



## Self-Audit Questionnaire

### National Employment Standards (NES)

Use this document to conduct your own self-audit of compliance with your employer obligations under the National Employment Standards (NES) as outlined in the *Fair Work Act 2009*.

Business: \_\_\_\_\_ Date: \_\_\_\_\_

1. Am I aware of the 10 National Employment Standards (NES) which have applied since 1 January 2010?  
 YES  
 NO
2. Am I aware of which NES apply to my full-timer/part-timer employees and which apply to my Casual employees  
 YES  
 NO

#### *NES 1. Maximum weekly hours of work – 38 hours per week, plus reasonable additional hours.*

3. Do all my employees work a maximum of 38 hours per week? (or an average of 38 hours per week or less over a four-week cycle?) [excludes overtime]  
 YES  
 NO
4. Am I paying overtime to employees if they ever work over 38 hours/week?  
 YES  
 NO

#### *NES 2. Requests for flexible working arrangements – an entitlement allowing employees in certain circumstances as set out in the Fair Work Act 2009 to request a change in their working arrangements because of those circumstances*

5. Am I aware of my obligations with respect to approving or not approving requests for flexible working arrangements?  
 YES  
 NO
6. Am I aware how long my casual employees have to be employed before they have the right to make requests for flexible working arrangements?  
 YES  
 NO
7. Am I aware that it is unlawful to refuse requests for flexible working arrangements (unless it's on reasonable business grounds) from an employee if they have certain personal circumstances?  
 YES  
 NO



8. If I have had requests for flexible working arrangements, have I provided a written response within 21 days stating whether their request for a flexible working arrangement is granted or refused, and if it is refused, given the reasons why?
- YES
  - NO

*NES 3. Parental leave and related entitlements – up to 12 months unpaid leave per employee, plus a right to request an additional 12 months unpaid leave, plus other forms of maternity, paternity and adoption related leave.*

9. Am I aware of my obligations to provide unpaid parental leave of up to two years in some circumstances?
- YES
  - NO
10. Am I aware how long my casual employees have to be employed before they are entitled to parental leave?
- N/A – I don't employ casuals
  - YES
  - NO
11. If I have employees on maternity/parental leave, has my business registered for Paid Parental Leave with the Family Assistance Office?
- N/A
  - YES
  - NO
12. Do I understand my obligations to administer Paid Parental Leave payments?
- YES
  - NO

*NES 4. Annual leave – four weeks paid leave per year, plus an additional week for certain shift workers.*

13. Do all my full-time employees accrue 4 weeks annual leave per year of service?
- N/A - Don't have any full-time employees
  - YES
  - NO
14. Do all my part time employees accrue annual leave on a pro rata basis per year of service?
- N/A - Don't have any part time employees
  - YES
  - NO
15. Do all my fixed term employees accrue annual leave pro rata per year of service?
- N/A - Don't have any fixed term employees
  - YES
  - NO
16. Do I have accurate records of all my employees' annual leave accruals that I could show a Fair Work Ombudsman Inspector if they arrived tomorrow?
- YES
  - NO



*NES 5. Personal/carer's leave and compassionate leave – 10 days paid personal/carer's leave, two days unpaid carer's leave as required, and two days compassionate leave (unpaid for casuals) as required.*

17. Do all my full-time employees accrue 10 days of paid personal/carers leave and 2 days unpaid per year of service?
- N/A - Don't have any full-time employees
  - YES
  - NO
18. Do all my part time employees accrue paid and unpaid personal/carers leave on a pro rata basis per year of service?
- N/A - Don't have any part timers
  - YES
  - NO
19. Am I aware how many unpaid personal/carers leave days my casuals are entitled to per occasion?
- N/A - Don't have any casuals
  - YES
  - NO
20. Do all my full-time employees accrue 2 days paid compassionate leave per year of service?
- N/A - Don't have any full-time employees
  - YES
  - NO
21. Do all my part time employees accrue paid compassionate leave on a pro rata basis per year of service?
- N/A - Don't have any part timers
  - YES
  - NO
22. Am I aware how many days of unpaid compassionate leave my casuals are entitled to per occasion?
- N/A - Don't have any casuals
  - YES
  - NO
23. Do I have accurate records of all my employees' Personal/carer's leave and compassionate leave accruals that I could show a Fair Work Ombudsman Inspector if they arrived tomorrow?
- YES
  - NO

*NES 6. Community service leave – unpaid leave for voluntary emergency activities and leave for jury service, with an entitlement to be paid for up to 10 days for jury service.*

24. Are all my employees able to apply for unpaid leave for voluntary emergency activities?
- YES
  - NO
25. Are my full timers/part timers able to apply for up to 10 days paid jury service leave?
- YES
  - NO



*NES 7. Long service leave – a period of paid leave granted to employees in recognition of a long period of service with an employer.*

26. Am I aware of my obligations to pay Long Service Leave (ie 10 years continuous service)?
- N/A – I don't have any employees nearing 10 years of service
  - YES
  - NO
27. Do I have accurate records of all my employees' long service leave accruals that I could show a Fair Work Ombudsman Inspector if they arrived tomorrow?
- YES
  - NO

*NES 8. Public holidays – a paid day off on a public holiday, except where reasonably requested to work.*

28. Are my full time/part time employees being paid for the public holidays that fall on a day they are normally at work?
- YES
  - NO

*NES 9. Notice of termination and redundancy pay – up to five weeks' notice of termination and up to 16 weeks' severance pay on redundancy, both based on length of service.*

29. Am I aware of my obligations with respect to how much notice I need to give my employees if I am terminating them?
- YES
  - NO
30. Do I always give my employee's notice of their termination in writing?
- YES
  - NO
31. Am I aware if a notice period can be paid out rather than worked?
- YES
  - NO
32. Am I aware of my employer obligations if I decide to make a position (and employee) in my business redundant?
- YES
  - NO

*NES 10. Provision of a Fair Work Information Statement – must be provided by employers to all new employees.*

33. Do I always give my new employees a copy of the Fair Work Information Statement?
- YES
  - NO
34. Do I retain details of how the Fair Work Information Statement was given to my new employees?
- YES
  - NO



35. Do I have evidence on each of my employee files that I have given the Fair Work Information Statement to them and am able to show a Fair Work Ombudsman Inspector if they arrived tomorrow?
- YES
  - NO

**If you answered “NO” to any of the above questions, you are potentially in contravention of your workplace obligations as an employer of staff.**

**HR Tactics strongly advise you to seek advice on your practices in those areas and swiftly remedy any areas of non-compliance.**

HR Tactics specialises in offering this type of advice. Contact us for a confidential discussion if you have any queries or concerns regarding the above.

Contacts us anytime at:

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