

Fair Work Ombudsman Statement of Intent

On 13 December 2024, Senator the Hon Murray Watt, the Minister responsible for Employment and Workplace Relations, gave me a Statement of Expectations (**SoE**) setting out his expectations of me as Fair Work Ombudsman and my agency, the Office of the Fair Work Ombudsman (my **Office**).

As Fair Work Ombudsman, I acknowledge and welcome the SoE. Having consulted my staff and key stakeholders in the workplace community, I have developed this Statement of Intent (**SoI**) that outlines how my Office and I intend to meet its expectations, including by incorporating these expectations into relevant *Public Governance Performance and Accountability Act 2013 (PGPA Act)* processes, such as the Corporate Plan and Annual Report.

As the independent statutory office holder established by the *Fair Work Act 2009* (the **Act**), responsible for the regulation of the national workplace relations system, I am committed to achieving my agency's purpose of promoting harmonious, productive and cooperative workplace relations and compliant workplaces in furtherance of the object of the Act.¹

The functions of the Fair Work Ombudsman are set out in section 682 of the Act and include the recently introduced functions relating to regulated workers and businesses, and the investigation of intentional underpayment criminal offences. I will exercise all of my functions and my powers in good faith and to the best of my ability.

My Office will continue to work collaboratively with stakeholders in the workplace community to implement legislative reforms and enhance tripartism that sits at the heart of the strategic enforcement approach developed by me and my Office, and reflected in our revised Compliance and Enforcement Policy.² Our independence and impartiality in carrying out our functions will remain of paramount importance, and discharged in accordance with the APS Values, APS Code of Conduct, and the requirements set out under the Fair Work Act.

My Office will continue to proactively monitor and promote compliance with the Act across the building and construction sector, along with our other identified priority areas, and undertake compliance and enforcement activities when contraventions of the Act are identified.

¹ *Fair Work Act 2009*, s3.

² The Fair Work Ombudsman's Compliance and Enforcement Policy can be accessed here: <https://www.fairwork.gov.au/sites/default/files/migration/725/compliance-and-enforcement-policy.pdf>.

Principles of regulator best practice

In conducting the Fair Work Ombudsman's operations, my Office will follow the principles of regulator best practice set out in the Regulator Performance Resource Management Guide (the **RMG**) 128 *Regulator Performance*, issued by the Commonwealth Department of Finance. My Office will strive for continuous improvement in our policies, processes and practices.

Continuous improvement and building trust

My Office will address the matters set out in the SoE by:

- Constantly scanning the operating environment, conducting research and listening to key stakeholders about the changing context of our regulatory work
- Conducting inquiries into identified priority areas and/or emerging issues
- Developing close working relationships with key regulators across federal, state and territory governments by establishing governing frameworks through the Exchange of Letters and Memorandums of Understanding to support sharing of information, insights and lessons learned, and to facilitate collaborative activities
- Collaborating with the Fair Work Commission (**FWC**) and Australian Human Rights Commission (**AHRC**), to educate the workplace community about their rights and obligations and to embed referral pathways to resolve workplace issues
- Maintaining strong internal governance to support transparent, consistent decision-making and evaluation of performance through:
 - Regular meetings of our internal Enforcement Board and Corporate Board
 - Maintaining an accessible and robust complaints process
 - Continuing to seek and act on the results of customer feedback
- Focussing on developing the leadership and operational capability of staff at all levels to ensure we discharge our statutory functions as efficiently and effectively as possible.

Risk-based and data-driven

My Office will address the matters set out in the SoE by:

- Enhancing our Risk Management Framework (that monitors and plans for risks and sets an appropriate risk appetite for our activities)

- Using intelligence and data to inform a risk model that supports the selection of priority areas and, where possible, taking a preventative approach to non-compliance in these areas by providing education and guidance around identified compliance issues
- Consider the compliance activities of stakeholders in the workplace community in determining the prioritisation of resources
- Using data analytics to gain actionable insights from large data sets, facilitating evidence-based decision making and enabling my Office to anticipate and respond to emerging challenges
- Generating performance data in real-time to support my Office to adjust operations to respond to emerging issues or challenges
- Delivering Technology and Data Strategies that supports secure, effective, reliable and enhanced systems and data management in the performance of our activities
- Measuring the impact of our regulatory activities.

Collaboration and engagement

My Office will address the matters set out in the SoE by:

- Engaging regularly with a standing tripartite Advisory Group comprising of peak employer and worker representatives, and Reference Groups focused on identified priority areas to advance tripartism and provide opportunities for collaboration
- Regularly reporting to the Advisory Group on the developments within Reference Groups and any collaborative work undertaken by stakeholders and my Office
- Collaborating with the FWC and representatives of regulated workers and businesses, such as digital platform workers and road transport contractors, to tailor our education, compliance and enforcement activities to the needs of this sector
- Engaging with community organisations such as Community Legal Centres, Working Women's Centres, and representatives of young workers, migrant workers, and workers with disability
- Developing educational content for our website and outreach activities in conjunction with stakeholders through the tripartite groups and engagement with community organisations to ensure we are reaching those who need our support
- Promoting our revised Compliance and Enforcement Policy, Annual Report and Corporate Plan
- Promoting voluntary industry-led multi-stakeholder mechanisms that support compliance
- Developing a grants program that fosters cooperation across workplace participants to promote positive change

- Collaborating with academic researchers conducting independent scholarly research relevant to the discharge of our statutory functions
- Aligning our activities with the International Labor Organisation (ILO) *Labour Inspection Convention 1947*, which enshrines inspectors' impartiality while promoting cooperation across government and collaboration between employers, workers, and their representatives
- Identifying opportunities for further international collaboration with international counterparts, including through our membership with the International Association of Labour Inspection.

The government's policy priorities and objectives

My Office will observe and contribute to the government's policy priorities and objectives by meeting the expectations in the SoE. In particular, my Office will:

- Provide education and advice to support workplace participants to understand their workplace rights and obligations, and any changes to those rights and obligations arising from changes to the Act, and assist them to achieve compliance. This includes continuing to:
 - provide tailored advice to employers and workers through our Fair Work Infoline
 - offer tailored and reliable written advice to small businesses through the Employer Advisory Service and workplace tips, tools, and training for small businesses through the Small Business Showcase
 - provide free interpreter and translating services and in-language educational materials
 - maintain and enhance our online tools and resources that facilitate compliance
- Provide information and education on the new criminal offence of intentional wage underpayments, our new investigative function, and the operation of the Voluntary Small Business Wage Compliance Code and Cooperation Agreements
- Review, enhance, and remain responsive to feedback on our website content to ensure information is accessible, reliable and fit for purpose, including tailored content developed in conjunction with stakeholders
- Work closely with the workplace relations community to build tripartism and consultative approaches, and foster social and economic progress
- Collaborate with employer organisations and unions to support them to educate their members and build their capacity to create a culture of compliance in Australian workplaces.

Relationship with Minister and portfolio

I acknowledge the importance of maintaining a close and collaborative relationship with the Department of Employment and Workplace Relations (the **Department**).

My Office will continue to work closely and collaboratively with the Department to ensure that the government and the Department can leverage the experience, knowledge and expertise of my Office to inform policies and programs that support the achievement of the objects of Australia's workplace relations system as set out in the Act.

In particular my Office will:

- Meet regularly with officers of the Department at all levels
- Participate along with the Department in interdepartmental task forces, working groups, and other fora as appropriate
- Provide accurate and timely information to the Department related to the performance of our statutory functions under the Act, including our proactive compliance activities
- Respond constructively to requests from the Department related to the performance of our statutory functions under the Act
- Work with the Department to promote tripartism.

Innovation and regulatory change

It is critical to the effective and efficient conduct of the operations of my Office that we constantly monitor the operating environment to ensure our regulatory approaches keep pace with changes in technology, whole of government policy, industry practices, and community expectations.

To facilitate this my Office will:

- Participate in the Regulatory Leadership Cohort supported by the Department of Finance and other cross-government forums and bodies to share learnings and opportunities and keep up to date on regulatory approaches, technology, and data initiatives
- Enhance the digital and data stewardship of our senior leaders
- Embed an evaluation culture to evaluate the effectiveness of our regulatory activities
- Work with employers and workers to resolve workplace disputes efficiently, using a range of supported dispute resolution techniques to achieve voluntary compliance outcomes
- Proportionately utilise the full range of enforcement powers and tools available to us to deter, detect, disrupt, and remediate non-compliance with workplace laws

Transparency and implementation

This statement is informed by feedback from staff across my Office and from our standing tripartite Advisory Group. The development of this statement was an important opportunity to consult staff on the principles that guide their work, and key stakeholders on the direction this work is taking within the broader workplace relations environment.

The constructive and insightful feedback provided by staff and the Advisory Group is a testament to the continued productive engagement shown by stakeholders through our established tripartite consultative mechanisms, and demonstrates our collective capability to develop and implement initiatives consistent with the SoE.

Continuing to strengthen our focus on internal consultation through our Agency Consultative Forum (**ACF**) and Community and Public Sector Union (**CPSU**) workplace delegate networks will help to embed new initiatives within the agency.

The key strategic planning activities of my Office such as the development of the Corporate Plan and business planning will continue to be informed by and be consistent with this Sol.

More broadly, my Office and I continue to focus on achieving equitable and fair outcomes for all workplace participants. Activities across my Office to support these outcomes will be informed by stakeholder feedback, including through the Advisory Group and Reference Groups, with results evaluated and key learnings incorporated into future activities.

Every part of the workplace relations ecosystem has an important role to play in creating a culture of compliance that fosters productive and inclusive workplaces that maintain workplace standards for Australian workers and a level playing field for compliant employers. My Office and I will continue to lead by example.

24 January 2025