

A close-up photograph of a person wearing a white lab coat, holding a pen over a document. The person's hands and the pen are in focus, while the background is blurred. A blue rectangular overlay is positioned on the left side of the image, containing the title text.

EMPLOYEE RECORDS CHECK LIST

*A step-by-step checklist for your employee records.
The easy guide to ensuring all your employee records and
documents are in line with regulations.*

PREPARED BY

Greg Reiffel Consulting

FORMS MUST BE:

- *A record in legible form and in the English language*
- *A record in the form that is readily accessible to an inspector*

CONTENT:

- *The employer's name; and*
- *The employee's name; and*
- *Whether the employee's employment is full time or part-time; and*
- *Whether the employee's employment is permanent, temporary or casual; and*
- *The date on which the employee's employment began; and*
- *The Australian Business Number of the employer.*



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PAY:

- *The rate of remuneration paid to the employee; and*
- *The gross and net amounts paid to the employee; and*
- *Any deductions made from the gross amount paid to the employee.*
- *If the employee is a casual or a regular 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; or*
 - *A bonus; or*
 - *A loading; or*
 - *A penalty rate; or*
 - *Another monetary allowance or separately identifiable entitlement;*

OVERTIME:

- *If a penalty rate (or loading (however described) must be paid for overtime hours actually worked by an employee, a kind of employee record that the employer must make and keep, is a record that specifies:*
 - *The number of overtime hours worked by the employee during each day; or*
 - *When the employee started and ceased working overtime hours.*

AVERAGING OF HOURS:

■ If an employer and employee agree in writing to an averaging of the employee's hours of work, a copy of the agreement is a kind of employee record that the employer must make and keep

LEAVE:

■ If an employee is entitled to leave, a kind of employee record that the employer must make and keep is a record that sets out:

■ Any leave that the employee takes; and

■ The balance (if any) of the employee's entitlement to that leave from time to time.

■ If an employer and employee agree to cash out an accrued amount of leave:

■ A copy of the agreement is a kind of employee record that the employer must make and keep; and

■ The record sets out:

■ The rate of payment for the amount of leave that was cashed out; and

■ When the payment was made

SUPERANNUATION CONTRIBUTIONS

If an employer is required to make superannuation contributions for the benefit of an employee, a kind of employee record that the employer must make and keep is a record that specifies:

- The amount of the contributions made; and
- The period over which the contributions were made; and
- The date on which each contribution was made; and
- The name of any fund to which a contribution was made; and
- 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 made; and
 - The date of any relevant election

INDIVIDUAL FLEXIBILITY ARRANGEMENT

If an employer and employee agree in writing on an individual flexibility arrangement under the Act:

- A copy of the agreement is a kind of employee record that the employer must make and keep; and
- A copy of a notice or agreement that terminates the agreement is a kind of employee record that the employer must make and keep.

GUARANTEE OF ANNUAL EARNINGS

- *If an employer gives a guarantee of annual earnings under section 330 of the Act, the guarantee is a kind of employee record that the employer must make and keep*
- *If an employer revokes a guarantee of annual earnings under section 330 of the Act, a kind of employee record that the employer must make and keep is a record of the date of the revocation.*

TERMINATION OF EMPLOYMENT

- *If an employee's employment is terminated, a kind of employee record that the employer must make and keep is a record that sets out:*
 - *Whether the employment was terminated:*
 - *By consent; or*
 - *By notice; or*
 - *Summarily; or*
 - *In some other manner (specifying the manner); and*
 - *The name of the person who acted to terminate the employment*

TRANSFER OF BUSINESS

■ If a transfer of business occurs as described in section 331 of the Act

■ The old employer; and

■ The new employer; and

■ The transferring employee

■ The old employer must transfer to the new employer each employee record concerning a transferring employee that the old employer was required to at the time at which the connection between the old employer and the new employers

■ If the old employer is a Commonwealth authority, the old employer only has to provide copies of those records

■ If the transferring employee becomes an employee of the new employer after the time at which the connection between the old employer and the new employer occurs, the new employer must ask the old employer to give the new employer the employee records concerning the transferring employee

■ If the old employer receives a request, the old employer must give the employee records to the new employer

■ The new employer who receives transferred employee records must keep the records, as if they had been made by the new employer at the time at which they were made by the old employer

■ The new employer is not required to make employee records relating to the transferring employees employment with the old employer

INSPECTING & COPYING OF RECORD

- *An employer must make a copy of an employee record available for inspection and copying on request by the employee or former employee to who the record relates*

- *The employer must make the copy available in a legible form to the employee or former employee for inspection and copying*

- *If the employee record is kept at the premises at which the employee works or the former employee worked, the employer must:*

- *Make the copy available at the premises within 3 business days after receiving the request*

- *Post a copy of the employee record to the employee or former employee within 14 days after receiving the request*

- *If the employee record is not kept at the premises at which the employee works or the former employee worked, the employer must, as soon as practicable after receiving the request:*

- *Make the copy available at the premises; or*

- *Post a copy of the employee record to the employee or former employee*

INFORMATION CONCERNING A RECORD

An employer who has been asked by an employee or former employee to make a copy of an employee record available for inspection must tell the employee or former employee, on request, where the employee records relating to the employee or former employee are kept.

The employee or former employee may interview the employer or a representative of the employer, at any time during ordinary working hours, about an employee record that the employer has made or will make

ACCURACY

An employer must ensure that a record that the employer is required to keep under the Act or these Regulations is not false or misleading to the employers knowledge.

An employer must correct a record that the employer is required to keep under the Act or these Regulations as soon as the employer becomes aware that it contains an error

An employer must ensure that a record is required:

- To keep under the Act or these Regulations; and

- To correct in accordance with subregulation (2);

- Contains a notation of the nature of the corrected error with the correction

An employer must not alter a record that the employer is required to keep under the Act or the Regulations except (as allowed under the Act/Regulations)

An employer must ensure that a record that the employer is required to keep under the Act or these Regulations is not altered by another person except (as allowed under the Acts/Regulations)

A person must not make use of an entry in an employee record made & kept by an employer for this Subdivision if the person does so knowing that entry is false or misleading

About the author.

ABOUT GREG REIFFEL



Greg Reiffel is a highly knowledgeable and accomplished consultant having:

- Over 30 years experience in HR, Employee & Industrial Relations and OH&S
- Worked across various sectors such as: Civil Construction; Education; Utilities Management; Local Government Manufacturing & FMCG; and Non-profit organisations.
- Experience working with key employer bodies such as: Victorian Employers Chamber of Commerce & Industry (VECCI), Civil Contractors Federation (CCF).

Qualifications include:

- Graduate Diploma of Business: (Industrial Relations/Human Resource Management) equivalent to Bachelor Hon's
- Certificate IV in Training & Assessment
- OH&S Lead Auditor Certification
- Work Effectively with Aboriginal & Torres Strait Island People Certification

Greg is also a Certified Professional member of the Australian Human Resources Institute (AHRI).

WHAT CLIENTS HAVE TO SAY...

'HE HAS GREATLY RAISED THE BAR IN TERMS OF WHAT I EXPECT FROM THE HUMAN RESOURCE PEOPLE THAT I NOW COME IN CONTACT WITH."

"GREG HAS BEEN OFFERING ME HR AND INDUSTRIAL ADVICE FOR OVER 15 YEARS, IT IS ALWAYS PROMPT AND CONCISE."

"ETHICAL, HONEST AND TOTALLY PROFESSIONAL IN HIS DEALINGS AND CAN BE RELIED ON TO ADD VALUE TO ANY BUSINESS."

"GREG HANDLED VARIOUS EMPLOYMENT ISSUES, SOME OF WHICH WERE UNDER CHALLENGING CIRCUMSTANCES, AND BUILT A RAPPORT WITH OUR STAFF AND CONTRACTORS."

NEED ASSISTANCE WITH HR & INDUSTRIAL RELATIONS?

I CAN SAVE YOU \$10,000'S IN BACK PAY OR
'GO AWAY' PAYMENTS, ENSURE YOUR
BUSINESSES REPUTATION, HANDLE ALL
DIFFICULT HR CIRCUMSTANCES AND HELP
ELIMINATE EMPLOYEE MANAGEMENT RISKS
DESCRIBED IN THIS REPORT.

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