

## WorkChoices Record Keeping

In addition to significantly changing how workers are employed, WorkChoices has introduced strict record keeping requirements on employers.

The regulations require that all employers covered by the new system maintain the following records:

1. Name of employee.
2. Name of employer.
3. Date of birth of employee.
4. The name of each instrument (i.e. award or agreement) that sets out the employee's employment conditions.
5. The classification of the employee under the relevant award or agreement.
6. Whether the employee is full time or part time.
7. The number of hours the employee works each week.
8. Whether the employee is permanent, temporary or casual.
9. The date they started work with the employer.
10. The employee's daily start and finish times.

NB: The Government is proposing to introduce amendments to the regulations so that employers do not need to keep these records for employees who have no existing entitlement to overtime. \*

11. The total hours worked by the employee each day.

NB: The Government's planned amendments to the regulations would mean that



employers do not need to keep these records for earning \$55,000 a year or more.\*

12. The nominal hours the employee is required to work and any variation.

\* At this stage the planned amendments to the regulations have not been released. When the regulations are available we will advise you if there are any further changes to these provisions.

There are further regulations setting out record keeping requirements in relation to:

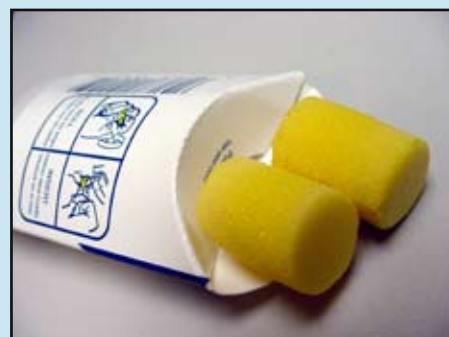
- Pay records
- Annual leave
- Personal leave
- Other leave
- Superannuation
- Termination of employment
- Payslips

These provisions came into force from Monday 27 March 2006 although employers will not be prosecuted for failing to comply

with these regulations for the first 6 months. After this 6 month grace period employers may find their records being audited by workplace inspectors and prosecuted if they fail to meet these requirements.

If you would like to receive WorkSight's free Fact Sheet on employer's record keeping requirements please contact us at [information@worksight.com.au](mailto:information@worksight.com.au)

### State Wage Cases



In a series of defiant gestures against the Federal Government's attempt to introduce a single national industrial relations system, each of the state industrial relations commissions have decided to go ahead with their own State Wage Cases. In the past the Australian Industrial Relations Commission would hold an annual National Wage Case that would determine wage increases for employees covered by federal awards. The state industrial relations commissions of NSW, Queensland, South Australia, Western Australia and Tasmania would then adopt this decision and award identical



## How much Personal Leave do you give your employees?

With the introduction of the Australian Fair Pay and Conditions Standard from 27 March 2006, WorkSight has analysed 38 of the most frequently used federal awards to determine whether they meet these minimum standards. We have discovered that over 75% of them fail to meet the minimum standard of personal leave of 10 days paid leave for full time and part time employees. (Personal leave can be taken as sick leave or as carer's leave and is cumulative.) This is an extraordinarily high rate of non-compliance and means that thousands of workers will have had a significant improvement in their employment conditions as a result of the introduction of these new standards.

WorkSight recommends that all businesses look at their awards to assess whether they do meet these standards. If they do not, the minimum standards override the award conditions and need to be implemented. If you would like a copy of WorkSight's free Fact Sheet on the Australian Fair Pay and Conditions Standard please contact us at [information@worksight.com.au](mailto:information@worksight.com.au)

This newsletter is intended to provide a general outline and is not intended to be and is not a complete or definitive statement of the law on the subject matter. Further advice should be sought before any action is taken in relation to the matters described in this newsletter.

increases to employees covered by state awards.

However, with the introduction of WorkChoices, the Australian Industrial Relations Commission no longer has the power to determine wage increases. This is now the role of the Australian Fair Pay Commission. It has announced that it will hand down its first minimum wages determination between September and November 2006. The Federal Government has urged the state industrial relations commissions not to consider awarding state wage case increases until the Fair Pay Commission has decided what increases, if any, it thinks are appropriate. However the state industrial relations commission did not accept the Government's position and each commission has now started hearing arguments from unions and employers on what increases should be awarded.

The result of this will be that those businesses that are not covered by the WorkChoices system and operating under state awards will probably find that their employees' wages will be increased in the next few months. However, those employers covered by WorkChoices will not be affected by any such increases (even if they are still using preserved state awards). These increases will not affect any businesses in Victoria, the ACT or the Northern Territory.

## WorkSight in Singapore

We are pleased to announce that for the next two years WorkSight's Director, Rae-Anne Medforth will be dividing her time between Australia and Singapore. Rae-Anne is continuing to develop WorkSight's international profile. In the last few weeks this work took her on a tour of Dubai, London and Geneva.

With the increasing global nature of all businesses it is



important that WorkSight is aware of and involved in international developments in industrial relations and human resource management.

You can still ring Rae-Anne on her Australian landline and mobile numbers (with no additional international charges). She returns to Australia frequently and so is available to our Australian clients as usual. Her contact details are listed below.

## Good Advice

The new WorkChoices system has left many businesses more confused over employee entitlements. If you need information or advice about how these changes will affect your business or any other employee relations issues affecting you or your employees contact Siân Owen or Janet Nicolson or Rae-Anne Medforth at WorkSight.



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**For on-line advice and assistance visit:**

**[www.worksight.com.au](http://www.worksight.com.au)**