

Employment

Small Business Development Corporation

Volume of work, customer demands and plans for future growth may require you to employ an additional worker or workers. There are many issues that should be considered before making a commitment.

Before employing

Before employing a new worker, the work to be done should be evaluated. The duties and responsibilities of the position, and the skills, expertise and experience that will be required to do the work should be identified. A job description should be prepared.

The employment conditions, level of pay and other costs of employment, including the physical accommodation of the worker should be considered. Will the benefits of employing outweigh the costs?

Employing staff

It is important to attract and retain the right people. The employment process will run more smoothly if you know how to:

- advertise
- interview
- select the right applicant
- draw up a formal offer of employment.

Good human resource management also includes proper induction, training and review of employee performance. The Small Business Development Corporation (SBDC) sells a range of books that cover human resource issues. See the complete list of publications available from the SBDC online bookshop at www.smallbusiness.wa.gov.au.

Do your employees know?

Do your employees know what you expect of them, what your organisation is all about, and what their role is in your business?

Employment arrangements

The Department of Commerce website www.commerce.wa.gov.au and Wageline 1300 655 266 provide information on wage rates, award conditions, enterprise bargaining agreements, minimum conditions, unfair dismissal and other employment related matters under the state industrial relations system.

Information on the national workplace relations system for constitutional corporations is available on the Fair Work website www.fairwork.gov.au or from the Fair Work info line 131 394.

Understand your legal obligations in relation to:

- workers' compensation insurance cover
- superannuation guarantee legislation
- taxation – including payroll tax
- apprenticeships and trainees
- long service leave
- occupational health and safety
- record keeping
- equal opportunity legislation – in relation to the recruitment, management and termination of employees.
- paid and unpaid parental leave.

See the attached contacts list for further information.

If considering a subcontractor, note that different legal rights and obligations apply to employees and subcontractors.

Taxation requirements include:

- Registering as a PAYG withholding payer with the Australian Taxation Office (ATO). (Registration can be completed on the ABN registration form).
- Obtaining from your employees a completed tax file number declaration. Forms must be remitted to the ATO within 14 days of signing. Employees wishing to anticipate certain entitlements (eg the family tax benefit), will also need to provide you with a withholding declaration.
- Keeping records relating to payments to employees and other workers for 5 years for the ATO. (There are other requirements under various awards and agreements).

Workers' compensation insurance

Workers' compensation insurance cover is compulsory for all employees but cover is not available for sole traders or partners. Cover for working directors of proprietary companies is optional, and conditions apply.

Injury management system

Employers must have an injury management system in relation to their workers. The establishment, content and implementation of the system must be in accordance with the mandatory Workers' Compensation Code of Practice (Injury Management) 2005.

The Code and accompanying guidance notes, and simple templates for an injury management system and an injury management policy, are downloadable from the WorkCover website www.workcover.wa.gov.au.

Information on workers' compensation, cover for working directors, avoidance agreements and injury management systems is available on the WorkCover WA website at www.workcover.wa.gov.au or contact the WorkCover WA Infoline on 1300 794 744.

Thinksafe Small Business Assistance Program

If you are interested in having a free, confidential and independent safety assessment of your workplace and a simple safety action plan prepared for you, contact the Worksafe hotline 1800 429 273 or visit the website www.worksafe.wa.gov.au for more information.

Construction Industry Long Service Leave

Construction leave employers must register with the Construction Industry Long Service Leave Board and pay compulsory contributions for workers every three months.

Long service leave in this scheme is based on service to the construction industry, rather than to a single employer.

Caution

Employment laws and regulations are complex. Don't be afraid to seek professional advice: you can't afford to make mistakes.

Publications

Publications available from the SBDC at Level 2, 140 William Street Perth, or online at www.smallbusiness.wa.gov.au include the following titles:

<i>Emotional Vampires: dealing with people who drain you dry</i>	
PLU 42	\$24.95
<i>Developing high performance teams</i>	
PLU 376	\$14.95
<i>Developing your people</i>	
PLU 377	\$14.95
<i>Effective communication</i>	
PLU 378	\$14.95
<i>Improving leadership and effectiveness</i>	
PLU 379	\$14.95
<i>Leading and managing change</i>	
PLU 380	\$14.95
<i>Motivating employees</i>	
PLU 381	\$14.95

For further information and guidance contact:

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Gordon Stephenson House
Level 2, 140 William Street
PERTH WA 6000
Tel: 13 12 49
Fax: (08) 6552 3399
Email: info@smallbusiness.wa.gov.au
Website: www.smallbusiness.wa.gov.au

This publication is also available upon request in alternative formats such as large print, electronic format, audio, or braille.

Disclaimer

This publication has been prepared by the Small Business Development Corporation to provide general guidance and direction on aspects of employment. The information contained herein is provided voluntarily as a service to our clients and is made available in good faith and is derived from sources believed to be reliable and accurate at the time of publishing. However, the information is provided solely on the basis that readers will be responsible for making their own assessment and that they should verify all relevant representations, statements and information. Neither the Corporation nor its officers take any responsibility for statements or representations, nor shall the Corporation or any of its officers be liable in respect of any such statement or representation, whether by reason of negligence, lack of care, or for any other reason whatsoever.

GOVERNMENT DEPARTMENTS PROVIDING INFORMATION FOR EMPLOYERS

Australian Taxation Office

- Business income tax, including fringe benefits tax, PAYG and GST
 - Superannuation
- Tel: 13 28 66 (business)
Website: www.ato.gov.au/business
Tel: 13 10 20 (superannuation)
Website: www.ato.gov.au/super
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Office of State Revenue, Department of Finance

- Payroll tax (applicable if your annual payroll is \$750,000 or more) Rate is 5.5%
- Tel: (08) 9262 1300
Website: www.finance.wa.gov.au
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Department of Commerce

- State awards, conditions of employment, wages records, employment guides, unfair dismissal, etc.
- Tel: Wageline 1300 655 266
Website: www.commerce.wa.gov.au

Country

Albany	Tel: (08) 9842 8366
Bunbury	Tel: (08) 9722 2888
Geraldton	Tel: (08) 9920 9800
Kalgoorlie	Tel: (08) 9026 3250
Karratha	Tel: (08) 9185 0900
Broome	Tel: (08) 9191 8400

WorkSafe Western Australia

- Occupational health and safety
 - Workplace safety issues
 - Thinksafe Small Business Assistance program
- Tel: 1300 30 78 77
Website: www.worksafe.wa.gov.au
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WorkCover Western Australia

- Workers' compensation insurance
 - Injury management system
- Tel: Advisory Service 1300 794 744
Website: www.workcover.wa.gov.au
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Department of Training and Workforce Development

- Vocational training
 - Apprenticeships and traineeships
- Tel: (08) 6551 5000
Tel: 13 19 54 (Apprenticentre)
Website: www.trainingwa.wa.gov.au
Website: www.trainingwa.wa.gov.au/apprenticentre
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Equal Opportunity Commission

- Enquiries and information on discrimination
- Tel: (08) 9216 3900
Freecall: 1800 198 149
Website: www.eoc.wa.gov.au
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State Law Publisher

- Online publications – including Statutes and Regulations
- Tel: 9426 0000
Website: www.slp.wa.gov.au
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Western Australian Industrial Relations Commission

- Online copies of awards
 - Information on unfair dismissal
- Tel: 9420 4444
Freecall: 1800 624 263
Website: www.wairc.wa.gov.au
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Medicare

- Free small business superannuation clearing house
- Tel: 1300 660 048
Website: www.medicareaustralia.gov.au/super
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Construction Industry Long Service Leave Payments Board

- Tel: (08) 9476 5400
Website: www.lslboard.com.au
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Fair Work Ombudsman

- Information, advice, templates, tools and applications, FAQs, best practice guides, on the national Fair Work workplace relations system.
- Tel: 131394
Website: www.fairwork.gov.au
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Family Assistance Office

- Paid parental leave scheme
- Tel: 136150
Website: www.familyassist.gov.au
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You can also access all government departments and agencies through the website www.business.gov.au.