



**Fair Work**  
OMBUDSMAN



**Australian Government**  
**Registered Organisations Commission**

# The Fair Work Ombudsman and Registered Organisations Commission Entity

Corporate Plan  
2018–19

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# The Fair Work Ombudsman's Foreword

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The Office of the Fair Work Ombudsman (FWO) and the Registered Organisations Commission (ROC) are each regulatory bodies that form part of a combined entity for the purposes of the *Public Governance, Performance and Accountability Act 2013* (Cth).

This Corporate Plan is the key strategic document for the combined Fair Work Ombudsman and Registered Organisations Commission Entity (the Entity) and sets out the strategic direction for each of the FWO and the ROC for the years 2018-19 to 2021-22.

This plan outlines the key strategic focus, priorities and activities for the Entity over the next four years that will recognise the FWO and ROC as high performing and respected regulators.

## Statement of Preparation

As the accountable authority of the Entity, I present the Entity's Corporate Plan prepared for the 2018-19 financial year and covering the four-year outlook period of 2018-19 to 2021-22, as required under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013* (Cth).

A handwritten signature in black ink that reads "Sandra Parker".

Sandra Parker PSM  
Fair Work Ombudsman

30/08/2018

# The Fair Work Ombudsman

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## Purpose

The FWO is an independent statutory office established by the *Fair Work Act 2009* (Cth) (FW Act), and is the agency that supports Australian workplaces to become productive, compliant, harmonious and cooperative.

We provide information, advice and education on workplace laws to ensure employees and businesses understand their entitlements and obligations. We use intelligence-led activities to target and address systemic non-compliance in Australian workplaces and investigate allegations of non-compliance, and, where necessary, take enforcement action.

On 15 July 2018, the leadership of the FWO changed. Sandra Parker PSM commenced as the Fair Work Ombudsman and is the accountable authority for the Entity.

## Setting

The FWO is working to reach, engage and influence workplaces in an increasingly diverse and changing workplace environment. The broader community is concerned about employee exploitation, and this concern has been met with targeted and effective compliance and enforcement actions by the FWO supported by some of the highest court-ordered civil penalties the FWO has ever delivered. It has also included testing new laws aimed at giving the FWO increased powers to more effectively investigate and address instances of employee exploitation.

We are working across business, community organisations, employer and employee organisations, government agencies and other interested parties to educate and assist the Australian public and promote compliant workplaces.

We offer accessible and tailored services to clients by:

- offering a range of free educative products that are easy to access, understand and apply, in a range of languages
- providing tailored advice via our Fair Work Infoline and digital channels,
- encouraging early self-resolution of workplace issues by supporting parties to access comprehensive advice and tools available via our website, and
- offering tailored early intervention treatments for workplace disputes.

## Our activities

The FWO delivers a range of services to build a culture of compliance and prevent workplace breaches, by intervening early and resolving workplace issues before they become disputes. We provide our services via our Fair Work Infoline and online tools and resources including our website, Pay and Conditions Tool (PACT), online portal (My Account), Record My Hours app, Anonymous Report tool and free online learning courses.

We are making our information more accessible to migrant workers, through our web translation tool and translated materials on our website, and we have launched new online resources to continue to make it easy for small businesses to check their workplace obligations.

The FWO takes, and will continue to take, a risk based, strategic approach to enforcement. The most serious breaches of workplace laws will be addressed through enforcement to achieve a strong deterrence message and hold all parties involved to account. With the amendments passed by the *Fair Work Amendment (Protecting Vulnerable Workers) Act 2017*, our enforcement activities will include a focus on new provisions targeted at serious non-compliance in areas such as franchising/holding companies, record keeping, unlawful deductions and persons involved in contraventions.

To address exploitation within labour supply chains, franchise and service networks the FWO will continue to use all levers available to it to influence changes and bring about behavioural change. For example, in addition to enforcement activities, factors such as brand reputation, market structures and environmental settings are important levers the FWO will use to change behaviour and workplace culture.

Our education and compliance activities will be targeted and intelligence-led, and we will look to partner with other relevant Government agencies to address broader non-compliance issues and effect cultural change. We commit to full transparency and accountability by publicly reporting on the outcomes of these activities so as to educate the community as well as reinforce deterrence messaging.

For the four-year period of this plan, the FWO will continue to prioritise groups within the community that need the most help to understand and apply workplace laws.

We will focus on systemic non-compliance that significantly impacts vulnerable individuals and/or a significant sector of the labour market. This includes sham contracting and addressing issues faced by vulnerable cohorts, in particular young workers, migrant workers and workers in sectors that have a history of exploitation.

This plan sets out the five key aims that will enable the FWO to remain at the forefront for providing advice and assistance to Australian businesses and employees, and ensuring compliance with the Australian workplace relations system.

# Strategic Objective



# Provide practical advice that's easy to access, understand and apply

## Key Deliverables

Equip employees and employers to make good choices in their workplaces

Increase our reach and impact throughout the community, focusing on key customer segments that most need assistance to achieve compliance with workplace laws

Provide resources to help workplaces implement best practice and make compliance with workplace relations laws easier

## KPI Groups

1 & 2

1 & 2

1

## Activities

- Providing advice through the Fair Work Infoline and Small Business Helpline
- Increasing use of our online services including 'My account', social media and our website resources including online learning courses, best practice guides, templates and pay calculators
- Delivering a seamless and integrated customer experience
- Designing tailored solutions that build confidence and trust in customer interactions

# Encourage and empower employees and employers to resolve issues in their workplace

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## Key Deliverables

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Deliver an impartial dispute resolution service to help people solve problems early and quickly, in a manner that is appropriate for their workplace, and retain positive workplace relationships 2

Support people to use FWO's resources to resolve issues in their workplace, and educate the community about FWO's role in disputes 1 & 2

Support businesses to self-monitor and self-regulate their supply chains and operations, including entering partnership agreements where appropriate 2

## KPI Groups

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## Activities

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- Measuring the impact of our interactions with customers and using this information to improve services
- Listening to our customers and using this feedback to improve how we perform our role
- Working closely with community leaders, businesses and workers, reaching out in their own language and in culturally relevant ways
- Building the skills of employees and employers to positively engage with one another to address issues with minimal intervention or disruption to their workplace



# Build a culture of compliance with workplace laws

## Key Deliverables

## KPI Groups

Engage with the community about the importance of compliance with workplace laws and encourage key stakeholders to share responsibility for ensuring supply chains, networks and sectors of the labour market are compliant	2
Inform the market of emerging trends and behaviours with respect to compliance with workplace laws, the impact of those trends and behaviours, and the work of the FWO to address them via stakeholder engagement, campaigns and inquiries, and our enforcement work	1 & 2
Support those who are being exploited to come forward and ensuring appropriate compliance action is taken (including giving customers the ability to submit information to the FWO anonymously)	1 & 2
Enforcing the workplace protections in the Act, including adverse action and discrimination protections	2 & 3
Investigating allegations of unlawful industrial action, including action in breach of FWC orders and taking compliance & enforcement action where appropriate	2 & 3
Develop solutions to address structural and behavioural drivers that lead to widespread non-compliance, including taking appropriate enforcement action in cases of serious non-compliance	2 & 3

## Activities

- Applying our Compliance and Enforcement Policy consistently and transparently
- Building our intelligence capabilities through enhanced systems and processes
- Analysing intelligence from a range of sources to ensure we're targeting our efforts to identify the drivers of non-compliance
- Exercising the new legislative powers with respect to FWO Notices in appropriate circumstances
- Taking reasonable and appropriate enforcement action, particularly where people deliberately and/or repeatedly do the wrong thing, including through the use of letters of caution, enforceable undertakings, infringement or compliance notices and litigation action as appropriate
- Continue engagement with migrant workers, employers and their communities to make it clear that minimum entitlements exist and are enforceable

# Work with stakeholders to find solutions to workplace issues and opportunities to collaborate

## Key Deliverables

Connect services across government to make compliance easier for the community

Work with culturally and linguistically diverse community networks and intermediaries to deliver solutions

Engage with relevant stakeholders and communities in our work, considering their views and identifying opportunities to collaborate, co-design materials or activities and inform government policy

Influence policy, stakeholders and other regulators to address the exploitation of vulnerable workers

## KPI Groups

1 & 2 & 3

3

3

1 & 2 & 3

## Activities

- Continue to engage with supply chains, working with government, community and social partners to change behaviours in sectors or businesses where non-compliance has become systemic
- Use Compliance Partnerships as a mechanism for entities to formally and transparently take responsibility for their entire business, not just their direct employees, and to strengthen compliance throughout their business
- Implement targeted, evidence based strategies to enhance deterrence in key industry sectors by deploying education, compliance, enforcement and media levers
- Continue to build relationships with stakeholders and the community based on trust and respect

# Be a high performing, capable and responsive agency that delivers exceptional customer service

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## Key Deliverables

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Position our agency to meet the changing service and assistance needs and expectations of employers, employees and the community

Embed a collaborative, innovative and empowering culture that supports our people to work with each other and our stakeholders to achieve positive community outcomes

Develop and deliver high-quality resources and training to build a confident and agile management cohort

Develop an engaged and professional workforce that reflects the diversity of the community we serve

## Activities

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- Our APS Employee Census results show we have a highly engaged, professional and purpose-driven workforce with committed and capable leaders. By listening to our people, using data analytics to anticipate risks, identifying opportunities to improve current services and maximising our investments we will continue to develop our capability
- Implementing our Diversity and Inclusion Strategy and our Health and Wellbeing Framework to support an inclusive workplace that prioritises the wellbeing of our people
- Preparing our workforce by delivering the right capability development for all our people. By designing flexible roles that are customer focused, we will empower our people to respond to customer needs and support compliant, productive and inclusive Australian workplaces
- Reviewing and developing our information technology capacity to ensure our systems continue to support our staff and our customers

# Our Risk Framework

The risk management framework for the Entity includes our risk appetite statement, risk management policy and guidelines and risk assessment tools, registers and treatment plans. We support all staff to engage deliberately and positively with risk to deliver maximum benefits from opportunities and challenges.

We will continue to review and enhance our risk management framework, ensuring it is fit for purpose and embedded into our business practices. Activities in the reporting period include:

- actively identifying risks that we share with other Commonwealth entities and engaging with external stakeholders to document and manage them effectively,
- ensuring the risk framework remains relevant to our activities through regular engagement and reporting on strategic and operational risks to the accountable authority, audit committee and corporate governance committees,
- continuing to engage and consult with the Risk Leaders Network in the Entity on risk issues, new projects and proposals, and
- adopting a proportionate approach to the use of our compliance and enforcement powers and tools that is evidence based and assesses risk.

# Performance

## Outcomes

The 2018-19 Portfolio Budget Statements sets out the following outcome for the period:

**Outcome 1:** Compliance with workplace relations legislation by employees and employers through advice, education and, where necessary enforcement.

## Key Performance Indicators

The performance criteria for the FWO's program to deliver on its outcomes are as follows:





### KPI Group One: Manage requests for assistance in a timely manner and provide information and advice that is accessible, timely and reliable

KPI Group One:	2018-19	2019-20	2020-21	2021-22
Availability of online resources	99%	99%	99%	99%
Availability of contact centre during advertised hours	99%	99%	99%	99%
Requests for assistance involving a workplace dispute are finalised in an average of 30 days	100%	100%	100%	100%

### KPI Group Two: Take a risk-based and proportionate approach to our compliance and enforcement activities

KPI Group Two:	2018-19	2019-20	2020-21	2021-22
Requests for assistance involving a workplace dispute are finalised through education and dispute resolution services	≥90%	≥90%	≥90%	≥90%
Requests for assistance involving a workplace dispute are finalised through compliance and enforcement tools	≤10%	≤10%	≤10%	≤10%

### KPI Group Three: Have a positive impact on sectors/regions or issues of importance to the community

KPI Group Three:	2018-19	2019-20	2020-21	2021-22
Seek to gain a more comprehensive understanding of the reasons for non-compliance with workplace relations laws				

# Registered Organisations Commission

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## Our Purpose

The Registered Organisations Commission (ROC) is an independent statutory body that:

- educates, assists and regulates Australian registered organisations
- promotes effective governance and financial transparency
- investigates and takes appropriate enforcement action.

The ROC's purpose is to administer the provisions of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) which regulates and encourages high standards of accountability of organisations to their members. Our role is to regulate Australia's federally registered organisations, including assessing their financial reports, annual returns, officer disclosure statements and making arrangements for elections. The ROC is independent from the FWO in the exercise of its discrete statutory powers and functions.

## Our Vision

To be valued by the community for the way we regulate and foster the efficient management and accountability of registered organisations.

## Our Setting

The ROC commenced on 1 May 2017 and is headed by the Registered Organisations Commissioner. Mark Bielecki is the inaugural Commissioner and is supported by a small number of staff employed by the FWO who operate under the direction of the Commissioner. We operate as part of the broader industrial relations regulatory framework.

Our functions and activities were previously the responsibility of the Fair Work Commission (FWC). The *Fair Work Amendment (Registered Organisations) Act 2016* transferred these functions to the ROC with effect from 1 May 2017. On 2 May 2017 the ROC was entrusted with broader regulatory powers, including the registration of auditors and stronger powers to gather information.

During the period covered by this plan, we expect to continue to deliver on our role, particularly seeking to further develop a culture of voluntary compliance in registered organisations. We will take a forensic-based approach, conducting inquiries and investigations and using enforcement tools proportionately and appropriately.

We will:

1. Proactively educate registered organisations about financial and other reporting responsibilities by:
  - engaging with, informing and educating registered organisations about their statutory obligations
  - increasing awareness of our role
  - assisting auditors with the registration process and their key role in enhancing compliance.
2. Encourage democratic control and improved financial and disclosure compliance practices by:
  - supporting organisations through arranging elections and administering a comprehensive protected disclosure (whistleblower) scheme
  - promoting compliance by assessing and publishing financial reports, annual returns and other required statements
  - registering and engaging with auditors
  - assessing and approving governance training.
3. Undertake inquiries and investigations into suspected contraventions with:
  - an evidence-based approach to our decision-making
  - a risk-based approach to what we will investigate and the appropriate tools
  - a proportionate response to non-compliant behaviour and practices
  - the aim of influencing office holders in registered organisations to act in good faith, with due care and diligence, and in the interests of their members.

## Performance

### Outcomes

The 2018-19 Portfolio Budget Statements sets out the following outcome for the period:

**Outcome 2:** Effective governance and financial transparency of registered employee and employer organisations, through regulation, investigation and appropriate enforcement action

### Key Performance Indicators

The performance criteria for the ROC's program to deliver on its outcome are as follows:

- 95% of financial reports required to be lodged under the RO Act are assessed for compliance within 40 working days
- 95% of annual returns required to be lodged under the RO Act are assessed for compliance within 40 working days
- Upon lodgement of prescribed information for an election, 95% of lodgements are dealt with within 40 working days
- Upon lodgement of an application for registration by an auditor, 95% of applications are dealt with within 40 working days
- Multiple items of information to educate employee and employer registered organisations and their members are made available.

# Capability

Our capability to deliver outcomes for registered organisations, their members and the community is evident in all aspects of our operations. We are developing relationships with our key stakeholders in order to administer the functions entrusted to us.

For the four-year outlook of this plan, we will:

## 1. Effectively communicate and engage with stakeholders

We will communicate effectively with registered organisations to facilitate and encourage voluntary compliance. To this end, we will evaluate our communication methods on an ongoing basis. In addition we will communicate our role, responsibilities and priorities to our stakeholders to enhance public confidence in the sector.

## 2. Enhance our regulatory reach

We are a developing regulator. Over the period of this plan we will work to enhance our regulatory impact by building on the work in this area that was previously conducted by the FWC, responding to suspected contraventions and refining our procedures under our new obligations and powers.

## 3. Develop our people

We provide an environment where employees are well supported, challenged and inspired to carry out their work in a collaborative manner. We are committed to attracting, retaining and rewarding the highest possible calibre of staff and to further developing our team.

# Managing risk

In the conduct of our work, we encounter a range of risks and challenges. We manage these by:

- applying a consistent approach across our work streams and integrating risk management across all our activities
- applying a governance model which focuses on leadership and accountability, enabling us to meet our obligations
- providing support and encouraging our staff to capitalise on opportunities by actively engaging with risk and challenge.