**FAIR WORK ACT RECORD KEEPING CHECKLIST**

This template checklist is intended to assist member businesses develop their own workplace checklist. The following information should be used as a guide only. Any wording changes, other than those to insert a business name, may change the context, meaning or purpose of the checklist. We recommend you receive advice from the Victorian Chamber of Commerce and Industry prior to making such changes.

## 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 (03) 8662 5222.

Disclaimer

The information contained in this document has been prepared by the Victorian Chamber of Commerce and Industry in this format for the convenience and benefit of its members and is provided as a source of information only. The Victorian Chamber does not accept responsibility for the accuracy of the information or its relevance or applicability in particular circumstances. The information does not constitute, and should not be relied on, as legal or other professional advice about the content and does not reflect the opinion of the Victorian Chamber, its employees or agents. The Victorian Chamber and its employees, officers, authors or agents expressly disclaim all and any liability to any person, whether a member of the Victorian Chamber or not, in respect of any action or decision to act or not act which is taken in reliance, whether partially or wholly, on the information in this communication. Without limiting the generality of this disclaimer, no responsibility or liability is accepted for any losses incurred in contract, tort, negligence, or any other cause of action, or for any consequential or other forms of loss. If you are uncertain about the application of this information in your own circumstances you should obtain specific advice.

## **FAIR WORK ACT RECORD KEEPING CHECKLIST**

|  |
| --- |
|  Fair Work Act Record Keeping Checklist |
| Nature of Record | Created/Maintained |
| Basic employment details |
| The name of the employer | ❒ |
| The name of the employee | ❒ |
| The nature of the employee’s employment (eg part-time, full-time, casual) | ❒ |
| The employer’s Australian Business Number (ABN) (if any) | ❒ |
| The employee’s commencement date | ❒ |
| Pay and hours of work | ❒ |
| The rate of remuneration paid to the employee | ❒ |
| The gross and net amounts paid to the employee | ❒ |
| Any deductions from the gross amount paid to the employee | ❒ |
| The details of any incentive-based payment, bonus, loading, penalty rate, or other monetary allowance or separately identifiable entitlement paid | ❒ |
| If the employee is a casual or irregular part-time employee who is guaranteed a rate of pay set by reference to a period of time worked, the record must set out the hours worked by the employee | ❒ |
| If the employee is entitled to be paid an incentive-based payment, a bonus, a loading, a penalty rate, or another monetary allowance or separately identifiable entitlement, then the record must set out details of the payment, bonus, loading, rate, allowance or entitlement | ❒ |
| Any agreement to average the employees hours of work | ❒ |
| The start and finish times for each employee for each day over the pay period | ❒ |
| **Overtime** |
| The number of overtime hours worked by the employee during each day or when the employee started and ceased working overtime hours — if a penalty rate or loading (however described) must be paid for overtime hours actually worked by an employee | ❒ |
| **Leave entitlements** |
| Any leave that the employee takes | ❒ |
| The balance (if any) of the employee’s entitlement to that leave from time to time | ❒ |
| Request for leave including supporting documentation such as leave application forms, medical certificates and statutory declarations | ❒ |
| **Cashed out leave** |
| Copy of any agreement to cash out the leave | ❒ |
| The rate of payment for any amount of leave that was cashed out | ❒ |
| When any payment was made for the cashed out leave | ❒ |
| **Superannuation contributions** |
| The amount of the contributions made | ❒ |
| The period over which the contributions were made | ❒ |
| The date on which each contribution was made | ❒ |
| The name of any fund to which a contribution was made | ❒ |
| The basis on which the employer became liable to make the contribution, including:a record of any election made by the employee as to the fund to which contributions are to be made; andthe date of any relevant election | ❒ |
| Note: Employers who contribute a defined benefit interest in a defined benefit fund do not have to fulfil the reporting requirements relating to superannuation contributions | ❒ |
| **Individual Flexibility Agreement** |
| A copy of the individual flexibility agreement | ❒ |
| A copy of any notice or agreement terminating the flexibility arrangement | ❒ |
| **Guarantee of annual earnings** |
| A copy of the document providing the guarantee | ❒ |
| A copy of the document recording the date of any revocation of the guarantee (where applicable) | ❒ |
| **Termination of employment** |
| Whether the employment was terminated:* by consent
* by notice
* summarily
* in some other manner (specifying the manner)
 | ❒ |
| The name of the person who acted to terminate the employment | ❒ |
| The written notice to the employee informing them of their last day of employment | ❒ |
| **Transfer of business** |
| At the time of transfer, the old employer is required to transfer to the new employer each employee record concerning a transferring employee | ❒ |
| Despite 34, for such transferring employees after the transfer, the new employer must ask the old employer to provide them with the employee’s records. The old employer must give the records to the new employer | ❒ |
| **Flexible work arrangements** |
| A written request for flexible working arrangements | ❒ |
| The date the employer received the request for flexible working arrangements | ❒ |
| The employer’s written response to the request for flexible working arrangements | ❒ |
| A written request to extend parental leave beyond 12 months | ❒ |
| The date the employer received the request to extend parental leave beyond 12 months | ❒ |
| The employer’s written response to the request to extend parental leave beyond 12 months | ❒ |
| Any request to shorten a period of parental leave | ❒ |
| **Payslips** |
| Must contain:1. the employer’s name
2. the employee’s name
3. the period to which the pay slip relate
4. the date on which the payment to which the pay slip relates was made
5. the gross amount of the payment
6. the net amount of the payment
7. any amount paid to the employee that is a bonus, loading, allowance, penalty rate, incentive-based payment or other separately identifiable entitlement
8. the Australian Business Number (if any) of the employer
9. 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
	1. If the employee is paid at an hourly rate of pay, the pay slip must also include the rate of pay for the employee’s ordinary hours (however described); and
	2. the number of hours in that period for which the employee was employed at that rate; and
	3. the amount of the payment made at that rate
10. 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
11. If the employer is required to make superannuation contributions for the benefit of the employee, the pay slip must also include:
	1. 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
	2. 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
 | ❒ |