



Fair Work
Commission

Corporate Plan 2022-23

Covering reporting periods 2022-23 to 2025-2026



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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, present and emerging and extend that respect to all Aboriginal and Torres Strait Islander peoples today.



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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 2022–26, which covers the 2022-23 to 2025–26 reporting periods, as required by paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013*.

The Fair Work Commission will report against this Corporate Plan and the 2022-23 Portfolio Budget Statements in the annual performance statements that will form part of our 2022-23 Annual Report.

Murray Furlong
General Manager

29 August 2022



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Purpose

The Fair Work Commission (Commission) is Australia's national workplace relations tribunal.

We support simple, fair and flexible workplace relations for employees and employers. Our primary purpose is to exercise our functions and powers in accordance with the *Fair Work Act 2009* (Fair Work Act), including:

- dealing with unfair dismissal claims
- dealing with claims to stop bullying and/or sexual harassment at work
- dealing with general protections and unlawful termination claims
- setting the national minimum wage and minimum wages in modern awards
- making, reviewing and varying modern awards
- assisting the bargaining process for enterprise agreements
- approving, varying and terminating enterprise agreements
- making orders to stop or suspend industrial action
- dealing with disputes brought to the Commission under the dispute resolution procedures of modern awards and enterprise agreements
- determining applications for entry permits
- promoting cooperative and productive workplace relations and preventing disputes.

We also have responsibilities in relation to the registration, amalgamation, and cancellation of registered organisations and the making and alteration of their rules under the *Fair Work (Registered Organisations) Act 2009*.



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Operating Environment

Setting

For well over 110 years, we have successfully adapted to social and economic circumstances, and will continue to do so over this reporting period.

The nature of the Commission's work has changed over time, with individual rights-based disputes overtaking collective dispute matters. The majority of parties are now self-represented, first-time participants. We continue to improve our information and guidance materials about our legislation and case management practices. It's important that everyone can access our services, including our users with limited workplace relations knowledge, who are likely accessing our services in difficult circumstances.

We are unwavering in our commitment to improve access to justice, including through the ongoing digital transformation of our services. Our priorities for the reporting cycle are to build on our recent improvements in digital access to our services so that our services are user-friendly and fit for purpose for the evolving needs of the Australian community.

We continue to play an important role in enabling employees and employers to adapt to changing conditions brought about by the COVID-19 pandemic. Focusing on the needs of our users, we have implemented a more flexible operating environment that includes fully supported in-person and online hearing options for parties, and flexible working arrangements for Members and staff.

Cooperation

We are committed to working closely with all organisations in our authorising environment to ensure our services evolve in line with the changing needs of the Australian community that we serve.

The Commission works openly and transparently with our stakeholders and partners, including employer and employee associations, law firms, academia and community-based organisations. To support the implementation of cross-portfolio initiatives and the operation of the workplace relations framework, we continue to collaborate with the Fair Work Ombudsman, the Department of Employment and Workplace Relations and other government bodies.

The General Manager is a core member of the Respect@Work Council, which brings together leaders from key government regulators and policy makers responsible for sexual harassment policies and complaints.



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The Respect@Work Council's purpose is to improve coordination, consistency and clarity across existing legal and regulatory frameworks to ensure they are forward facing and effective in preventing and responding to workplace sexual harassment, and to identify ways to promote safer workplaces.

The Workplace Advice Service is an important contributor to our efforts to provide access to justice. Through a network of over 90 partner organisations, each year we facilitate approximately 4,000 sessions of free legal assistance for dismissal, general protections and workplace bullying matters. Further details and a [full list of partner organisations](#) are available on our website.

Other important forums for cooperation include:

- Our user groups including the Small Business Reference Group, Cooperative Workplaces User Group, Enterprise Agreements User Group and the Termination of Employment User Group
- Engagement with payroll software vendors, payroll compliance advisors and peak bodies including Digital Service Providers Australia and New Zealand (DSPANZ) in relation to the Modern Awards Pay Database
- User research and testing with individuals, small businesses and other organisations to inform the design and delivery of Commission projects and services.



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Key Activities

Our Portfolio Budget Statement planned outcome

The Commission is responsible for delivering a single planned outcome in its 2022-23 Portfolio Budget Statement (PBS):

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 and deal with disputes.

Our key activities

We exercise powers under the *Fair Work Act 2009* in accordance with the objects of the Act and in a manner that is fair and just and is quick, informal and avoids unnecessary technicalities. Our Portfolio Budget Statement outlines our key activities:

- Set and vary minimum wages and modern awards
- Facilitate collective bargaining
- Approve agreements
- Deal with disputes.



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Our strategic pillars

Our key initiatives for 2022-23 support the delivery of our PBS outcome and key activities. These initiatives are categorised under five strategic pillars.

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

- accessible to all Australians, recognising the community’s diverse needs and expectations
- efficient, accountable and transparent
- a highly skilled and agile organisation in which our people, processes, systems and technology are aligned to deliver high quality, efficient and effective services to the community
- recognised by the Australian community as a respected, independent and expert workplace relations tribunal.





Our key initiatives

In the years ahead, the Commission will continue to focus on initiatives aimed at improving access to justice while reducing regulatory burden and complexity for the Australian community. Digital transformation and building the capabilities of our Members and staff are at the core of these initiatives.



Fairness and access to justice

The Commission's focus is to provide access to justice for all Australians by supporting simple, fair and flexible workplace relations for employees and employers.

Key initiatives include:

- Maintain current timeliness performance across all case types and ensure that no backlogs develop
- Implement new functions following reforms to workplace relations policy
- Provide guidance materials in over 100 community languages
- Develop eLearning modules to assist parties to prepare for unfair dismissal conciliations and to prevent workplace sexual harassment
- Embed and optimise online hearings within our core service delivery model
- Ensure that 90% of all applications are substantively processed within three days of lodgment, including providing parties with information on the case management process, timeframes for each step of that process and how to obtain further assistance



Accountability

The Commission operates transparently and is accountable to the public for its performance. It creates public value through continuous improvement, innovation and the efficient use of public money.

Key initiatives include:

- Enhance capabilities to monitor performance from the perspective of users, including through an improved survey delivery methodology
- Develop a User Experience strategy for 2023 - 2026
- Implement a new performance reporting framework
- Undertake an independent assessment using the Council of Australasian Tribunals (COAT) - Tribunal Excellence Framework tool
- Continue to improve maturity against the Australian Cyber Security Centre's Essential Eight



Innovation & performance

The Commission embraces innovation and digital transformation to maintain high levels of performance and meet the evolving needs of the community.

Key initiatives include:

- Create and implement an online lodgment system and digital forms for high volume case types
- Implement initiatives to improve access to services by small business employers
- Release Modern Awards Pay (MAP) Database Application Programming Interface (API)
- Pilot a flexible delivery model for dismissal cases
- Improve benchbook information accessibility, using user experience research and evaluation
- Improve digital resources for parties involved in enterprise agreement making
- Complete Digital Library project to ensure historical documents are available and searchable on website



Major cases

The Commission deals with major cases affecting pay and conditions across significant parts of the national economy or likely to be of significant interest to the public.

Key cases include:

- Work value case - Aged care industry
- Annual wage review
- Review of certain C14 (National Minimum Wage) rates in Modern Awards
- Family and Domestic Violence Leave in Modern Awards review
- Finalisation of the four yearly review
- Undergraduate Qualifications Review



Organisational capability

A skilled and capable workforce is the key enabler of the Commission's performance, affecting our ability to respond to change and deliver services to the highest standard. Targeted capability development strategies for our people are a priority for the coming year.

Key initiatives include:

- Develop the 2023-26 Diversity and Inclusion strategy
- Implement the 2022-2025 Learning & Development strategy



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Capability and Culture

Workforce capability

Our Members and staff are committed to providing exceptional services to the Australian community. Our Australian Public Service (APS) Employee Census results confirm that our staff are highly engaged, professional and purpose-driven. We understand that the capability and culture of our workforce is critical to the ongoing delivery of high-quality services that meet the current and future needs of the Australian community.

Our Learning and Development Strategy 2022-25 (L&D Strategy) will guide our commitment to continually building our workforce capability into the future. The L&D Strategy addresses the diverse learning and development needs of Members and staff and encourages a culture of learning across the organisation.

We will continue to build our workforce capabilities in digital transformation, advanced analytics and data science, case management practices, behavioural insights, digital education, user-centred design and systems-based evaluation of services. These capabilities are core elements of contemporary public sector institutions.

We care about ensuring that our workplaces across the country are positive, respectful and enjoyable for everyone. As part of our commitment to safe and positive workplaces, we recently collaborated with the Australian Human Rights Commission and Comcare on a joint project driven by a shared objective of addressing behaviour that can arise in workplaces such as courts and tribunals, where systemic factors can heighten risks to work health and safety

We will continue to support Members and staff with flexible working arrangements that meet both their needs and those of the organisation.

Capital investment and ICT capability

Our capital investment priorities are predominantly focused on information and communication technology (ICT) and property. We regularly review our ICT and property footprint to seek efficiencies while ensuring our strategic priorities are met.

Our focus is on achieving and maintaining a minimum level 2 maturity rating for the Australian Cyber Security Centre's Essential Eight mitigation strategies, developing an online portal to manage interactions with our stakeholders and the Commission, and improving our technology to facilitate remote hearings and in-person service delivery.



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Risk

Risk oversight and management

We recognise the importance of identifying and monitoring any risks which may affect our organisation. In line with the risk management framework outlined in the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), we continue to refine our contemporary risk management culture and practices across the organisation.

The Commission's General Manager, as the accountable authority, is responsible for ensuring we meet the requirements of the PGPA Act. In line with the risk management framework outlined in the PGPA Act, we continue to refine our contemporary risk management culture and practices across the organisation.

We will ensure that high standards of governance, performance and accountability are met, that public resources are appropriately managed, and that meaningful information is provided to Parliament and the public, including through our Annual Report. We actively manage risk by:

- maintaining a risk management policy and framework
- maintaining and regularly reviewing a strategic risk register and responding to emerging risk
- conducting an internal audit program, including regular audits
- independent oversight by an external audit committee.

Our highly skilled independent Audit Committee provides assurance to the General Manager on our financial and performance reporting, risk oversight and management, systems of internal control and internal audit programs.

Our internal audit function provides a risk-based internal audit program based on organisational priorities. We are finalising a review of our risk management which will set our approach to managing risk over this reporting period.

Key risks

Our risk management policy and framework assist in meeting the objects of the PGPA Act. We operate in an environment where the Commission's services and decisions must meet high standards in terms of quality and timeliness. We embed risk management principles into our operations to successfully deliver on our key activities and key initiatives.



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We adopt a systematic approach to risk management that identifies risks during strategic planning, project planning and delivery and Commission day-to-day operations. We capture risks on a strategic risk register which is regularly reviewed and monitored by the Executive, other management and the Audit Committee.

The most relevant risk to our day-to-day operations is maintaining our reputation as an independent and expert workplace relations tribunal. The Commission manages this risk by performing its functions and exercising its powers according to 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.

Another critical risk is ensuring that our systems meet the evolving expectations of users and that our people, processes, systems, and technology are aligned to deliver high quality, efficient and effective services to the community. We mitigate this risk by continually reviewing and upgrading our ICT environment and maintaining a digital user-focused strategy.

It is important that we have the capability and capacity to maintain adequate governance and processes to ensure compliance with all regulatory requirements. Our capability is maintained and advanced by ensuring all Members and staff undertake training and are provided with development opportunities. Our Executive regularly review our compliance with regulatory requirements and performance against required benchmarks.

A significant risk to us and our users is the impact of not adequately protecting our digital data. This could effect on our operations and result in non-compliance with legislative requirements. We take this risk very seriously and mitigate this risk by ensuring all staff and Members have awareness training and education on cyber security risks. We aim to achieve and maintain a minimum level 2 maturity rating for the Australian Cyber Security Centre's Essential Eight and undertake regular external monitoring of any current and emerging threats.



Performance

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.

The following performance measures apply for the 2022-23 reporting period. We are in the final stages of completing a comprehensive review of our performance reporting framework and anticipate that we will reform our key performance measures in our 2023-24 Corporate Plan.

Planned program outcome:

Powers and functions are exercised in accordance with the *Fair Work Act 2009* and in a manner that is fair and just, is quick, informal and avoids unnecessary technicalities.

Key activity: Set and vary minimum wages and modern awards

Performance measure:	2022-23 target	2023-24 to 2025-26
Annual wage review to be completed to enable an operative date of 1 July	By 30 June	By 30 June

❖ **Method:** Annual wage review undertaken and decision and determinations published

❖ **Data source:** Published decision and determinations on the Fair Work Commission website

❖ **PBS performance measure:** Yes

Key activity: Deal with disputes

Performance measure:	2022-23 target	2023-24 to 2025-26
Median time taken to finalising conciliations in unfair dismissal applications	34 days	34 days

❖ **Method:** Quantitative data measurement. Analysis of median time elapsed from lodging applications to finalising conciliations for unfair dismissal applications



❖ **Data source:** Case management system

❖ **PBS performance measure:** Yes

Performance measure:	2022-23 target	2023-24 to 2025-26
User experience rating	At least 75% positive rating	At least 75% positive rating

❖ **Method:** Quantitative data measurement. Analysis of results from online surveys of employees, employers and representatives that are administered after users have accessed our unfair dismissal and general protections (dismissal) conciliation services. Analysis of results from online surveys of employees and employers after users have accessed our Workplace Advice Service.

The user satisfaction rating is drawn from measures of timeliness, fairness, accessibility and overall satisfaction with how a case was dealt with

❖ **Data source:** Survey forms

❖ **PBS performance measure:** No

Key activity: Approve agreements

Performance measure:	2022-23 target	2023-24 to 2025-26
Improve or maintain the median agreement approval time for agreements approved without undertakings	32 days	32 days

❖ **Method:** Analysis of median time elapsed from lodgment to finalisation for agreement approval applications that do not require undertakings

❖ **Data source:** Case management system

❖ **PBS performance measure:** Yes



Supporting activity: Enhance organisational capability and culture

Performance measure:	2022-23 target	2023-24 to 2025-26
Culture – level of employee engagement	Equal to or better than the average for small agencies	Equal to or better than the average for small agencies

❖ **Method:** Employee engagement score

❖ **Data source:** Employee survey (Australian Public Service Employee Census)

❖ **PBS performance measure:** No

Performance measure:	2022-23 target	2023-24 to 2025-26
Staff are offered an opportunity to experience work outside their usual role, participate in a cross-organisational project or be involved in a service improvement project	At least 30 per cent	At least 30 per cent

❖ **Method:** Analysis of number of staff acting outside their usual role or participating in a cross-organisational or service improvement project as a proportion of all staff

❖ **Data source:** Human resources management system

❖ **PBS performance measure:** No



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Appendix – Summary of Changes

Changes made to this year's Fair Work Commission Corporate Plan reflect our ongoing work to review and update our performance measures.

The 2022-23 Corporate Plan makes transitional changes to:

- link our key activities as specified within the PBS to relevant performance measures
- consolidate survey measures to form one overall user-experience survey metric that draws on various elements of service delivery, such as timeliness, fairness, informality and accessibility
- remove reporting measures regarding consultation and use of technology. These measures had very limited utility for demonstrating performance and measurable performance improvements.
- update performance measure relating to enhancing organisational capacity and culture

Information within the performance section of this year's Corporate Plan has also been expanded to incorporate feedback and recommendations made by the Australian National Audit Office (ANAO) in its Audits of the Annual Performance Statements of Australian Government Entities report published in April 2022. Each performance measure now includes data sources and methodologies to better inform the reader of how our performance is measured.

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