



Australian Government

Fair Work OMBUDSMAN

Records employers must keep

Australia's new workplace relations system

From 1 July 2009, most Australian workplaces are governed by a new system created by the *Fair Work Act 2009*.

The Fair Work Ombudsman helps employees, employers, contractors and the community to understand and comply with the new system. We provide information and advice, investigate workplace complaints and enforce Commonwealth workplace laws.

Employers must keep a number of written records of their employees, such as records about time and wages.

The records must be:

- easy to access
- written in English (preferably in plain, simple English)
- kept for seven years.

Employee records are private and confidential. Generally, no-one can access them other than the employee, employer and relevant payroll staff.

However, Fair Work Inspectors and union officials may be able to access employees' records (including personal information) to determine if there has been a contravention of Commonwealth workplace laws.

What must appear in employee records?

- names of the employer and employee
- from 1 January 2010 – the Australian Business Number (ABN) (if any) of the employer
- date the employee started employment
- if the employee is full-time, part-time or casual
- if the employee is permanent or temporary
- the employee's pay rate, including gross and net amounts paid and any deductions from the gross amount
- any loadings, monetary allowances, bonuses, incentive-based payments, penalty rates or other entitlements paid that can be singled out
- if a penalty rate or loading must be paid for overtime hours actually worked, the number of hours of overtime worked each day (if any), or when the employee started and finished working overtime



- hours worked if the employee works casual or irregular part-time hours and is guaranteed a pay rate set by reference to a period of time worked
- a copy of the written agreement if the employer and employee have agreed to average the employee's work hours
- if you and your employee have agreed to an individual flexibility arrangement, a copy of that agreement, and, if the agreement is terminated, a copy of the termination
- leave information (including leave taken, leave balance and details of any written agreement to cash out leave)
- superannuation details (including amount and date paid, name of the super fund)
- termination of employment details (name of the person who terminated the employment and how the termination took place).

Need to know more?

Fair Work Online www.fairwork.gov.au has more information on the topics covered in this fact sheet.

Templates for employers

To help employers better understand and meet their record-keeping obligations, the Fair Work Ombudsman has created:

- pay slip and record-keeping templates
- a fact sheet on pay slip rules.

Download the templates and fact sheet from:

www.fwo.gov.au/Fact-sheets

Infringement notices

Fair Work Inspectors can issue employers with infringement notices for failing to meet pay slip and record-keeping requirements.

An infringement notice is similar to an on-the-spot fine and is an alternative to taking matters to court. Generally an employer has 28 days to pay the penalty in the infringement notice.

Maximum infringement notice fines:

- \$330 per contravention - for an individual
- \$1650 per contravention - for a corporation.

If an employer's failure to meet the requirements is serious, wilful or repetitive, Fair Work Inspectors may recommend the matter be taken to court.

Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Monday to Friday, between 8.00am–6.00pm.

Need language help?

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

Hearing & speech impairment

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.

Fair Work Infoline: 13 13 94 www.fairwork.gov.au