



HR HEALTH CHECK FOR EMPLOYERS



This 30 point HR Health Check is designed to help you determine whether you and your business are meeting your compliance obligations under Australian employment laws.

If you answer no/unsure to any of the questions below, you may be at risk of expensive and damaging employee claims, and penalties of up to \$54,000 for breaches of the *Fair Work Act 2009*.

Fair Work Inspectors appointed by the Fair Work Ombudsman have the power to enter a workplace at any time during working hours to inspect records and ensure compliance.

Key advisors, such as HR managers, payroll officers, accountants and bookkeepers, also risk personal fines for accessorial liability under Section 500 of the *Fair Work Act 2009*.

HIRING PROCESSES		Yes	No/Unsure
1.	Are your hiring processes 'competency-based' and do they follow equal employment opportunity (EEO) guidelines?		
2.	Do you provide all new employees with the compulsory <i>Fair Work Information Statement</i> ?		
3.	Do you undertake a 'right to work' check for all new employees to ensure they are authorised to work in Australia?		

RECORD KEEPING & PAY SLIPS		Yes	No/Unsure
4.	Are you keeping accurate time and wages records for 7 years in accordance with the <i>Fair Work Regulations 2009</i> ?		
5.	Are you issuing pay slips with all compulsory information within 1 working day of pay day, even if an employee is on leave?		
6.	Are you storing HR records such as signed employee contracts and performance reviews securely to meet your privacy obligations?		
7.	Are your HR records backed up securely to avoid damage or loss?		

MANAGING PROCESSES		Yes	No/Unsure
8.	Are you providing the 10 minimum entitlements to all employees in accordance with the National Employment Standards (NES)?		
9.	Have you confirmed which Modern Awards apply to your employees and confirmed each employee's Award classification level in writing?		
10.	Are you paying the correct annual leave loading, penalty rates, and allowances under Modern Awards? Note: Even if you pay above-Award rates, you will generally still be required to provide employees with all other entitlements imposed by the Modern Award.		
11.	Have you had your employment contracts recently reviewed to ensure they are compliant with the <i>Fair Work Act 2009</i> ?		
12.	Are all of your employees provided with up to date HR policies and procedures so they know what is expected of them?		
13.	Do you have a performance management process that effectively addresses performance and conduct issues?		

WORKPLACE BULLYING		Yes	No/Unsure
14.	Does your business have a comprehensive workplace bullying and dispute resolution/investigation procedure in place?		
15.	Have you ensured that your processes for handling and investigating bullying will meet the Fair Work Commission's requirements?		
16.	Are you confident that your processes will not expose your business to further claims of either 'victimisation' or 'adverse action'?		

WORK HEALTH & SAFETY (WHS)		Yes	No/Unsure
17.	Do you have good systems in place to ensure a safe workplace and meet your WHS legal obligations?		
18.	Do you have processes in place to manage WHS issues such as workplace hazards, incidents and injuries, consultations, workers compensations claims and injured employees returning to work?		
19.	Do you keep timely and accurate records about WHS issues such as workplace hazards, incidents and injuries, consultations and workers compensations claims to meet your legal obligations?		

INDEPENDENT CONTRACTORS		Yes	No/Unsure
20.	Are all your contractors' genuine independent contractors as per the <i>Independent Contractors Act 2006</i> or are you at risk of penalties of up to \$54,000 for sham contracting?		

EXITING PROCESSES		Yes	No/Unsure
21.	Do you understand the rules and requirements related to unfair dismissals and unlawful terminations?		
22.	Do you know what conduct may expose you to claims of 'adverse action'?		
23.	Do you understand the legal requirements that must be met in order to make a position ' <i>genuinely redundant</i> '?		

HR SYSTEMS, PROCESSES & EXPERT ADVICE		Yes	No/Unsure
24.	Do you have good HR systems and processes in place to ensure compliance with Australian employment laws such as the <i>Fair Work Act 2009</i> ?		
25.	Are you getting timely and accurate advice to all your HR questions from qualified experts?		
26.	Is your HR advice in writing to ensure that you are protected?		
27.	Are you keeping accurate and up to date employee files with important information such as personal details, duties, performance, licence checks, emergency contact details and notes about events such as disciplinary discussions and performance reviews?		
28.	Are your employee files backed up and protected from damage, loss or unauthorised access which could breach your privacy obligations?		
29.	Do you have compliant document templates such as letters and forms to manage day to day HR tasks? Are they regularly updated?		
30.	Do you have access to sample position descriptions to help you quickly define job duties and responsibilities for all employees?		

TOTAL SCORES			

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