

Fair Work Ombudsman  
Regulator Performance Framework Report 2017-18

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## Executive summary

This report sets out the Fair Work Ombudsman's (FWO) self-assessment against the Regulator Performance Framework (the Framework) for the period 1 July 2017 to 30 June 2018. Our assessment relies on both quantitative performance data and case studies to measure the FWO's performance against the six outcome-based key performance indicators (KPIs) contained in the Framework.

In 2017-18, the FWO enhanced resources and assistance available to regulated entities in a number of ways. A number of key small business resources, including the new 'Guide to taking on an apprentice', are now available in one place online, the 'Small Business Showcase'. The FWO's commitment to providing useful, timely and reliable information also saw the agency develop a number of resources in response to the introduction of the Protecting Vulnerable Workers legislation. All existing services such as the Fair Work Infoline and Small Business Helpline, email subscription services and communications activities continued to put valuable information into the hands of workers and businesses.

Throughout 2017-18, the FWO invested significantly in stakeholder engagement, developing a Stakeholder Engagement Strategy to support a coordinated and transparent approach to stakeholders, ensuring the FWO can better understand the needs of regulated entities and peak bodies to inform the design and execution of our work.

The FWO continues to focus its compliance and enforcement efforts proportionately based on the seriousness of a matter. The FWO aims to resolve workplace disputes efficiently and effectively without unnecessarily impeding the efficient operation of regulated entities, particularly small to medium businesses. In 2017-18, workplace disputes were finalised in an average of 14 days. The majority, or 96%, of workplace disputes were resolved through education and dispute resolution, reserving compliance and enforcement action for where the seriousness of the matter warranted such action.

The FWO continues to share information, intelligence and feedback with other government departments and agencies to inform policy development and improvements to the regulatory framework. The FWO is an active participant in a number of cross agency taskforces and has a number of formal MOUs with other government departments and agencies that establish data exchange and information referral protocols.

## Introduction

The Australian Government developed the Framework, which has applied to Commonwealth regulators since 1 July 2015. The objective of the Framework is to measure the performance of regulators supporting the adoption of consistent, risk-based approaches to administering regulation. Regulators are encouraged to undertake their functions with the minimum burden to business necessary to achieve regulatory objectives.

The Framework establishes a common set of six outcome-based KPIs that will allow for the comprehensive assessment of regulators' performance and their interactions with regulated entities, specifically:

1. Regulators do not unnecessarily impede the efficient operation of regulated entities.
2. Communication with regulated entities is clear, targeted and effective.
3. Actions undertaken by regulators are proportionate to the regulatory risk being managed.
4. Compliance and monitoring approaches are streamlined and coordinated.
5. Regulators are open and transparent in their dealings with regulated entities.
6. Regulators actively contribute to the continuous improvement of regulatory frameworks.

Regulator performance is assessed through validated self-assessments against the Framework. Self-assessment under the Framework enhances accountability and transparency in how the FWO achieves its regulatory objectives, and contributes to the Australian Government's deregulation agenda, which aims to reduce the cost of unnecessary red tape and inefficient regulation imposed on individuals, business and the community.

## Evidence

The FWO has relied on a mixture of quantitative performance data and case studies to assess its performance against the measures. This includes:

- Performance data and case studies from key functions and activities.
- Internal project materials.
- Explanatory materials about FWO processes and procedures.
- Published guidance that assists regulated entities to comply with regulation.

Following on from the process adopted for the 2016-17 performance report, this report uses a descriptive approach, which draws links between the evidence and the outcomes achieved in relation to the performance measures.

This year's report also highlights areas for improvement against those measures for which an amber indicator has been applied.

## FWO Regulatory Performance Framework summary table

The summary table below provides an indication of the extent to which the FWO is achieving each KPI measure. The measures highlighted in green indicate that the FWO has achieved a suitable level of performance, with amber indicating potential areas for improvement. A red indicator highlights that there is a significant need for improvement.

KPI	Measure	Indicator
<b>KPI 1:</b> Regulators do not unnecessarily impede the efficient operation of regulated entities.	<b>1.1</b> The FWO uses appropriate methods to manage requests for assistance in order to reduce the burden on regulated entities.	●
	<b>1.2</b> The FWO engages with regulated entities and peak bodies to understand and inform the design and execution of our work.	●
<b>KPI 2:</b> Communication with regulated entities is clear, targeted and effective.	<b>2.1</b> The FWO provides information and advice that is timely, useful and reliable to make it easier for regulated entities to comply with their obligations.	●
	<b>2.2</b> The FWO consults with regulated entities prior to implementing key strategies.	●
<b>KPI 3:</b> Actions undertaken by regulators are proportionate to the regulatory risk being managed.	<b>3.1</b> The FWO focuses its compliance and enforcement efforts proportionate to the seriousness of the matter.	●
	<b>3.2</b> The FWO applies a risk-based approach to its compliance and monitoring activities.	●
<b>KPI 4:</b> Compliance and monitoring approaches are streamlined and coordinated.	<b>4.1</b> The FWO takes a coordinated approach to delivering its services.	●
	<b>4.2</b> The FWO works collaboratively with other regulators and industry bodies to minimise the burden of interacting with government bodies.	●
<b>KPI 5:</b> Regulators are open and transparent in their dealings with regulated entities.	<b>5.1</b> The FWO publishes key performance results in a timely manner to ensure accountability and transparency.	●
	<b>5.2</b> The FWO publishes key strategies and acts on feedback regarding the effectiveness of how it operates.	●
<b>KPI 6:</b> Regulators actively contribute to the continuous improvement of regulatory frameworks.	<b>6.1</b> The FWO makes it easy for stakeholders and regulated entities to contribute to the efficient operation of the FWO.	●
	<b>6.2</b> The FWO shares information, intelligence and feedback with policy departments for the improvement of the regulatory framework.	●

## KPI 1 – Regulators do not unnecessarily impede the efficient operation of regulated entities

### Measure 1.1 – The FWO uses appropriate methods to manage requests for assistance to reduce the burden on regulated entities.

2016-17 self-assessment rating	●	2017-18 self-assessment rating	●
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The FWO makes it easier for employees and regulated entities to access our services and interact with us through the provision of advice, educative resources and assistance. The FWO provides tailored telephone advisory services through the Fair Work Infoline and Small Business Helpline and digital advisory services plus online education resources and tools to support small business. The FWO ensures regulated entities can access information about their obligations quickly to minimise the risk of non-compliance and the need for formal interventions.

Activity	2017-18 achievement
The FWO provides tailored advice through the Fair Work Infoline and Small Business Helpline.	▪ Over 375 000 Fair Work Infoline calls answered (including over 95 000 Small Business Helpline calls)

The FWO places an emphasis on early intervention activities and dispute resolution methods to minimise dispute escalation. Our early intervention activities and alternative dispute resolution methods recognise that different issues require different types of assistance, and aim to resolve problems between employers and employees before they escalate into protracted disputes. This approach protects employment relationships and recovers unpaid wages more quickly than enforcement action. In 2017-18 the FWO resolved 27 074 workplace disputes (96% of all disputes) through our early intervention, mediation and small claims assistance services.

The FWO continues to ensure regulated entities have access to a range of self-service tools that enable calculation of minimum wages, determination of award coverage and submission of enquires to assist them in complying with workplace laws:

Activity	2017-18 achievement
The FWO is committed to supporting regulated entities in understanding their compliance obligations. The FWO has a suite of online resources designed to support business.	▪ 4 400 000 pay tool visits ▪ 5 775 000 pay tool calculations ▪ 64 500 online enquiries answered ▪ 37 000 online learning courses commenced ▪ 1 075 000 Find my award searches commenced

Note: Figures in the table above have been rounded.

In 2017-18, the FWO enhanced online resources and launched new products that aimed to reduce regulatory burden by providing the appropriate support, including:

- *Small Business Showcase* (detailed further in **Case Study 1**)
- *Protecting Vulnerable Workers legislation resources* (detailed further in **Case Study 4**)
- *Apprenticeships guide*: The FWO launched a new 'Guide to taking on an apprentice' to assist employers of apprentices understand their rights and obligations.

- *In-language resources and information:* The FWO launched Microsoft Translator, a website auto-translation tool across the Fair Work website allowing translation of the site into 40 different languages, enabling culturally and linguistically diverse business owners and employees to access information in their own language in a fast and efficient way. The FWO also continued to expand professionally translated in-language content, adding more in-language videos, downloadable resources and information in 16 priority languages.

### Measure 1.2 – The FWO engages with regulated entities and peak bodies to understand and inform the design and execution of our work.

2016-17 self-assessment rating	●	2017-18 self-assessment rating	●
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The FWO views stakeholder engagement as an integral part of the way it conducts its business and routinely engages with industry, employer and employee organisations, community groups and intermediaries. Throughout 2017-18, the FWO has continued to seek opportunities to improve the ways in which it engages and consults with stakeholders including the development of a formal [Stakeholder Engagement Strategy](#).

Details about the Stakeholder Engagement Strategy are included in Case Study 7. The Strategy clearly sets out the types of engagements that can be expected by stakeholders for commonly conducted agency initiatives. For example, the Strategy commits the FWO to engaging with stakeholders:

- In the design, execution and implementation of Campaigns, which aim to educate employers and employees about their rights and obligations and ensure compliance with workplace laws.
- In the design, execution and implementation of Inquiries, which are activities where the FWO examines specific workplace compliance issues to further the agency's understanding of the drivers of non-compliance and recommend responses.
- In the review of operational policies.
- In the development of educational resources.

During 2017-18, the FWO engaged and collaborated with regulated entities and peak bodies on a number of initiatives including but not limited to the following key activities:

- *FWO Inquiries and campaigns:* throughout 2017-18, the FWO has continued stakeholder engagement across all campaigns and Inquiries. As outlined in the Stakeholder Engagement Strategy it is standard practice for FWO to engage with relevant industry stakeholders from planning and development phases, to the execution of campaigns and Inquiries. The FWO's Workplace Basics Campaign is a good example and is detailed further in **Case Study 6**.
- *The Korean Australian Engagement Strategy* (detailed in **Case Study 2**).
- *Apprenticeships guide:* the FWO undertook extensive consultation with relevant stakeholders to ensure the language, content and tone used in the guide would resonate with the target audience. These stakeholders included employer and employee representatives and government and training organisations.
- *FWO's Franchising Stakeholder Roundtable* (detailed in **Case Study 4**).

The FWO has an ongoing commitment to stakeholder engagement in the design and execution of our work and recognises the need to continue to pursue such opportunities in 2018-19. As such, this measure has been marked for further improvement.

### Case studies

The following case studies demonstrate how the FWO has achieved this measure (see **Appendix**):

Case study	1	2	3	4	5	6	7	8	9
Measure 1.1	✓		✓						
Measure 1.2		✓		✓		✓	✓		



## KPI 2 – Communication with regulated entities is clear, targeted and effective

**Measure 2.1 – The FWO provides information and advice that is timely, useful and reliable to make it easier for regulated entities to comply with their obligations.**

2016-17 self-assessment rating	●	2017-18 self-assessment rating	●
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The FWO is committed to ensuring regulated entities have access to timely, useful, and reliable information and advice that supports compliance with workplace laws. Evidence presented in support of the FWO's achievements against measure 1.1 demonstrate FWO's efforts in ensuring that regulated entities have access to appropriate advisory and educational tools, resources and services. In addition to these services the FWO has a highly effective communications capability that is tailored to reach different audiences depending on the information required (e.g. small businesses, customers from culturally and linguistically diverse backgrounds, or specific industries). This ensures that regulated entities are made aware of the availability of useful and reliable information and advice in a timely manner.

### Keeping the public informed

#### *Email subscription services*

The FWO offers an email subscription service that allows customers including regulated entities to remain informed of their entitlements and obligations by facilitating opt-in email updates on various topics. As at 30 June 2018, FWO had 380 633 active subscribers, an increase of almost 100 000 subscribers from the previous financial year.

#### *Communication campaigns*

The FWO conducts promotional activities to ensure proactive communication with the regulated community regarding key workplace compliance issues. Information, services and resources are promoted via various methods such as news articles, social media and communications via the FWO's various online platforms. The FWO undertook a number of promotional campaigns utilising the communication methods listed above throughout the course of 2017-18, including but not limited to:

- *Small Business Showcase campaign* (detailed at **Case Study 1**)
- *Workplace Basics campaign* (detailed at **Case Study 6**)
- *Online Learning – record keeping and payslips campaign*: To raise awareness of the availability of the new record keeping and payslips online learning course and encourage people to complete it.
- *Annual Wage Review Campaign*: to raise awareness of the Annual Wage Review and changes to penalty rates amongst workplace participants and encourage subscriptions to email updates and visits to the Pay and Conditions Tool.

#### *Media strategy*

The FWO publishes information on its education and compliance activities and enforcement outcomes as media releases on its website. The FWO published 152 media releases in 2017-18 to ensure the public was informed of activities undertaken by the FWO that were of significant interest.

### Speeches and Presentations<sup>1</sup>

Over the course of 2017-18, the FWO presented at a number of forums and conferences to inform the public of compliance and enforcement activities and key issues of significant interest to the regulated community, including:

- *Speech to Australian Human Resources Institute*
- *Council of Small Business Australia 2017 Summit*
- *Address to 2017 Asia Pacific Fuel Industry Forum*
- *Chartered Accountants Australia and New Zealand (CAANZ) Presentations*
- *Address to 2018 Association of Industrial Relations Academics in Australia and New Zealand Conference*
- *Address to the Annual National Policy-Influence-Reform Conference*
- *Address to the Franchise Management Forum*

The FWO recognises there are continued opportunities for improvement that exist to expand its reach to communities that may be experiencing increased levels of vulnerability and/or a lack of awareness concerning workplace regulatory requirements. The FWO will continue to explore new ways to undertake large-scale communication activities to increase this awareness around specific regulatory requirements. As such, this measure has been marked for further improvement.

### Measure 2.2 – The FWO consults with regulated entities prior to implementing key strategies.

2016-17 self-assessment rating	●	2017-18 self-assessment rating	●
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The FWO recognises the importance of engaging with regulated entities and their representatives prior to implementing key strategies. Evidence presented previously in support of the FWO's achievements against measure 1.2 demonstrate FWO's commitment to engagement with regulated entities and peak bodies in the design and execution of our work. This commitment extends to consultation prior to implementing key strategies.

The FWO's commitment was demonstrated by the activities undertaken during 2017-18 in preparation for the commencement of the *Fair Work Amendment (Protecting Vulnerable Workers) Act 2017*. The activities are outlined in **Case Study 4**.

### Case studies

The following case studies demonstrate how the FWO has achieved this measure (see **Appendix**):

Case study	1	2	3	4	5	6	7	8	9
Measure 2.1	✓		✓			✓			
Measure 2.2		✓		✓		✓			

<sup>1</sup> Natalie James was the Fair Work Ombudsman during the course of 2017-18 and at the time of these Speeches and Presentations. Sandra Parker was appointed to the position of Fair Work Ombudsman for a 5-year term by the Governor-General on 15 July 2018.

## KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed

### Measure 3.1 – The FWO focuses its compliance and enforcement efforts proportionate to the seriousness of the matter.

2016-17 self-assessment rating	●	2017-18 self-assessment rating	●
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Requests for assistance involving a dispute regarding non-compliance are assessed on a case-by-case basis, considering the individual circumstances, extent of the non-compliance and a business' compliance history to determine the appropriate course of action.

#### Strong action when necessary

Where a business fails to comply with workplace laws and the seriousness of the non-compliance warrants such action, the FWO may use one or more enforcement tools. Such cases may involve blatant disregard for the law, exploitation of vulnerable workers, systemic non-compliance, or the need for a strong message of deterrence. The FWO's approach is set out in its Compliance and Enforcement, and Litigation Policies, both of which are publicly available at [www.fairwork.gov.au](http://www.fairwork.gov.au). These policies also outline when the FWO will use the statutory enforcement tools<sup>2</sup> provided under the Fair Work Act.

In 2017-18, the following enforcement tools were used:

Compliance & enforcement tools	Achievement
Compliance Notices	▪ 220 notices issued
Infringement Notices	▪ 615 notices issued
Enforceable Undertakings	▪ 7 executed
Litigation	▪ 35 litigations commenced

Note: the data in this table includes compliance and enforcement tools used in relation to FWO initiated activities. In addition to these formal tools, the FWO issued a further 829 Letters of Caution.

#### Litigation

Litigation is reserved for the most serious cases of non-compliance. The deliberate exploitation of vulnerable workers, refusal of an employer to cooperate with the FWO or a significant history of non-compliance may result in court action, in accordance with the FWO's Litigation Policy. At the end of 2017-18, the FWO had 85 matters before the courts and during 2017-18 secured \$7.3 million in penalties against non-compliant businesses, directors and accessories. The FWO also returned just under \$30 million to underpaid employees, and took strong action in cases involving the deliberate exploitation of young and migrant workers. The FWO achieved a number of significant litigation outcomes in 2017-18 including:

- First racial discrimination penalty
- First Paid Parental Leave penalty

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#### <sup>2</sup> Statutory enforcement tools:

- **Infringement notices:** on-the-spot fines for record keeping or pay slip contraventions.
- **Compliance notices:** formally require a person to rectify entitlement-based breaches of the Fair Work Act.
- **Enforceable undertakings:** The FWO may offer a person the option to enter into an enforceable undertaking as an alternative to starting legal proceedings, if that person acknowledges their contraventions, accepts responsibility and agrees to take meaningful steps to rectify issues. Enforceable undertakings are set out in a publicly available and legally binding document. FWO can take legal action in a court to enforce the terms of an Enforceable undertaking if it is not complied with.
- **Litigation**

- Record total penalties of \$660 020 ordered in the matter of *Fair Work Ombudsman v Mhoney Pty Ltd & Anor.*

### Measure 3.2 – The FWO applies a risk-based approach to its compliance and monitoring activities.

2016-17 self-assessment rating	●	2017-18 self-assessment rating	●
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The FWO applies a risk-based approach to the resolution of workplace disputes and the planning and execution of compliance monitoring activities.

In regards to dispute resolution, the FWO is cognisant of the impact that both compliance and enforcement activities can have on businesses and aims to resolve workplace issues with the most appropriate corrective action whilst considering regulatory burden. As outlined earlier, the FWO places an emphasis on early intervention activities and dispute resolution methods to minimise dispute escalation. FWO's early intervention activities and alternative dispute resolution methods may include:

- Facilitated discussions with a focus on supporting customers to have effective workplace conversations, coaching customers through their options and providing advice about online resources.
- Mediating appropriate workplace disputes where the parties consent.
- Where disputes cannot be resolved through early intervention or mediation, customers may be offered assistance with lodging a matter in the small claims court. This service is provided to both employees and employers for matters where the claim is for less than \$20 000.

Our early intervention activities and alternative dispute resolution methods recognise that different issues require different types of assistance, and aim to resolve problems between employers and employees before they escalate into protracted disputes. This approach protects employment relationships and recovers unpaid wages more quickly than enforcement action. In 2017-18 the FWO resolved 27 074 workplace disputes (96% of all disputes) through our early intervention, mediation and small claims assistance services.

Formal compliance and enforcement intervention is pursued where the seriousness of the non-compliance warrants such action (see measure 3.1). Through applying a risk based approach to dispute resolution and working with parties to resolve issues in their earlier stages, workplace disputes were finalised in an average of 14 days during the 2017-18 financial year.

In regards to compliance monitoring activities, the FWO relies on evidence and intelligence gathered from stakeholders, internal operational data, public reports of non-compliance (for example media stories) and anonymous reports from the public to determine the industries and regions to target in workplace auditing campaigns. This ensures a risk-based approach. The FWO continues to refine and improve its targeting methodology to ensure maximum impact and value to the community through the campaign activities it conducts. (See measure 4.1 for further details).

### Case studies

The following case studies demonstrate how the FWO has achieved this measure (see **Appendix**):

Case study	1	2	3	4	5	6	7	8	9
Measure 3.1					✓	✓			
Measure 3.2					✓	✓			

## KPI 4 – Compliance and monitoring approaches are streamlined and coordinated

### Measure 4.1 – The FWO takes a coordinated approach to delivering its services.

2016-17 self-assessment rating	●	2017-18 self-assessment rating	●
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The FWO takes an evidence-based approach to prioritising and coordinating its compliance monitoring activities. The FWO uses intelligence gathered from stakeholders, internal operational data, public reports of non-compliance (for example media stories) and the anonymous reports received from the public to identify systemic non-compliance issues impacting vulnerable individuals, specific labour market sectors, industries or regions. Resources can then be coordinated and directed towards activities that deliver the greatest benefit and impact.

#### Campaigns

In 2017–18, the FWO conducted over 4 500 audits of workplace records through its targeted campaign activities. The FWO continues to refine and improve its targeting methodology to ensure maximum impact and value to the community in the campaign activities it conducts. The FWO's audit work provides the opportunity to assist non-compliant businesses to become compliant through targeted education, information and advice delivered in a coordinated manner.

For example, the FWO's Workplace Basics Campaign commenced in April 2018 and has been designed to enable a coordinated approach to educating employers about the most common non-compliance issues such as pay, penalty rates, and record keeping and pay slip requirements. Further details are in **Case Study 6**.

### Measure 4.2 – The FWO works collaboratively with other regulators and industry bodies to minimise the burden of interacting with government bodies.

2016-17 self-assessment rating	●	2017-18 self-assessment rating	●
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The FWO works in a collaborative manner with other regulators, government agencies and industry bodies with the aim of minimising the burden of interacting with government bodies.

#### Inter-Agency Taskforces

The FWO works closely with a number of inter-agency taskforces. Through these taskforces, the FWO is involved in sharing information and intelligence, referring relevant matters between agencies, and undertaking joint activities. The FWO is a member of the following inter-agency Taskforces:

- Black Economy Taskforce
- Migrant Workers Taskforce
- Taskforce Cadena
- Phoenix Taskforce

#### Working across government

- The FWO supports the Department of Jobs and Small Business to uphold the integrity of the Seasonal Worker Programme. This includes monitoring, identifying and addressing non-compliance with workplace laws by employers participating in the Programme and providing advice and enhancement of resources and services.
- The FWO works with other government agencies, including the Small Business and Family Enterprise Ombudsman, the Australian Competition and Consumer Commission, the Australian Taxation Office,

the Australian Securities and Investments Commission, and the Department of Home Affairs, to share intelligence, carry out joint compliance activities, and improve customers' access to information about workplace rights and obligations.

### *Memoranda of understanding*

The FWO has formal MoUs with the organisations listed below. These allow the FWO to work with the organisations to minimise regulatory burden.

#### Government:

- Australian Taxation Office
- Australian Defence Force
- Department of Home Affairs
- Victorian Registration and Qualifications Authority
- South Australian Department of State Development
- Australian Human Rights Commission
- Australia Maritime Safety Authority
- Department of Jobs and Small Business
- Australian Building and Construction Commission
- Tertiary Education Quality and Standards Agency
- Department of Finance

#### Non-government:

- Accommodation Association of Australia
- Australian Hotels Association
- Australian Security Industry Association Limited
- National Union of Workers
- Restaurant and Catering Association
- Shop Distributive and Allied Employees Association
- Recruitment and Consulting Services Association

### **Case studies**

The following case studies demonstrate how the FWO has achieved this measure (see **Appendix**):

Case study	1	2	3	4	5	6	7	8	9
Measure 4.1						✓			
Measure 4.2								✓	✓

## KPI 5 – Regulators are open and transparent in their dealings with regulated entities

### Measure 5.1 – The FWO publishes key performance results in a timely manner to ensure accountability and transparency.

2016-17 self-assessment rating	●	2017-18 self-assessment rating	●
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The FWO continues to meet government requirements for the publication of annual reports and Portfolio Budget Statements on [www.fairwork.gov.au](http://www.fairwork.gov.au). In 2017-18, the FWO also published documents on key activities, including campaign reports, inquiry reports and litigation outcomes. These provide a description of the activity and broadly highlight the outcomes, results and further actions to be undertaken.

Activities	Achievements published
Campaign reports present the results of each campaign activity and where applicable include compliance and non-compliance rates and main contravention types.	<ul style="list-style-type: none"> <li>13 Campaign reports</li> </ul>
Inquiries are comprehensive compliance monitoring activities examining businesses, industries, regions, supply chains, labour markets or a combination of all these areas. These activities enable the FWO to better identify and understand the drivers of non-compliance in these areas and to recommend responses that address the same. Inquiry reports present our findings, recommendations and actions.	<ul style="list-style-type: none"> <li>Two Inquiry reports</li> </ul>
Activity reports of findings following compliance activities involving particular businesses may be published where there are allegations of serious non-compliance and it is in the public interest to do so.	<ul style="list-style-type: none"> <li>One Activity report</li> </ul>
Litigation outcomes include information on the nature of the proceedings, the decisions handed down and penalties ordered.	<ul style="list-style-type: none"> <li>46 litigation outcomes</li> </ul>
Enforceable undertakings are written undertakings enforceable under the <i>Fair Work Act</i> , which may be accepted by the FWO where the FWO reasonably believes that person has contravened the <i>Fair Work Act</i> .	<ul style="list-style-type: none"> <li>Seven enforceable undertakings</li> </ul>
Compliance Partnerships are voluntary agreements between the FWO and large businesses that influence supply chains or service networks and who want to publicly demonstrate their commitment to ensuring sustainable compliance with Australian workplace laws.	<ul style="list-style-type: none"> <li>Three Compliance Partnerships</li> </ul>
The Fair Work Ombudsman and other senior executives deliver speeches at leading industrial relations conferences and events, keeping stakeholders informed of the role and activities of the FWO.	<ul style="list-style-type: none"> <li>Five speech transcripts</li> </ul>
Media releases provide summaries of key activities and events, including legislative changes, campaign and inquiry launches and reports, commencement and conclusion of litigation, entering of enforceable undertakings and assisted voluntary recoveries.	<ul style="list-style-type: none"> <li>152 media releases</li> </ul>
The FWO publishes information under its Information Publication Scheme and Freedom of Information disclosure log, together with information on information access requests in its Annual Report.	<ul style="list-style-type: none"> <li>See Access, accountability &amp; reporting section</li> </ul>

**Measure 5.2 – The FWO publishes key strategies and acts on feedback regarding the effectiveness of how it operates.**

2016-17 self-assessment rating	●	2017-18 self-assessment rating	●
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The FWO ensures it is a transparent, accountable and effective regulator by continuing to make key policies publically available on the FWO’s website. The Feedback and Complaints Management Policy outlines how the FWO responds to feedback and the Stakeholder Engagement Strategy outlines how the FWO will engage with stakeholders in the course of its activities; both policies go to demonstrating how the FWO acts on feedback regarding its effectiveness.

Published strategies	Description
Corporate Plan	Sets out the agency’s strategic direction. It outlines the FWO’s purpose, vision, setting, priorities and activities, and targets for measuring success.
Strategic Intent	This document highlights the agency’s focus, priorities and strategies to achieve the vision.
Stakeholder Engagement Strategy	Sets out the key principles the FWO will use to inform engagements with stakeholders and aims to ensure that stakeholder interactions with the FWO follow a consistent approach, are meaningful, productive, transparent, and deliver benefits for all involved. It also provides examples of where and how the FWO will engage with stakeholders.
Compliance and Enforcement Policy	Sets out the principles to achieving workplace compliance with the law, and outlines the FWO’s enforcement powers and functions. The policy provides information on how the agency identifies and acts on opportunities to offer assistance in workplace disputes.
Litigation policy	Sets out guidelines for the FWO in commencing litigation proceedings for a contravention or proposed contravention.
Information Access Policy	Outlines how the FWO deals with requests for information in accordance with the <i>Freedom of Information Act 1982</i> .
Privacy Policy	Outlines how the FWO handles and discloses personal information in accordance with the <i>Privacy Act 1988</i> .
The Customer service charter and Customer experience statement	Outlines the FWO’s customer experience statement, our commitment to our customers and sets out our goals, services, what customers can expect from our services, and what to do if a customer is not satisfied with our service.
Feedback and Complaints Management Policy	Outlines how the FWO responds to feedback, service complaints and requests for review. The policy provides information on the way requests are prioritised and actioned. The FWO uses feedback to develop strategies to continuously improve and enhance services, and provide opportunities to innovate and improve the agency’s operational effectiveness.



In the 2016-17 Regulator Performance Framework Report, the FWO identified this measure as an area in which improvements could be made in response to changes from the *Fair Work Amendment (Protecting Vulnerable Workers) Act 2017*. A review of policies and key strategies is still underway. As such, improvements can still be made in FWO achieving this measure.

### Case studies

Measure 5.1 – no applicable case studies

Case study	1	2	3	4	5	6	7	8	9
Measure 5.2				✓			✓		

## KPI 6 – Regulators actively contribute to the continuous improvement of regulatory frameworks

### Measures 6.1 – The FWO makes it easy for stakeholders and regulated entities to contribute to the efficient operation of the FWO.

2016-17 self-assessment rating	●	2017-18 self-assessment rating	●
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The FWO recognises the importance of continuously seeking feedback from stakeholders and regulated entities to contribute to the efficient operation of the FWO. Feedback helps the FWO improve and respond to community needs and expectations.

#### *Feedback and Complaints Management*

The FWO's Feedback and Complaints Management Policy explains how the FWO manages customer feedback and complaints. The Policy is regularly reviewed and updated and remains available [via the Feedback webpage](#). This Policy provides the framework for a Feedback and Complaints Management system that is transparent, easy to understand, consistent and responsive. Throughout 2017-18, the agency's streamlined and accessible online feedback service (available via FWO's website) has continued to allow regulated entities to easily provide feedback regarding services, make a service complaint, or request a review. The data captured via the streamlined service has enabled the identification of feedback trends; which further allows the FWO to address customer feedback in a coordinated manner.

To enhance the FWO's Feedback and Complaints Management capability in 2017-18, the agency established an internal Feedback & Complaints Network made up of FWO staff who work in customer facing roles or deal with escalated complaints as part of their day-to-day work. Members of the network are encouraged to share their customer insights and experiences, exchange ideas and strategies relevant to the session's topics, explore practical and creative solutions, and workshop tips and tricks. The network aims to promote continuous improvement across FWO through the development of real world solutions and risk management approaches to feedback and complaint handling.

#### *Stakeholder Engagement Strategy*

As detailed in measure 1.2 the FWO has developed a [Stakeholder Engagement Strategy](#). The Stakeholder Engagement Strategy clearly sets out the types of engagements that can be expected by our stakeholders for commonly conducted agency initiatives.

### Measure 6.2 - The FWO shares information, intelligence and feedback with policy departments for the improvement of the regulatory framework.

2016-17 self-assessment rating	●	2017-18 self-assessment rating	●
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Where appropriate, the FWO shares information, intelligence and feedback with other government departments and agencies to inform policy development and improvements to the regulatory framework. As detailed in measure 4.2, the FWO is an active participant in a number of cross agency taskforces and has a number of formal MoUs with other government departments and agencies that establish data exchange and information referral protocols.

The FWO continues to work with government and other agencies to identify improvements to the regulatory framework. For example in 2017-18, the FWO:

- Contributed its expertise to develop practical measures to address 'black economy' activities through the Black Economy Taskforce, which released its final report in 2017-18. Further details are in **Case Study 9**.
- Worked collaboratively with the Department of Foreign Affairs and Trade to support the implementation of the Pacific Labour Scheme that commenced on 1 July 2018, including providing advice, resources and services to prepare for the implementation of the Scheme.

### Case studies

The following case studies demonstrate how the FWO has achieved this measure (see **Appendix**):

Case study	1	2	3	4	5	6	7	8	9
Measure 6.1							✓		
Measure 6.2							✓		✓

## Overall assessment

The FWO has demonstrated its commitment to reducing regulatory burden associated with compliance. A review of the FWO's performance over the assessment period has highlighted areas in which the agency has delivered on the KPIs as set out in the Framework. These include:

1. Ensuring that regulated entities have access to advisory and educational tools, resources and services that provide them with the necessary support in understanding their compliance obligations and using technology to streamline and improve processes. This has been achieved by:
  - continuing to provide tailored advice through the Fair Work Infoline and Small Business Helpline.
  - continuing to ensure regulated entities have access to a range of self-service tools.
  - developing and launching a number of new resources including the 'Small Business Showcase', resources in response to the introduction of the Protecting Vulnerable Workers legislation, an 'Apprenticeship guide' and a suite of in-language resources and information.
2. Ensuring actions undertaken to address requests for assistance involving a workplace dispute are proportionate to the risks identified through rigorously assessing each request and applying the most appropriate resolution method. This has been achieved by:
  - early resolution of workplace disputes, with 96% of requests for assistance resolved through education and dispute resolution methods.
  - compliance and enforcement action taken in cases deemed suitable in accordance with the FWO's litigation and compliance and enforcement policies. Such cases may involve blatant disregard for the law, exploitation of vulnerable workers, systemic non-compliance, or the need for a strong message of deterrence.
3. Taking an evidence-based approach to prioritising and coordinating compliance monitoring activities. The FWO uses evidence and intelligence to identify systemic non-compliance issues affecting vulnerable individuals, specific labour market sectors, industries or regions in order to target our proactive compliance monitoring campaigns and inquiries.
  - This approach focuses efforts on specific areas to achieve the greatest impact. These targeted education and auditing activities promote awareness of workplace laws, aid in the early detection of non-compliance, and reduce financial and non-financial costs for regulated entities over the long term.
4. Working collaboratively with key stakeholders, other regulators and industry bodies to minimise the burden of compliance. This has been achieved by:
  - working with government and other agencies to identify improvements to the regulatory framework and minimise the burden of interacting with government bodies. FWO is an active participant in a number of cross agency taskforces and has a number of formal MoUs with other government departments and agencies that establish data exchange and information referral protocols.
  - Consulting with stakeholders on our work, considering their views and identifying ways to collaborate to improve services for the community and decrease the burden of regulation.

## Appendix – Regulator performance case studies

### Case study 1 – Small Business Showcase

In April 2018, the FWO launched its Small Business Showcase, an easy to navigate online hub with tailored resources for small business employers. Small businesses often lack the resources and ready access to professional help that can make it easier to meet their workplace obligations. The showcase addresses this by placing a wealth of tools and information in one easy to access space.

The FWO engaged with the ATO's Small Business Education, Prevention and Support team to inform the project. The FWO also provided user testing of the showcase with small business owners/managers, who found the product very useful. Feedback received included comments such as "I find this extremely good, not over wordy, feels very user friendly." and "(the showcase) feels like a collaborative effort. Like you're trying to work with small business." A stakeholder engagement letter was sent to over 45 key stakeholders providing the opportunity to preview the showcase before its release.

The Showcase includes:

- Information on topics that are most relevant to small business owners, including hiring, paying and managing employees, handling leave requests, keeping accurate records and ending employment.
- Links to templates, fact sheets and guides to assist time-poor small business employers to meet their obligations and manage employees effectively, such as a pay slip template, the Fair Work Handbook and an employer's guide to resolving workplace issues.
- Short instructional videos that demonstrate how to use our tools and resources, including the Pay Calculator and our Online Learning Centre.
- An interactive small business checklist so small business owners can check how they rate against critical business requirements.
- Direct links to sign up to My account to get priority support, stay up to date with changes to workplace laws and request our assistance.
- Direct links to subscribe to email updates, due to feedback received that small business customers prefer getting workplace information via email.

Opinion polls and surveys will run throughout the showcase to provide small business owners with the opportunity to share insights and highlight the key workplace issues facing small businesses.

Customers can access the Showcase via [fairwork.gov.au](http://fairwork.gov.au). Promotion has been via:

- An ATO Small Business Newsroom article - The ATO also sent a one-off email in May 2018 to approximately 330 000 small business newsroom subscribers, with a direct link to the Showcase.
- Social media (Facebook and Twitter).
- A media release to metro, regional and suburban print, radio and TV outlets, as well as culturally and linguistically diverse outlets.
- Relevant pages of the FWO website, including a news item on the homepage and in My account.
- Emails sent to relevant FWO employer newsletter, My account and email update subscribers.

Since its launch, the showcase has received nearly 50 000 views (at 30 June 2018) and has received positive feedback from a number of key industry bodies including the Australian Hairdressing Council, the Council of Small Business of Australia and the WA Small Business Development Corp.

## Case study 2 – Korean Engagement Strategy

In November 2017, the FWO released an evaluation of the Korean Australian Engagement Strategy. The FWO initiated the Strategy, as there were a significant number of enforcement outcomes involving employers and employees of Korean background. The objective of the Strategy was to improve compliance with Australian workplace laws in the Korean Australian community.

In November 2016, the FWO organised a roundtable discussion with key Korean community and business leaders to discuss the proposed strategy design and to seek their assistance with its implementation. The FWO had valuable support from the:

- Consulate General of the Republic of Korea in Sydney – who advised on suitable attendees, sent out invitations in Korean and assisted to ensure the community received the FWO's engagement positively. They also invited the FWO to present at key events attended by Korean business owners and students.
- Korean Australian Lawyers Association (KALA) – whose members helped the FWO by checking translated materials to ensure that the key messages were not lost and made sense in the Korean language. They also assisted the FWO by monitoring the Korean social media posts during the communications campaign.

The roundtable attendees highlighted the importance of social media as a way to reach the Korean Australian community. Hence, in June 2017 the FWO undertook a social media communications campaign to:

- Address potential challenges experienced by the Korean community living and working in Australia by drawing attention to FWO's online resources.
- Increase awareness of the FWO and the role we play in regulating Australian workplaces.

Social media activity included:

- Promoted Facebook posts – reaching over 55 000 people and generating high click through rates with an average of 2.13%, well above the 0.02% Federal Government benchmark.
- Digital display advertising to deliver Korean advertisements in English web environments – delivered over 687 000 impressions (i.e. number of times posts were displayed) and generated 1 254 clicks. The overall click through rate (0.18%) was double the 0.09% Federal Government benchmark for digital display activity.

The social media activity was highly successful with over one million views of the social media content and over 11 000 page views of the Korean language landing page on the FWO website. This Strategy demonstrated that working in cooperation with community leaders to develop strategy activities was a highly effective model to reach and influence a specific target group.

### Case study 3 – Refined social media strategy

During 2017-18, the FWO refined its approach to social media, particularly Facebook content.

The social media content strategy's two key changes were:

- To better use frontline insights to inform content topics – this ensured proactive communication with the regulated community about the matters that they wanted to know about, current 'hot topics' and time-of-year issues.
- Framing posts in a scenario-based style, rather than discussing the legislative framework – this ensures that the posts are accessible, easy to understand and removes the need for the regulated community to interpret the legislative framework and apply it to their situation.

As an example of the refined strategy, feedback from compliance teams indicated that there was an ongoing issue with retail workers not receiving pay for time spent setting up or closing a store. Rather than drafting a post focusing on the legislative provisions regarding the matter, the FWO drafted a post that posed the question 'Not being paid for opening, closing or shift handovers?' with 'NOT OK' in the graphic. The post also included an example and a link to a page on the FWO website about workplace myths and tips.

The post was the FWO's highest performing Facebook post. It had:

- An organic (ie. not as a result of a paid advertisement) reach of 559 467 people.
- 3 080 reactions (e.g. like, love).
- 1 769 comments.
- 2 799 shares.

The implementation of the revised approach led to FWO's social media content being seen over 29.6 million times (a 150.3% increase on the previous financial year) and total FWO social media followers increasing to 119 024 followers (a 54.6% increase during the financial year).

## Case study 4 – Implementing the Protecting Vulnerable Workers Act and developing resources with stakeholder consultation

On 14 September 2017, the *Fair Work Amendment (Protecting Vulnerable Workers) Act 2017* received Royal Assent, which provided the FWO with additional powers and higher penalties thereby enabling the FWO to continue to address the exploitation of vulnerable workers.

The FWO took the opportunity to undertake a comprehensive review of existing policies and to develop new strategies to reflect the changes that would result from the implementation of the Act. The FWO engaged with key franchise sector stakeholders at a FWO Franchising Stakeholder Roundtable meeting.

Some of the key stakeholders that attended the Franchising Stakeholder Roundtable included:

- Australian Industry Group
- Franchising Council of Australia
- McDonalds
- 7-Eleven
- Muffin Break
- Coffee Club

This roundtable was an opportunity for FWO to gain an understanding of stakeholder needs in relation to the new franchise provisions, to ensure a common understanding of the Act's provisions and to discuss and inform the FWO's approach to education and compliance.

Following on from the feedback and consultation with stakeholders at the Franchising Stakeholder Roundtable meeting, the FWO began to develop resources and guides that would educate franchisors and regulated entities on the provisions of the Act and ensure a strong framework was implemented to make sure the FWO's new powers were exercised appropriately and consistently.

The FWO produced the following guidance material:

- A Guide to FWO Notices
- FWO Notices Fact Sheet
- Examinee expenses guide and claim form
- Guide to promoting workplace compliance in your franchise network
- New record keeping and payslips online learning course

FWO consulted the following agencies during the design and execution of these guides and resources.

- Commonwealth Ombudsman
- The Department of Jobs and Small Business
- Australian Building and Construction Commission
- Australian Competition and Consumer Commission
- Australian Securities and Investments Commission
- Administrative Appeals Tribunal

### **New Record Keeping and Payslips online learning course**

The course was designed to reinforce the importance of businesses making themselves aware of their record keeping and payslip obligations, as the potential penalties for such contraventions has increased significantly with the changes introduced by the *Fair Work Amendment (Protecting Vulnerable Workers) Act 2017*. One of the key changes was that employers who did not meet record keeping or pay slip obligations, and could not give a reasonable excuse, might need to disprove in court, allegations of employee underpayments. This



project was informed by two rounds of testing, including user experience testing with small business owners. Extensive stakeholder consultation occurred during the development of this course. A range of over 50 key stakeholders including employee and employer organisations, and government stakeholders were consulted during the development to help inform the course design.

### **Guide to promoting workplace compliance in your franchise network**

The FWO launched the 'Guide to promoting workplace compliance in your franchise network' at the Franchise Management Forum hosted by the Franchise Advisory Centre.

This guide was developed through working directly with the franchise sector to understand what best practice brands were doing to promote compliance. This has included collaborating with franchise experts like FranchiseEd. This helped the FWO to design the guide to include:

- Real life case studies that illustrate best practice approaches to compliance.
- Practical tips from leading businesses to help franchises implement best practice in their own networks.
- Quotes from leading industry figures to support recommended approaches.
- A checklist that businesses can use to assess and benchmark their current practices.

## Case study 5 – A strong regulatory response, proportionate to the seriousness of the matter - Mhoney Pty Ltd

In 2012, the FWO was contacted by a shop assistant working at the Sunshine Fruit Market for the company Mhoney Pty Ltd about underpayment of wages. The employee was a recent Afghan refugee who spoke little English and had been underpaid wages to the amount of \$25 588 over 18 weeks.

In addition, the employee had not been provided with:

- meal breaks, despite working more than 12 hours a day.
- annual leave or annual leave loading upon termination.
- pay slips.
- superannuation.

Despite a Fair Work Inspector visiting the business and providing advice on the correct rate of pay, the business still failed to pay the employee the underpaid wages.

The FWO takes a risk-based and proportionate approach to its compliance and enforcement efforts and considers the extent of the non-compliance and a business' pattern of compliance. In this case, the FWO found that the business had exploited a vulnerable worker in order to obtain commercial advantage and the non-compliance was of a highly serious nature. The matter was progressed to litigation.

In July 2017, Judge Burchardt of the Federal Circuit Court imposed the highest FWO penalty of \$660 020 on the business (Mhoney Pty Ltd) and its owner (Abdul Rahman Taleb).

In his judgment, Judge Burchardt criticised the scale of the underpayments and said the business owner had been "taking advantage" of the worker. The Judge also stated, "This was an egregious underpayment. It gave the respondents an unfair advantage in the competitive retail industry. This was not a properly and lawfully run business and it was conducted in plain breach of a number of workplace regulations".

The company was found to have contravened a range of record keeping and pay slip laws, with the Judge labelling the company's record keeping as "chaotic and incomplete". The Judge also noted that the business owner had never apologised to the worker and his contrition was "unimpressive".

In addition to the record penalties, the FWO was successful in obtaining the following orders:

- that Mhoney and Mr Taleb be jointly and severally liable for rectifying the underpayments.
- an injunction against Mr Taleb preventing him from contravening the General Retail Award and the National Employment Standards.
- that the FWO can use the penalties to back-pay the employee in the event Mhoney or Mr Taleb did not comply with the order to rectify the underpayments.

## Case study 6 – Workplace Basics Campaign

The FWO's Workplace Basics Campaign commenced in April 2018 and involves auditing 1 000 Australian businesses. The objective of the campaign is to broaden the awareness of 'the basics' of workplace laws and the newly introduced penalties, powers and provisions under the new *Fair Work Amendment (Protecting Vulnerable Workers) Act 2017*. The campaign is to be undertaken over two phases, with Phase 1 having an education and audit focus and Phase 2 taking a compliance and enforcement based approach.

The campaign will give the FWO the opportunity to explore awareness levels of businesses relating to their rights and obligations, the FWO's education resources and tools, and how effective these offerings are when it comes to influencing compliance. This campaign may also identify opportunities to improve existing resources, or consider the creation of new resources.

The audits will cover a significant spread of businesses and industries, including those in fast food, restaurant and café, retail, security and manufacturing industries. The industries and areas of focus for the campaign have been informed by trends and hotspots identified through the analysis of data obtained from various sources across the Agency, including intelligence reports.

In preparation for this campaign, the FWO engaged with over 35 key stakeholders across multiple industry organisations, unions, local governments, culturally and linguistically diverse networks and training organisations about the design and development of the campaign.

Initial emails notifying stakeholders of the campaign were sent in February 2018. These were sent in two categories:

- stakeholders the FWO sought to meet with for further discussion on collaboration/promotion, and;
- stakeholders that were invited to contact the FWO for further information or offers of support for the campaign.

Subsequently, the FWO met with key individuals from:

- Restaurant & Catering Australia (RCA)
- Australian Hotels Association (AHA)
- National Retail Association (NRA)
- Master Grocers' Association (MGA)
- Australian Small Business and Family Enterprise Ombudsman (ASBFEO)

The FWO also received enquiries from Business SA, Housing Industry Association, Master Builders Australia and Tasmanian Chamber of Commerce regarding the campaign.

In addition to this, the FWO commenced a communications campaign through social and traditional media to alert regulated entities of the FWO's compliance activities. This included sending packages of information consisting of tailored educational materials to the following organisations for distribution amongst their members/networks: Business SA, Housing Industry Association, Master Builders' Association, Tasmanian Chamber of Commerce, AHA, MGA, NRA, RCA and ASBFEO.

## Case study 7 – Stakeholder Engagement Strategy

The FWO is committed to working with a broad range of stakeholders to enhance its services, find solutions to workplace issues and identify opportunities to collaborate. The FWO values the expertise, knowledge and experience that stakeholders contribute and aims to harness this to ensure that the FWO makes the most informed decisions in relation to strategic priorities, policies and operations. The FWO is open to different views, needs and expectations to continuously improve and better target the agency's work.

The FWO interacts with a broad range of stakeholders in its education and compliance activities.

These include:

- industry and employer representatives
- unions and employee representatives
- government departments and agencies
- business advisers or other intermediaries (e.g. accountants)
- community organisations, providing advice and support, particularly to vulnerable employees (e.g. charities, not-for-profit groups, community legal centres and migrant resource centres)
- academia
- the public

The FWO has developed the FWO Stakeholder Engagement Strategy and Consultation & Engagement Framework in consultation with senior FWO managers and key external stakeholders to enhance the FWO's approach to engagement and align its objectives with the FWO's strategic priorities. The Stakeholder Engagement Strategy sets out the FWO's key stakeholder engagement principles. It aims to ensure that stakeholder interactions are consistent, meaningful, productive, transparent and beneficial for everyone involved and includes examples of where and how the FWO will engage with stakeholders.

The Consultation & Engagement Framework supports the Stakeholder Engagement Strategy; this framework sets out the Stakeholder Engagement Process, which includes the step of 'Evaluation and follow-up'. This allows the FWO to follow up with stakeholders following an engagement to evaluate their experience and the value and impact of their specific contribution to a process. This evaluation allows the FWO to act on feedback regarding stakeholder engagement and the effectiveness of its operations.

## Case study 8 – Small business Roadshows with ASIC, ACCC, ATO and state branches of CPA Australia

From February to May 2018, the FWO continued to focus on a whole of government approach to small business by conducting national roadshows with the:

- Australian Securities and Investments Commission
- Australian Competition and Consumer Commission
- Australian Taxation Office
- Australian Small Business and Family Enterprise Ombudsman
- Small Business Commissioners in Victoria, New South Wales, South Australia, Western Australia and the Small Business Champion in Queensland

The purpose of the roadshows was to provide advice about matters relevant to CPA Australia members, presenting an opportunity for members to:

- Hear from Australia's key government regulators and to learn about the resources available to assist small business.
- Learn how the agencies are streamlining regulation and providing valuable resources for practitioners and their small business clients.

The FWO's main reason for taking part in the roadshow was to engage with, and to educate, a key stakeholder group. The FWO was able to share workplace relations knowledge with the stakeholders with the expectation they could then share that information with their clients and their employers.

Topics presented included:

- the role of the FWO
- accessorial liability
- FWO tools and resources

## Case study 9 – Black Economy Taskforce

The FWO contributed to the whole of government approach to combat the Black Economy through the Black Economy Taskforce.

The Black Economy Taskforce was established to develop an innovative, forward-looking, genuinely whole-of-government strategy to combat the black economy, recognising that the issues could not be tackled by traditional tax enforcement measures alone.

The Interdepartmental Committee of the Black Economy Taskforce comprised of 20 Australian Government agencies including the FWO. This committee represents key policy departments and regulatory authorities relevant to the Black Economy. It held ten meetings, ensuring that the Taskforce incorporated the views and experiences of the public sector.

The FWO was also involved in the Bilateral meeting program run by the Taskforce. The bilateral meeting program was ongoing throughout the life of the Taskforce. In total 144 bilateral meetings were held. The broad scope of this meeting program highlighted the links that the black economy had across issues of law enforcement, highlighting how new methods of business and employment were changing the economic landscape and illustrated how technology could be used to better address black economy risks.

These engagements provided opportunities for the Taskforce to gather the knowledge and perspectives of a wide range of business leaders and senior government officials. They also provided valuable insights into the likely impacts and potential implementation issues of the recommendations under consideration by the Taskforce.

In October 2017, the final Black Economy Taskforce report was published. A key recommendation was that the Government implement a black economy data strategy to enable better data sharing between agencies, including between the FWO and the ATO. The FWO continues to engage with agencies across government to find opportunities to collaborate to address black economy activities.