

# FAIR WORK OMBUDSMAN

## STATEMENT OF INTENT – DECEMBER 2021

As the Accountable Authority of the Fair Work Ombudsman (**FWO**), this statement sets out my intentions regarding how the FWO will meet the expectations under the *Fair Work Act 2009 (Act)*, outlined by the Minister for Industrial Relations in the Statement of Expectations dated 21 October 2021.

### Overview

The FWO acknowledges the importance of its role as the national workplace relations regulator and is committed to achieving its purpose to promote harmonious, productive, cooperative and compliant workplace relations in Australia and compliance with the Act and fair work instruments.

Our functions outline the responsibilities set by the Act, to achieve our purpose. They include:

- providing advice and assistance
- promoting and monitoring compliance with workplace laws
- investigating breaches of the law
- taking appropriate enforcement action
- performing our statutory functions efficiently, effectively, economically and ethically.

As an independent statutory office under the Act, the FWO will exercise these functions and powers in good faith and to the best of its ability.

### Principles of regulator best practice

The FWO will embed and act in accordance with the Government's principles of regulator best practice as outlined in the *Regulator Performance Guide July 2021*, when conducting its operations.

#### **1. Continuous Improvement and building trust**

The FWO is committed to continually improving performance, capability, culture and the delivery of its regulatory functions. To achieve this, the FWO will adopt a whole-of-system perspective to building and maintaining the trust and confidence of its regulated community.

We are aware that Australian workplaces are adapting and changing, as are the community's expectations of its regulators. There is a greater community awareness of the need to uphold standards across the whole labour market and a public focus on the role and outcomes achieved by regulators. To meet the changing requirements of businesses and workers, the FWO will continue to evolve the way we perform our functions and deliver our services to the community.

Our governance framework and coordinated approach to planning further assist us to be responsive to ongoing changes in our operating environment. We utilise this governance framework to identify and address areas of improvement across FWO functions, including but not limited to, building workforce capability and knowledge.

Specifically, we foster a culture of continuous improvement in relation to our people by investing in staff, including by actively building capability and knowledge. Our current Learning Plan and strategic approach to recruitment targets the necessary future skills required, such as leadership and enhanced digital and data capabilities. These align with the themes of [the APS Workforce Strategy 2025](#) and will ensure that we can respond flexibly to the challenges, risks and opportunities in our environment.

Our Boards and Sub-Committees also meet regularly to focus on the efficient and timely delivery of services and achieving the best outcomes for the public, utilising the resources we have.

In the interests of accountability and transparency, the FWO will continue to proactively publish key strategic documents and policies on our website, including media, privacy and information access policies, Corporate Plans and the Compliance and Enforcement Policy and annual priorities.

One of the FWO's key activities is to provide education, assistance, advice and guidance that is clear, effective and reliable. To meet the needs of the diverse range of workplace participants and regulated entities, we ensure that we provide access to this information and support via a range of tailored channels and resources, including in language materials. We currently measure the effectiveness of these activities through regular customer feedback surveys, and we will continue to do so.

To ensure best practice, the FWO conducts routine audits in key areas of our regulatory work. These exist within a robust audit framework that utilises regulatory expertise from outside the FWO and which aim to continually review and improve on our approach. Through the regulator cohort and other interdepartmental committees and working groups, we share insights and reflections to strive for best practice, drive continuous improvement and leverage lessons learned.

## ***2. Risk-based and data-driven***

The FWO is committed to adopting a risk-based and targeted approach to compliance and enforcement that is informed by intelligence and evidence. This approach includes using available data (such as anonymous reports), stakeholder engagement, intelligence from other agencies, and research and analysis of key issues and trends affecting Australian workplaces to inform our activities.

Our compliance and enforcement activities are centred on the establishment of our annual Compliance and Enforcement Priorities, which ensures we maximise our reach and impact. These priorities are well-defined and published annually on our website.

We also utilise data and intelligence to guide our proactive work, which is coordinated and directed towards activities that address areas of greatest risk and public concern and therefore deliver the greatest benefit and impact.

We currently, and will continue to, actively identify, engage with and monitor risk, to achieve our Purpose, priorities and meet our statutory obligations. As we have done in our 2021-22 Corporate Plan, we will continue to clearly articulate our approach to risk, including our strategic risks and mitigation strategies and how this informs decision making.

### **3. Collaboration and engagement**

The FWO acknowledges that open, transparent and consistent engagement with stakeholders, including industry, government and the broader community, is crucial to maintaining competent and innovative regulatory practices. Consultation and engagement with stakeholders, is an integral part of the way we conduct our business.

We routinely engage with industry, employer and employee organisations, community groups and intermediaries. The FWO undertakes these activities under the framework of a Stakeholder Engagement Strategy.

We will continue our current collaboration with other regulators (in Australia and internationally) and industry bodies to improve our regulatory approach and with the aim of minimising the burden of interacting with government bodies.

On an ongoing basis, the FWO will engage with stakeholders transparently and in a responsive manner to implement regulations in a modern and collaborative way. We will also continue to examine ways in which we can share experiences, promote good practice and identify opportunities for further collaboration with our international counterparts, including through the Trans-Tasman Employment Regulators Forum.

The FWO recognises the importance of engaging with regulated entities and their representatives prior to implementing key strategies. Therefore, we proactively seek feedback from stakeholders and regulated entities to contribute to the efficient and effective operation of the FWO and will continue this approach moving forward.

We seek out opportunities to build and develop positive working relationships with community stakeholders to deliver frontline intelligence about key trends and issues, lift our profile and reputation in the community, and create a network of partnerships that we can collaborate with. This relationship building is considered vital to the successful delivery of a variety of initiatives and is ongoing.

The FWO's Feedback and Complaints Management Policy provides the framework for a Feedback and Complaints Management system that is transparent, easy to understand, consistent and responsive. This feedback is analysed to assist in identifying areas that the FWO can improve and better respond to community needs and expectations. We will continue to approach our feedback and complaints management in this way.

### **Innovation and regulatory change**

The FWO has a dedicated team responsible for undertaking regular monitoring and reviews of the external operating environment to understand and leverage changes in technology, industry practices and community expectations within the workplace relations landscape.

These environmental reviews also aim to identify opportunities and risks in that context, which further contribute to continuously improving our approach to exercising our functions as the national, independent workplace relations regulator.

We are committed to the ongoing review and refinement of our policies, protocols and operating procedures to reflect any changes to the social, technological and commercial context in which we operate.

The FWO is cognisant of and will be adaptive to the whole-of-Australian Government priorities around technology and cyber security, particularly how they will impact the way that we conduct our business and deliver our services. We will continue to meet these priorities (where relevant to the FWO), whilst responding to the changing needs and expectations of the Australian public.

### **The Government's policy priorities and objectives**

#### ***Deregulation Agenda***

The FWO continuously considers our regulatory approach to identify opportunities to remove duplication, streamline processes and improve efficiency and lift productivity.

The FWO will continue to routinely consider and act in accordance with regulator best practice in our decision-making, policies, processes and communication practices, to maximise transparency and minimise compliance costs.

Commencing with our Corporate Plan for the 2022-23 period, we will incorporate and apply the *Regulator Performance Guide July 2021* to our regulatory functions, including in the assessment of our performance and engagement with stakeholders.

For greater transparency and accountability, we will publish both the Minister's Statement of Expectations and the FWO's Regulator Statement of Intent on our website. These statements, combined with a demonstration of how we have adopted the principles of regulator best practice, will be integrated into our future performance reporting processes as required under the *Public Governance, Performance and Accountability Act 2013* and *Public Governance, Performance and Accountability Rule 2014*.

#### **Relationship with Minister and portfolio**

The FWO is committed to working collaboratively with the Minister and the Department on significant issues relating to strengthening compliance with national workplace relations law. We undertake to provide accurate and timely information on any significant issues related to the purpose and functions of the FWO.