Fair Work Commission

Fair Work Commission

# CORPORATE PLAN

## 2024–25

Covering reporting periods
2024-25 to 2027-28

Fair Work Commission

# Acknowledgement of Country

The Fair Work Commission acknowledges the Traditional Custodians of Country throughout Australia and their continuing connections to land, sea and community. We pay our respects to their elders past and present, and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

Fair Work Commission

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# Message from the General Manager

## Statement of preparation

As the accountable authority of the Fair Work Commission, I present our Corporate Plan 2024-25 which covers the 4-year period of 2024-25 to 2027-28, as required by section 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013*.

The Fair Work Commission will report against this Corporate Plan and the 2024-25 Portfolio Budget Statements in the annual performance statements that will form part of our 2024-25 Annual Report.

Murray Furlong
General Manager

26 August 2024

Fair Work Commission

# Purposes

The Fair Work Commission (Commission) is Australia's national workplace relations tribunal and the independent regulator of registered organisations (i.e. employer organisations and unions).

We support simple, fair and flexible workplace relations for employees, employers, other workers and businesses, and promote the financial transparency and effective governance of registered organisations.

We exercise our functions and powers in accordance with the *Fair Work Act 2009* (Fair Work Act) and have responsibilities in relation to the registration, recognition and accountability of registered organisations under the *Fair Work (Registered Organisations) Act 2009* (RO Act).

The General Manager of the Commission is responsible for the regulation of federally registered organisations under the RO Act, with functions including promoting the efficient management of organisations and high standards of accountability of organisations and their office holders to their members. In performing these functions, the General Manager must seek to embed a culture of good governance and voluntary compliance with the law for registered organisations.

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# Key Activities

## Our functions

We exercise our functions and powers in accordance with the Fair Work Act and RO Act.

Fair Work Act functions and powers include:

- setting and annually reviewing the national minimum wage and minimum wages in modern awards
- making and varying modern awards
- making orders for equal remuneration
- assisting the bargaining process for enterprise agreements
- approving, varying and terminating enterprise agreements
- making orders to facilitate enterprise bargaining (including orders for ballots on protected industrial action and good faith bargaining) and dealing with bargaining disputes
- making labour hire arrangement orders
- making orders to stop or suspend industrial action
- making minimum standards orders and guidelines for employee-like workers and regulated road transport contractors
- making road transport contractual chain orders and guidelines
- registering regulated worker collective agreements, including their variation and termination
- promoting cooperative and productive workplace relations and preventing disputes
- dealing with unfair dismissal claims
- dealing with general protections and unlawful termination claims
- dealing with claims to stop workplace bullying and sexual harassment disputes in connection with work
- dealing with disputes in relation to flexible working arrangements, unpaid parental leave and changes from casual to full-time or part-time employment
- dealing with right to disconnect disputes and stop orders
- dealing with unfair contract terms claims from independent contractors
- dealing with disputes brought to the Commission under the dispute resolution procedures of modern awards and enterprise agreements
- dealing with regulated worker disputes about unlawful deactivation and unfair contract termination
- administering and issuing Right of Entry permits.

RO Act responsibilities include:

- registration, amalgamation and cancellation of registered organisations
- making and altering registered organisations' rules
- proactively educating registered organisations about their financial and other reporting responsibilities
- conducting inquiries, investigations and litigations about registered organisation finances and financial administration
- receiving, assessing and publishing financial reports, annual returns, notifications of change and registration of auditors
- approving financial training packages and assessing exemptions from financial training
- arranging elections for officers
- receiving protected disclosures under the whistleblower scheme.

## Our key activities

We exercise our powers under the Fair Work Act in accordance with the objects of that Act and in a manner that is fair and just, quick, informal and avoids unnecessary technicalities.

We exercise powers under the RO Act in a manner that seeks to embed registered organisations with a culture of good governance, voluntary compliance with the law and high standards of accountability to their members, and which encourages democratic control.

Our key activities:

- set and vary minimum wages and modern awards and make minimum standards for some workers and contractors
- facilitate collective bargaining and approve agreements
- deal with disputes
- promote effective governance of registered organisations.

These key activities replace the key activities set out in Table 2.1.2 of our 2024-25 Portfolio Budget Statements (PBS) to account for our new functions and powers conferred by recent legislative change.

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# Strategic Pillars

Our key initiatives for 2024-25 support our ongoing commitment to providing simple, fair and flexible workplace relations. These initiatives are aligned with six strategic pillars.

We use these pillars to guide the delivery of our services to ensure we are:

- accessible to all by supporting simple, fair and flexible workplace relations
- transparent and accountable to the public
- maintaining high performance by embracing innovation and digital transformation
- progressing major cases that affect pay and conditions across the national economy or that are likely to be of significant interest to the public
- effective in supporting registered organisations to voluntarily comply with their obligations under the RO Act and foster cultures of good governance and financial reporting and accountability
- supported by a skilled and capable workforce.

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## Our key initiatives

In the year ahead, we will focus on delivering initiatives which will improve access to our services for the community we serve, upskill our Members and staff, reduce regulatory burden and fulfill our statutory functions.

### Fairness and access to justice

Access to justice for all by supporting simple, fair and flexible workplace relations

**Key initiatives include:**

- Maintain strong timeliness performance across all case types, including ensuring that no backlogs develop
- Government reforms – finalise implementation of changes to the Commission's jurisdiction including under the *Fair Work Legislation Amendment (Closing Loopholes) Act 2023* and *Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024*
- Develop and implement an Information and Education Strategy 2024-26
- Improve access to our services for workers from culturally and linguistically diverse backgrounds
- Implement recommendations identified by the Paid Agents Working Group, established in January 2024 to address concerns about the conduct of some paid agents in matters before the Commission

### Accountability

The Commission is transparent and accountable to the public

**Key initiatives include:**

- Implement our social media strategy to better engage with users of our services
- Improve service delivery through commissioning independent user-experience research
- Identify and implement emission reduction initiatives to contribute to the APS Net Zero target by 2030
- Finalise the 2021-2024 General Manager's Reports (s.653 of the Fair Work Act)

### Innovation & performance

High performance is maintained by embracing innovation and digital transformation

**Key initiatives include:**

- Collaborate with the Fair Work Ombudsman to create cooperative and harmonious workplaces
- Invest in our client facing systems and infrastructure to support an efficient, accessible and contemporary justice institution
- Explore opportunities for innovation utilising technology including AI with appropriate governance and controls
- Review case management processes for common matter types to identify the most contemporary operational model

## Organisational capability

A skilled and capable workforce is a key enabler of performance

**Key initiatives include:**

- Enhance organisational capability for 2024-25 and beyond, including through delivering our Learning & Development (L&D) strategy
- Ensure our tenancies are fit for purpose to support contemporary and future operational requirements
- Implement our Diversity and Inclusion (D&I) Strategy 2023-28 through an annual implementation plan tailored to the needs of our people
- Enhance the digital and data capability of our workforce

## Major cases

Resolve cases that affect pay and conditions across the national economy

**Key cases include:**

- Maintain the Modern Award system including progressing own motion cases arising from the Modern Awards Review 2023-24 final report
- Progress Gender Pay Equity Work Value and Equal Remuneration Order cases
- Progress matters related to the establishment of minimum standards for regulated workers
- Undertake the Annual Wage Review
- Establish model enterprise agreement terms for flexibility, consultation and dispute resolution and conduct other cases that are of significant interest to the public, including cases considering new legislative provisions

## Supporting Registered Organisations

Promote the good governance, accountability and compliance of registered organisations

**Key initiatives include:**

- Regulate openly and transparently, consistent with our new Compliance and Enforcement Policy
- Complete significant regulatory and compliance activities in relation to serious alleged non-compliance
- Embed the Compliance and Enforcement Policy and work collaboratively with registered organisations to benefit their members
- Implement the Registered Organisations Education and Engagement Strategy 2024-25
- Further implement reforms arising from the 2023 Governance and Compliance External Review Report

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# Operating Environment

## Setting

For 120 years, Australia has been served by a national workplace relations tribunal. The name of the institution has changed over time, and our work has evolved, particularly in recent years due to legislative reforms and difficult economic times. However, our core focus has remained the same – to provide fair and accessible workplace relations to the community we serve. We adapt to the changing social and economic environment in which we operate, and we will continue to do so for this reporting period and beyond.

Following the introduction of the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022*, *Fair Work Legislation Amendment (Closing Loopholes) Act 2023* and *Fair Work Legislation Amendment (Closing Loopholes No.2) Act 2024*, the community we serve has expanded and a range of new jurisdictions have been conferred on the Commission. These include powers and functions which relate to regulated workers – 'employee-like' workers performing digital platform work and regulated road transport contractors. The new powers and functions enable us to register collective agreements and set minimum standards for regulated workers and road transport contractual chains. We can also help resolve disputes about unfair deactivation from a digital platform for employee-like workers or unfair termination of a contract for regulated road transport contractors. We ensure the public is informed of these significant changes via dedicated webpages and targeted information resources.

Many of the cases we deal with are individual rights-based disputes, such as unfair dismissal applications, and most parties who engage with us are self-represented, first-time participants. It is important that our services are accessible for all, including those with limited workplace relations experience and from culturally and linguistically diverse (CALD) backgrounds. We publish a suite of information and guidance materials to inform the public about our functions and case management practices and we have ongoing engagement with users to see how these can be improved. We are expanding our in-language resources so users can access the information they need as easily as possible. Free interpreting services are also available to everyone who accesses our services.

We look to improve access to justice by increasing our online education offerings including additional online learning modules and animations that explain our jurisdictions. We are also expanding our social media presence by utilising additional social media channels to reach new audiences.

The Commission consists of the President, Vice Presidents, Deputy Presidents, Commissioners, part-time Expert Panel members, the General Manager and specialist staff. Staff are organised into branches that support different areas of work – the Tribunal Support Branch; Labour Standards Support Branch; Dispute Resolution and Support Services Branch; Registered Organisations Services Branch; Legal, Performance & Engagement Branch and the Enabling Services Branch.

Our General Manager is the independent statutory regulator of federally registered organisations. Supported by specialist staff, our General Manager provides education, assistance and advice to registered organisations to help them foster cultures that embed practices of good governance and voluntary compliance. We work with registered organisations to identify barriers to compliance, streamline processes, and appropriately identify and manage risks. We promote the efficient management of organisations and high standards of accountability of organisations and their office holders to their members.

## Cooperation

We work closely with other organisations in our operating environment to ensure our services meet the evolving needs of the community we serve. We aim to be open and transparent with our stakeholders and contributors, including employer and employee associations, law firms, academia, community-based organisations, and participants in the road transport industry and gig economy.

To support initiatives within the Employment and Workplace Relations portfolio and legislative reforms affecting the operation of the workplace relations framework, we collaborate with the Department of Employment and Workplace Relations, the Fair Work Ombudsman, and other relevant government entities.

We aim to foster and enhance our relationships with registered organisations and their peak bodies. To aid our support of these bodies we have developed targeted guidance, self-help tools and educational materials designed to assist registered organisations to better understand their compliance obligations. We gather feedback and consult with users to ensure these tools and resources are fit for purpose.

### Workplace Advice Service

The Workplace Advice Service is an important initiative to support our efforts to provide access to justice. This service organises free legal advice, provided by a network of partner organisations, for eligible unrepresented employees and small business employers. Each year we aim to facilitate over 4,000 sessions of free legal assistance about dismissal, general protections, and workplace bullying and sexual harassment matters. Further details about our Workplace Advice Service and a full list of partner organisations are available on our website.

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## Our User Groups

We have established user groups which facilitate the exchange of views and provide a two-way communication forum with our key stakeholders.

These groups include:

**Regulated Worker User Group** – established to gain insights and advice as we implement our new regulated worker functions. This group helps us connect with regulated workers and regulated businesses. This group consists of regulated workers, regulated businesses, representative and community organisations and other interested persons.

**Small Business Reference Group** – a forum for small businesses and their representatives to provide feedback on our initiatives and assist us to continue to improve our services. Membership consists of peak bodies that represent small business, small business operator members of peak bodies, and government bodies such as the Fair Work Ombudsman and the Australian Small Business and Family Enterprise Ombudsman.

**Collaborative Approaches Program User Group** – provides a forum for managers and union officials who are involved in Collaborative Approaches Program matters to share experiences with each other and provide feedback to the Commission about the Collaborative Approaches Program.

**Registered Organisations Advisory Committee** – established to provide feedback and advice on matters around the regulation of registered organisations. This committee assists the General Manager to ensure the transparency and accountability of organisations for the benefit of their members. Membership includes the Australian Chamber of Commerce and Industry, the Australian Council of Trade Unions, the Australian Industry Group and the General Manager as the independent regulator.

**Compliance Practitioners Reference Group** – established following a recommendation from the 2023 Governance and Compliance External Review of our registered organisations functions, this group is made up of subject matter experts from our Registered Organisations Services Branch and representatives from registered organisations who have been nominated by members of the Registered Organisations Advisory Committee. This group provides timely feedback on compliance-related issues affecting registered organisations, their members, branches and officers.

**Enterprise Agreements and Bargaining Advisory Group** – consists of representatives of users who have been impacted by the legislative changes to the enterprise bargaining and enterprise agreement approval processes made by the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022.* This advisory group provided advice during the implementation of the legislative changes and now provides ongoing feedback about the practical operation of these changes, as well as other legislative changes.

**Rules and Benchbooks Committee** – considers changes to the Commission's Rules and forms as well as developing and maintaining benchbooks and practice notes. This Committee is made up of Commission Members and representatives from law firms and peak bodies.

### Other advisory groups

Section 40E of the *Fair Work Act 2009* establishes a **Road Transport Advisory Group (RTAG)**, appointed by the Minister, to advise the Commission in carrying out its functions on matters relating to the road transport industry. These matters include the making and varying of modern awards that relate to the road transport industry, the making and varying of road transport minimum standards orders and guidelines and the making and varying of road transport contractual chain orders and guidelines. In determining the priorities for work of the Commission that affect the road transport industry, the President must consult and have regard to the views of the RTAG.

## Strategic Commissioning Framework and APS Values

In 2023, the Australian Public Service (APS) Commission released the APS Strategic Commissioning Framework. The objective of the framework is to reduce outsourcing of core work. Each agency needs to rebalance its workforce to prioritise direct APS employment, strengthen capability, and ensure the limited use of external expertise enhances the APS. The framework is intended to set this policy direction and requires agencies to disclose targets in their corporate plan.

Our target for 2024-25 focuses on the reduced use of labour-hire for service delivery roles within our Dispute Resolution and Support Services Branch. We expect conversion to direct employment of approximately 14 labour-hire positions with an estimated cost of $1.2 million in 2024-25.

We support the Australian Government's new APS value of stewardship. It is important that the APS builds its capability and institutional knowledge and supports the public interest now and into the future, by understanding the long-term impacts of what it does. Stewardship sits alongside other APS values of Impartial, Committed to Service, Accountability, Respectful and Ethical.

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# Regulator Responsibilities

## Our regulatory functions

The General Manager is the independent statutory regulator of federally registered employer and employee organisations under the RO Act.

Our regulatory functions include:

- promoting efficient management of organisations and high standards of accountability of organisations and their office holders to their members
- promoting compliance with the financial reporting and accountability requirements of the RO Act
- providing education, assistance and advice to registered organisations and their members
- monitoring acts and practices to ensure they comply with the provisions of the RO Act and providing for the democratic functioning and control of organisations.
- doing anything incidental to or conducive to the performance of any of the above functions.

The General Manager is also required to embed within organisations a culture of good governance and voluntary compliance with the law.

## Ministerial expectations and Regulator intent

A Ministerial Statement of Expectations and Regulator Statement of Intent will be developed and made publicly available on our website.

## How we regulate

To achieve voluntary compliance with the objectives of the RO Act, we seek to foster a regulatory environment which encourages organisations to cooperate and genuinely engage in self-reporting. This aims to drive improved outcomes that are faster and more cost-effective for registered organisations and their members.

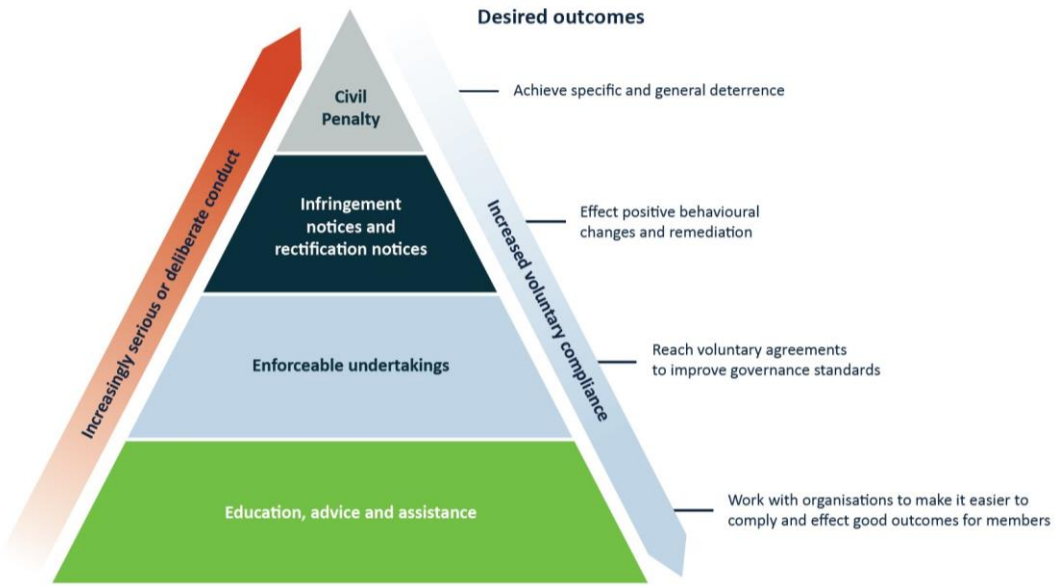
Early engagement to address specific concerns of non-compliance assists us to tailor effective solutions, including using education, voluntary remediation or compliance tools to achieve a proportionate outcome.

We apply the Government's principles of regulator best practice outlined in *Regulator Performance (RMG 128)* when exercising our regulator functions:

- **Continuous improvement and building trust**
  We adopt a whole-of-system perspective, continuously improving our performance, capability and culture to build trust and confidence in Australia's regulatory settings.
- **Risk based and data driven**
  We manage risks proportionately and maintain essential safeguards while seeking to reduce regulatory burden and leveraging data and digital technology to support our regulated community to comply, succeed and grow.
- **Collaboration and engagement**
  We use transparent and responsive communications and implement regulations in a modern and collaborative way.

In 2024, we released our new Compliance and Enforcement Policy for registered organisations which sets out our commitment to providing a positive regulatory culture with a focus on assistance, education and collaboration. The policy outlines the tools and outcomes used by the General Manager and specialist staff within our Registered Organisations Services Branch (ROSB) when undertaking compliance and enforcement activities.

Any serious non-compliance, such as alleged conduct involving repeated, opportunistic or deliberate contraventions of the RO Act, will be met by swift, well-resourced and significant enforcement action. The General Manager has a wide range of enforcement outcomes to draw on having regard to the objects of the RO Act and factors outlined in the Compliance and Enforcement Policy. These outcomes include:



There are several common interests shared by registered organisations and the General Manager which are at the centre of our approach to compliance and enforcement:

- enhancing democratic functioning of registered organisations
- empowering registered organisations to achieve voluntary compliance effectively and efficiently
- enabling high levels of ongoing compliance, transparency and accountability of registered organisations to their members
- minimising unnecessary red tape and barriers to achieve compliance
- actively encouraging and supporting members to confidently participate in the running of their organisation.

Collaboration is the key to ensure the transparency and accountability of registered organisations. The Registered Organisations Advisory Committee (ROAC) comprises representatives of each of the three peak bodies (the Australian Industry Group, Australian Council of Trade Unions and Australian Chamber of Commerce and Industry) and was established to assist the General Manager in his functions. This group was developed after the success of the Registered Organisations Transitional Advisory Committee.

Staff from our ROSB regularly meet with our Compliance Practitioners Reference Group (CPRG) that includes nominated representatives from registered organisations to provide timely feedback on compliance-related issues that affect registered organisations, their members, branches and officers.

Both the ROAC and the CPRG were created following recommendations from the 2023 Governance and Compliance External Review Report provided by the external reviewers after completing their review of the Commission's registered organisations functions. In his response to this review the General Manager has committed to progressing the recommendations outlined in the final report.

In keeping with our commitment to operating in an open and transparent manner, we seek to progress any recommendations through ongoing consultation, cooperation and communication with registered organisations.

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# Capability and Culture

## Workforce

Our people are the core of our organisation, and we understand that workforce capability and culture is critical to the delivery of contemporary services to our users.

Our APS Employee Census results show that our staff are engaged and have a clear sense of purpose both in their work and of the Commission's greater objectives. Overall, we score consistently higher than the APS and higher than small and medium sized APS agencies.

It is important that our workforce capability meets the evolving requirements of the environment in which we operate. Our Learning and Development Strategy 2022-25 articulates our organisational learning and development priorities. We are committed to learning, capability development and professional growth, identifying and targeting the diverse learning needs of our Members and staff to foster a culture of continuous learning.

With the expansion of our functions and powers in recent years, we look to our organisation's leaders to guide and develop our people. We expect our leaders to embody and demonstrate the skillsets and capabilities required to advance and lead our people to deliver quality services to the Australian public.

Our Diversity and Inclusion Strategy 2023-28 represents our formal commitment to workplace diversity and inclusion. The strategy sets out how we will create and celebrate a diverse and inclusive workplace and why it is essential, not just for our organisation, but for people who access our services and the broader community.

We continue to prioritise a safe, respectful and collaborative workplace culture and environment where wellbeing and inclusion are at the forefront, so our Members and staff remain healthy, well and able to perform at their best. Our Work, Health and Safety Framework provides the governing procedures and guidelines that enable us to identify hazards, assess risks and implement and maintain adequate control measures. Through the use of flexible working arrangements, we strive for a balance between personal and organisational needs to support a productive work/life balance for our people.

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## Capital investment and ICT

Information and communication technology (ICT) and property are our primary areas of capital investment for this reporting period.

During the 2024-25 financial year we will be reviewing our property portfolio and requirements to meet the evolving user needs of our services, our Members and staff now and into the future. It is expected that in 2024-25 we will complete refurbishment works in several offices to enable us to adapt to the growth in our operations. We are committed to enhancing our property and office facilities to better serve the needs of our users.

Our ICT priorities include gaining ICT efficiencies where possible and utilising technology in a way that meets the needs of our staff, Members and users, and also helps us achieve our funded outcomes and strategic priorities. We continually investigate ICT improvements which will support future business requirements. We aim to maintain a minimum Cybersecurity Maturity Level 2 standard as outlined in the Essential Eight Maturity Model developed by the Australian Signals Directorate.

We support the environmental, social and economic benefits of addressing climate change. We are committed to reducing our emissions to help meet government targets for net zero emissions by 2030. There are a number of activities we are undertaking to meet our commitment as detailed in our Emissions Reduction Plan. These include reviewing our property profile to ensure efficient use of office space, establishing a Climate Action Committee, and a Waste Management Education Program. We are also committed to procuring renewable electricity where possible, improving building standards in any new leases, incorporating sustainable procurement into future fit-out projects and incorporating circular economy principles into ICT purchasing. We are participating in the Commonwealth Climate Disclosure Pilot and will report on our progress through the Annual Report.

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# Risk

## Risk oversight and management

We regularly review and refine our risk management practices and ensure these comply with the risk management framework as outlined in the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). We embed risk management principles into our operations to successfully exercise our functions and powers within the Fair Work Act and RO Act, and to meet our obligations under other legislation.

Our General Manager, as the accountable authority, is responsible for ensuring we meet the requirements of the PGPA Act.

We actively manage risk by:

- maintaining and continually reviewing our risk management policy and enterprise risk management framework
- maintaining, updating, and regularly reviewing our strategic risk register
- responding promptly and effectively to any emerging risks
- our internal audit program, which includes internal audits of key risk areas that are conducted by an outsourced provider, and
- independent oversight by an audit committee.

We will continue to ensure that we meet high standards of governance, performance and accountability. We will provide meaningful information to Parliament and the community, including through our Annual Report and attendance before Senate committees.

### Audit Committee

Our Audit Committee provides assurance to the General Manager on our financial and performance reporting, system of risk oversight and management, and system of internal control.

The General Manager appoints Audit Committee members with a diverse range of skills, knowledge and experience across, but not limited to, risk management, internal controls, governance and accounting. Our Audit Committee meets quarterly and representatives from the Australian National Audit Office are invited to attend each meeting as observers.

## Key risks

Our approach to risk management is systematic and informs our strategic planning, project delivery and day-to-day operations. We capture key risks in our strategic risk register which is regularly reviewed, updated and monitored by our Executive, Senior Management Group and Audit Committee.

### Reputation

A risk to our operations is ensuring that we maintain our reputation as an independent and expert workplace relations tribunal.

We manage this risk by exercising our functions and powers in accordance with the relevant statute, in a manner that is fair and just; quick, informal and avoids unnecessary technicalities; open and transparent, and promotes harmonious and cooperative workplace relations.

### Systems to meet evolving user needs and expectations

With evolving user expectations and needs, and evolving processes, our technology should be aligned to deliver high quality, efficient and effective services to the community. We control the risk of our systems not meeting user needs by continually reviewing and upgrading our ICT environment and maintaining a digital user-focused strategy.

Similarly, our Members and staff need to have the skills, knowledge and experience to adapt to system changes and new user expectations, and to support the diverse community who access our services. Our Learning and Development Strategy supports staff and encourages continuous learning and improvement. Our Diversity and Inclusion Strategy promotes diversity, embeds inclusion, and builds upon a culture of respect and engagement.

### Adequate governance systems

It is important that we have the capability and capacity to maintain adequate governance systems and processes to ensure compliance with our statutory and policy requirements.

Our Executive Management Committee, Operational Performance Committee, Major Investments Committee and independent Audit Committee regularly review our compliance with regulatory requirements and performance against our timeliness and performance benchmarks.

### Protecting digital data

The potential impact of inadequately protecting our digital data is a significant risk to the Commission and our users. We work to embed the Essential Eight as articulated by the Essential Eight Maturity Model. This risk mitigation strategy is developed by the Australian Signals Directorate to protect against various cyber threats.

We aim for a minimum Level 2 cybersecurity Maturity rating and ensure our staff and Members have cyber security risk awareness, training and education. We also regularly monitor and take steps to combat any current and emerging digital threats.

### Effective and contemporary regulatory practices

As the independent regulator of registered organisations, we must be able to deliver effective and contemporary regulatory practices across our education, advice and compliance operations.

We mitigate the risk of not achieving this outcome by delivering policies and programs that not only meet our statutory requirements, timeframes, and intended regulatory outcomes, but are informed by the expectations and needs of our stakeholders. We adopt a positive risk culture and make balanced and informed decisions to embed new and innovative ways of implementing policy, programs and projects using evidence-based data and digital enhancements.

### Climate Risk and Opportunity Management

Consistent with climate risk management obligations under The Australian Government's Approach to Climate Risk and Opportunity Management in the Public Sector 2024-2026, we have embedded climate risk considerations into our enterprise risk management framework.

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# Performance

## Performance framework

Our performance measures inform the community about how we deliver on our purpose and functions and provide accountability on the responsible and effective use of public resources.

As detailed in the Operating Environment section of this Corporate Plan, our functions have changed since the previous reporting period due to legislative reforms introduced by the passage of the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022,* the *Fair Work Legislation Amendment (Closing Loopholes) Act 2023* and the *Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024*.

The key activities in this Corporate Plan replace the key activities set out in Table 2.1.2 of our 2024-25 Portfolio Budget Statements (PBS) to account for these new functions.

We continue to evolve and enhance our performance framework, informed by PGPA Act guidance and best practice principles, as our functions expand, and caseloads increase. We are going to undertake an external review of our performance framework to consider new measures and changes to targets. We expect to introduce further enhancements to our performance framework in our 2025-26 Corporate Plan.

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## Planned Outcome

**Simple, fair and flexible workplace relations for employees and employers through the exercise of powers to set and vary minimum wages and modern awards, facilitate collective bargaining, approve agreements, deal with disputes, and promote the financial transparency and effective governance of registered employee and employer organisations.**

The Fair Work Commission delivers its planned outcome through one Program**:** dispute resolution, minimum wages and conditions, orders, approvals of agreements, and promoting effective governance of registered organisations.

This Program includes:

- exercising powers under the Fair Work Act in a manner that is fair and just, quick, informal and avoids unnecessary technicalities
- exercising powers under the RO Act in a manner that seeks to embed within registered organisations a culture of good governance, voluntary compliance with the law and high standards of accountability to their members.

Our key activities that contribute to the delivery of this outcome are:

- set and vary minimum wages and modern awards and make minimum standards for some workers and contractors
- facilitate collective bargaining and approve agreements
- deal with disputes
- promote the financial transparency and effective governance of registered organisations.

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## Performance measures

| Performance measure | 2024-25 target | 2025-26 to 2027-28 |
|---|---|---|
| Annual wage review to be completed to enable an operative date of 1 July | Publication by 30 June | As per 2024-25 |

- **Key activity:** Set and vary minimum wages and modern awards and make minimum standards for some workers and contractors
- **Method:** Measured as the date the Annual Wage Review decision is published. The target is met where the date of publication is equal to, or before, 30 June each year.
- **Data source:** The date of publication of the Annual Wage Review Decision. The National Minimum Wage Order and Determinations are also published on the Fair Work Commission website.
- **Type of measure:** This is an output measure that is a proxy for effectiveness against the statutory requirements under the Fair Work Act for the Commission to annually conduct an Annual Wage Review, in compliance with the relevant requirements under the Act, with effect by 1 July in the following year.
  Given this, completing the Annual Wage Review and issuing the decision within the legislated timeframe is an appropriate proxy for effectiveness in fulfilling the statutory requirements under the Act.
- **PBS performance measure:** Yes

| Performance measure | 2024-25 target | 2025-26 to 2027-28 |
|---|---|---|
| Timely approval of enterprise agreements approved without undertakings or amendments | 50% approved within 32 days | As per 2024-25 |

- **Key activity:** Approve agreements
- **Method:** Analysis of the 50$^{th}$ percentile for agreement approval applications that were finalised in the reporting cycle and were approved under s.186 of the Fair Work Act.
  Measured as the time elapsed from the date of lodgment to the date the approval decision is published, and finalisation result is entered on the electronic file.

- **Data source:** The date of lodgment and date of approval decision and finalisation result are recorded in the Case Management System. Agreement approval decisions are also published on the Commission's website.
- **Type of measure:** This is a quantitative measure of service delivery timeliness.
- **PBS performance measure:** Yes

| Performance measure | 2024-25 target | 2025-26 to 2027-28 |
|---|---|---|
| User experience rating | At least 75% positive rating | As per 2024-25 |

- **Key activity:** Deal with disputes
- **Method:** Analysis of results from online surveys of user experiences of our services, including:
  - surveys of employees, employers and representatives that are administered after users have accessed our Unfair Dismissal and General Protections (dismissal) staff conciliation services
  - surveys of employee and small business employer Workplace Advice Service (WAS) recipients after they have attended a consultation with a WAS partner.

  The user satisfaction rating is drawn from measures of:
  - satisfaction with our management of the unfair dismissal/general protections (dismissal) case
  - satisfaction with our service to arrange the WAS consultation
  - satisfaction with time taken to resolve/deal with the case
  - fairness (even-handedness) of the staff Conciliator
  - ease of accessibility of the WAS.
- **Data source:** Online survey forms that all users are eligible to complete following an Unfair Dismissal and General Protections (dismissal) staff conciliation service, and consultation with a WAS partner.
- **Type of measure:** This is a qualitative effectiveness measure of user experience.
- **PBS performance measure:** No. We intend to expand and enhance this measure in future reporting cycles.

| Performance measure | 2024-25 target | 2025-26 to 2027-28 |
|---|---|---|
| Timely finalisation of lodgments to arrange registered organisations elections | 50% finalised within 4 weeks<br>90% finalised within 8 weeks | As per 2024-25 |

- **Key activity:** Promote financial transparency and effective governance of registered organisations
- **Method:** Analysis of the 50th and 90th percentiles of all lodgments to arrange registered organisations elections that were finalised in the reporting cycle.
  Measured as the time elapsed from the date of lodgment to the date the finalisation result is entered on the electronic file.
- **Data source:** The date of lodgment and date of finalisation result are recorded in the Case Management System.
- **Type of measure:** This is a quantitative measure of service delivery timeliness, and a regulatory measure.
- **PBS performance measure:** Yes

| Performance measure | 2024-25 target | 2025-26 to 2027-28 |
|---|---|---|
| Timely finalisation of matters | 50% finalised within 8 weeks<br>90% finalised within 16 weeks | As per 2024-25 |

- **Key activity:** All functions of the Commission

  The Commission maintains a focus on the timely case management of all matters, across all functions and activities to achieve its purpose.
- **Method:** Analysis of the 50th and 90th percentiles of all matters that were finalised in the reporting cycle.
  Measured as the time elapsed from the date of lodgment to the date the finalisation result is entered on the electronic file.
- **Data source:** The date of lodgment and date of finalisation result are recorded in the Case Management System.
- **Type of measure:** This is a quantitative measure of service delivery timeliness, and proxy measure of efficiency. The timely finalisation of matters prevents workload backlogs from developing and demonstrates the efficient use of Commission resources.

- **PBS performance measure:** Yes

| Performance measure | 2024-25 target | 2025-26 to 2027-28 |
|---|---|---|
| Employee engagement | Higher than the APS-overall score | As per 2024-25 |

- **Key activity:** All functions of the Commission
  The Commission requires an engaged workforce so that people, processes, systems, and technology are aligned to achieve its purpose.
- **Method:** Employee engagement index score

  This score is based on a model of "Say", "Stay" and "Strive":
  - say – the employee is a positive advocate of the organisation
  - stay – the employee is committed to the organisation and wants to stay as an employee
  - strive – the employee is willing to put in discretionary effort to excel in their job and help their organisation succeed.
- **Data source:** Employee survey (Australian Public Service Employee Census) made available to all staff inclusive of full-time, part-time, casual and contractors working for the Commission on a date set by the Australian Public Service Commission.
- **Type of measure:** This is a subjective effectiveness measure of our commitment to deliver high-quality services to the community through investment in our workforce
- **PBS performance measure:** No

## Contact the Fair Work Commission

Online
**www.fwc.gov.au**

Phone
**1300 799 675**
9am to 5pm Monday to Friday

If you need an interpreter, call TIS National on **131 450**

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service. For more information visit **communications.gov.au/national-relay-service**

To view the Commission's YouTube channel visit **youtube.com/user/FairWorkAu**

To view the Commission's LinkedIn page, visit **au.linkedin.com/company/fair-work-commission-au**