

Frequently Asked Questions

1) What is contrition payment?

An employer may make a contrition payment as a term of an Enforceable Undertaking (EU). A contrition payment isn't a fine imposed by a court, it is a payment made to demonstrate remorse for a wrongdoing. Depending on the circumstances, a contrition payment can be made to either or both:

- the Australian Government's Consolidated Revenue Fund
- one or more recipient organisations (as approved by the FWO).

2) What is a 'recipient organisation'?

Recipient organisations have satisfied specific criteria and have been approved by the FWO for inclusion on a register of similar organisations.

3) What are the criteria that an organisation must satisfy for the FWO to approve them as a 'recipient organisation'?

Organisations must satisfy all of the following criteria to become an approved 'recipient organisation':

- being not-for-profit
- being located in Australia with an Australian Business Number (ABN)
- having an Australian bank account
- administering a relevant industry-led program or initiative which:
 - is led by industry participants
 - promotes self-regulation, harmonious, productive and cooperative workplace relations and sustainable compliance across a particular industry sector(s)
- not being solely or principally reliant on receiving contrition payments as a source of funding; and
- be compliant with workplace laws.

4) How do I submit an Expression of Interest?

Organisations that believe they are eligible must complete the **Expression of Interest form** and submit this at: undertakings@fwo.gov.au

5) Am I guaranteed to receive a contrition payment?

No. There is no guarantee that your organisation, if approved by the FWO to become a recipient organisation, will receive a contrition payment. A recipient organisation will only receive a contrition payment if an employer entering into an EU chooses to make a contrition payment to them (from a register of recipient organisations) instead of the Consolidated Revenue Fund.

6) How will I know if my organisation is going to receive a contrition payment?

If an EU includes a contrition payment to be made to your organisation, the FWO will inform your organisation of this on the afternoon the day before it publishes a media release on the EU on its website.

The FWO's EU media release will name the recipient/s of any contrition payment.

7) Is there a limit to how many contrition payments an organisation can receive?

Yes. Recipient organisations may not receive more than \$500k in contrition payments in any one financial year.

8) If unsuccessful, can I seek feedback on my submission?

Yes. Feedback can be sought at: undertakings@fwo.gov.au.

9) How should the contrition payment be used?

The payment must be used in accordance with the program or initiative outlined your Expression of Interest. Programs or initiatives must be industry led and promote harmonious, productive and cooperative workplace relations and sustainable compliance with workplace laws in a particular industry sector(s).

Examples programs or initiatives may do this by:

- increasing awareness and understanding of workplace standards
- improving supply chain accountability and transparency
- offering certification, accreditation or recognition programs
- promoting and or facilitating worker voice mechanisms.

10) Are we required to advise the FWO how the contrition payment is used?

Yes. Your organisation must provide a brief annual statement to the FWO each financial year summarising how the contrition payment was used.

11) My organisation's circumstances have changed, and I am not sure that we remain eligible. What should I do?

Contact the FWO at undertakings@fwo.gov.au

The FWO reserves the right to remove recipient organisations from the register. You can also ask to be taken of the list of recipient organisations at any time.