

> Keeping Employee Records

The *Workplace Relations Regulations 2006* (**Regulations**) currently prescribe the record keeping obligations for employers covered by the *Workplace Relations Act 1996* (Cth) (**WR Act**). Part 19 of the Regulations sets out an employer's record keeping obligations.

In terms of the period for which employee records must be kept by an employer, Regulation 19.4(2)(b) provides that in all but two circumstances, an entry in a record must be kept for a continuous period of 7 years after the date on which the entry is made. The two exceptions are that an employer must keep:

- an employer's records setting out the name of the employee and employer, the status of the employee's employment (i.e. full time, casual etc) and the date on which they commenced employment; and
- in relation to superannuation, the record of any election made by the employee as to the fund to which contributions are to be made (including the date of such an election)

for a continuous period of 7 years after the date on which the entry is changed, or the employee's employment is terminated - whichever happens first.

It is likely that the record keeping obligations under the *Fair Work Act 2009* (Cth) (**FW Act**) will commence operation on 1 July 2009. The FW Act also provides that an employer must make and keep employee records (as prescribed by the regulations under the Fair Work Act) for 7 years. The regulations under the Fair Work Act have not yet been prescribed and so the exact record keeping obligations under the Fair Work Act are not yet known. This information will be updated when any change occurs.

Further References:

Fair Work Act 2009

Fair Work Act 2009 (Regulations) (tba)

Create Date	June 09
Review Date	August 09
Author	soc
No. of pages	1
File path X:\DIRECTOR\Advice Sheets\Employee Record Keeping.docx	