

## PAY SLIP REQUIREMENTS

Section 536 of the Fair Work Act 2009 (Cth) requires employers to give a pay slip to each employee “within one working day of paying an amount to the employee in relation to the performance of work”.

The pay slip must be in a form and contain the content prescribed by the Fair Work Regulations 2009 (Cth). These requirements are outlined below.

Fair Work Inspectors may issue an employer with an infringement notice for failing to meet their record-keeping and pay slip obligations.

### Regulations dealing with infringement notices

 Fair Work Regulations 2009 – Section 558

(1) The regulations may provide for a person who is alleged to have contravened a civil remedy provision to pay a penalty to the Commonwealth as an alternative to civil proceedings.

(2) The penalty must not exceed one-tenth of the maximum penalty that a court could have ordered the person to pay under section 546 if the court was satisfied that the person had contravened that provision.

The maximum fines payable are:

- > 6 penalty units or \$1,332 per contravention for an individual
- > 30 penalty units or \$6,660 per contravention for a body corporate.

### Pecuniary penalty orders

 Fair Work Regulations 2009 – Section 546

Fair Work Inspectors may recommend the matter be heard before a court as contraventions of pay slip requirements and record keeping can attract civil penalties under the Fair Work Act. The court might order the following penalties:

- > 60 penalty units or \$13,320 per contravention for an individual
- > 300 penalty units or \$66,600 per contravention for a corporation.

For a serious contravention:

- > 600 penalty units or \$133,200 per contravention for an individual
- > 3,000 penalty units or \$666,000 per contravention for a corporation.


### Pay Slip Form

 Fair Work Regulations 2009 - Regulation 3.45

For paragraph 536 (2) (b) of the Act, a pay slip must be:

- (a) in electronic form; or
- (b) a hard copy.

## Pay slips – Content

 Fair Work Regulations 2009 - Regulation 3.45

(1) For paragraph 536 (2) (b) of the Act, a pay slip must specify:

- (a) the employer's name; and
- (b) the employee's name; and
- (c) the period to which the pay slip relates; and
- (d) the date on which the payment to which the pay slip relates was made; and
- (e) the gross amount of the payment; and
- (f) the net amount of the payment; and
- (g) any amount paid to the employee that is a bonus, loading, allowance, penalty rate, incentive-based payment or other separately identifiable entitlement; and
- (h) on and after 1 January 2010 - the Australian Business Number (if any) of the employer.

(2) If an amount is deducted from the gross amount of the payment, the pay slip must also include the name, or the name and number, of the fund or account into which the deduction was paid.

(3) If the employee is paid at an hourly rate of pay, the pay slip must also include:

- (a) the rate of pay for the employee's ordinary hours (however described); and
- (b) the number of hours in that period for which the employee was employed at that rate; and
- (c) the amount of the payment made at that rate.

(4) If the employee is paid at an annual rate of pay, the pay slip must also include the rate as at the latest date to which the payment relates.

(5) If the employer is required to make superannuation contributions for the benefit of the employee, the pay slip must also include:

- (a) the amount of each contribution that the employer made during the period to which the pay slip relates, and the name, or the name and number, of any fund to which the contribution was made; or
- (b) the amounts of contributions that the employer is liable to make in relation to the period to which the pay slip relates, and the name, or the name and number, of any fund to which the contributions will be made.

(6) In subregulation (5):

Contributions does not include a contribution in respect of a defined benefit interest (within the meaning of the Superannuation Industry (Supervision) Regulations 1994) in a defined benefit fund (within the meaning of the

Superannuation Industry (Supervision) Act 1993).

## Contacting the Victorian Chamber of Commerce and Industry

The Victorian Chamber's team of experienced workplace relations advisors can assist members with a range of employment, human resources and industrial relations issues.

Our experienced workplace relations consultants can also provide assistance to both members and non-members on a range of more complex matters for a fee-for-service. The consultants can, among other things, provide training to employees, conduct investigations and provide representation at proceedings at the Fair Work Commission.

For assistance or more information, please contact the Workplace Relations Advice Line on **(03) 8662 5222**.

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