

## REVIEWS EMPLOYERS SHOULD CONDUCT AT THE BEGINNING OF 2018

A review of workplace policies, employment contracts, employee pay rates and employee details should be conducted now to ensure smooth sailing for your business in 2018.

**Employment contracts:** Employment contracts are essential to any business and employers should use them as a tool to protect the interests of the business and to properly manage staff. Without employment contracts, businesses expose themselves to unnecessary and avoidable risks.

For example, an employment contract usually lists the business expectations and standards of performance of an employee. If the employer is unhappy with the level of performance by the employee, the grounds for termination will be easier to substantiate. However, if the employee is unaware of these expectations and standards of performance, the employer may be at risk of an unfair dismissal claim.

A review of all employee contracts should be conducted to ensure that:

1. they have a contract;
2. there are no updates required to the contract;
3. they contain the following information:
  - job title and position description;
  - duties and responsibilities of the parties;
  - pay details;
  - National Employment Standards;
  - leave entitlements including procedure for taking leave;
  - flexible working arrangements available;
  - rights and obligations of the parties;
  - duration of employment (if applicable);
  - probationary period;
  - benefits offered – overtime, bonuses, severance pay etc.;
  - confidentiality, non-solicitation and restraint of trade clauses;
  - payment in lieu of notice;
  - reasons and grounds for termination;
  - notice periods;
  - any relevant industrial instrument, modern awards, national employment standards or statutory obligations; and
  - redundancy.

Employer Assist can provide assistance with drafting employment contracts which are tailored to your workplace or amending and updating existing contracts. Please contact Employer Assist to avoid exposing your business to any unnecessary risks.

**Pay rates:** An audit of your payroll should be conducted to ensure employee pay rates adhere to the appropriate award wage. With the recent changes to the legislation, increased penalties and Fair Work audits, it is more important than ever for business to ensure that they are paying their employees the correct rates and entitlements to avoid the risk of an underpayment claim and penalties. Employer Assist can assist with this audit if required.

**Employee details:** A review of all employee files should be conducted to ensure employee details are up-to-date. The following information should be kept on file:

- Full name;
- Date of birth;
- Contact details and address;
- Tax File Number;
- Date employment commenced;
- Employment status (full-time, part-time etc);
- Hours of work;
- Pay details (rate of pay, date of pay, method of pay);
- Name of award which applies;
- Superannuation fund details; and
- Next of kin contact details.

**Pay slips:** A review of staff pay slips should be conducted to ensure that they meet the statutory requirements. Contact Employer Assist for a **free guide** on pay slips and record keeping obligations.

**Workplace policies:** With 2018 already underway, now is a great time to review and update your policies (or implement additional policies) which are applicable to your workplace. Proactively managing your risks by implementing the correct policies will minimise the chance of any potential claims while also providing staff with direction as to your expectations of them.

There are numerous policies which may be applicable to your workplace, including (but not limited to):

- Code of Conduct;
- Social Media, Email, Internet and Computer Use;
- Health and Safety;

- Drug and Alcohol;
- Bullying, Harassment, Sexual Harassment and Discrimination;
- Grievance Policy;
- Leave; and
- Work Functions.

Employer Assist can provide assistance with drafting or amending policies tailored to your workplace. Please make contact with our office to avoid exposing your business to any unnecessary risks.

**Need assistance?** Employer Assist provides all HVIA members with advice regarding all aspects of your workplace and employment law. Please contact Employer Assist on **1300 694 842** or **hvia@employerassist.com.au** if you require any assistance with the abovementioned.

**Need assistance?**

Employer Assist provides all HVIA members with advice regarding all aspects of employment law. We can assist members with drafting policies required for work functions (including a Work Function Policy). Please contact Employer Assist on **1300 694 842** or **hvia@employerassist.com.au** if you have any questions relating to this article or to discuss any issues that arise in your workplace.

*This article is intended for information purposes only and should not be regarded as legal advice. Please contact Employer Assist by Industry Legal Group for specific legal advice.*