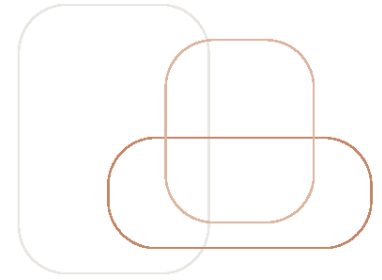


FAIR WORK ACT CHECKLIST



The introduction of the Fair Work Act 2009 by the Federal Government and the subsequent laws passed by the New South Wales State Government have together changed the industrial and employment laws for employees of companies, partnerships and sole traders.

Some of the considerations for employers are incorporated in the following checklist.

1. Are you complying with the ten National Employment Standards (NESs) for:

- | | |
|---|---|
| <input type="checkbox"/> Maximum weekly hours | <input type="checkbox"/> Community Service leave |
| <input type="checkbox"/> Requests for flexible working arrangements | <input type="checkbox"/> Long Service leave |
| <input type="checkbox"/> Parental leave | <input type="checkbox"/> Public holidays |
| <input type="checkbox"/> Annual Leave | <input type="checkbox"/> Notice of termination and redundancy pay |
| <input type="checkbox"/> Personal / Carer's leave (sick leave) | <input type="checkbox"/> Provision of a Fair Work Information Statement |

2. Are your employees covered by a Modern Award? If so, are you complying with the entitlements to:

- | | |
|---|--|
| <input type="checkbox"/> Minimum wages | <input type="checkbox"/> Leave and leave loading |
| <input type="checkbox"/> Overtime and penalty rates | <input type="checkbox"/> Superannuation |
| <input type="checkbox"/> Work arrangements | <input type="checkbox"/> Flexibility term |
| <input type="checkbox"/> Allowances | <input type="checkbox"/> Performance procedures |

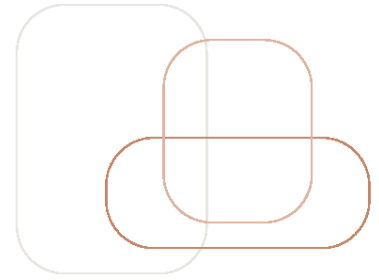
3. Do you have individual employment agreements with your employees covering:

- | | |
|---|--|
| <input type="checkbox"/> Wages | <input type="checkbox"/> Superannuation |
| <input type="checkbox"/> Overtime or time in lieu | <input type="checkbox"/> Flexibility terms |
| <input type="checkbox"/> Core hours | <input type="checkbox"/> Performance procedures |
| <input type="checkbox"/> Allowances | <input type="checkbox"/> Termination |
| <input type="checkbox"/> Leave and leave loading | <input type="checkbox"/> Post termination restraints (where justified) |

4. Do you have procedures in place for:

- | | |
|--|--|
| <input type="checkbox"/> Probation review | <input type="checkbox"/> Christmas shut down periods |
| <input type="checkbox"/> Performance review | <input type="checkbox"/> Flexible working arrangements |
| <input type="checkbox"/> Leave policies | <input type="checkbox"/> Redundancy policy (if required to pay redundancy) |
| <input type="checkbox"/> Harassments and complaints policy | |

FAIR WORK ACT CHECKLIST



5. Are you keeping the right employment records including:

- | | |
|---|--|
| <input type="checkbox"/> Employer name | <input type="checkbox"/> Gross and Net pay |
| <input type="checkbox"/> Employee name | <input type="checkbox"/> Rate of pay |
| <input type="checkbox"/> Date employee commenced work | <input type="checkbox"/> Details of any deductions made from the employee' pay |
| <input type="checkbox"/> Employee status eg – permanent or casual | <input type="checkbox"/> Details of superannuation payment |
| <input type="checkbox"/> Number of hours worked | <input type="checkbox"/> Termination details |
| <input type="checkbox"/> Overtime worked | |

6. Are you complying with your obligations on providing pay slips which must include:

- | | |
|--|---|
| <input type="checkbox"/> Employer name | <input type="checkbox"/> Gross and Net pay |
| <input type="checkbox"/> Employee name | <input type="checkbox"/> Rate of pay |
| <input type="checkbox"/> Date of payment | <input type="checkbox"/> Details of any deductions made from the employee's pay |
| <input type="checkbox"/> Period of payment | <input type="checkbox"/> Details of superannuation payment |

The above checklist is provided for general guidance, it is not intended to be a substitute for specific legal advice. Legal advice should be sought in each case as to the specific requirements on the employer to its employees.

If you require assistance in complying with your obligations as an employer, drafting new employment agreements or amending your existing agreements and policies, please contact us on:

We can also assist you in disputes relating to unfair dismissal or unlawful termination.

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