

Record Keeping and Payslips

eBook

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Overview

This eBook contains an overview of the record keeping and payslip requirements outlined in the Fair Work Regulations.

Should you have any questions in relation to the information below, please reach out to one of our Employment Relations experts on:

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Record Keeping and Payslips

The record keeping and payslip regulations require all employers to keep employment records in English and in a condition that allows a workplace inspector to determine whether a worker is receiving their correct entitlements. These records must be retained for seven years and be available for inspection by workplace inspectors if required. Workers or former workers have the right to access their own records.

Employers' obligations under the Regulations

Employers' are obligated by the Fair Work Regulations to include the following information on their records and payslips.

General Details

Employee records must contain:

- the name of the employer and employee
- whether the employee is engaged on a full time, part time, casual or temporary basis
- the date on which the employee's employment began
- the Australian Business Number (ABN) of the employer

Pay

Pay records must contain:

- the rate of remuneration paid to the employee
- gross and net amounts paid to the employee
- any deductions made from the gross amount paid to the employee
- details of any incentive-based payments, bonuses, loading, penalty rates or any other monetary allowance or separately identifiable entitlement
- if an employer gives a guarantee of annual earnings, the employer must keep details of the guarantee of annual earnings. If the guarantee is revoked, the employer must keep a record of the revocation

Hours of work

- if a penalty rate or loading must be paid for overtime hours actually worked, records must be kept of the employee's start and finishing times of the overtime, or of the number of overtime hours worked

- If the employee is a casual or irregular part-time employee who is guaranteed a basic periodic rate of pay, a record of the hours worked by the employee must be kept

Averaging of hours

If the employer and employee agree in writing that averaging of hours of work is to apply over a certain period, the employer must keep a copy of the agreement.

Leave

The employer must keep the following records regarding leave:

- Details of leave taken, leave accrued and the balance from time to time.
- If the cashing-out of leave entitlements is permitted by a term in a enterprise agreement, modern award or other industrial instrument which allows the cashing out of annual leave, details must be kept, including the rate of pay for the leave forgone and when the payment was made

Superannuation

If the employer is required to make superannuation contributions for the benefit of the employee (excluding those made to defined benefits superannuation funds):

- 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 and the date of any relevant election

Transfer of business

If a transfer of business occurs (for example, the business is sold) and the new employer retains the service of the employees, the old employer must transfer to the new employer all records concerning the transferring employees.

If the transferring employees become employees of the new employer after the time of the transfer of business, the new employer must request the old employer to provide the new employer with the transferring employees' records. If the old employer receives a request of this kind, they must give the employee records to the new employer.

Payslips

Payslips must contain the following details:

- the name of the employer and employee
- the Australian Business Number (ABN) of the employer
- the date and the period of payment

- the gross and net amount of payment
- details of any deductions made from the gross amount – including the name, or the name and number of the fund or account into which the deduction was paid
- any allowances, bonuses, incentive-based payments or other separately identifiable entitlement paid
- for employees paid an hourly rate – the ordinary hourly rate of pay, number of hours worked at that rate and the amount of payment at that rate
- for employees paid at an annual rate – that rate as at the latest date to which the payment relates
- details on any overtime or penalty rates paid (e.g. weekend work), or loadings (e.g. shift work) and
- if employers are required to make superannuation contributions for the benefit of the employee (excluding those made to defined benefits superannuation funds):
 - the amount of each superannuation 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
 - 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.

Employers must issue a pay slip to each employee within one day of the payment of wages.

Electronic payslips are subject to the same requirements that apply for paper or hard copy payslips.



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