



**Industrial Relations & Employment Alert  
Work Choices Employee Record Keeping Obligations: Penalties apply from 27  
March 2007**

The transitional period for compliance with employee record keeping obligations under the *Workplace Relations Regulations 2006* (Cth) (the Regulations), which are made under the *Workplace Relations Act 1996* (Cth) (the Act), comes to an end on 26 March 2007. Failure to comply from 27 March 2007 onwards may result in a penalty being imposed.

**What records must be kept?**

Under Part 19 of the Regulations, employers are required to make (or cause to be made) and retain certain employee records and to issue employee pay slips. Records must be kept in a legible form in English, be readily accessible to a workplace inspector, and generally be kept for a continuous period of 7 years after each entry is made. The records must include general employee information, hours worked (including overtime and reasonable additional hours), pay, annual leave, personal leave, superannuation contributions, termination of employment and transmission of business issues.

**What penalties apply?**

Where an employer is found to have contravened the Regulations, a Court may order a body corporate to pay a penalty of up to 50 penalty units (which currently amounts to \$5,500) per breach. Failure to comply is a strict liability offence, which means that an employer will be liable irrespective of whether the employer intended to comply or was not aware of its failure to comply.

**What should I do?**

Employers should ensure they have processes and procedures in place to be compliant with the record keeping requirements in the Regulations by 27 March 2007.

**BDW Contact Details**

**Sydney** +61 2 9258 6000  
+61 7 3259 7000

**Melbourne** +61 3 9679 3000

**Brisbane**

**Perth** +61 8 9366 8000

**Canberra** +61 2 6234 4000

[www.bdw.com](http://www.bdw.com)