rate, or other monetary allowance or separately identifiable entitlement paid.

## Hours of work

- any penalty rates or loadings paid to employees for overtime hours worked, including:
  - the number of overtime hours worked by an employee during the day
  - when the employee started and finished the overtime hours
- the hours an employee works if the employee is a casual or irregular part-time employee who is paid based on time worked
- a copy of the written agreement if an employer and employee have agreed to an averaging of the employee's work hours.

## Leave

- any leave taken
- how much leave an employee has.

If an employee is able to cash out annual leave, the employer has to keep:

- a copy of the agreement to cash out the amount of leave
- a record of how much was paid, the amount of leave cashed out and when the payment was made.

Under an award, if an employer agrees for an employee to take annual leave in advance, the employer has to keep a copy of the agreement. The agreement has to say the amount of leave taken and the day the leave starts.

## Superannuation contributions

- amount paid
- pay period
- date(s) paid
- name of super fund
- reason the employer paid into the fund (eg a record of the employee's super fund choice and the date they made that choice).

If employers pay a defined benefit interest into a defined benefit fund [☞](https://www.ato.gov.au/Super/APRA-regulated-funds/Managing-member-benefits/Defined-benefit-funds---notional-taxed-contributions/) (<https://www.ato.gov.au/Super/APRA-regulated-funds/Managing-member-benefits/Defined-benefit-funds---notional-taxed-contributions/>), employers don't have to include these contributions in the record.

## Individual flexibility agreements

If an employer and employee agree to an individual flexibility agreement under an award or registered agreement, a record must include both:

- a copy of the written agreement
- a copy of any notice or agreement to terminate the flexibility agreement.

## Guarantee of annual earnings

- the guarantee
- the date the guarantee was cancelled (where applicable).

## Ending employment

- how the employment was terminated e.g.by agreement, summarily, or in some other way (specifying details)
- if notice was provided and, if so, how much
- the name of the person who terminated the employment.

## Transfer of business

Where there has been a transfer of business, the old employer has to give the new employer records of any transferring employee. The new employer also has to ask for employment records from the old employer for any transferring employee who becomes an employee within three months of the sale.

## Who can access records?

Employee records are private and confidential. Only the employer, payroll staff, the employee and authorised individuals, such as an accountant, can access the records.

If an employee asks to see their records, an employer must make them available. This includes after an employee has ceased employment.

FWIs can also ask for time and wage records to find out what an employee is entitled to and whether they have been paid correctly.

## What happens if records aren't kept?

If records aren't kept or are incorrect, FWIs can give employers a fine, called an infringement notice ([www.fairwork.gov.au/about-](http://www.fairwork.gov.au/about-)

[us/our-role/enforcing-the-legislation/infringement-notice](#)) .

It is unlawful for employers to make or keep employment records that they know are false or misleading.

Employers can also be penalised if we choose to [take a matter to court \(www.fairwork.gov.au/about-us/our-role/enforcing-the-legislation/litigation\)](#) . In some cases employers who haven't kept records or made records available for inspection may have to prove to a court they didn't underpay an employee.

### Best practice tip

Employers should keep records of hours worked for all employees, not just those listed above (eg. pieceworkers).

Adopting best practice record-keeping makes it easier to keep track of employee details, identify payroll mistakes and keeps a business running efficiently. It also helps avoid fines for doing the wrong thing.

Source reference: [Fair Work Act 2009 s.535 and 536](#) <sup>27</sup> (<http://www.comlaw.gov.au/Series/C2009A00028>) and [Fair Work Regulations 2009 r.3.31-3.44](#) <sup>28</sup> (<https://www.legislation.gov.au/Series/F2009L02356>)

## Think a mistake might have been made?

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our [Help resolving workplace issues \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default\)](#) section for practical advice on:

- figuring out if a mistake has been made
- talking to your employer or employee about fixing it
- getting help from us if you can't resolve it.

## You might also be interested in

- [Record-keeping and pay slips online course \(www.fairwork.gov.au/how-we-will-help/online-training/default\)](#)
- [Record-keeping and pay slips fact sheet \(www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/record-keeping-pay-slips\)](#)
- [Pay slips \(www.fairwork.gov.au/Pay/pay-slips-and-record-keeping/pay-slips\)](#)
- [Paying wages \(www.fairwork.gov.au/Pay/paying-wages\)](#)
- [Tax and superannuation \(www.fairwork.gov.au/pay/tax-and-superannuation\)](#)
- [Deducting pay and overpayments \(www.fairwork.gov.au/Pay/deducting-pay-and-overpayments\)](#)
- [Help resolving workplace issues \(www.fairwork.gov.au/How-we-will-help/How-we-help-you/Help-resolving-workplace-issues/default\)](#)

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## Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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