

What documents do you need to give new starters?

Explanatory Note

So you've found a great candidate to fill a new role, interviewed them, run a streamlined reference check (and maybe a background check) to make sure they're a great fit. You're excited, and they can't wait to hit the ground running.

But which employment documents in Australia do you legally need to give your new employees on their first day of work? What do you need to put on top of your list to make sure your obligations and industry compliance is ticked off from day one?

Getting your onboarding program right means you can focus on training and getting your new starters up to speed, knowing the paperwork is taken care of. More importantly, it means you're covered from a legal perspective. HIES has prepared this Knowledge Tree explanatory note as a guide and checklist to assist you with compliance in an ever-changing employment and HR landscape.

Key documents you should give to your new starter as part of their Onboarding / Orientation Pack include:

- Team Member Personal Details form
- Welcome Letter + Employment Contract
- Fair Work Information Statement
- Fair Work Casual Employment Information Statement – only if the new starter is a casual
- Superannuation Standard Choice form
- ATO Tax File Declaration can be lodged via the employee's ATO account

HIES have drafted several key template documents available for members and clients that can be personalised and tailored for your business and use. These documents may form part of your membership package or can be purchased separately. We also have copies of up to date versions of the Fair Work Information Statement and Casual Employment Information Statement.

Contact HIES for more information or to talk with us more about your current onboarding documents and how we can help.

Reference Check

You want to recruit the best possible candidate for your business. You can identify solid candidates and weed out bad candidates by conducting employment reference checks.

When you conduct a reference check, you contact a candidate's former employers, schools, and other sources. The purpose of reference checks is to help you learn more about your candidate's work history, education, and characteristics. Conducting employment reference checks helps you determine which of your candidates are the best fit for your business.

¹ This document was prepared in January 2022. Updated January 2023.

You can compare what you learn in the reference check with what the candidate told you. The check helps you find out if your candidate is honest, has the requisite knowledge and skill set.

HIES has a template Reference Check form you can use to carry out your own reference checks. Alternatively, you can engage us to do reference checks on your behalf. To find out more, or to request a copy of the HIES template Reference Check form contact us directly.

Team Member Personal Details Form

When you hire a new member of staff you need to capture some basic information about them. This includes basics such as their address, next of kin and so on. You also need to capture their bank account details so you can pay them.

HIES has prepared a Team Member Personal Details form that you can download from our website under Member Resources.

Working Rights

The Team Member Personal Details form is also a great tool to reconfirm whether someone can validly and lawfully work in Australia as it asks the person to provide proof of working rights and identity.

It is important that you only employ individuals who are permitted to validly work in Australia. This is because to allow someone to work if they are in the country illegally, or in breach of their visa conditions is a criminal offence in Australia. To avoid penalties, it's important that you run a Citizenship & Work Rights Check on all new hires before they commence work.

Employment Contract

Providing staff with a written document setting out their terms and conditions of employment is best practice and also ensures compliance with several modern award clauses. We highly recommend an employment contract is issued to each staff member as it allows you to set out in greater detail terms and conditions of employment and expectations; however, a simple letter of engagement / offer is sufficed.

HIES has drafted employment contracts relevant to the health industry and the needs of our members and clients. In addition to standard clauses (eg. commencement date, remuneration, termination), our contracts also include clauses addressing mandatory health requirements, qualifications and licences, patient records and confidentiality. HIES contracts are prepared in line with relevant awards, and legislation to ensure legal compliance. Upon request we can also include post-employment restraints and obligations clauses to further protect the goodwill of your business.

Whatever the format your document takes, it should be signed by both parties, with one copy given to the employee for their records, and the other copy placed on the employee's personnel file.

Contact HIES to if you have any queries about whether template contracts are part of your membership package. You can also contact and engage us on a consulting basis to prepare individual and bespoke contracts of employment.

Casual Employment Information Statement

Employers have to give every new casual employee a Casual Employment Information Statement (the CEIS) before, or as soon as possible after, they start their new job.

The CEIS provides new casual employees with information about their conditions of employment. The CEIS has information about:

- the definition of a casual employee
- when an employer has to offer casual conversion
- when an employer doesn't have to offer casual conversion
- when a casual employee can request casual conversion
- casual conversion entitlements of casual employees employed by small business employers
- the role of the Fair Work Commission to deal with disputes about casual conversion

You can provide the document in person, mail, fax, email, by emailing a link to the FWO website, or by emailing or informing staff where on your intranet they can find a copy of the document.

The FWO update and vary the document from to time. It is therefore important that the correct version of the document is provided to the new starter.

If the new starter requests further information, or if you want to provide a resource with the statement, you can provide a link to the relevant resources on the FWO website.

Employers also have to give every new casual employee a copy of the Fair Work Information Statement at the same time.

Fair Work Information Statement

According to the Fair Work Ombudsman (**FWO**), every employer in Australia is required to provide new employees with a copy of the Fair Work Information Statement when they undertake a new position. This is a must-have for every new employee first day checklist.

This Statement details the conditions of the employee or staff member's employment, including:

- Flexibility arrangements
- Employment termination
- Right of entry
- National Employment Standards
- Workplace rights

You can provide the document in person, mail, fax, email, by emailing a link to the FWO website, or by emailing or informing staff where on your intranet they can find a copy of the document.

The FWO update and vary the document from to time. It is therefore important that the correct version of the document is provided to the new starter.

If the new starter requests further information, or if you want to provide a resource with the statement, you can provide a link to the relevant resources on the FWO website.

Superannuation Details

Employers are required to make compulsory superannuation contributions for each employee into an eligible superannuation fund. This includes staff who are full time, part time and casual. Super provides income for your employees in their retirement.

The current superannuation guarantee (SG) as per the *Superannuation Guarantee (Administration) Act 1992* (Cth) is 10% of the employee's ordinary time earnings. The SG is set to increase over the coming years to 12%.

It is best practice is to include the ATO Superannuation Standard Choice form as part of your Onboarding Pack, however you do have up to 28 days from their start date to provide the form. You must also provide a copy of the form if they ask for another copy at any time during their employment with you.

SG must be paid into an eligible superannuation fund.

How do I know which super fund to make contributions into?

Once an employee has provided you with a completed choice of super fund form you must start paying contributions into that fund.

Where a new starter does not provide you with a choice of super fund form, you should pay into their stapled super fund, or your employer nominated account if the ATO advises you that they do not have a stapled super fund. A stapled super fund is an existing super account which is linked, or 'stapled', to an individual employee so that it follows them as they change jobs.

Record Keeping

You must keep a copy of the completed form or ATO online printed summary for 5 years.

Your records must show:

- how much (SG) you paid for each employee and how it was calculated
- that you offered each eligible employee a choice of super fund
- details of employees who are not eligible for choice.

Resources

For more information on superannuation contact your payroll provider, accountant or visit the [ATO website – Super for employers](#).

Tax File Number

Next on your new employee first day agenda is requesting an employee's Tax File Number. This ensures you as an employer know how much tax to withhold from payments.

This can be issued to the employee via a Tax File Declaration form. Alternatively the new starter can complete a pre-filled form through ATO online services linked to myGov.

If the new starter does not have a TFN, they can apply for one on the ATO website.

Contact HIES for support

HIES is here to support you and your business with onboarding new starters to ensure you comply with your legal obligations. Should you have any questions or queries on this topic we are here to help and provide guidance on compliance. You can contact HIES on 07 3386 6488 or by emailing:

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