



## Employment Law

### Risk and Compliance Assessment

Industrial relations and employment law in Australia is a complex system which brings together current national and state frameworks as well as transitional arrangements from previous legislation and regulation.

Greenhalgh Pickard has developed this checklist to assist our clients in self-auditing their compliance with workplace laws. This should be considered a general overview and does not constitute legal advice.



**Greenhalgh Pickard**  
SOLICITORS AND ACCOUNTANTS

## 1. Instruments

Are you aware which industrial instruments cover or apply to your employees?

- Modern award
  State award  
 Enterprise bargaining agreement
  Transitional agreement  
 Division 2B State employment agreement

Other: .....

2. Awards and employment standards	Yes	No	Don't know
<b>Are you aware of:</b>			
Which (if any) modern awards cover or apply to your employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The National Employment Standards (NES)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Which NES apply to your employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. Are you aware of your obligations with respect to:</b>			
Requests for flexible working arrangements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Notice of termination?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Redundancy pay?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. If you have national system employees:</b>			
Do you provide the Fair Work Information Statement (FWIS) to all new employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do you record evidence of how you provided the FWIS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If you have existing workplace agreements, are you aware of how they operate with respect to modern awards and the NES?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Leave entitlements	Yes	No	Don't know
Do you keep accurate records of your employee's leave entitlements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do you have set processes for employees to apply for:			
Annual leave?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Personal (sick)/carer's leave?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compassionate/bereavement leave?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parental leave?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community service leave?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Long service leave?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 6. Pay

How are your employees paid?

- Weekly
  Fortnightly
  Monthly

On which day?

- Monday
  Tuesday
  Wednesday
  Thursday
  Friday
  Saturday
  Sunday

What payment method do you use?

- Cheque
  Cash
  EFT

7. Pay slips	Yes	No	Don't know
Do you provide your employees with a pay slip within 1 business day of their pay?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Do you include the following details on your pay slips?</b>			
Your ABN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your legal and/or trading name	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employee's full name	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of payment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pay period	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gross and net amounts of pay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>For hourly rate employees:</b>			
Ordinary hourly rate of pay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Number of hours worked at that rate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amount of payment at that rate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>For salary employees:</b>			
Rate to the last day in the payment period	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Details of any deductions from employee's pay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Name of the employee's superannuation fund	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amount of superannuation fund contribution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 8. Casual Employees

If you have casual employees, do the following apply to them?

- |  |  |
|--|--|
| <input type="checkbox"/> Irregular work patterns | <input type="checkbox"/> Uncertainty around period of employment |
| <input type="checkbox"/> Lack of continuity      | <input type="checkbox"/> Intermittency of work                   |

9. Award/Agreement Allowances & Penalty Rates	Yes	No	Don't know
Are you aware which employees are entitled to penalty rates, and what those rates are?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do you accurately record the start and finish time of employees who are entitled to penalty rates?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do you pay the correct penalty rate, accordingly to the relevant modern award or agreement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are any other allowances payable under the relevant modern award or agreement (i.e. uniform, late work or dangerous work allowances)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes to the above, do you keep accurate records of these allowances?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are you aware of the correct meal and rest break requirements for your employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do your employees take the required meal and rest breaks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If no, are your employees properly compensated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Record Keeping	Yes	No	Don't know
<b>Do you maintain accurate records of the following?</b>			
Employee's full name	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date of commencement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employee status (full time, part time or casual)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Number of hours worked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Number of overtime hours worked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rate of pay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Written agreements (individual flexibility arrangements, bonus schemes etc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gross and net amounts of pay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deduction details	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monetary allowances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leave entitlements (leave taken and accrued)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Superannuation details	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Formal warnings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Termination details	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>11. Tailored Templates</b>	<b>Yes</b>	<b>No</b>	<b>Don't know</b>
<b>Do you have templates to cover the below matters, tailored to your workplace?</b>			
<i>Employing staff</i>			
Job advertisements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reference checks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contract of employment/letter of engagement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
New employee/induction checklist	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Pay slips and record keeping</i>			
Pay slip	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employee details	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leave	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Staff meetings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Hours of work</i>			
Hours of work agreement or variation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leave application form	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Timesheet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Notice of requirement to take annual leave for close down	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Direction to take excessive annual leave	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agreement to cash out annual leave	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agreement to annual leave in advance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Request for flexible work arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Response to request for flexible work arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parental leave request	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Response to request for parental leave	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Application to extend parental leave	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agreement to vary parental leave	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Managing performance</i>			
Initial steps checklist	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Formal steps checklist	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Performance improvement plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Underperformance meeting plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
First warning letter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Final warning letter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Termination</i>			
Letter terminating employment – general	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Letter terminating employment – serious misconduct	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Letter terminating employment – redundancy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>12. Workplace Policies and Guidelines</b>			
	<b>Yes</b>	<b>No</b>	<b>Don't know</b>
Do you have workplace policies in place?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are your policies tailored to your specific workplace?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are your workplace policies communicated to new employees (and updates to existing employees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are your workplace policies enforced?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do you have an employee handbook?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is your employee handbook tailed to your workplace?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are new employees trained on your workplace policies and rules?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Do your workplace policies cover the following matters?</b>			
Employee movements (leaving the workplace during work hours)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Presentation and dress	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Customer service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discrimination and harassment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Complaints	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullying	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Equal opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Work Health and Safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Smoking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alcohol and drugs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Computer and email usage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social media	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Personal mobile phone usage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Confidential information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal compliance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Personal leave	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Paid and/or unpaid parental leave	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community service leave	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dispute resolution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Performance counselling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Workplace injuries and accidents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire evacuation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>