

FWO launches 2020-21 priorities

13 July 2020

Fair Work Ombudsman Sandra Parker has announced the regulator's strategic priorities for the year ahead, which include supporting all workplaces through the COVID-19 pandemic and addressing large corporate underpayments.

Fast food, restaurants and cafes, horticulture and the harvest trail, franchisors, and sham contracting will continue to be a focus of the regulator's compliance and enforcement activities.

"Our compliance and enforcement work will be informed by the dramatically changed economic conditions brought about by the COVID-19 pandemic, as well as the temporary amendments to the Fair Work Act," Ms Parker said.

Ms Parker said that regulating Australian workplaces significantly impacted by the COVID-19 pandemic requires a degree of flexibility in its approach.

"Some of our priority sectors have been seriously impacted by the pandemic and are under considerable financial strain. We are mindful that our regulatory efforts do not negatively affect already struggling industries, while also being sensitive to the nuances of each sector and the challenges each will face when recovering from disruption," Ms Parker said.

Ms Parker said the FWO will enforce workplace laws in a proportionate manner during the COVID-19 pandemic and the Compliance and Enforcement Policy has been updated to reflect this.

"Due to the impact of COVID-19 on Australian workplaces, the number of employers and employees seeking our assistance has grown significantly. In response, we have adjusted our services and prioritised allegations of serious non-compliance with workplace laws, including in relation to the JobKeeper scheme," Ms Parker said.

"A business' financial position and viability will be considered when deciding whether to commence litigation for serious non-compliance, or determining the size of any contrition payment included in any Enforceable Undertaking," Ms Parker said.

Underpayments of staff in the corporate sector have become a significant issue of public concern and will continue to be a priority for the Fair Work Ombudsman in 2020-21.

"More than 60 businesses have come forward to self-disclose workplace law breaches with a total of half a billion dollars owed to workers – and that's just what we know about," Ms Parker said.

"Earlier this year I wrote to the CEOs and Boards of the top listed companies across Australia, calling for immediate action to assure themselves, their shareholders, workers and the community that their companies are meeting lawful obligations under the Fair Work Act."

"Large organisations need to place a much higher priority on rigorously reviewing workplace relations systems to ensure that paying workers what they are entitled to becomes the norm."

The policy has also been updated to reflect the FWO's approach to self-reported non-compliance, including the circumstances that require self-disclosure and information that should be provided.

"Companies will benefit from early engagement and co-operation with the Fair Work Ombudsman, and we will take account of their financial circumstances in considering our response," Ms Parker said.

Ms Parker said the agency will provide education, advice, tools and resources to small business and those hardest hit by COVID-19. The regulator will also uphold the integrity of the JobKeeper scheme through appropriate compliance activities that resolve matters quickly and efficiently.

Information about Australian workplace laws and coronavirus is available at [Coronavirus and Australian workplace laws \(https://coronavirus.fairwork.gov.au/\)](https://coronavirus.fairwork.gov.au/) .

FWO's 2020-21 Compliance and Enforcement Priorities are available on our [Our priorities and approach page \(www.fairwork.gov.au/about-us/our-purpose/our-priorities\)](http://www.fairwork.gov.au/about-us/our-purpose/our-priorities) .

FWO's Compliance and Enforcement Policy is available from [Our policies \(www.fairwork.gov.au/about-us/our-policies\)](http://www.fairwork.gov.au/about-us/our-policies) .

Employers and employees can visit www.fairwork.gov.au or call the Fair Work Infoline on 13 13 94 for free advice and assistance

about their rights and obligations in the workplace.

A free interpreter service is available on 13 14 50.

Know a workplace that isn't doing the right thing but don't want to get involved? [Report it to us \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/anonymous-report/anonymous-tipoff\)](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/anonymous-report/anonymous-tipoff) anonymously – in your language.

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