

The Fair Work Ombudsman and Registered Organisations Commission Entity

Corporate Plan 2021-22—2024-25

August 2021

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Acknowledgement of Country

The Fair Work Ombudsman and Registered Organisations Commission Entity acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, waters and community. We pay our respect to them and their cultures, and Elders, past, present and future.



The artwork by Jordan Lovegrove, a Ngarrindjeri man, of Dreamtime Creative, shows the journey of the Fair Work Ombudsman and Registered Organisations Commission Entity (the Entity) towards reconciliation.

The large combined meeting place in the middle represents the Entity, and the large pathway going through the artwork represents our reconciliation journey. The pathway increases in width to represent growth. The smaller meeting places represent different Aboriginal and Torres Strait Islander communities and people, while the pathways leading out to them show the Entity building stronger connections.

The patterned areas represent the different Aboriginal and Torres Strait Islander regions and places around Australia that the Entity is reaching.

Our vision for reconciliation

Our vision for reconciliation is for a fair, diverse and socially inclusive workplace where we build understanding and respect amongst our employees for the histories and living cultures of Aboriginal and Torres Strait Islander peoples and their contribution to the social, economic and cultural life of Australia.

This understanding and respect will be reflected in our services.

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Statement of Preparation

The Office of the Fair Work Ombudsman (FWO) and the Registered Organisations Commission (ROC) are separate regulatory bodies that together form a combined entity under the Public Governance, Performance and Accountability Act 2013 (Cth) (PGPA Act).

This Corporate Plan is the key planning document for the Fair Work Ombudsman and Registered Organisations Commission Entity (the Entity) and outlines the strategic plans for the FWO and the ROC.

As the accountable authority of the Entity, I present the 2021-22 Fair Work Ombudsman and Registered Organisations Commission Entity Corporate Plan for the 4-year period of 2021-22 to 2024-25 as required under paragraph 35(1)(b) of the PGPA Act.



Sandra Parker PSM

Fair Work Ombudsman

August 2021

The Fair Work Ombudsman

Foreword from Sandra Parker PSM, Fair Work Ombudsman



The unprecedented global challenges arising from the COVID-19 pandemic continue to affect the Australian economy, workplaces, workers and the broader community. Demand for our services remains high as we work through the ongoing impacts.

Over the next 12 months and beyond, we will continue to support the community by providing Australian workplaces with up-to-date, reliable and timely information.

We will work collaboratively with our stakeholders and across government to deliver joined-up services where they are needed most.

We acknowledge that we are operating in a diverse, changing, and complex regulatory environment. For us to remain an effective and responsive regulator, we must continue to evolve and adapt to these challenges. A key example of this is the increasing effort and innovation we are bringing to the challenge of ensuring compliance from large corporate employers.

Having confirmed our Compliance and Enforcement Priorities for the coming year, I am confident that we can achieve the right balance between taking strong action in the worst cases and supporting compliance at the less serious end.

Our maturing approach to risk management, and our focus on the public interest in our approach to education, compliance and enforcement, coupled with a strong focus on the capabilities and wellbeing of our people, will enable us to continue to achieve our Purpose.

This plan outlines the key strategic priorities and activities for the FWO in the 2021-22 financial year and the projected outlook for the next 4 years until 2024-25.

Our purpose

Our purpose is to promote harmonious, productive, cooperative and compliant workplace relations in Australia.

The Fair Work Ombudsman, the inspectors and staff constitute a statutory office established by the Fair Work Act 2009 (Cth) (FW Act).



Our functions

Our functions include:



providing advice and assistance



promoting and monitoring compliance with workplace laws



investigating breaches of the law



taking appropriate enforcement action



efficiently
effectively
economically
ethically

We perform these functions in a variety of ways, including:

- undertaking targeted proactive compliance and education work
- responding to requests for assistance, emerging issues reported through the media (or other external sources) and self-reported non-compliance
- implementing new funding measures, (for example, the Employer Advisory Service) or utilising legislative changes to our powers and available enforcement outcomes (for example the Protecting Vulnerable Workers Act).

Environment

The FWO's main priority remains supporting workplaces as they recover from, and navigate, the significant challenges caused by the COVID-19 pandemic. In particular, we are helping employers and employees understand their rights and obligations in relation to matters such as entitlements, lockdowns, alternative work arrangements, pay, leave and stand downs from work.

As economic activity continues to increase, the FWO is supporting businesses most impacted by the pandemic to conduct their operations in a compliant manner. We will continue to keep the community informed as the COVID situation evolves.

Australian workplaces are adapting and changing, as are the community's expectations of its regulators. There is a greater community awareness of the need to uphold standards across the whole labour market and a public focus on the role and outcomes achieved by regulators. The FWO continues to evolve the way we perform our functions and deliver our services to the community, to meet the changing requirements of businesses and workers.

In the past, demand for our services typically came from award-reliant sectors and industries, and often from small to medium enterprises. More recently, many large corporate entities have reported systemic and complex underpayments affecting thousands of employees over significant periods and involving contraventions of multiple industrial instruments. Investigating such complex underpayments requires new capability and innovation within the FWO. Over the 4-year outlook of this Plan, the FWO will continue to hold these employers accountable and ensure affected workers receive their entitlements.

In line with our 2021-22 Compliance and Enforcement priorities, we are committed to conducting intelligence-led proactive investigations targeting employers engaged in serious non-compliance. We are also prioritising sham contracting and misclassification matters, to ensure businesses that engage independent contractors do so lawfully with respect to the FW Act. The FWO will continue to enforce the law as it stands.

Our newly established Employer Advisory Service (EAS) offers our eligible small business customers the opportunity to obtain written advice from the FWO that they can rely on to understand, apply and stay up to date with their obligations under the FW Act.

The role of technology in providing reliable information and advice, delivering education and ensuring compliance is becoming increasingly important.

The whole-of-Australian Government priorities around technology and cyber security will impact how we conduct our business and deliver our services. We will need to be adaptive to these priorities, whilst responding to the changing needs and expectations of the Australian public.

To continue to deliver our core business and services to meet these challenges, we have structured our business around our core functions of:

- Customer Services
- Compliance, Enforcement and Large Corporates
- Policy, Communication and Engagement
- Legal and Advice
- Corporate.

Our governance framework and coordinated approach to planning further assist us to be responsive to ongoing changes in our operating environment. This approach is centred on the establishment of our annual Compliance and Enforcement Priorities, which ensures we maximise our reach and impact.

The 2021-22 financial year is likely to continue to present changes and challenges which will require us to be agile and responsive to events as they unfold. Over the 4-year outlook of this plan, we will regularly review our compliance and enforcement approach to ensure we best support the needs of the Australian community.

Our priorities

To deliver on our purpose and respond to the challenges in our operating environment, we will continue to focus on our core functions while remaining agile to the emerging needs of the Australian community. The development of our annual Compliance and Enforcement Priorities ensures that we are responsive, and that the community remains informed about our areas of focus.

There is an element of discretion in how we allocate resources to undertake our proactive education, compliance and enforcement activities. Our annual Compliance and Enforcement Priorities provide a framework through which we allocate these resources; with a focus on industries that are at significant risk of non-compliance and emerging issues that are of considerable public interest and concern. We also prioritise cohorts who, for a variety of reasons, are identified as requiring additional assistance or are vulnerable.

While there are encouraging signs of economic recovery, the situation remains precarious in many sectors and regions. We anticipate that the effects on workplaces in Australia, arising from the COVID-19 pandemic, are likely to persist for some time. In addition, we will need to respond to legislative reform and policy changes that impact the agency. In this context, we have considered our priorities and approach to ensure we are exercising our statutory functions in the most effective and efficient way.

Over the 4-year outlook of this plan, we will review our Compliance and Enforcement Priorities at least annually and future Corporate Plans will reflect any changes.

2021-22 Compliance and Enforcement Priorities



Supporting workplaces through COVID-19

For 2021-22 our main priority remains supporting workplaces as they recover from the impacts of COVID-19.

▲ Priority sectors and issues



Fast food, restaurants
and cafés



Horticulture



Sham
contracting



Large corporate
underpayments



Franchise
arrangements



Contract cleaning

In 2021-22, we confirm our enduring commitment to prioritise



small business employers
and employees



vulnerable
workers

▲ We continue to focus on matters that:

- are of significant public interest
- demonstrate a blatant disregard for the law
- are of significant scale, impact on workers or the community, or
- can provide guidance on the application of the law.

Key activities

Provide education, assistance, advice and guidance to employers, employees, outworkers, outworker entities and organisations

We aim to make compliance easier by providing information, resources and advice to employers, employees and other workplace participants, in the time and format they need. This includes delivering tailored and in-language information and education solutions to priority industries and vulnerable cohorts that make it easier to understand workplace rights and obligations.

We will maintain a dedicated hotline and sub-site, on fairwork.gov.au, providing workplace relations information addressing COVID-19 issues for as long as such dedicated resources are required.

We will continue to promote compliance with workplace laws by providing information, resources and advice to employers, employees and other workplace participants through our various advice channels, including our:

- Fair Work Infoline, including dedicated small business and COVID-19 hotlines
- website, www.fairwork.gov.au
- online tools and resources, such as our Pay and Conditions Tool (PACT)
- online portal (My account)
- Record My Hours app
- Anonymous Report tool
- free online learning courses
- social media content and responses.

We have extended our Workplace Legal Advice Program, to include eligible employees. This program was initially launched in April 2020, to provide eligible employers with access to free legal advice to assist them in responding and recovering from the impacts of the COVID-19 pandemic.

From 1 July 2021, we commenced the EAS, a new service offering for eligible small business employers. The EAS will:

- provide free tailored written advice on how to apply National Employment Standards and award provisions relating to employee pay and entitlements
- give small business owners greater confidence in their understanding and application of the FW Act.

We recognise that small business plays a vital role in Australia's economy. When it comes to managing their workplace relations, we understand that small businesses are often not in a position to source expert human resources support, are pressured for time and may need additional help to understand their workplace obligations.

As part of our commitment to small businesses, we invest heavily in making our services accessible to them and have a dedicated Small Business Strategy that we review every two years. Informed by research, stakeholder feedback and experience, our current Small Business Strategy aligns to our priorities.

Over the 4-year outlook of this plan, we will continually monitor and update our educational tools, resources and advisory activities to enhance our service offerings in response to knowledge and skill gaps we have identified in the workplace community. This may include broadening our tailored and in-language service offerings and influencing workplace behaviour by using behaviourally informed approaches to encourage compliant workplace relations.

Promote and monitor compliance with workplace laws

Our role as Australia's workplace relations regulator requires us to take a risk-based and targeted approach to compliance and enforcement that is informed by intelligence and evidence. This includes using available data (such as anonymous reports), stakeholder engagement, intelligence from other agencies, and research and analysis of key issues and trends affecting Australian workplaces to inform our activities.

Our approach to promoting compliance will reflect our continued effort to reduce the exploitation of vulnerable workers and our enforcement outcomes aim to deliver a strong deterrence to those who deliberately flout the law.

Over the 4-year outlook of this plan, we will continue to collaborate across all levels of government by appropriately sharing information and monitoring trends. This will inform and focus our compliance efforts in a coordinated way, and ensure they are delivered where they are most needed.

Inquire into, and investigate, breaches of the Fair Work Act and take appropriate enforcement action

We are a small regulator with a large remit, and we have a significant responsibility to the community. To meet this responsibility, we will continue to:

- be intelligence led
- conduct investigations in priority areas
- take appropriate, risk-based and proportionate enforcement action in accordance with our [**Compliance and Enforcement Policy**](#).

We have considered how we can make the biggest impact with the resources we have. Compliance Notices are now our preferred enforcement tool for responding to standard underpayment matters.

Increasing our use of Compliance Notices is the most efficient and effective way of enforcing the law and getting more money back into the hands of workers as quickly as possible. By strengthening our approach to enforcement, we are increasingly putting employers on notice that non-compliance has consequences.

Despite our increased focus on Compliance Notices, they will not be the default for every matter. The FWO will continue to use all of the enforcement tools available, including enforceable undertakings, litigations and Infringement Notices, and there will continue to be an important role for proactive work in line with our annual Compliance and Enforcement Priorities.

We consider accurate record keeping to be fundamental to compliance. Accordingly, we will continue to issue Infringement Notices to employers who fail to keep and maintain records as well as fail to issue pay slips.

Enforceable undertakings will continue to be accepted in appropriate matters as a transparent and accountable means to rectify contraventions and implement systems designed to ensure future compliance. In instances of serious non-compliance, we will commence legal proceedings where there is sufficient evidence and public interest.

We remain concerned about the number of instances of employees being underpaid by some of Australia's largest employers. We will focus on the compliance of large corporate entities to ensure they are meeting their obligations under Australia's workplace laws and have in place the appropriate governance and systems to provide employees with their correct entitlements. With recent funding provided by the Australian Government, we have established a Large Corporates Branch to identify, investigate and respond to non-compliance by large corporate entities. This Branch will undertake compliance monitoring activities and deliver targeted compliance and enforcement outcomes in matters involving large corporate entities, and will enhance how the FWO uses technology and external expertise to investigate large scale underpayments.

Over the 4-year outlook of this plan, we will regularly review our approach, to ensure we make the biggest impact, utilising the resources and enforcement tools we have at our disposal.

Perform our statutory functions efficiently, effectively, economically and ethically

Over the next four years of this plan, we will continue to:

- provide advice and assistance that can be relied upon
- act in accordance with our [**Compliance and Enforcement Policy**](#) and the Legal Services Directions 2017
- provide stewardship over government resources in accordance with the PGPA Act framework
- ensure our employees understand their rights and obligations and act in accordance with the Public Service Act 1999 and the Australian Public Service Code of Conduct
- promote and embed an effective risk culture, leveraging whole-of-Australian Government guidance and governance frameworks to manage risk
- review and improve on our existing Business Continuity Framework and processes
- apply and monitor the Fraud Control Framework and integrity-related policies
- embed effective protective and information security in line with the whole-of-Australian Government Protective Security Policy Framework (PSPF) and Information Security Manual (ISM).

Operating context

Workforce capability

Our APS Employee Census results confirm that we have a highly engaged, professional and purpose-driven workforce with dedicated and capable leaders. Our people are proud to work at the agency, committed to its goals and prepared to 'go the extra mile'.

The challenges of the COVID-19 pandemic demonstrated that our people are adaptable, resilient and believe strongly in our purpose and objectives.

In the short term, we remain committed to ensuring the health and safety of our workforce and maintaining business continuity of our operations. As we move into the COVID-19 recovery phase, this includes reflecting on and leveraging the lessons we have learned from our initial business continuity response and incorporating these into our ongoing approach. We are also creating opportunities for our staff to reflect on their own experiences to generate learning and innovation. This will enable us to sustain a highly engaged workforce and increase our resilience to disruption.

Our future workforce development initiatives will focus on how greater employee engagement, the changing role of managers and increased workplace flexibility will influence the way we work. We will tailor our learning, technological and people solutions to the needs of our business. We also will continue to monitor high-level workforce trends and best-practice research to inform our work.

The APS Values, Employment Principles and Code of Conduct help to shape our organisational culture and are the core components for a positive workplace - one that encourages and recognises high performance, strong leadership and an environment of inclusion that respects the dignity and human rights of all of our employees. As a member of the Respect@Work Council, we will work across government to implement commitments made by '*A Roadmap for Respect: Preventing and Addressing Sexual Harassment in Australian Workplaces*', the Australian Government's response to the Sex Discrimination Commissioner's Respect@Work: National Inquiry into Sexual Harassment in the Workplace.

We believe great managers are key to a capable workforce and we continue to develop our leaders by offering tailored learning opportunities and resources. Our ability to transition to wide-scale work from home arrangements rapidly and effectively, in response to the COVID-19 pandemic, is in large part due to the quality of our managers. As we continue to return to more office-based work, we are reviewing our work from home arrangements so that they support us to achieve our priorities and enable us to maximise the benefits of working flexibly.

Our 2021-22 Learning Plan and strategic approach to recruitment targets the necessary future skills required, such as leadership and enhanced digital and data capabilities. These align with the themes of **the APS Workforce Strategy 2025** and will ensure that we can respond flexibly to the challenges, risks and opportunities in our environment.

Over the 4-year outlook of this plan, in addition to the above initiatives, we will continue to implement our diversity strategies (including our Reconciliation Action Plan), prioritise the health and wellbeing of our employees (based on our refreshed Health and Wellbeing Framework), and recognise and reward outstanding performance.

2020 Workforce snapshot

Employment type:



Non-ongoing employees: 6%



Part-time employees: 25%

Diversity:

Employees who



born overseas: 21%



born in non-English speaking country: 14%



identify as Female: 63%



identify as Aboriginal and/or Torres Strait Islander: 0.7%



identify as having a disability: 4%



Female employees hold **57%** of all EL2 (▲ up from 38% in 2017) and **55%** of SES1 positions (▲ up from 44% in 2017).

Wellbeing Index

76

+6

difference from APS overall

+4 Difference from 2019 APS employee census

Engagement Index

76

+3

difference from APS overall



56% of all ongoing vacancies in 2020 were filled by internal candidates via promotion or broadband.

Technology capability

Over the 4-year outlook of this plan, we will implement our new Technology Strategy, which aligns with the whole-of-Australian Government digital transformation agenda and outlines our future direction and initiatives.

These initiatives include ensuring the health of our core systems and platforms, improving our cyber security capabilities and awareness and implementing reliable and responsive technology solutions to ensure quality end user outcomes.

We have updated our governance structure to support technology projects that are conducted in partnership with our core business, as we recognise that delivering technological solutions that support the agency's objectives is a high priority for the FWO. We are committed to continuous improvement and remain focused on making the best use of technology to achieve our business priorities and to support nimble, reliable and efficient responses to tactical and strategic challenges.

In order to keep pace with our rapidly changing environment, we need to ensure that our systems, technology infrastructure and the skills of our people continue to develop. We will achieve this by enabling and enhancing our workforce, technology and system capabilities through the initiatives outlined above.

Financial capability

Our funding is primarily derived from Government appropriations, with 62% of those funds allocated directly to staffing costs for the 2021-22 financial year.

Summary of FWO's 2021-22 financial information from the 2021-22 Portfolio Budget Statements.

Description	Amount
Departmental appropriation	\$159.5 million
Labour expenditure	\$99.3 million
Total departmental expenditure	\$168.5 million
Capital appropriation	\$6.9 million

Our capital investment includes IT purchases, fit outs of leased properties and office equipment.

Investment in technology is paramount to our operations, as the agency is reliant on effective and efficient systems to deliver the programs and achieve the outcomes for which we receive funding.

We manage our capital investment resources through our governance framework including our newly established Business Investment Sub-Committee and FWO's Corporate Board. This ensures that demands for improvements to our systems are prioritised and implemented within the funding available.

To ensure effective budget management, regular reporting and analysis are provided to our senior management and to governance bodies. This allows the agency to be responsive to the rapid changes impacting the Australian workforce.

Over the 4-year outlook of this plan, we will continuously review our financial practices to ensure we are operating as efficiently and effectively as possible. This will enable us to achieve the greatest possible benefit for the community, utilising the funding allocated by the Australian Government.

Risk oversight and management

We are responsible to the Australian Government and the wider community to ensure that risk management forms a key part of our decision-making processes. We recognise that we must actively identify, engage with and monitor risk, to achieve our Purpose, priorities and meet our statutory obligations.

In 2020, we reviewed our risk management framework, which resulted in the implementation of a new Strategic Risk Register and Risk Management Policy. This included identification of our contemporary strategic risks and the determination of risk appetite, which has further strengthened our risk management approach.

Our strategic risks are:

Community expectations are not reflected in FWO's compliance and enforcement activities or approach or in relation to providing education and advice.

Our staff compliance and enforcement capabilities and systems fail to keep pace with the rapidly changing and increasing complexity of workplace arrangements.

Our operational platforms, technology systems and services do not meet the growing expectations of users.

Our staff are negatively impacted by COVID-19, resulting in flow-on impacts for our customers and the community.

We fail to meet our own corporate compliance obligations.

To assist in mitigating these risks, we ensure that we consistently apply and deliver services in accordance with our:

- Governance Framework
- **Compliance and Enforcement Policy** and Compliance and Enforcement Priorities
- government directions and/or policies (including the PSPF and ISM)
- **Customer Service Charter**
- COVID-19 Field Visit and Face-to-face Engagement Protocols
- Integrity-related policies and procedures.

In addition, we encourage a positive risk culture where staff:

- share information and regularly consult with and listen to others
- innovate and change poor practices
- take personal responsibility for managing risk
- admit to and learn from mistakes.

We must remain agile and responsive in our approach to risk, to ensure our processes align with whole-of-Australian Government priorities and can support potential legislative developments and other initiatives designed to enhance compliance, such as the new protections for casual workers.

In early 2021, we implemented our revised Fraud Control Plan. We promote a culture of ethical behaviour, integrity and professionalism by all employees and contractors in the performance of functions or powers.

All employees, contractors and providers of services are required to deliver public value using resources effectively and appropriately, and to identify and report fraud, corruption risks or conflicts of interest.

Fraud or corruption are not tolerated in any form. We are committed to pursuing sanctions and remedies in response to identified instances of fraud or corruption, including referring appropriate matters to police and/or the Commonwealth Department of Public Prosecutions.

Prevention is part of an integrated suite of strategies (along with detection and response), that comprise a holistic framework to manage fraud risks. We engage with fraud in a risk-based and proportionate way, by identifying a number of controls designed to reduce the likelihood and consequences of each risk.

We are implementing our revised Business Continuity Management Framework to assist us to continue to manage the continuity of our business and our contribution to the broader Australian Public Service. This involves the consideration and management of the ongoing risks related to COVID-19 and the implementation of controls and treatments designed to ensure the continuity of our operations and the safety of our people and other assets.

Over the 4-year outlook of this plan, we will continue to manage risk by reflecting on our overall approach and by monitoring changes to our compliance and enforcement posture. We will continue to build and enhance our risk management, business continuity, and fraud control measures, to ensure improved accountability and transparency across our work.

Governance

The Fair Work Ombudsman is committed to accountability and good governance.

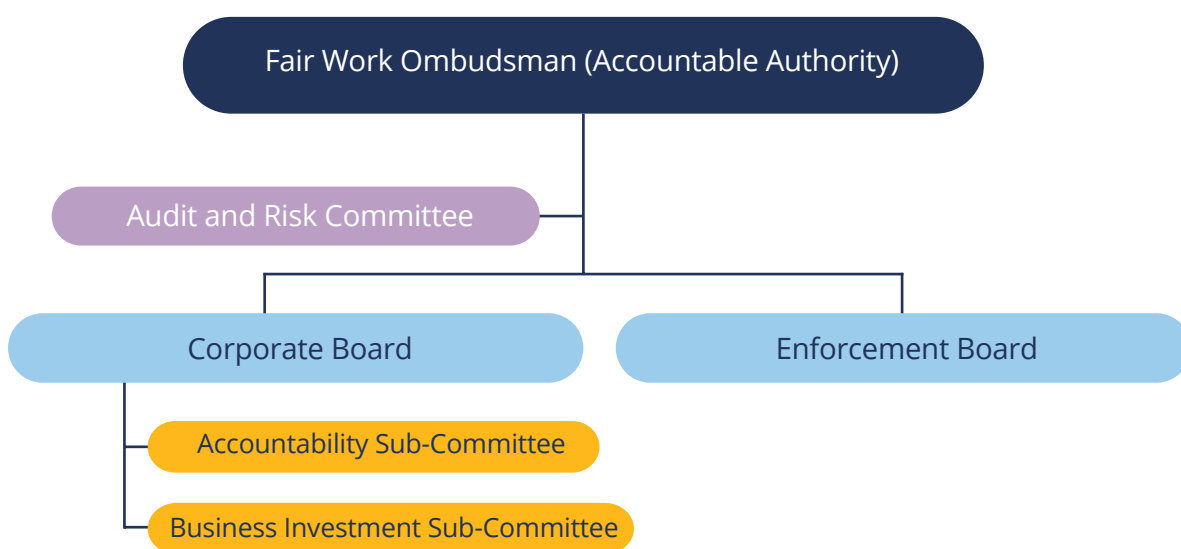
Our governance framework, reviewed in early 2021, facilitates informed and timely decision making and supports the identification, assessment and monitoring of risk by providing:

- advice and assurance on specific matters
- a robust system of delegations
- transparent and accountable operations
- clear reporting and escalation mechanisms
- a forum for receiving and considering agency wide feedback.

Our approach to governance is underpinned by the following principles:

Clear	Empowered	Accountable	Linked to risk
The role of each element in the governance framework must be evident	Governance bodies are structured and able to make sound decisions	Members understand and are accountable for fulfilling requirements	Structures are related to the risks at hand
There are principles for the delegated authority of each body	Committee members can exercise powers delegated to them to make decisions	Decisions are made in a timely manner	The strength of any governance structure increases in proportion to the risk of the matter or activity
Limitations to authority are understood	Members of each governance body understand what is required of them	Feedback is sought and acted upon	

Our governance structure is set out in the diagram below. The Boards and Sub-Committees also receive information and reports from a variety of internal agency committees and advisory bodies.



The Corporate Board has primary responsibility for monitoring strategic risks. It is supported in this function by an Accountability Sub-Committee, Business Investment Sub-Committee and the Audit and Risk Committee. Changes in our environment are monitored and managed through activity-specific working groups that report to the Corporate Board, such as the COVID-19 Response Working Group.

Key decisions arising from the use of our statutory powers and functions under the FW Act are overseen by the Enforcement Board, which ensures a risk-based and proportionate approach is taken in respect to our compliance and enforcement functions. The Enforcement Board also leverages opportunities to enhance our impact by ensuring our strategic priorities, research, education and other activities are in alignment.

Over the 4-year outlook of this Plan, we will regularly review our governance framework. This will ensure it remains fit for purpose and supports the Fair Work Ombudsman as the Accountable Authority, Agency Head and the statutory office holder under the FW Act. Any changes to our governance framework will be reflected in future Corporate Plans.

Cooperating with others to achieve our Purpose

We are most effective in achieving our Purpose when we collaborate with others.

We work across the public service to share information, ideas and deliver initiatives which are aligned with government objectives. This includes participating in various fora and inter-departmental committees, such as the Deregulation and Employing your First Person Taskforces, the Federal Regulatory Agency Group, the Phoenix Taskforce and the Interdepartmental Committee on Human Trafficking and Slavery.

We support the delivery of government programs by working with the Departments of Education, Skills and Employment and Foreign Affairs and Trade to support the Seasonal Worker Programme and Pacific Labour Scheme.

We work with members of the Migrant Workers Interagency Group, and collaborate across government more broadly, on matters that impact workers coming to Australia on visas.

We are committed to working with organisations, groups and private enterprises to further our Purpose, including:

- to deliver the COVID-19 Supplementing Industrial Relations Advice Services Grants Opportunity and the Community Engagement Grants Program
- facilitating the provision of accurate, useful and timely legal advice to eligible employers and employees through the Workplace Legal Advice Program
- experts in behaviour change and education to ensure our education initiatives are credible and innovative, and to build our internal capabilities.

We will also continue to examine ways in which we can share experiences, promote good practice and identify opportunities for further collaboration with our international counterparts, including through the Trans-Tasman Employment Regulators Forum.

We seek out opportunities to build and develop positive working relationships with community stakeholders to deliver frontline intelligence about key trends and issues, lift our profile and reputation in the community, and create a network of partnerships that we can collaborate with on various initiatives.

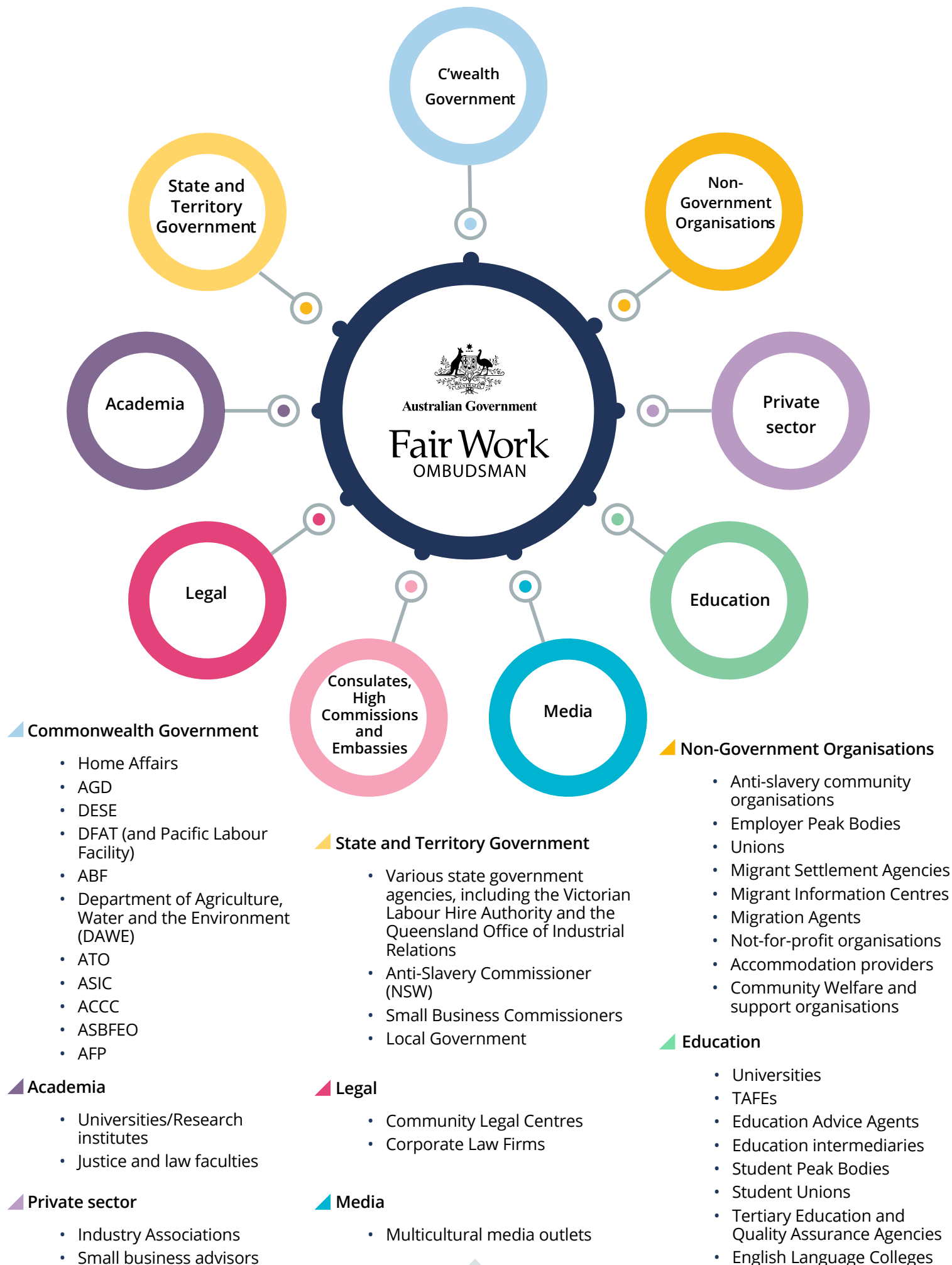
We will continue to engage with industry bodies, particularly in industries with higher rates of non-compliance. For example, our work with the Cleaning Accountability Framework seeks to improve industry compliance with workplace laws, by developing accessible, reliable and tailored information and tools for industry supply chains.

During 2020-21 we also convened a new Fast Food, Restaurant and Cafes Reference Group. The Group includes unions, employer groups and community organisations that represent employers and employees in the sector. The aim of the Group is to find shared solutions, where possible, for compliance issues impacting this sector.

In relation to the COVID-19 pandemic, we will continue to work collaboratively by participating in Inter-departmental Committees, associated forums and working groups.

The uncertainty associated with the COVID-19 pandemic has heightened the risk of fraud and cybersecurity. Over the 4-year outlook of this plan, we will continue to cooperate with our colleagues in other entities to manage these risks by sharing information, resources and intelligence.

A visual representation of how we cooperate with others has been included below:



Performance

Performance measures inform the community about how we deliver on our Purpose and provide accountability to parliament on the responsible and effective use of public resources. Our performance measures also assist our staff to identify how their role supports us to achieve our Purpose.

In 2019, we reviewed our performance measures to ensure alignment with our strategic direction, Purpose and priorities and to demonstrate our overall performance.

Our performance measures for 2021-22, set out in the table on the following pages, demonstrate our efforts to promote compliance with workplace laws by supporting the community to understand and comply with their workplace relations obligations. In particular:

- the quality of our advice and assistance services
- the effectiveness of our digital tools
- the appropriateness of our compliance and enforcement activities
- our commitment to working with our stakeholders to develop our priorities.

These measures and targets show our commitment to achieving results, making an impact and delivering quality and useful products, resources and services to the community. They were implemented for the first time during 2020-21 and where appropriate, have been revised to reflect our strong enforcement results and align with our priorities and key activities. We will maintain appropriate measures in order to demonstrate our performance and effectiveness.

We are committed to continually improving our performance. Over the 4-year outlook of this plan, we will monitor these measures and targets by identifying and analysing trends as our approach matures.

Changes to the Regulator Performance Framework

The Australian Government has streamlined performance reporting requirements for Commonwealth entities with regulatory functions from the reporting period commencing 1 July 2021.

From 1 July 2021, entities with regulatory functions are no longer required to produce a standalone performance report under the 2014 Regulator Performance Framework. Instead, regulator performance reporting should be incorporated into an entity's reporting processes as required under the PGPA Act and PGPA Rule (Corporate Plans and Annual Reports).

To support entities in reporting on regulator performance, the first year of reporting under these arrangements is considered a transitional year. During this transitional year (2021-22) we have opted to maintain the status quo. We will prepare a Regulator Statement of Intent in response to the Ministerial Statement of Expectations and future Corporate Plans will reflect the new reporting requirements.

Performance measures relating to our activities in providing education, assistance, advice and guidance to employers, employees, outworkers, outworker entities and organisations

KPI 1: FWO has a positive impact on harmonious, productive, cooperative and compliant workplace relations

Performance measure	Measures and targets	2021-22	2022-23	2023-24	2024-25
FWO will undertake an annual survey to determine stakeholder satisfaction levels. Year-on-year results will be used to measure changes in stakeholder satisfaction.	Percentage of stakeholder responses demonstrating a rating of satisfied or better	Greater than 75%	Greater than 75%	Greater than 75%	Greater than 75%

KPI 2: FWO provides high quality of advice and assistance

Performance measure	Measures and targets	2021-22	2022-23	2023-24	2024-25
FWO will undertake ongoing surveys to determine customer satisfaction levels. A sample of customers who have interacted with our advisers through the Fair Work Infoline will be asked to participate in the surveys.	Percentage of customer responses demonstrating a rating of satisfied or better	Greater than 75%	Greater than 75%	Greater than 75%	Greater than 75%

KPI 3: FWO's digital tools are effective





Performance measure	Measures and targets	2021-22	2022-23	2023-24	2024-25
<p>The FWO will use a combination of quantitative data and customer surveys to:</p> <ul style="list-style-type: none"> report on digital tool usage numbers and year-on-year changes survey customers to determine percentage of digital tool users who report that tools improved their understanding of workplace rights and obligations. 	Percentage of customer responses demonstrating a rating of satisfied or better	Greater than 75%	Greater than 75%	Greater than 75%	Greater than 75%

Performance measures relating to our activities in promoting and monitoring compliance with workplace laws and inquiring into and investigating breaches of the Fair Work Act and taking appropriate enforcement action

KPI 4: Percentage of requests for assistance involving a workplace dispute finalised in an average of 30 days

Performance measure	Measures and targets	2021-22	2022-23	2023-24	2024-25
The FWO will use quantitative data to determine the percentage of matters finalised within an average of 30 days of the request for assistance being received.	Percentage of matters finalised within an average of 30 days.	At least 80%	At least 85%	At least 85%	At least 90%

KPI 5: FWO takes appropriate enforcement action

Performance measure	Measures and targets	2021-22	2022-23	2023-24	2024-25
The FWO will use a combination of quantitative data and case studies to demonstrate that we:	Compliance Notices issued	2000 - 2500	2000 - 2500	2000 - 2500	2000 - 2500
• apply a risk-based approach to enforcement action in accordance with the FWO's Compliance and Enforcement Policy	Infringement Notices issued	400	400	400	400
• develop annual strategic compliance and enforcement priorities to guide our approach.	Enforceable Undertakings entered into	20	20	20	20
	Litigations filed	65 - 75	65 - 75	65 - 75	65 - 75
	Annual strategic compliance and enforcement priorities developed and announced				

Key:  means the KPI applies in the relevant period

Registered Organisations Commission

Foreword from Mark Bielecki, Registered Organisations Commissioner

The Registered Organisations Commission (ROC) is the independent regulator of federally registered employer and employee organisations. Our regulatory approach is grounded in clear communication, interaction and engagement with registered organisations to promote compliance. Where appropriate we seek to remedy non-compliance with cooperation and assistance.

As at 30 June 2021, there were 99 federally registered organisations made up of 56 employer associations, 42 unions and one enterprise association which, including those entities, were comprised of 334 individual reporting units across Australia. Registered organisations have reported to the ROC that in the 2020-21 financial year, cumulatively they have more than two million members, control almost \$3.3 billion in assets and collected annual revenue exceeding \$1.7 billion.

The ROC seeks to encourage behaviours in registered organisations that see them consistently focused on acting in the best interests of their members, ensuring members' money is spent in a way that is transparent, properly authorised and which complies with their obligations under the Fair Work (Registered Organisations) Act 2009 (the RO Act) and their rules.

As well as helping registered organisations comply with the RO Act, the ROC is strongly committed to fostering cultures of good governance and financial transparency.

The ROC monitors compliance and, where necessary, conducts inquiries, investigations and litigation regarding serious non-compliance.

The ROC is an agile regulator and is always responsive to stakeholder needs. We have continuously adapted to challenges presented by the COVID-19 pandemic for registered organisations, their branches and their members. Throughout 2020-21 we continued to work constructively and pragmatically with registered organisations, mindful they may have encountered difficulties complying with some of their regulatory obligations due to the impact of COVID-19.

In response to the pandemic we have developed and continue to produce resources to help organisations with compliance. This has involved the ongoing digital transformation of many ROC resources, tools, and systems to ensure they are easily accessible by organisations both now and into the future, which will be a key focus of the ROC in the 2021-22 financial year.

This plan outlines the ways the ROC intends to deliver its functions and priorities for the 2021-22 financial year, and the 4 years until 2024-25.

Our Purpose

The ROC's purpose is to promote high standards of accountability and transparency of registered organisations and their office holders to their members and to monitor and assist registered organisations in fulfilling their statutory obligations under the RO Act.

Our strategy and priorities

We provide a valuable service to registered organisations, their office holders and members, and the broader community by driving good governance, accountability and transparency in registered organisations.

In order to achieve this we:

- promote effective governance, financial transparency, and positive ‘speak-up’ and leadership cultures within organisations
- conduct genuine engagement and education initiatives to provide assistance to registered organisations
- limit the need for enforcement action by identifying and consulting on compliance issues as they arise, and providing opportunities to remedy these issues
- investigate and take appropriate enforcement action where necessary and when it is in the public interest to do so.

We conduct regular risk-based assessments of financial reports, annual returns and officer and related party disclosure statements. We also issue decisions facilitating officer elections. We register auditors, approve financial governance training and administer the protected disclosure (whistleblower) provisions of the RO Act.

Under the whistleblower provisions, eligible disclosers are encouraged to ‘speak up’ and voice their concerns about breaches of rules, policies and other disclosable conduct in organisations. We take a proportionate, and evidence-based approach to compliance and enforcement.

We provide a range of tools and services to assist registered organisations to comply. These include:

- courtesy and reminder letters about deadlines to prompt the timely lodgement of statutory returns
- template forms to make compliance easier and more efficient
- a range of fact sheets and guidance notes explaining statutory obligations
- an email subscription service
- a quarterly newsletter
- a broad range of interactive and other digital materials including webinars, e-learning modules and podcasts.

These materials are available to organisations on the ROC’s website. The ROC also offers one-on-one consultations to organisations, which provide them with a bespoke opportunity to better understand their obligations, correct errors identified in compliance assessments and implement best practice good governance.

We have fully delivered all our education initiatives over the past financial year and we aim to fully deliver all initiatives for 2021-22. These initiatives are in our national 2021-22 Education Strategy, which was published in June 2021.

Operational environment

While we have a corporate service relationship with the FWO, we are independent in the exercise of our discrete statutory powers and functions. The ROC is headed by the Registered Organisations Commissioner, Mark Bielecki. The Commissioner is supported by 28.4 full-time equivalent staff who are employed by the FWO and operate under his direction. The ROC is part of the Commonwealth's broader industrial relations regulatory framework.

The COVID-19 pandemic is now in its second year and has required us to adjust our methods of engagement. This has fast-tracked digital transformation efforts within our agency. We have subsequently relied upon technology to deliver online tools and resources that allow registered organisations to reduce red tape, save time and money, and achieve higher levels of compliance.

The ROC has also acted to quickly approve a range of online governance training packages for office holders and delivered online master classes in lieu of face to face information sessions. In facing such challenges, we have embraced digital solutions and are continuing to drive this trend through developing and utilising technologies. We will rely on this new digital knowledge to successfully deliver our programs and fulfill our role in 2021-22 and beyond.

Key activities

Proactively educating registered organisations about financial and other reporting responsibilities

We do this by:

- maximising efficiency and access to our vast range of tools and resources through digital transformation
- engaging with registered organisations and their peak bodies to provide informative and practical tools that help registered organisations to comply with their statutory obligations
- working cooperatively with registered auditors as key 'gate-keepers' to enhance compliance.

Encouraging democratic control and improved financial and disclosure compliance practices

We do this by:

- supporting organisations through arranging elections
- administering a comprehensive protected disclosure (whistleblower) scheme and promoting a 'speak up' culture
- the timely assessment and publication of financial reports, annual returns and other disclosure statements
- promoting participation in approved governance training.

Undertaking inquiries and investigations into suspected contraventions

We do this with:

- a risk-based approach to what we will inquire into or investigate, including focusing on the public interest

- a preventative approach by raising awareness of common misconceptions, and through early identification and remediation of compliance issues
- an evidence-based approach to our decision-making
- a proportionate and appropriate 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.

Service capacity

Capability

Our ability to effectively regulate and deliver successful outcomes for registered organisations, their members and the community is evident in all aspects of our operations. In order to remain agile and to meet stakeholder needs, including our continued response to the COVID-19 pandemic, we are further developing our people and their skill-sets, our knowledge-base, our tools and resources and our systems to transform and enhance the way we both support and regulate our key stakeholders.

For the period covered by this plan we will:

Develop our people

Our 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 further developing their skills and knowledge.

Build a strong knowledge-base

We will continue to build structures to enable our staff to efficiently access important information so that they can address stakeholder needs, solve problems, gain insights and collaborate with colleagues.

We also maintain a vast number of resources to empower registered organisations to self-help which ultimately reduces demand on staff time by increasing awareness of their obligations and lifting compliance rates.

Establish robust systems infrastructure

The ROC recognises that the way to reduce red tape and costs to organisations, while increasing transparency and efficiency, is digital transformation. We continue to take steps to refine and enhance new systems to manage our workflow – this includes building our reporting capability through our case management system, and providing tools, resources and systems that our regulated community can use to comply with their obligations.

Financial capability

Our funding is derived from Government appropriations, with more than 55% of those funds allocated directly to staffing costs for the 2021-22 financial year.

Summary of the ROC's 2021-22 financial information from the 2021-22 Portfolio Budget Statements.

Description	Amount
Departmental appropriation	\$7.2 million
Labour expenditure	\$4.0 million
Total departmental expenditure	\$7.5 million
Capital appropriation	Nil

Risk oversight and management

During the 2020-21 year, the ROC finalised a review and update of its risk framework. The risk framework ensures the ROC examines all its static and dynamic risks in order to best allocate and deploy resources. It safeguards the ROC's ability to assess all matters and applications that come into the Commission within our performance targets.

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 in all our activities
- applying a governance model that 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 challenges.

Cooperating with others to achieve our purpose

The ROC's regulatory environment is complex and can be difficult for some stakeholders to navigate. Consequently, we see many contraventions where we aim to assist rectification through voluntary remediation, particularly where an error was inadvertent or there was a genuine attempt to comply. We do this by supplying guidance, self-help tools and educational materials to assist registered organisations to better understand their compliance obligations. By taking this facilitative approach, we continue to see increasing levels of voluntary compliance.

We focus on building relationships with registered organisations and their peak bodies. We consult with our stakeholders and gather feedback throughout the year, including via our Annual Education Survey. We rely upon feedback to inform the development and updating of the tools and resources we provide.

The ROC benefits from being a small agency. We provide immediate, tailored and personalised assistance to our stakeholders who can quickly and easily reach and consult with a subject matter expert for information and advice. Organisations are also sent tailored reminders about their compliance obligations before the obligation arises and if necessary are contacted by telephone to provide further timely individual assistance.

The ROC's communication with organisations is clear, targeted, and effective. We carefully consider the impact of our decisions on organisations. We engage with industry groups and representatives of stakeholders when developing, updating or changing our policies, procedures and checklists. The ROC's website publishes these documents and provides clear advice about how to make complaints and provide feedback.

Additionally, the ROC is committed to communicating in plain English and is continually refining its education materials, correspondence and other stakeholder materials to meet this standard.

We have been responsive to the changing and emerging needs of our stakeholders throughout the COVID-19 pandemic by delivering a suite of resources to assist them with any obstacles to compliance they may have been experiencing.

In addition to working pragmatically with our regulated community, the ROC takes action to coordinate approaches to compliance with other industry regulators.

Performance

Key Performance Indicators

The performance criteria for the ROC's program to deliver on its outcome over the four-year period of this plan are as follows:

Key Performance Indicators	2021-22	2022-23	2023-24	2024-25
95% of financial reports required to be lodged under the RO Act are assessed for compliance within 40 working days	95% or greater	95% or greater	95% or greater	95% or greater
95% of annual returns required to be lodged under the RO Act are assessed for compliance within 40 working days	95% or greater	95% or greater	95% or greater	95% or greater
Upon lodgement of prescribed information for an election, 95% of lodgements are dealt with within 40 working days	95% or greater	95% or greater	95% or greater	95% or greater
Upon lodgement of an application for registration by an auditor, 95% of applications are dealt with within 40 working days	95% or greater	95% or greater	95% or greater	95% or greater
An annual Education Strategy will be published by 30 June each year outlining the education activities and resources that will be developed and delivered during the next financial year. A minimum of 95% of the Education Strategy will be delivered during the financial year.	95% or greater	95% or greater	95% or greater	95% or greater

Changes to the Regulator Performance Framework

The Australian Government has streamlined performance reporting requirements for Commonwealth entities with regulatory functions from the reporting period commencing 1 July 2021.

From 1 July 2021, entities with regulatory functions are no longer required to produce a standalone performance report under the 2014 Regulator Performance Framework. Instead, regulator performance reporting is to be incorporated into an entity's reporting processes as required under the PGPA Act and PGPA Rule (Corporate Plans and Annual Reports).

To support entities in reporting on regulator performance, the first year of reporting under these arrangements is considered a transitional year. During this transitional year (2021-22) we have opted to maintain the status quo. We will prepare a Regulator Statement of Intent in response to the Ministerial Statement of Expectations and future Corporate Plans will reflect the new reporting requirements.

Appendix – requirements checklist

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