

# FAIR WORK LIABILITY CHECK FOR KEY BUSINESS ADVISORS



Under section 550 of the *Fair Work Act 2009*, key business advisors such as accountants and bookkeepers can be held personally liable as an 'accessory' for their clients' breaches of Australian employment law.

This simple 12 point Fair Work Liability Check will confirm whether you're exposed to potential penalties of up to \$54,000 for each of your own and your clients' breaches of Australian employment law. If you answer *no/unsure* to any of these questions, you should take urgent action to reduce your risk of accessorial and personal liability.

HR & PAYROLL PROCESSING		Yes	No/Unsure
1.	Do you fully understand all your compliance obligations under Australian employment laws such as the <i>Fair Work Act 2009</i> and Modern Awards?		
2.	Do you explain key Fair Work-related obligations to your clients, and ensure they are complying with these obligations?		
3.	Have you clearly and expressly defined the scope of your professional expertise in your letters of engagement with all clients?		
4.	Do you ensure Fair Work-related advice is provided to your clients directly, in writing, by qualified experts?		
5.	Are you and your clients providing the 10 National Employment Standards (NES) to all eligible employees?		
6.	Have you confirmed which Modern Awards apply to your and your clients' employees, and confirmed each employee's Award classification level and corresponding minimum wage?		
7.	Are you and your clients paying the correct annual leave loading, penalty rates, and allowances under all applicable Modern Awards? Please note that even if you pay above-Award rates, you will generally still be required to provide employees with all other entitlements imposed by the Award.		
8.	Are you and your clients keeping accurate time and wages records for a minimum of 7 years in accordance with the <i>Fair Work Regulations 2009</i> ?		
9.	Are you and your clients issuing fully-compliant pay slips within 1 working day of payments being processed, even if an employee is on leave?		
10.	Are you and your clients storing all HR-related records securely and in accordance with your privacy obligations?		
11.	Are your and your clients' HR records backed-up securely to avoid damage or loss?		
12.	Are all your and your clients' contractors genuine independent contractors, as per the <i>Independent Contractors Act 2006</i> ?		
TOTAL SCORE			

## Need help with HR?



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