

STATEMENT OF EXPECTATIONS

FAIR WORK OMBUDSMAN

This Statement sets out the Australian Government's expectations for the Fair Work Ombudsman for the regulation of workplace relations matters under the *Fair Work Act 2009* (the Act).

The object of the Act is to provide a balanced framework for cooperative and productive workplace relations that promotes national economic prosperity and social inclusion for all Australians. The government aims to build on this object to ensure a strong workplace relations system which supports sustainable wages, secure jobs and productivity growth.

Fair Work Ombudsman's role

Under the Act, as the independent statutory regulator, the functions of the Fair Work Ombudsman are to:

- promote harmonious, productive and cooperative workplace relations, and compliance with the Act and fair work instruments, including by:
 - providing education, assistance and advice to employees, employers, regulated workers, regulated businesses, persons in a road transport contractual chain, outworkers, outworker entities and organisations
 - producing best practice guides to workplace relations or workplace practices
 - having regard to the need for community outreach, guidelines and other materials to be available in multiple languages
- monitor compliance with the Act and fair work instruments
- inquire into, and investigate, any conduct or practice that may be contrary to the Act, a related offence provision, a fair work instrument or a safety net contractual entitlement
- commence proceedings in a court, or make applications to the Fair Work Commission, to enforce the Act, fair work instruments and safety net contractual entitlements
- publish a compliance and enforcement policy, including guidelines relating to the circumstances in which the Fair Work Ombudsman will or will not accept or consider accepting an enforceable undertaking, or enter or consider entering into a cooperation agreement
- refer matters to relevant authorities
- represent employees, regulated workers, or outworkers who are, or may become, a party to court proceedings or to a Fair Work Commission matter under the Act or a fair work instrument if it considers that the representation will promote compliance with the Act or the fair work instrument, and
- perform any other functions conferred by any Act.

The government's policy priorities

The government is focussed on protecting workers' wages and conditions and ensuring a strong workplace relations system. The government expects the Fair Work Ombudsman to identify and pursue opportunities to contribute to this objective. In doing so, the government also expects the Fair Work Ombudsman to:

- support and enhance tripartism in Australian workplace relations
- tailor their regulatory approach to the diverse needs of Australia's workplace participants

- educate and assist vulnerable workers and those with less power, such as First Nations peoples, migrant workers and workers with disability
- take proactive steps to ensure workplace participants are compliant with relevant regulations and operate within the law, including by supporting workplace participants to understand changes to the law
- utilise the investigation and enforcement powers conferred by the Act to address non-compliance, including of the criminal wage theft offence
- use intelligence and data to inform a risk-based approach to compliance and enforcement activities, including proportional targeting of industries or activities of concern
- draw on evidence and stakeholder experience to identify and address systemic non-compliance
- work cooperatively with stakeholders including industry and unions to encourage voluntary compliance
- monitor their operating environment to ensure regulatory approaches keep pace with changes in technology, industry practices and community expectations
- respond appropriately to the changing context and operating environment of participants within the national workplace relations system
- support enhanced productivity through a streamlined regulatory approach and by reducing compliance costs for workplace participants
- embed within the Fair Work Ombudsman, act in accordance with and strive for continuous improvement against the principles of regulator best practice as set out in *Resource Management Guide 128 Regulator Performance*, and
- be transparent in their operations, policies and decision-making processes including by publishing key enforcement outcomes, performance results and updates on emerging issues.

The building and construction industry

The government is committed to addressing the culture of corruption and lawlessness in the building and construction industry.

The government has placed the Construction and General Division of the Construction, Forestry and Maritime Employees Union (the Division) into administration, and strongly supports the Administrator's work to return the Division to the membership as a democratic, member-controlled entity, free of corruption and criminal influence. Any unlawful behaviour by unions and employers is unacceptable.

To help achieve this necessary change, the government expects that the Fair Work Ombudsman will prioritise monitoring, compliance and enforcement of workplace laws in the building and construction industry, including by:

- establishing and maintaining a visible and active presence in the industry
- prioritising resources to identify and act on non-compliance, with a particular focus on coercion, intimidation, bullying, sexual harassment and other workplace protections under the Act
- targeting areas that have given rise to significant concerns about unlawful behaviour under the Act, including agreement making (including the use of false statutory declarations), the use of labour hire and preferencing the use of businesses for unlawful reasons
- prioritising collaboration and information sharing with relevant regulators and law enforcement agencies

- ensuring action is taken on matters referred to the Fair Work Ombudsman to the full extent of its powers, and
- working cooperatively with the Administrator of the Division to identify and respond to unlawful behaviour.

Relationship with stakeholders

Regarding relationships with stakeholders, the government expects the Fair Work Ombudsman to:

- ensure that their actions are not inconsistent with the policies of the government, in accordance with *section 21 of the Public Governance, Performance and Accountability Act 2013* (PGPA Act)
- consult with and provide appropriate guidance to participants within the national workplace relations system so they have clarity about how the Fair Work Ombudsman will exercise their powers
- coordinate regulatory activities with other regulatory agencies to avoid duplication, including through sharing information and undertaking joint education activities where possible, and
- work collaboratively with the Department of Employment and Workplace Relations on significant issues relating to strengthening compliance with the Act.

The government will provide an enabling environment for the Fair Work Ombudsman to consistently implement best practice by ensuring they are well informed of the government's policy direction, as specific initiatives and strategies are being considered.

Organisational matters

Regarding organisational matters, the government expects the Fair Work Ombudsman to:

- implement appropriate controls to manage the risk of unauthorised disclosure of protected or sensitive information
- uphold and promote the Australian Public Service Values and Code of Conduct
- comply with the requirements under the PGPA Act and associated instruments and policies, and
- hold themselves to account through internal accountability processes that foster a culture of continuous improvement and reflection.

August 2025