



Australian Government

Fair Work

OMBUDSMAN

The Office of the Fair Work Ombudsman

Corporate Plan

2022–2026 Variation

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Our vision for reconciliation

Our vision for reconciliation is for a fair, diverse and socially inclusive workplace where we build understanding and respect amongst our employees for the histories and living cultures of Aboriginal and Torres Strait Islander peoples and their contribution to the social, economic and cultural life of Australia.

This understanding and respect will be reflected in our services.

Statement of Preparation

The Office of the Fair Work Ombudsman (FWO) is a regulatory body and Commonwealth entity under the Public Governance, Performance and Accountability Act 2013 (Cth) (PGPA Act).

This Corporate Plan is the key planning document for the FWO (the Entity) and outlines the strategic plans for the FWO.

This plan is a variation to the Fair Work Ombudsman and Registered Organisations Commission Entity (FWOROCE) Corporate Plan 2022-2026 published in August 2022, as there have been significant changes in the operating environment which impact the identified Entity structure and changes to key activities.

This variation acquits changes to the structure of the FWOROCE due to the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 (the Amendment), which received royal assent on 6 December 2022 and made provision for the abolition of the Registered Organisations Commission (ROC). The abolition of the ROC took effect 6 March 2023 and from that time the Entity within this Corporate Plan became the Office of the Fair Work Ombudsman.

The variation also acquits further changes that impact the Entity due to the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022, including taking over responsibility for new compliance and enforcement matters arising under the Fair Work Act 2009 (Cth) in the commercial building and construction industry from 10 November 2022, together with the Australian Building and Construction Commission (ABCC) being abolished on 6 February 2023, as well as other changes to workplace laws that effect aspects of our work.

As the Accountable Authority of the Entity, I present this variation to the 2022–23 Fair Work Ombudsman and Registered Organisations Commission Entity Corporate Plan, as the 2022-23 Office of the Fair Work Ombudsman Corporate Plan for the 4-year period of 2022–23 to 2025–26, as required under paragraph 35(1)(b) of the PGPA Act.



Sandra Parker PSM
Fair Work Ombudsman

5 April 2023

The Office of the Fair Work Ombudsman

Foreword from Sandra Parker PSM, Fair Work Ombudsman



As a modern regulator, the ability to be responsive to change has never been more important, and the COVID-19 pandemic has underscored the need for the FWO to be flexible and agile. We've had to think strategically about our compliance and enforcement approach and how we exercise our powers during what has been a very difficult period for most workplaces and many workers.

In 2022-23, supporting workers and businesses as they recover from the impacts of COVID-19 remains a key focus for the FWO. As economic activity continues to increase and businesses rebuild, we'll continue to take a strategic and proportionate approach to compliance and enforcement.

Having updated our Compliance and Enforcement Priorities for the coming year, I am confident that we can achieve the right balance and continue to take strong action in the worst cases whilst continuing to support and facilitate compliance at the less serious end.

We are committed to the ongoing development of our workforce's capability and supporting our people to perform at their full potential. Continuously building our capability helps us to respond effectively to future challenges and meet our responsibility as the national workplace relations regulator.

We are also committed to supporting the implementation of the Government's workplace relations election commitments.

This plan outlines the key strategic priorities and activities for the 2022-23 financial year and the projected outlook for the next 4 years until 2025-26.

Our purpose

Our purpose is to promote harmonious, productive, cooperative and compliant workplace relations in Australia.

The Office of the Fair Work Ombudsman, the inspectors and staff constitute a statutory office established by the Fair Work Act 2009.

Our functions

Our functions include:

- ▶ providing advice and assistance
- ▶ promoting and monitoring compliance with workplace laws
- ▶ investigating breaches of the law
- ▶ taking appropriate enforcement action.

The FWO regulates all businesses and workers covered by the Fair Work Act 2009 (Cth) (FW Act) – approximately one million employing businesses and nearly 13 million workers.

Environment

Workplaces across Australia continue to be impacted by the effects of the COVID-19 pandemic. In 2022–23 we will maintain our support for workers and employers by providing accurate, current and targeted education and advice, while protecting the rights of workers and ensuring a proportionate approach to compliance and enforcement.

Workplace relations reform is a priority for the Australian Government, with many election commitments that involve the FWO. We will continue to work closely with the Department of Employment and Workplace Relations (Department) and consult with stakeholders to ensure effective delivery of those commitments.

One of those commitments has seen the amendment to Fair Work legislation in the form of the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 (the Amendment). The Amendment contains several changes which impact the FWO's work, including the abolition of the Australian Building and Construction Commission (ABCC) effective 6 February 2023 and the abolition of the Registered Organisations Commission (ROC) effective 6 March 2023.

This has impacted the structure of the Entity, with the ROC responsibilities shifting to the Fair Work Commission (FWC) and the Entity now comprising only the FWO. It has also seen the FWO taking over responsibility for new compliance and enforcement matters arising under the Fair Work Act 2009 (Cth) in the commercial building and construction industry from 10 November 2022.

The Amendment introduced other legislative changes to the Fair Work Act 2009 (Cth) and the FWO is responsible for compliance with workplace laws through advice, education and where necessary taking appropriate enforcement action in regard to these amendments.

Each year we announce strategic priorities which guide our compliance and enforcement annual workplan. These are determined through consideration of our internal data and intelligence, identifying trends and analysing the external environment. Key stakeholders including unions, employer peak bodies, academics, and other

public sector agencies and regulators we work with are also consulted. Our annual compliance and enforcement workplan includes education, engagement and communication activities, as well as compliance and enforcement activities against each priority. Implementation is closely monitored by our Enforcement Board, which meets fortnightly.

The role of technology in providing reliable information and advice, delivering education and ensuring compliance is becoming increasingly important. The whole-of-Australian Government priorities around technology and cyber security will impact how we conduct our business and deliver our services.

We have had flexible working arrangements for many years, working across 23 offices nationally and with many teams not co-located. These arrangements have been very effective and allowed us to quickly move to staff working from home during the early stages of the COVID-19 pandemic, while safely maintaining our services to the public and continuing to conduct our important field-based work. Staff are now embracing hybrid working arrangements and we will continue to consult with staff about the best way to support flexibility while ensuring the highest quality services to our customers.

Over the 4-year outlook of this plan, we will regularly review how we achieve our purpose and functions and our compliance and enforcement approach, to ensure we best support the changing needs of the Australian community.

Our priorities

To deliver on our purpose and respond to the challenges in our operating environment, we will focus on our core functions and the emerging needs of the Australian community. The development of our annual Compliance and Enforcement Priorities ensures that the community remains informed about our areas of focus. We will need to implement legislative reform and policy changes that impact on us. We will consider our priorities and approach to ensure we are exercising our statutory functions in the most effective and efficient ways.

There is discretion in how we allocate resources to undertake our proactive and responsive activities. Our annual Compliance and Enforcement Priorities provide a framework through which we prioritise this resource allocation.

Our Compliance and Enforcement Priorities focus on industries that are at significant risk of non-compliance and emerging issues that are of considerable public interest and concern. We also prioritise cohorts that, for a variety of reasons, are identified as requiring additional assistance or are vulnerable.

In 2022–23, the universities sector is a new priority, after a significant increase in self-reported non-compliance from universities of large-scale underpayments, including to casual workers.

We will educate the community about rights and responsibilities regarding the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 changes to the Fair Work legislation, and include the amendments in our advisory, compliance and enforcement approach.

Over the 4-year outlook of this plan, we will review our Compliance and Enforcement Priorities at least annually, and future Corporate Plans will reflect any changes.

2022–23 Compliance and Enforcement Priorities

Supporting workers and businesses as they recover from COVID-19 remains a priority.

In 2022–23, we confirm our enduring commitment to prioritise:

- ▶ small business employers and employees
- ▶ vulnerable workers.

Priority sectors and issues include:

- ▶ fast food, restaurants and cafés
- ▶ agriculture
- ▶ sham contracting
- ▶ large corporate and university sectors
- ▶ contract cleaning.

We continue to focus on matters that:

- ▶ are of significant public interest
- ▶ demonstrate a blatant disregard for the law
- ▶ are of significant scale, or impact on workers or the community, or
- ▶ can provide guidance on the application of the law.

Key activities

Our key activities are linked to our purpose, functions and performance measures.

Provide education, assistance, advice and guidance to employers, employees, outworkers, outworker entities and organisations

This function is reflected in our performance measures through the following KPIs:

- ▶ **KPI 1** – FWO has a positive impact on harmonious, productive, cooperative and compliant workplaces
- ▶ **KPI 2** – FWO provides high-quality advice and assistance
- ▶ **KPI 3** – FWO’s digital tools are effective.

We manage a national information line and also receive inquiries and requests for assistance through our website portal. We receive and manage hundreds of thousands of calls and contacts over the phone and through our various digital channels. Each is assessed and ‘triaged’ to determine the appropriate response, which ranges from provision of factual information through to enforcement action.

We aim to make compliance easier by providing information, resources and advice to employers, employees and other workplace participants in the time and format they need. This includes delivering tailored and in-language information and education solutions to priority industries and vulnerable cohorts.

We consistently review and enhance our website content, tools and resources to ensure they remain accurate and fit for purpose. To maximise the effectiveness of our education initiatives we apply:

- ▶ behavioural economics to influence workplace behaviour
- ▶ human-centred design and co-design methods to ensure they meet the needs of the community.

We will continue to provide education, assistance, advice and guidance through our various advice channels, including our:

- ▶ Fair Work Infoline, including a dedicated small business hotline
- ▶ websites (www.fairwork.gov.au)
- ▶ online tools, such as our Pay and Conditions Tool (PACT) and anonymous reporting tool

- ▶ online resources, including best practice guides and downloadable templates and apps
- ▶ free online learning courses
- ▶ social media content and responses
- ▶ tailored communications activities.

In 2022–23 we are continuing our enduring commitment to prioritising vulnerable workers. We undertake activities which aim to help them understand their entitlements, through the provision of tailored education and advice such as:

- ▶ dedicated sections of our website for migrant workers, young workers, students, visa holders and other vulnerable cohorts
- ▶ free translating and interpreting services available to anyone who has difficulty speaking or understanding English
- ▶ a range of professionally translated information, resources and videos
- ▶ online webinars and engagement activities to increase awareness of our role and services.

Our Employer Advisory Service (EAS), which commenced on 1 July 2021, offers eligible small businesses the opportunity to obtain written advice that they can rely on to understand, apply and stay up to date with their obligations under the FW Act. We will continue to develop the services offered through our EAS to eligible small business employers. While tailored written advice that gives small business owners greater confidence in their understanding and application of the FW Act will always be the key deliverable, the EAS will also explore additional ways to assist small businesses in a post-pandemic environment.

We invest in understanding the specific needs of small business, and tailoring our service offerings to ensure that they are simple and accessible. Informed by research, stakeholder feedback and experience, our Small Business Strategy aims to ensure small businesses are aware of the FWO and engage with our tools, resources and services to support them to comply with workplace laws and to give them the confidence and certainty to grow and plan for the future.

Over the 4-year outlook of this plan, we will continually monitor and update our information, educational tools, resources and advisory activities to enhance our service offerings in response to knowledge and skill gaps we have identified in the workplace community.

Promote and monitor compliance with workplace laws

This function is reflected in our performance measures through the following KPIs:

- ▶ **KPI 4** – Percentage of requests for assistance involving a workplace dispute finalised in an average of 30 days
- ▶ **KPI 5** – FWO takes appropriate enforcement action.

Our role as Australia's workplace relations regulator requires us to take a risk-based and targeted approach to compliance and enforcement that is informed by intelligence and evidence. This includes using available data from sources such as anonymous reports, stakeholder engagement, intelligence from other agencies, and research and analysis of key issues and trends affecting Australian workers and businesses, to inform our activities.

We use a range of data-driven digital tools to analyse and monitor trends, which helps focus our proactive compliance and enforcement efforts to ensure they are delivered where they are most needed.

Our approach to promoting compliance will reflect our continued effort to reduce the exploitation of vulnerable workers and to deter those who would deliberately flout the law.

Over the 4-year outlook of this plan, we will continue to collaborate across all levels of government by appropriately sharing information to effectively promote and monitor compliance with workplace laws.

Inquire into, and investigate, breaches of the Fair Work Act and take appropriate enforcement action

This function is reflected in our performance measures through the following KPIs:

- ▶ **KPI 4** – Percentage of requests for assistance involving a workplace dispute finalised in an average of 30 days
- ▶ **KPI 5** – FWO takes appropriate enforcement action.

As Australia's workplace relations regulator, we have a large remit and a significant responsibility to the community. To meet this responsibility, we will continue to:

- ▶ be intelligence-led
- ▶ conduct investigations in priority areas
- ▶ take appropriate, risk-based and proportionate enforcement action in accordance with our **Compliance and Enforcement Policy**.

We have considered how we can make the biggest impact with the resources we have. Following a review of our 'regulatory appetite', we have achieved a four-fold increase in recoveries of underpayments to workers. This is largely due to significantly increasing our use of the range of regulatory tools we have available under the FW Act, particularly Compliance Notices.

Despite our increased focus on Compliance Notices, we will continue to use the full range of enforcement tools available to us under the FW Act including enforceable undertakings, litigations and infringement notices, as described in our published **Compliance and Enforcement Policy**. There will also continue to be an important role for proactive audit and investigation work in line with our annual Compliance and Enforcement Priorities.

Over the 4-year outlook of this plan, we will regularly review our approach to ensure we make the biggest impact utilising the resources and enforcement tools we have at our disposal.

Perform our statutory functions efficiently, effectively, economically and ethically

Over the next 4 years of this plan, we will continue to:

- ▶ provide advice and assistance that can be relied upon
- ▶ act in accordance with our **Compliance and Enforcement Policy** and the Legal Services Directions 2017
- ▶ provide stewardship over government resources in accordance with the PGPA Act framework
- ▶ ensure our employees understand their rights and obligations and act in accordance with the Public Service Act 1999 and the Australian Public Service Code of Conduct
- ▶ promote and embed an effective risk culture, leveraging whole-of-Australian Government guidance and governance frameworks to manage risk
- ▶ periodically review our Business Continuity Management Framework and processes
- ▶ apply and monitor the Fraud Control Framework and integrity-related policies
- ▶ embed effective protective and information security in line with the whole-of-Australian Government Protective Security Policy Framework (PSPF) and Information Security Manual (ISM)
- ▶ demonstrate our commitment to regulator performance and best practice.

Operating context

Workforce capability

We are operating in an increasingly competitive labour market and, like many organisations, are experiencing skill shortages across our workforce. We recognise the need to grow and develop the capability of our workforce and to attract and retain quality staff to ensure we are equipped to deliver on our purpose and achieve operational outcomes. To succeed amid strong competition, we have appointed a Capability Director to lead and deliver these initiatives. Uplifting capability will support the principles and values of the Australian Public Service (APS) while building our expertise to meet future workforce needs.

Our APS Employee Census insights tell us we have a highly engaged, professional and purpose-driven workforce with dedicated leaders. We are developing an employee value proposition that will build on these insights, while emphasising the opportunity to contribute to work that makes a positive difference for the Australian community.

Flexible working has emerged as a key element of our employee value proposition and we are committed to a progressive and flexible approach to working arrangements. Hybrid work is now the default position for most of our workforce, and we will continue to review our approach to provide the best working arrangements for our staff while ensuring the highest quality services to our customers.

A significant portion of our investment over the life of this plan will focus on building and growing capabilities internally through focused programs, such as the one currently being developed for our Fair Work Inspectors and the broader Compliance and Enforcement Group. We will identify the critical skills and capabilities required both now and into the future, and develop a capability framework that provides a clear pathway for skills and leadership development and recognition of our staff.

Retention and recruitment strategies are a key element of capability development and we are committed to investing in our people. We recognise that retaining and attracting the right individuals will enable continued success. A learning and development strategy informed by the Australian

Public Service Commission's **Highly Capable, Future Ready: APS Learning and Development Strategy** will identify and implement focused development activities to support individual, team and organisational development.

Over the 4-year outlook of this plan, in addition to the above initiatives, we will:

- ▶ apply modern data-driven recruitment practices and leverage technology to recruit and attract quality staff
- ▶ develop and implement a bespoke leadership program to build highly capable leaders and managers
- ▶ work with relevant departments and agencies to support the implementation of Australian Government reforms that intersect with our jurisdiction
- ▶ implement diversity and inclusion strategies (including developing a new Reconciliation Action Plan)
- ▶ prioritise the health and wellbeing of our employees (based on our Health and Wellbeing Framework)
- ▶ recognise and reward outstanding performance and manage underperformance.

Technology capability

Over the 4-year outlook of this plan we will continue to implement our Technology Strategy, which aligns with the whole-of-Australian Government digital transformation agenda and outlines our future direction and initiatives. These initiatives include, as a priority, ensuring the health, currency and support of our core systems and platforms.

We are focused on ensuring we meet all APS technology requirements through ongoing improvements to staff skills and capability. We are also focused on implementing reliable and responsive technology solutions to make our customer services more accessible and to support small businesses, in particular, to be compliant with workplace relations laws.

In 2022, we revised our governance structure to ensure executive-level engagement and support for our critical, customer-focused technology projects. We also work in partnership with the Department, which supports our technology platforms. We are committed to continuous improvement and remain focused on making the best use of technology to achieve our business priorities and to support nimble, reliable and efficient responses to tactical and strategic challenges.

Financial capability

Our funding is primarily derived from government appropriations, with 66% of those funds allocated directly to staffing costs for the 2022–23 financial year.

The government delivered the 2022-23 Budget in October 2022, which included additional funding for the FWO, to assist with regulating the commercial building and construction industry and undertaking other regulatory activities arising from the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022.

Therefore the summary of FWO’s 2022–23 financial information from the October 2022 Portfolio Budget Statements has been updated in this variation to:

Table 1: FWO’s 2022–23 financial information

Description	Oct 22 PBS Amount
Departmental appropriation	\$162.0 million
Labour expenditure	\$110.1 million
Total departmental expenditure	\$170.8 million
Capital appropriation	\$9.6 million

Our capital investment includes IT purchases, new office fit-outs and equipment.

Investment in technology is paramount to our operations, as we are reliant on effective and efficient systems to deliver the programs and achieve the outcomes for which we receive funding.

We manage our capital investment resources through our governance framework, including our Business Investment Sub-Committee and Corporate Board. This ensures that demands for improvements to our systems are prioritised and implemented within the funding available.

To ensure effective budget management, we provide regular reporting and analysis to our senior management and to governance bodies. This allows us to be responsive to the rapid changes impacting the Australian workforce.

Over the 4-year outlook of this plan, we will continuously review our financial practices to ensure we are operating as efficiently and effectively as possible. This will enable us to achieve the greatest possible benefit for the community.

Risk oversight and management

We are responsible to the Australian Government and the wider community for ensuring that risk management forms a key part of our decision-making processes. We recognise that we must actively identify, engage with and monitor risk to achieve our purpose, priorities and statutory obligations.

We regularly review our risk management framework, Strategic Risk Register and Risk Management Policy.

Our identified strategic risks are:

- ▶ community expectations are not reflected in FWO’s compliance and enforcement activities and approach, nor in relation to providing education and advice
- ▶ our staff compliance and enforcement capabilities and systems fail to keep pace with the rapidly changing and increasingly complex workplace arrangements
- ▶ our operational platforms, technology systems and services do not meet the growing expectations of users
- ▶ changed working arrangements result in flow on impacts for our customers and the community
- ▶ we fail to meet our own corporate compliance obligations.

To assist in mitigating these risks, we ensure that we consistently apply and deliver services in accordance with our:

- ▶ governance framework (including an Audit and Risk Committee made up of independent external members)
- ▶ **Compliance and Enforcement Policy** and annual priorities
- ▶ government directions and/or policies (including the PSPF and ISM)
- ▶ **Customer Service Charter**
- ▶ COVID-19 field visit and face-to-face engagement protocols
- ▶ integrity-related policies and procedures
- ▶ annual staff performance management plans, which include a requirement to undertake annual risk management online training
- ▶ business continuity management framework, which assists us to effectively manage our business and contribution to the broader APS in the event of disruption.

In early 2022, we implemented our revised Fraud Control Plan. We promote a culture of ethical behaviour, integrity and professionalism by all employees and contractors in the performance of functions or powers. All employees, contractors and providers of services are required to deliver public value using resources effectively and appropriately, and to identify and report fraud, corruption risks or conflicts of interest.

From July 2022, we will operate under a protected network, which requires all staff (APS and contractors) to hold and maintain a mandatory security clearance at Baseline or above.

Over the 4-year outlook of this plan, we will continue to build and enhance our risk management, business continuity and fraud control measures.

Governance

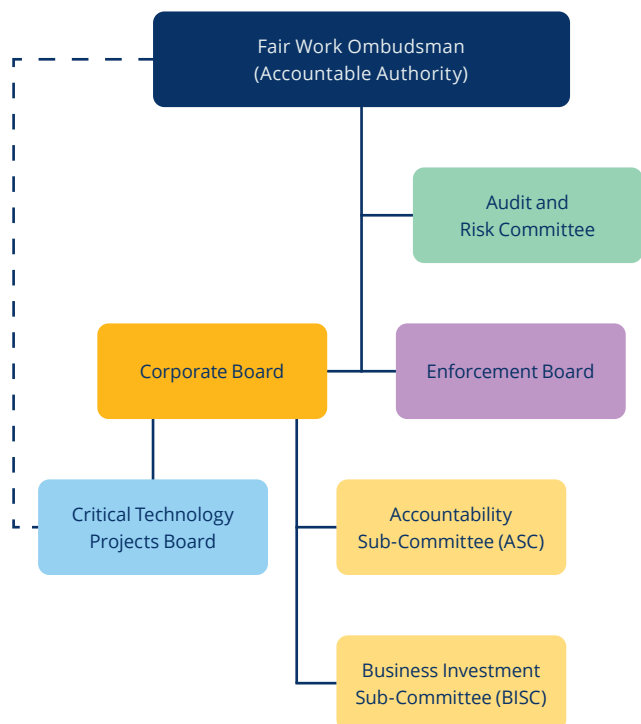
The FWO is strongly committed to accountability and good governance. We review our governance framework annually and following changes in our operating environment. This ensures our governance framework is performing effectively and efficiently, and that it is structured in a way that supports the boards and sub-committees to identify, review and respond to strategic issues.

Our governance framework facilitates informed and timely decision-making and supports the identification, assessment and monitoring of risk by providing:

- ▶ advice and assurance on specific matters
- ▶ a robust system of delegations
- ▶ transparent and accountable operations
- ▶ clear reporting and escalation mechanisms
- ▶ a forum for receiving and considering internal feedback.

Our governance structure is set out in the diagram below. The boards and sub-committees also receive information and reports from a variety of internal committees and advisory bodies.

Figure 1: FWO governance structure



The Corporate Board has primary responsibility for identifying and monitoring strategic risks. It is supported in this function by the Audit and Risk Committee, an Accountability Sub-Committee and a Business Investment Sub-Committee.

Key decisions arising from the use of our statutory powers and functions under the FW Act are overseen by the Enforcement Board, which ensures a risk-based and proportionate approach is taken in relation to our compliance and enforcement functions. Our Compliance and Enforcement Policy details our approach. The Enforcement Board also ensures our annual strategic priorities and other activities are in alignment.

We continue to monitor changes in our external and internal environment, and the Corporate and Enforcement Boards may, from time to time, create specific purpose committees or working groups as required.

Over the 4-year outlook of this plan, we will regularly review our governance framework. This will ensure it remains fit for purpose and supports the Fair Work Ombudsman as the Accountable Authority, Entity Head and the statutory office holder under the FW Act. Any changes to our governance framework will be reflected in future Corporate Plans.

Cooperating with others to achieve our purpose

We are committed to collaborating with stakeholders to achieve our purpose. We work across the APS to share information and ideas and to deliver initiatives that are aligned with government objectives and the public interest. This includes participating in various forums and interdepartmental committees, such as the:

- ▶ Federal Regulatory Agency Group
- ▶ Phoenix Taskforce
- ▶ Black Economy Standing Taskforce
- ▶ Respect@Work Council
- ▶ Interdepartmental Committee on Human Trafficking and Slavery.

We exchange information and intelligence with other regulators including the Australian Securities and Investments Commission (ASIC), Australian Taxation Office (ATO), Australian Competition and Consumer Commission (ACCC), Australian Transaction Reports and Analysis Centre (AUSTRAC) and Australian Border Force as appropriate.

We support the delivery of government programs by working with other departments to support the Pacific Australia Labour Mobility scheme and related programs.

We work with members of the Migrant Workers Interagency Group, and collaborate across government more broadly, on matters that impact workers coming to Australia on visas.

We are committed to working with organisations, groups and private enterprises to further our purpose, such as the delivery of the Community Engagement Grants Program. We engage with experts in behaviour change and education to influence workplace behaviour and ensure our education initiatives are credible and innovative.

We 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 and the International Labour Organization.

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 partners we can collaborate with on various initiatives.

We engage with industry bodies, particularly those representing industries with higher rates of non-compliance. For example, our work with the Cleaning Accountability Framework improves industry compliance with workplace laws by developing accessible, reliable and tailored information and tools for industry supply chains.

We form Reference Groups of stakeholders where they align with our priorities. We currently support a Fast Food, Restaurant and Café (FRAC) Reference Group (the Group) that comprises sector representative unions, employer groups and community organisations. Through collaboration, the Group aims to share information and find solutions, where possible, to specific compliance issues impacting the sector.

Over the 4-year outlook of this plan we are committed to continued cooperation with government and non-government colleagues and stakeholders, including, for example, through sharing information and intelligence.

Performance

Performance measures inform the community about how we deliver on our purpose and provide accountability to parliament on the responsible and effective use of public resources. Our performance measures also assist our staff to identify how their role supports us to achieve our purpose.

Our performance measures for 2022–23, set out in the table on the following pages, are aligned to our purpose, functions and key activities and demonstrate our efforts to promote compliance with workplace laws by supporting the community to understand and comply with their workplace relations obligations. In particular, our performance measures reflect:

- ▶ the quality of our advice and assistance services
- ▶ the effectiveness of our digital tools
- ▶ the appropriateness of our compliance and enforcement activities
- ▶ our commitment to working with our stakeholders to develop our priorities.

We are committed to continually improving our performance. Over the 4-year outlook of this plan, we will monitor these measures and targets by identifying and analysing trends.

Table 2: Performance measures relating to our key activities in providing education, assistance, advice and guidance to employers, employees, outworkers, outworker entities and organisations

Performance measure	Measures and targets	2022–23	2023–24	2024–25	2025–26
KPI 1: FWO has a positive impact on harmonious, productive, cooperative and compliant workplace relations					
FWO will undertake an annual survey to determine stakeholder satisfaction levels. Year-on-year results will be used to measure changes in stakeholder satisfaction.	Percentage of stakeholder responses demonstrating a rating of satisfied or better.	Greater than 75%	Greater than 75%	Greater than 75%	Greater than 75%
KPI 2: FWO provides high quality of advice and assistance					
FWO will undertake ongoing surveys to determine customer satisfaction levels. A sample of customers who have interacted with our advisers through the Fair Work Infoline will be asked to participate in the surveys.	Percentage of customer responses demonstrating a rating of satisfied or better.	Greater than 75%	Greater than 75%	Greater than 75%	Greater than 75%
KPI 3: FWO's digital tools are effective					
The FWO will use a combination of quantitative data and customer surveys to: <ul style="list-style-type: none"> ▶ report on digital tool usage numbers and year-on-year changes ▶ survey customers to determine percentage of digital tool users who report that tools improved their understanding of workplace rights and obligations. 	Percentage of customer responses demonstrating a rating of satisfied or better.	Greater than 75%	Greater than 75%	Greater than 75%	Greater than 75%

Table 3: Performance measures relating to our key activities in promoting and monitoring compliance with workplace laws and inquiring into and investigating breaches of the Fair Work Act and taking appropriate enforcement action

Performance measure	Measures and targets	2022-23	2023-24	2024-25	2025-26
KPI 4: Percentage of requests for assistance involving a workplace dispute finalised in average of 30 days					
The FWO will use quantitative data to determine the percentage of matters finalised within an average of 30 days of the request for assistance being received.	Percentage of matters finalised within an average of 30 days.	At least 85%	At least 85%	At least 90%	At least 90%
KPI 5: FWO takes appropriate enforcement action					
The FWO will use quantitative data to demonstrate that we apply a risk-based approach to enforcement action in accordance with the FWO's Compliance and Enforcement Policy.	Compliance Notices issued	2000-2500	2000-2500	2000-2500	2000-2500
	Infringement Notices issued	400	400	400	400
	Enforceable Undertakings entered into	20	20	20	20
The FWO will develop annual strategic compliance and enforcement priorities to guide our approach.	Litigations filed	65-75	65-75	65-75	65-75
	Annual strategic compliance and enforcement priorities developed and announced	✔	✔	✔	✔

Key: ✔ means the KPI applies in the relevant period

Regulator performance

We are committed to best practice regulator performance and the principles of regulator best practice, which are:

- ▶ continuous improvement and building trust
- ▶ risk-based and data-driven
- ▶ collaboration and engagement.

The following case studies demonstrate how we meet these principles. More information can be found on our website: [Regulator performance – Fair Work Ombudsman](#)

Case Study

Customer Service Delivery

Best practice principle

Continuous improvement and building trust:

regulators adopt a whole-of-system perspective, continuously improving their performance, capability and culture to build trust and confidence in Australia's regulatory settings

Leveraging data-based customer insights

One of our key activities is to provide information, education, assistance, advice and guidance that is clear, effective and reliable. We currently measure the effectiveness of these activities through regular customer feedback surveys.

Post-interaction customer insight surveying

Each month our customers are invited to provide feedback through a survey. This allows us to gain insights relating to the level of satisfaction as well as the degree of effort involved in aspects of their interaction. These insights help to confirm what is working well and, at the same time, identify areas for improvement.

The survey seeks feedback on a number of points including:

Performance measure KPI 2: FWO provides high-quality advice and assistance.

Question: 'How satisfied were you with the quality of advice and assistance you received from the FWO?'

Measure and target: Greater than 75% of customer responses demonstrating a rating of satisfied or better.

Customers are also asked to provide feedback on 2 free text response questions:

Question 1: 'Tell us one thing that you liked about your experience.'

Sample response: 'The advice has helped resolve the problem I had at my place of employment and the employer has actioned all that was raised.'

Question 2: 'Tell us one thing that could have improved your experience.'

Sample response: 'I would have liked the staff person to tell me how to obtain this information for myself, tell me what section he used to obtain the information.'

Customer satisfaction levels for our phone channel are consistently high, with an average of 83% of our customers being somewhat or very satisfied with the quality of advice and assistance they received.

Responses are analysed each month to identify improvements and emerging issues. Feedback is shared internally to enable these insights to be used to confirm what is working well and to identify areas where changes may be required.

We will continue to leverage data-based customer insights throughout the 2022–23 financial year and beyond, adopting a whole-of-system perspective to continuously improve our performance and evolve the way we deliver our services to the community, to maintain trust and confidence in our role as a regulator.

Case Study

Contract Cleaning Industry

Best practice principle

Risk-based and data-driven: regulators manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leveraging data and digital technology to support those they regulate to comply and grow.

Contract Cleaning Industry proactive compliance investigation

We 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.

In 2021–22, the contract cleaning sector was one of our priority sectors due to the prevalence of low-paid, vulnerable workers, many of whom are visa holders with limited English skills. Together with intelligence indicating deliberate disregard for Commonwealth workplace laws in the sector, as well as the experiences of industry participants and stakeholders, we took a risk-based approach to ensuring the compliance activities were appropriately targeted. This allowed us to identify worker exploitation in the sector while minimising the regulatory burden on businesses who were doing the right thing.

In selecting businesses for inclusion in the compliance activity, we:

- ▶ analysed data relating to requests for assistance, customer contacts and anonymous reports received from industry participants
- ▶ gathered open-source data on contract cleaning entities
- ▶ leveraged our relationship with multi-stakeholder initiative the Cleaning Accountability Framework and its members to gain insights into industry trends and practices.

Education initiatives supporting our Contract Cleaning Industry compliance activities

To support the industry, we developed tailored information for a new, dedicated section for contract cleaning industry participants on our website, covering topics and themes of particular relevance and importance to this group based on data and research. We promoted this information through a successful communications campaign.

Following user research and testing of the new website content with the industry, we also developed a series of case studies, published in the new section, to assist contract cleaning businesses and their workers to understand how workplace laws apply to them in a range of circumstances.

In 2022–23, in order to build on the positive work already undertaken, the contract cleaning sector remains a priority.

Case Study

FRAC Reference Group

Best practice principle

Collaboration and engagement: regulators are transparent and responsive communicators, implementing regulations in a modern and collaborative way.

FRAC Reference Group

We acknowledge that open, transparent and consistent engagement with stakeholders, including workers, industry, government and the broader community, is crucial to maintaining competent and innovative regulatory practices. Ongoing consultation and engagement with stakeholders is integral to the way we conduct our business.

The Fast Food, Restaurant and Café (FRAC) sector is one of our key priorities due to its disproportionately high levels of non-compliance and its vulnerable workforce. Our ongoing FRAC Strategy seeks to address the systemic non-compliance in this sector and we consult and engage industry stakeholders in our approach. In April 2021, we established the FRAC Reference Group as a forum where key stakeholders, including employer, employee, business and community representatives, could meet regularly to discuss workplace relations issues and education requirements in the sector.

One of the key issues discussed within the Reference Group is FRAC industry awards (Hospitality Award, Fast Food Award and Restaurant Industry Award) and the impacts of amendments made to those awards. In addition to obtaining frontline intelligence about key trends and issues in the FRAC sector, members' insights and expertise help inform our communication, education, engagement and compliance activities.

The insights from stakeholders through the Reference Group have been useful in informing our approach and support for FRAC workers and businesses impacted by the COVID-19 pandemic, and to continually evolve our information and resources for this industry.

We will continue to communicate transparently and responsively with this and other sectors to implement regulations in a modern and collaborative way.

Case Study

Compliance Notices

Best practice principles

Continuous improvement and building trust:

regulators adopt a whole-of-system perspective, continuously improving their performance, capability and culture to build trust and confidence in Australia's regulatory settings.

Risk-based and data-driven: regulators manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leveraging data and digital technology to support those they regulate to comply and grow.

Collaboration and engagement: regulators are transparent and responsive communicators, implementing regulations in a modern and collaborative way.

Increased use of Compliance Notices

In 2019, we reviewed our approach to compliance and enforcement in response to a strong community focus on wage underpayments and recommendations from the Migrant Workers' Taskforce, including that the FWO should toughen its approach to enforcement and make greater use of Compliance Notices.

We have a large remit and a significant responsibility to the community. To ensure we make the biggest impact with the resources and enforcement tools available to us, we increased our use of Compliance Notices. Compliance Notices are the most efficient and effective way of enforcing the law and getting money back in the hands of workers.

Regulators must find the right balance between taking strong action against the most serious breaches, and supporting compliance through education, advice and intervention where non-compliance is inadvertent or accidental. We know not every employer intends to do the wrong thing, and Compliance Notices provide businesses with a chance to make things right with their employees without receiving an additional penalty, such as those a court may order if they are found to be in breach of workplace laws. If an employer complies, we cannot take further action against them for the breaches outlined in the Compliance Notice. However, where employers choose not to do the right thing or ignore us, we do not hesitate to take them to court for repayment of wages, plus penalties.

In 2020–21, we issued 2,025 Compliance Notices and recovered more than \$16.5 million in unpaid wages using this tool. In 2021–22, these figures increased further. To illustrate the impact of the changed approach, in 2017–18 we issued 220 Compliance Notices and recovered \$950,000 through this tool.

Compliance Notices are now the FWO's primary enforcement tool. Our performance measures (KPI 5) were revised in 2021–22 to reflect our stronger enforcement stance.

To further support this work, we continue to implement educative initiatives to help employers better understand the Compliance Notice process and the benefits of timely compliance. This includes a new FAQ resource and enhancements to the cover letter that accompanies a Compliance Notice. We have also developed a short online course to provide step-by-step guidance for employers responding to a Compliance Notice. This interactive resource contains an engaging mix of video scenarios, learning checks and real-life case studies.

Appendix A – requirements checklist

The Corporate Plan has been prepared in accordance with the requirements of:

- ▶ subsection 35(1) of the PGPA Act; and
- ▶ subsection 16E(2) of the PGPA Rule 2014.

The following table details the requirements met by the FWO’s Corporate Plan and the page reference(s) for each requirement.

Corporate Plan requirement	Pages
Office of the Fair Work Ombudsman	
Introduction	ii
▶ Statement of preparation	
▶ The reporting period for which the plan is prepared	
▶ The reporting periods covered by the plan	
Purpose	02
Environment	03
Key activities	05
Operating context	07
▶ Capability	
▶ Risk oversight and management	
▶ Cooperation	
Performance	11



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