

- name of the fund or funds to which the contributions are made and whether that fund is specified in the award or enterprise agreement or by the employee.

\* These records are not required in the cases of contributions to a defined benefit superannuation fund within the meaning of the Occupational Superannuation Standards Regulations of the Commonwealth Government.

## How employment records must be kept

All employment records must be legible and in English, in a paper or electronic format (computer file).

## How long must employers keep employment records?

For at least six years.

## If a business is sold, what employment records must be given to the new owner by the former owner?

The new owner must be given all records relating to transferred employees.

The new owner and the former owner must both keep a copy of the records for at least six years after they were made.

## Who may inspect employment records?

Authorised officers, called industrial inspectors, of the Office of Industrial Relations, NSW Department of Commerce, are permitted to enter business premises to inspect employment records. They are permitted to do this under the *Industrial Relations Act 1996*.

Members of the NSW Industrial Relations Commission and authorised union officers may also enter premises to inspect employment records in certain circumstances.

## For more information:

- Office of Industrial Relations  
Ph: 131 628 (local call charge in NSW)  
TTY: 1800 555 677  
[www.industrialrelations.nsw.gov.au](http://www.industrialrelations.nsw.gov.au)
- Young People at Work – information for young workers  
[www.youngpeopleatwork.nsw.gov.au](http://www.youngpeopleatwork.nsw.gov.au)
- your employer association or union.

## Free online services at [www.industrialrelations.nsw.gov.au](http://www.industrialrelations.nsw.gov.au)

- *NSW Awards Online* – provides easy access to award information including pay rates and leave entitlements
- *Pay Rate Updates* – subscribe online and receive email alerts on changes to NSW pay rates and award conditions that affect your workplace
- *Check Your Pay* – helps you calculate wages and other entitlements such as annual leave and long service leave
- *Online sample pay slips* – help employers create their own employee pay slips
- *Your Workplace Online* – quarterly online newsletter to keep you up-to-date with workplace issues.

## Workshops and short courses

State-wide workshops and short courses are offered on a range of industrial relations and human resource topics to help business owners and managers. Free workshops and short courses include employer rights and responsibilities under industrial relations legislation, the impact of federal industrial relations changes and specific industry employment issues. Other topics include recruiting and retaining staff, developing workplace policies and managing staff performance.

June 2008 • Printed on recycled paper



## A guide to pay, pay slips and employment records

State industrial relations laws cover most NSW unincorporated businesses (eg sole traders and partnerships) as well as some incorporated businesses operating in NSW (eg some charities and not-for-profit organisations). Incorporated businesses that employ young workers under 18 years of age also have to meet some requirements under NSW child employment laws.

Both NSW and federal industrial relations laws require employers to provide employees with pay slips and to keep certain time, wage and leave records. The information below outlines the requirements for employers under the *NSW Industrial Relations Act*.

#### How should employees be paid?

Employee's pay (including overtime) must be in cash or by cheque or electronic funds transfer. However, if the employee is paid by cheque or electronic funds transfer they must give their approval to be paid in this way. The employee's award or enterprise agreement may list the method of payment.

#### What information should be on an employee's pay slip?

An employer must provide employees with pay slips each time they are paid. The pay slip must contain the following information:

- name and ABN of the employer
- name of employee
- classification of the employee under their award or enterprise agreement (including full-time, part-time and casual status)
- date when the payment was made
- period of employment to which the payment relates
- the amount of money paid before tax (gross amount) (including overtime and other payments)
- amount paid as overtime or information to allow the employee to calculate the amount of overtime
- amount deducted for tax

- any amount deducted by the employee for superannuation
- particulars of all other deductions
- amount paid after tax (net amount)

#### When are employees to be paid?

Awards and enterprise agreements usually list how often an employer must pay their employees (weekly, fortnightly etc). Casual employees can be paid at the end of each day's employment. However, if an employee requests it the employer must pay them at least fortnightly.

#### Deductions from employee's pay

An employee's pay must be made in full. An employer may only deduct money from an employee's pay if agreed in writing by the employee and where the deductions are for the benefit of the employee. Awards and enterprise agreements may also authorise an employer to take money from an employee's pay.

#### What type of records must employers keep about employees?

An employer must keep all the following records:

##### GENERAL RECORDS

- full name of employer and ABN
- full name of employee
- classification of the employee under any award or enterprise agreement
- whether the employee is employed full-time or part-time
- whether the employee is employed on a permanent, temporary or casual basis
- if the employee is an apprentice or trainee and the date the person started as an apprentice or trainee
- date on which the employee was first employed by the employer
- if the employee's employment has been terminated, the date of termination.

##### REMUNERATION AND HOURS WORKED

- number of hours to be worked per week, per day or other period, if this is set out in the award or enterprise agreement
- the employee's start and finishing times each day and the number of hours worked each day, if the award or enterprise agreement limits the daily hours of work and provides for the payment of overtime
- rate of pay per week, day, hour or other period at which the employee is paid if this is prescribed in the award or enterprise agreement
- if piece work is prescribed by the relevant award or enterprise agreement, the number and description of pieces made by the employee and the rate per piece at which the employee is paid
- gross amount of money paid to the employee and any deductions made
- any other details to show that the requirements of the award or enterprise agreement relating to pay and hours worked are being met.

##### LEAVE RECORDS

All employees are entitled to paid and unpaid leave from employment, such as annual holidays, long service leave, sick leave and parental leave. These entitlements may vary depending on how the employee is engaged (ie casual, temporary, part-time or full-time).

An employer must keep the following records in relation to leave:

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

##### SUPERANNUATION CONTRIBUTIONS

If an employer is required to make superannuation contributions for an employee according to an award or enterprise agreement, the employer must keep the following records:

- amount of contributions made\*
- period over which contributions are made\*
- when the contributions are made\*