



INFORMATION SHEET

WORKPLACE SERVICES

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Guide to QLD employers – are you putting on a new employee in the Building and Construction Industry?

This guide provides a simple checklist summary of the legal requirements you need to consider when taking on new on-site employees (including apprentices). We have also included some sample template documents to assist in the process.

Determine the employee's entitlements

An employee is an Award employee or a non-award employee.

Award Employee: If there is an Industrial Award which covers the employee's industry or occupation and contains a classification for the role (or type of role) they undertake then you will need to comply with all the conditions of the relevant award. The award will stipulate the minimum wage rate of pay and other entitlements. Awards conditions must comply with the National Employment Standards. Even if you pay above award wages or under annualised salary arrangements, they still will be considered award employees.

Non-Award Employee: If there is no award covering the type of work they carry out then they will be a "non-award" employee. Traditionally managerial level employees do not fall within an award classification. The conditions of employment for non-award employees are set out under the National Employment Standards and their contract of employment.

If you have an enterprise agreement in place that covers the employee's work classification, an employee's entitlements will come from that agreement.

Call your HIA Workplace Advisor on 1300 650 620 for information on rates of pay and award coverage.

Make the offer of employment

Even if they are an award employee, it is a good idea to get all new employees to sign and accept a written offer of employment that sets out the conditions of employment that have been agreed to. You can also provide other information relevant to the business, such as workplace policies or rules. *Please see Attachment A - letter of offer/contract of employment template.* HIA has also developed a range of information sheets which provide example workplace policies - call your HIA Workplace Advisor on 1300 650 620 for more information on workplace policies.

Provide the new employee with the Fair Work Information Statement

The Fair Work Information Statement must be provided to the new employee as soon as possible before or after they commence. This statement is an overview of rights and entitlements under the *Fair Work Act 2009*. It is available on the Fair Work website (<http://www.fairwork.gov.au>).

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phone 1300 650 620 | fax 1300 655 953 | enquiries@hia.com.au | hia.com.au

Obtain your employee's details

Ensure that you have all relevant contact details such as home address, phone number, email address and emergency contact. Where relevant, you may also need the employee's bank account details (for payment of wages) and information relating to medical conditions or allergies that have the potential to affect the employee's capacity to carry out their role.

Obtain the employee's Tax File Number Declaration form

All new employees are required to fill out and complete a Tax File Number Declaration form. The form enables you to work out how much tax to withhold from payments made to your employee. You can get the form from some newsagents or by contacting the ATO. The employee needs to complete the form and return it to you. There is a 'Payer' section of the form (section B) that you must then complete and forward to the ATO within 14 days of the date the employee started with you.

Get a copy of the employee's OHS Construction Induction Card

An OHS Construction Induction Card (White Card) is required by all employees carrying out construction work, including site managers, supervisors, surveyors, labourers and tradespersons. HIA runs training courses for those who would need to obtain this induction card – for more information call HIA on 1300 650 620.

Register for PAYG withholding

To register contact the ATO (13 28 66); or complete a "Add a new business account" form available on the ATO website (<http://www.ato.gov.au>); or speak to your tax advisor. You must keep records that explain your PAYG withholding transactions. Please see HIA's info sheet on employment records.

Superannuation

Your employee is entitled to super from the first day you employ them (provided they are eligible for super) so you will need to determine which fund contributions will be made to. Most employees are entitled to select their superannuation fund. If your new employee is eligible to choose a super fund, you should provide them with a [Standard choice form](#) within 28 days from the day they started working for you.

Your employee does not have to complete the form if they do not want to nominate a fund but you still need to give them the choice. If your employee does not select a fund you must pay contributions into a fund you nominate. You should make sure that the fund you nominate complies with the Award (where applicable) and that the fund is a 'complying fund'.

For more information on super choice, call the Australian Tax Office on 13 10 20 or go to www.ato.gov.au. HIA also has more specific information on choice of super fund.

Super guarantee contributions have to be paid for each eligible employee to the correct super fund at least four times a year (see quarterly cut off dates at <http://www.ato.gov.au>). Some funds require that contributions be made on a more frequent basis.

Workers compensation

It is compulsory for you to take out workers compensation insurance if you employ worker/s in Queensland. To take out an insurance policy you will need to contact Work Cover Qld on 1300 362 128 or via their website <http://www.workcoverqld.com.au/Home.html>.

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The premium is calculated by using your estimated wages.

Long service leave

There is a special scheme in place for long service payments for workers in the QLD building and construction industry.

Qleave – Portable Long Service Leave Authority is responsible for administering the scheme. Payments are for service to the industry instead of to an individual employer.

Individual workers have their periods of employment in the building and construction industry recorded by the Authority. As an employer you are required to provide this information to the Authority.

Within one month of the end of each financial year or within one month of a worker's termination employers are required to complete a worker service return for each eligible worker. This can be completed online.

There is no cost for employers or workers to belong to the scheme. The scheme is funded by a levy on all building work in QLD over \$80,000. If you are not currently registered as an employer with the Authority you can do this:

Via the Internet go to <http://www.qleave.qld.gov.au/>

or

Phone 1800 803 491 and ask for an *Employer Registration Application* to be mailed to you.

Payroll tax

If your wages (which will include contractors who are "deemed" employees) exceed the payroll tax threshold, you will incur a payroll tax liability. Contractors are deemed to be "employees" for payroll tax purposes where a "service" contract exists between the person supplying the services (the contractor) and the end-user (the employer). Note that there are also provisions that deal with grouped employers.

The current threshold for the 2009/10 financial year is \$1,000,000 and the tax rate is 4.75%.

There is a requirement for Registration with the Office of State Revenue within 7 days after the end of the month in which, for the first time, the total weekly Australian taxable wages of the employer exceeds \$19,230.

If you think you might exceed this threshold let us know and we will get you some information in relation to the payroll tax deeming provisions.

Employment Records

For information on what types of employment records an employer needs to keep please refer to HIA Information Sheet NAT- Employment Records and Pay Slips HIA ref no: ZFSIRE0747.

For more information call the HIA member Hotline on 1300 650 620

Attachment A

[Date]

[Name and address of employee]

Dear [INSERT],

RE: OFFER OF EMPLOYMENT

It is with pleasure that we offer you the position of [INSERT] with us. If you accept, you will be employed pursuant to the and *Fair Work Act 2009* and [INSERT RELEVANT AWARD] (Award) and while the industrial laws and Award govern your employment, they are not the entire terms of your employment contract. The terms of this offer of employment are set out more fully in this letter.

Please read carefully the terms of this offer of employment. If you agree to them please sign in the space provided at the bottom of this letter, return the original to this office and keep a copy for your records. We also enclose the following forms for you to either read and familiar yourself with or complete, sign and return with the original signed letter:

- *Fair Work Information Statement*
- *Tax File Number Declaration form*
- *Choice of superannuation form*
- *Request for personal details*
- *Bank account details form*
- [INSERT ANY OTHER RELEVANT DOCUMENTS SUCH AS COMPANY POLICIES/HANDBOOKS]

Contract Period

Subject to signing this offer, your employment is to commence on [INSERT DATE]

Status

You will be employed as a [INSERT CLASSIFICATION] on a [INSERT DAILY HIRE/FULL TIME/PART TIME] basis.

Wages

You will be paid an hourly rate of [INSERT], including [INSERT] allowances where applicable. Your rate will be increased as necessary to meet the minimum guaranteed rate of pay in accordance with the National Employment Standards (NES). All other allowances will be payable in accordance with the Award. You will be paid(include the pay period, eg weekly or fortnightly) by electronic funds transfer to your nominated account.

Specific duties and Responsibilities

Summarise all duties of the position but in general terms only. If appropriate refer to an attachment.

Hours of Work

Include range of ordinary hours, start and finish times Monday to Friday, total weekly hours (eg 38), details of any rostered day off arrangements, daily meal break period and any overtime conditions. Where an award operates, reference can merely be made to the relevant clauses without the need to include too much detail.

Annual Leave Entitlements

You will be entitled to annual leave in accordance with the NES.

The NES provides that employees (other than casuals) are entitled to 4 weeks paid annual leave for each year of service. An employee's entitlement to paid annual leave accrues progressively during a year of service according to the employee's ordinary hours of work.

The modern Building and Construction General On-site Award 2010 also provides that when a permanent employee takes paid annual leave, the employee will receive an annual leave loading of

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17.5% of the employee's rate of pay.

Personal/carer's leave and compassionate leave

You will be entitled to personal/carer's leave and compassionate leave in accordance with the NES.

The NES provides that employees (other than casuals) are entitled to 10 days paid personal/carer's leave for each year of service. An employee's entitlement to paid personal/carers leave accrues progressively during a year of service according to the employee's ordinary hours of work. Employees (other than casuals) may take paid personal/carer's leave if the leave is taken:

- (a) because the employee is unfit for work due to personal illness or personal injury affecting the employee; or
- (b) to provide care or support to a member of the employee's immediate family, or a member of the employee's household, who requires care or support because of:
 - (i) a personal illness or personal injury affecting the member; or
 - (ii) an unexpected emergency affecting the member.

Employees are entitled to 2 days unpaid carer's leave for each permissible occasion if they are the primary care giver to an immediate family member or a member of their household who is sick, provided the employee has exhausted their paid personal/carer's leave entitlement.

Employees are entitled to 2 days compassionate leave for each permissible occasion where a member of the employee's immediate family or a member of the employee's household:

- (a) contracts or develops a personal illness that poses a serious threat to his or her life; or
- (b) sustains a personal injury that poses a serious threat to his or her life; or
- (c) dies.

You must provide medical certificates or statutory declarations for absences of 2 or more consecutive days or where leave is taken before or after a public holiday or otherwise when we reasonably request you to do so.

Qualifying period

Include reference to an initial qualifying period (generally 6 months but can be up to 12 months for small business employers with less than 15 employees) and that during this period the employee's work performance will be under review to determine whether they are suitable for the job.

If an employee is dismissed during the qualifying period in the first 6 months of employment (or the first 12 months of employment with a small business employer) they cannot access unfair dismissal laws. It should be noted that it is unlawful to terminate employment on certain specified grounds (ie. discrimination).

Superannuation

We will make superannuation contributions for you in accordance with the Superannuation Guarantee Levy (currently 9% of ordinary time earnings) into your nominated super fund.

Company practices

Include details of any special policies on such matters as medical requirements, dress standards, smoking, occupational health and safety, equal employment opportunity, training and confidentiality. The above may be referred to in a staff handbook where company policy is set out in full.

Termination of employment

We may dismiss you without notice if you are guilty of serious misconduct.

Otherwise, in all other circumstances, we may dismiss you on giving the following period of notice or pay in lieu:

Continuous Service	Notice Period
Not more than 1 year	1 week

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