

Employer's checklist

What employers must do to comply with NSW industrial relations laws



The Office of Industrial Relations (OIR) is responsible for monitoring wages and employment rights, obligations and conditions in NSW.

OIR provides help and information to both employers and employees.

This checklist covers some of the major issues checked regularly by inspectors when they visit businesses. Check and see how your business is performing against these requirements.

Award display

- You must possess a current copy of every award applying in the workplace.
- Each award is displayed in a conspicuous place.

Are you an employer under the federal industrial relations system?

For each young worker under 18 years of age you must comply with the *Industrial Relations (Child Employment) Act 2006*.

If you make an individual or collective agreement with one or more workers under 18 years of age you must:

- provide, on aggregate, remuneration and entitlements at least equivalent to the comparable NSW award or legislation.

Pay slips

- Pay slips are provided to all employees at the time of payment.

Every pay slip must contain the following:

- name and ABN number of the employer
- name of employee

- classification of the employee under any applicable award or agreement
- date on which payment was made
- period of employment to which the payment relates
- any amount paid as overtime or enough information to allow the employee to calculate the amount of overtime
- gross amount of remuneration (incl. overtime and other payments)
- amount deducted as taxation
- any amount deducted as an employee contribution to superannuation
- particulars of all deductions
- net amount paid.

General employment records

For each employee, you must have records detailing:

- full name of employer and ABN number
- full name and date of birth of employee
- employee's classification under any applicable award
- whether the employee is employed fulltime or part-time
- whether the employee is employed on a permanent, temporary or casual basis
- if the employee is an apprentice or trainee under the *Apprenticeship and Traineeship Act 2001*, the date the person became an apprentice or trainee
- the date on which the employee was first employed by the employer



- if the employee's employment has been terminated, the date of termination.

Time and pay records

For each employee, you must have records detailing:

- the number of hours worked per week, per day or other period, as prescribed by the award
- if the award limits the daily hours of work and provides for the payment of daily overtime, the number of hours worked by the employee during the day and the times of starting and ceasing work
- the rate of remuneration per week, day, hour or other period at which the employee is paid if this is prescribed by the award
- if piece work is prescribed by the award, the number and description of pieces made by the employee and the rate per piece at which the employee is paid
- the gross amount of remuneration paid to the employee and any deductions made
- any other particulars which are necessary to show that the requirements of the award relating to remuneration paid and hours worked are being met.

Leave records

For each employee, you must have records detailing:

- any leave taken by the employee
- the employee's entitlement from time to time of that leave
- the accrual of that leave.

Superannuation

If you are making superannuation contributions for the benefit of an employee as a result of an obligation under an award, you must keep the following records:

- amount of contributions made

- period over which contributions are made
- when the contributions are made
- name of the fund or funds to which the contributions are made
- the basis on which the employer became liable to make the contributions (including particulars of any relevant election by the employee).

OIR inspectors also regularly check pay rates, hours worked and allowances paid to employees

Buying or selling a business?

Employees' entitlements are protected on the transfer of a business; all entitlements must transfer to the new employer.

Continuity of service will continue with the new employer.

Employees can't be terminated by the previous employer and then be re-employed by the new owner with the intent of paying out entitlements to avoid any legal obligation.

Entitlements transferred to the new employer:

- Sick leave
- Annual leave
- Long service leave.

OIR services

Information on NSW employment laws through a telephone service (cost of a local call), the OIR website and a range of publications.

Advice and assistance to help small businesses implement innovative, productive and equitable workplace practices.

Workshops to help small business employers understand awards and employment law as well as recruitment and termination issues

Inspection services helping employers to understand their obligations to employees.

