

Being Flexible Can Cause You Pain...

Regardless of whether flexible working conditions are mandated under legislation or something that you as the Employer facilitate at your workplace, it is absolutely essential that proper records including not only the agreement made, but also the Employee's activities arising from the agreement, are kept.

Here is an example of how failure to maintain proper records could impact on your business:

An employer allowed an Employee to work a flexible part time arrangement. There was no written documentation on the Employee's file about the arrangement and further the weekly time and wages data was limited to how many hours the Employee worked. In actuality, the Employee was allowed to determine her own days of work and come and go as she pleased.

The Employer was surprised to learn that the Employee, following her resignation, lodged a claim with the Employer for loss of wages because she had not been paid public holiday pay to which she claimed she was entitled.

On examination of the employer's time and wages records there was no evidence that the Employer could rely on to substantiate her hours of work. The Employee's days of work changed frequently, and there may not have been an entitlement to public holiday pay, but in the absence of sufficient records the Employer was forced to pay public holiday pay over a number of years to the value of several thousand dollars.

Had the Employer properly kept their records, the Employee would not have been so successful.

It is imperative that Employers and Managers undertake up to date industrial relations employment training. Much has changed over the last 10 years in industrial relations, with the most recent changes having occurred since 01 July 2009 and further changes coming into effect 01 January 2010.