



**WORKPLACE RELATIONS
COMPLIANCE and
PROTECTION
CHECKLIST**

1. INDUSTRIAL INSTRUMENT

a) Are you bound by an Enterprise Agreement?

YES NO

b) If Yes to a) – are you applying its terms and checking base rates to ensure they don't drop below Award minimums when adjusted on 1 July each year?

YES NO

c) Do you know what Award applies to your employees? See IR Assist homepage for information.

YES NO

d) Where a Modern Award applies - have you reclassified Award covered staff under the Modern Award since its introduction?

YES NO

e) Have you taken into account the transitional calculations to ensure the rate under the Modern Award is not less than you are required to pay on a transitional basis?

YES NO

f) Did the business commence to operate after 27 March 2006?

YES NO

g) If Yes to f) – are you aware of the potential for reduced penalty rates for your business by applying the transitional calculations?

YES NO

2. NATIONAL EMPLOYMENT STANDARDS (NES)

a) Do you know what the NES are and have you reviewed contracts and policies to ensure compliance since their introduction under the Fair Work Act?

YES NO

b) Are you aware employees have the right to request flexible work arrangements in certain circumstances and of the procedure you must follow in responding?

YES NO

c) Are you complying with Leave accrual requirements under the Fair Work Act?

YES NO

d) Are you aware an employee may now seek up to 24 months Parental Leave and of the procedure you must follow in addressing a request for the additional 12 month period?

YES NO

e) Do you know what the Fair Work Information Statement is? Are you providing it to all new employees on engagement? (A copy is provided in the IR Fact Sheet section).

YES NO

f) Are you aware non-Award covered employees may now be entitled to severance benefits on termination?

YES NO

g) Are you aware employees are entitled to unpaid leave to take part in eligible community service work? Have you implemented a policy or process for addressing such instances?

YES NO

3. PAY RECORD COMPLIANCE

Time and Wages

a) Do your time and wages records comply with the requirements of the Fair Work Regulations? (see IR Factsheet).

YES NO

b) Do your payslips comply with the requirements of the Fair Work Regulations? (see IR Factsheet)

YES NO

c) Have you implemented any Individual Flexibility Arrangements in accordance with Award or Enterprise Agreement processes?

YES NO

d) If Yes to c) – are they maintained as time and wage records in compliance with the Fair Work Act?

YES NO

- e) Are you paying in accordance with Award requirements? For instance, if you are paying an annualised salary do you know if the Award contains an annualised salary clause and if so are you complying with it?

YES NO

3. POLICY INFRASTRUCTURE

- a) Do you have a documented policy or procedure on each of the following which was written or updated in the last 2 years? Tick those done and address any not completed. As a minimum we advise all employers have these policies – although there may be several others you should have based upon your operational requirements (ie. motor vehicle policy – if providing company motor vehicles - or work from home policy where applicable).

Discrimination and harassment (*Equal Employment Opportunity*) – includes complaints / grievance procedure

Drugs & alcohol

Use of email, internet and mobile phones

Leave (*sick/carer's, annual, parental, community service*) Make sure NES compliant

Occupational Health & Safety

Induction process

- b) Have all policies and procedures been communicated to current staff and are you doing so at induction for all new staff?

YES NO

- c) If Yes to b) have you done one or more of the following and in each case completed the last dot point:

- Provided access via company intranet

- Provided access to hard copy policy and procedures
- Verbally communicated the policy/procedures individually or in groups
- Obtained employee sign-off that they have read and understood policies and procedures and directed them to immediately raise any questions regarding them if not certain what they mean?

YES NO

d) Have you conducted any training for staff regarding Discrimination, Harassment and Bullying?

YES NO

e) Particularly where the work is of a manual nature, have you conducted any OHS training?

YES NO

f) Your policies and procedures should be:

- Technically correct and comply with legislative obligations
- Be written and communicated in a manner to enable ease of understanding
- Enforced; meaning addressing breaches to protect company liability and provide clarity as to application
- Helpful in achieving workforce objectives, positively address unacceptable conduct and contribute to limiting company liability from potential claims

Do you believe your current policies and procedures achieve these objectives?

YES NO

4. **PERFORMANCE MANAGEMENT and TERMINATIONS**

a) Do you think your employees are clear about:

i) their individual responsibilities?

YES NO

ii) how their performance is measured?

YES NO

b) Do you have a performance management system?

YES NO

c) If you do have a performance management system, do you think it works effectively to improve identified under-performance?

YES NO

d) If you have a performance management system, do you think it works effectively to facilitate the exit of poor performers?

YES NO

e) Are your managers efficient, timely and accurate at administering disciplinary action to employees who perform poorly?

YES NO

f) Have your Managers been trained in how to apply performance management processes; including counselling, warnings and terminations?

YES NO

g) Does your business employ less than 15 employees?

YES NO

h) If yes to g) – do you follow the Small Business Fair Dismissal Code if necessary to terminate staff and Fair Work Act obligations regarding notice?

YES NO

i) If you employ 15 or more employees are you aware of Fair Work Act obligations regarding, notice and procedural fairness prior to implementing terminations?

YES NO

j) If terminating on the grounds of redundancy, do you ensure it is a 'genuine redundancy' by following Fair Work Act obligations prior to implementation?

YES NO

k) If implementing a redundancy – do you comply with severance obligations; including pre-Fair Work Act obligations for small businesses where applicable in a pre- reform instrument?

YES NO

5. ORGANISATIONAL DESIGN

a) Are you considering restructuring any part of your workforce in the near future?

YES NO

b) Are you considering outsourcing or contracting out any parts of your workforce?

YES NO

c) Are you considering purchasing a business and/or implementing the workforce into a current business?

d) If yes to a), b) or c) – are you aware of the implications of the transfer of business provisions of the Fair Work Act and any applicable consultation obligations?

YES NO

6. WORKERS COMPENSATION AND OCCUPATIONAL HEALTH & SAFETY

a) Are you satisfied with your current workers compensation administration in terms of:

- | | | | | |
|----------------------------------|-----|--------------------------|----|--------------------------|
| i) minimising number of claims | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| ii) minimising cost of claims | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| iii) effective closure of claims | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| iv) disputing invalid claims | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |

b) Do you feel confident about your managers' ability to understand and implement workers compensation requirements?

YES NO

c) Do you believe you are applying appropriate and effective OH&S checks and processes to your business? Do you know what they are?

YES NO

7. SUMMARY

If you answered No to any of the questions raised above we suggest you take action to obtain relevant information and consider whether or not in your current position you are exposing the company to risks of fines and/or claims for breach of industrial relations and related legislation.

You can start by reviewing the free IR Fact sheets provided on the Association IR Assist webpage in addition to the IR Updates, Industrial Award and Wage Sheet tabs on the Association IR Assist webpage.

If you require any of the following contact IR Assist:

- Employment contracts;
- Enterprise Agreement;
- Policies and procedures;
- IR/HR training;
- Workplace Incident Investigation;
- Advice or representation regarding a claim;
- IR/HR Company review;
- IR/HR Strategy planning; or
- General advice or assistance

Contact IR Assist on:

p: 1300 393 519, m: 04088265625 or e: info@irassist.com.au