

WORKPLACE BUZZ

Can You Afford \$5500?

Is your workplace compliant under
Workplace Relations Regulations 2006?

Avoid severe penalties!

By the time an inspector is on site it's too late.

The deadline for compliance with time & wages records is March 27th.

The penalty for a corporation can be up to \$5500 per breach.

An Office of Workplace Services Inspector can enter your premises without warning, and require a person with access to documents to produce such documents. If you hinder or obstruct an inspector, you can be prosecuted AND, if you are found guilty, the court can't impose a fine. They can only send you to jail for 6 months.

Contact Haycroft Workplace Solutions today for assistance. Our consultants will work with you to achieve compliance across the Workplace Relations Act and Regulations



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4 Things Your Should Know About Our Documentation

The paperwork:

Our workplace agreement documentation is simple, concise and transparent. Our clients have recently been emailed updated files which contain a "How to" guide, a employer template "letter of welcome" to the employee, the Individual Workplace Agreement, new employee checklist, common law letters of offer and Workplace Health and Safety induction templates: all compiled into one document. One click and all the documents, that you need to sign up a new employee, can be printed out for them to fill out and forward to us for filing and lodgement. We would have liked to include an electronic form of the Tax Declaration Form, to make the procedure even easier for you, but the tax dept apparently doesn't allow that.

The advantage:

It's harder to make an error provided you can differentiate between the three categories of employees: casual, permanent and management (In real estate there is a fourth document set for "commission only" sales personnel). Most businesses of course hope to not be employing new

people too regularly. In most cases there are weeks or months between new employments so it's very easy to mix up the documents or be confused by the terminology when you are not using them every day. For those who deal with us, this process is all now pretty simple. Everything you need is in the one file.

The Cutting Edge:

Last year we employed between 3000-4000 employees ourselves, so "we practice what we preach". Since we started writing workplace agreements in 1999, our original document has been updated every time there's been a change in legislation, as we learn from your feedback and through our own experience. For instance nearly everybody, it seemed, has had trouble with employees leaving owing money and then finding it difficult to deduct from final payments. Not any more. That's well and truly covered in the new documents. We continue to develop innovative strategies that lead to effective results.

Fighting to Keep it Simple for you:

It often seems like a sea of bureaucrats are fighting to make employing people complex and unintelligible. We're fighting to make it simple and uncomplicated. Sometimes it's a tough battle, but it keeps us amused.

Let me give you an example:

The Federal Government recently legislated to ensure employers would have to vest holiday pay at least every 4 weeks. We think it should vest daily. There was a standard condition in the old union Awards which allowed unscrupulous employers to escape paying pro rata holiday pay for employees who left within a 12 month period, so we think the Government was moving in the right direction but could have gone further. On the other hand we have also found that sometimes bureaucrats do things opposite to the direction of Government policy which unwittingly prevent employees having real choices. You couldn't cash up any holiday pay under an Award but you can cash up 2 weeks under a workplace agreement. Some bright spark bureaucrat came up with a new ruling just before Xmas that says an employer can't give an employee an entitlement before it's actually due. That meant, theoretically, you couldn't cash up a holiday pay entitlement for cash until the employee had worked for four weeks, and then only in arrears for every four weeks. There is nothing in the Workplace Relations Act that even remotely suggests this of course. The unintended consequence of this would be to make it unbelievably complicated for anyone to administer the cashing up of holiday pay and, as a consequence, no one in their right mind would agree to an employee doing it. There is however a happy ending because it's easy to fix if you know how. Our clients and their employees have nothing to fear from this nonsense because our documentation has always allowed it anyway. So if "cashing up holiday pay" is something your employees want to do, we can show you how to avoid the obviously unintended administrative consequences of this ruling.

Interested in knowing more?

Contact us for your next workplace agreement. Not only will we assist you with implementation, but the employees will understand the benefits to them of their new workplace agreement.

OH&S - Post Traumatic Stress Disorder (PTSD)

It is possible for a doctor to sign a worker off as incapacitated under this category, because of the lack of visual evidence. A worker needs only to say to the doctor they are feeling anxious or unsettled. The doctor may take the condition on face value. A doctor will often give the worker 1 month off to get over it.

How do WorkCover view stress claims?

In the PTSD cases, all WorkCover need to know is, “Did an incident occur at work?” In the event of a robbery, then yes an incident occurred and Workcover will accept the claim.

If the claim is for stress, then the waters become cloudy. Only about 5% of stress claims are accepted by WorkCover. The key to minimising your business exposure to a stress claim is in your ability to prove the incident or your actions (or your staff) is part of the normal management process. This can be achieved by keeping diary notes when counselling a worker on performance issues. Let’s be frank - a happy, productive worker is not going to walk out on stress leave, it is the employee you would be happy to see the back of that causes these sorts of headaches.

Back to PTSD: engage the treating doctor early. It is very important to get this person on side, as the claim needs to be micromanaged. Ask the doctor about the counselling. “Is it frequent enough?” “What are the issues delaying the worker returning to work?” etc, etc. An early return to work is important whenever possible as recovery is often faster with appropriate activity. Engage the WorkCover case manager, as effectively you will be doing their job for them. It may sound cynical, but the outcome everybody wants will be achieved a lot quicker.

Each case is different, and a strategy to solve the problem is paramount.

Profile: Meet The Team

Anita Waterford is one of our Brisbane-based consultants, who started in our Caloundra office in 1999. After graduating with a Bachelor of Business, majoring in International Business and Management, Anita moved to our Brisbane office to develop a network of accountants and to work with their clients. She continues to work with a range of industry sectors such as horticulture, transport and retail, using her broad experience & knowledge to provide workplace solutions. Anita’s continuing work goal is to provide personalised customer service using innovative strategies to produce effective results. Her future goal is to own Haycroft Workplace Solutions once Graeme retires.



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