





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



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# 1 Message from the General Manager

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## Statement of preparation

As the accountable authority of the Fair Work Commission, I present the Fair Work Commission Corporate Plan 2021–25, which covers the 2021–22 to 2024–25 reporting periods, as required under 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 2021–22 Portfolio Budget Statements in the annual performance statements that will form part of the Fair Work Commission’s 2021–22 Annual Report.

Murray Furlong  
Acting General Manager

31 August 2021



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## 2 Purpose

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

The Commission supports simple, fair and flexible workplace relations for employees and employers. Its primary purpose is to exercise its functions and powers in accordance with the *Fair Work Act 2009* (Fair Work Act), including:

- dealing with unfair dismissal claims
- dealing with anti-bullying claims
- 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 right of entry permits
- promoting cooperative and productive workplace relations and preventing disputes.

The Commission and General Manager 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*.



## How the elements of the Commission’s plan integrate





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## Portfolio budget statements

The Commission is responsible for delivering a single planned outcome as set out in the Portfolio Budget Statements 2021–22:

**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.**

The Commission delivers a single program of dispute resolution, minimum wage setting, orders and approval of agreements.

The Commission's major priorities for 2021–22 include:

- ensuring that the community understands the role of the Commission and recognises it as an independent and expert workplace relations tribunal
- ensuring that the Commission is accessible to all Australians, recognising the community's diverse needs and expectations
- ensuring that the Commission is efficient, accountable and transparent
- ensuring that the Commission is a highly skilled and agile organisation in which its people, processes, systems and technology are aligned to deliver high quality, efficient and effective services to the community.



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## 3 Operating Environment

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### Setting

The COVID-19 pandemic has significantly affected the Australian economy, including the labour market. The Commission has played an important role in enabling employees and employers to adapt to changing conditions through the annual wage review process and variations to modern awards and enterprise agreements. It is likely this will continue to be a priority in the years ahead.

The Commission is committed to promoting access to justice and supporting the Australian community through the digital transformation of its services. The Commission will continue working to offer digital access to its services where possible and to provide digital interfaces that are user-friendly and fit for purpose.

For well over 110 years, the Commission has successfully adapted to social and economic circumstances, and it will continue to do so over the current reporting period.

In more recent times the Commission has seen a significant shift in the composition of its work. The nature of the Commission's work has changed—from collective to individual dispute resolution. This shift towards individual dispute resolution arises from legislative change and other workplace changes.

The changing nature of the Commission's work has had implications for its stakeholders. Parties appearing before the Commission are no longer predominantly experienced workplace relations participants, such as unions, employers and employer organisations, who are familiar with the legislative landscape and the Commission's processes. The majority of parties are now self-represented, first-time participants unfamiliar with the Commission's processes. The Commission is continuing to improve the information it provides about the legislation it administers and its procedures to be more accessible to people with limited knowledge of workplace relations.

### Cooperation

The Commission works collaboratively with its stakeholders, other Commonwealth agencies and the Attorney-General's Department to achieve its purpose.

The Commission will continue to work closely with organisations, groups, private enterprises and other stakeholders to ensure that its services evolve in line with the changing needs of the Australian community that it serves.





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To support the implementation of cross-portfolio initiatives and the operation of the workplace relations framework, the Commission regularly shares data and information with the Fair Work Ombudsman, the Australian Building and Construction Commission, the Registered Organisations Commission and the Attorney-General's Department.

The Workplace Advice Service is an important contributor to the Commission's efforts to provide access to justice. Through a network of partner organisations, the Commission facilitates the Service to provide free legal assistance for dismissal, general protections and workplace bullying matters. Further details and a [full list of partner organisations](#) are available on the Commission's website.

The Commission also initiated and chairs the Australian Online Hearings Practice Group (AOHPG), a group of Australian justice institutions formed to share and advance best practice in remote hearing practice and technology. In 2021-22 the Commission will continue to work with the AOHPG to develop service improvements that benefit the Australian community.

Other important forums for cooperation include:

- 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
- The Commission's user groups including the Small Business User Group, Enterprise Agreements User Group and the Termination of Employment User Group
- User research and testing with individuals, small businesses and other organisations to inform the design and delivery of Commission projects and services.



## 4 Key Activities

In the years ahead, the Commission is focussing on a number of initiatives aimed at 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. These initiatives are grouped into 5 strategic priorities.



### 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:

- Website redevelopment
- Implement express extension of stop orders to sexual harassment (once enacted)
- Rationalise, redesign and digitise our forms



### 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:

- Redevelop our key performance indicators and measures
- Timely and transparent reporting and planning
- Achieve operational efficiencies and budget savings



### 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:

- Develop an online tool for parties involved in bargaining (MyEA) with eLearning module on cooperative bargaining
- Develop an API for the Modern Awards Pay database
- Partner with Microsoft to create 'Teams for Justice'
- Develop online booking tool for the Workplace Advice Service



### 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:

- Implement CaseHQ and Optimisation Team
- Learning and development strategy for Members and staff (2022-25)
- Partnership with AHRC and Comcare about sexual harassment and other inappropriate workplace behaviours



### Major cases

The Commission deals with major cases affecting pay and conditions across significant parts of the national economy or setting important legal precedents under the *Fair Work Act 2009* (Cth).

### Key cases include:

- Work value (Aged care sector)
- Modern Awards reviews
- Annual wage reviews



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# 5 Capability & Culture

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## Workforce capability

A key outcome in the reporting period will be to continue to develop the capability of our Members and staff through targeted development strategies.

The proposed learning and development strategy for 2022-25 will be an important contributor to the Commission's efforts to build workforce capability over the reporting period. The strategy will address the diverse learning and development needs of Members and staff and ensure the Commission has the capability required to deliver high-quality services into the future.

Members and staff will continue to be supported to achieve a combination of home and office-based work that meets both their needs and those of the organisation.

The Commission will also further develop workforce capability by ensuring all staff can support the Commission's digital transformation. This includes training staff on the new technologies and skills required for digital access to justice. This complements the digital strategy objectives to implement digital services that rely on the DTA Digital Service Standard.

## Capital investment and ICT capability

The Commission's capital investment priorities are predominantly focused on information and communication technology (ICT) and property. The Commission regularly reviews its ICT and property footprint to seek efficiencies while ensuring they continue to support strategic priorities. The Commission will continue to invest in technology to support remote hearings, efficient case management and collaboration.

The Commission's focus in the next year is to continue to invest in our website and our case management system. These technology platforms are fundamental to the Commission's success over the forward reporting period.

Due to the requirement for all staff to work from home during the COVID-19 pandemic, the Commission rapidly increased the implementation of its modern workplace initiative. This includes a transition to technologies that allow staff and Members to work remotely without impacting the Commission's service delivery.



# 6 Risk

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## Risk oversight and management

The General Manager as the accountable authority is responsible for ensuring the Commission meets the requirements of the *Public Governance, Performance and Accountability Act 2013*. The Commission 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 the Commission's Annual Report.

In line with the risk management framework introduced by the *Public Governance, Performance and Accountability Act 2013*, the Commission will continue to embed a contemporary risk management culture and practices across the organisation. The Commission actively manages risk, including through its risk register and internal audit program and by appointing a majority of its Audit Committee members from outside of the Commonwealth public service.

The Commission has an independent Audit Committee that provides an independent source of assurance and advice to the General Manager on the appropriateness of the Commission's financial and performance reporting and risk management framework.

The Commission's internal audit function supports the Commission's risk management by providing a risk-based internal audit program responsive to the Commission's priorities.

### Key risks

The most relevant risk to the Commission's day to day operations is maintaining its reputation as an independent and expert workplace relations tribunal that is accessible to all Australians. The Commission maintains its reputation by performing statutory functions and exercising associated powers according to its legislative mandate in a manner that is fair and just; quick, informal and avoids unnecessary technicalities; open and transparent, and promotes harmonious and cooperative workplace relations.

It is critical that the Commission continues to meet the evolving needs of the Australian community who utilise its services, including in times of major disruptions to the labour force, such as the COVID-19 pandemic. It is, therefore, a risk that the Commission will not be a contemporary workplace relations tribunal and not be skilful in governing any digital transformation of its services. This risk is actively mitigated through ongoing commitment to commissioning user experience research, a prudent approach to governance, applying the DTA's Digital Service Standard and the development of a comprehensive digital strategy for 2021–25. Services are underpinned by well-trained and committed Commission staff who assist our users to access these digital technologies.



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Another significant risk is ensuring that the information the Commission provides to its users and the Australian community is accurate, up to date and relevant. By continuing to improve the quality of the Commission's information, including using plain language on its website, the Commission helps tribunal users understand its processes and their likely outcomes so they can participate with confidence in matters before the Commission. An associated risk is the usability of the Commission website and the ability of tribunal users and the Australian community to access key information. To mitigate this risk, the Commission is redeveloping its website to better meet our users' needs.

It is unknown if the express extension of stop orders to sexual harassment (once enacted) will impact the number of applications lodged with the Commission. To manage this risk, the Commission will continue to liaise with the Attorney-General's Department in relation to the proposed measure, including about resourcing.



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# 7 Performance

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The Commission will perform its activities using the delivery strategies set out below. Achievement of the intended results will be measured by the performance measures set out in this plan and Key Performance Indicators (KPIs) from the 2021–22 Portfolio Budget Statements (PBS).

The following performance measures are relevant for the 2021-22 reporting period. The Commission is currently reviewing its performance measures to ensure they remain fit for purpose and anticipates that new measures will be introduced in next year's Corporate Plan.

**Activity one:  
Powers and functions are exercised in accordance with the  
*Fair Work Act 2009***

## Delivery strategies

In exercising powers and functions, the Commission will improve the services that it provides to the community by:

- engaging with the community in order to better understand user needs and to tailor services appropriately
- developing the Commission's organisational capability to deliver services of the highest standard.

## Intended result

The community understands the role of the Commission and recognises it as an independent and expert workplace relations tribunal.



Performance measures	Target	Data Source	2021-22	2022-23	2023-24	2024-25	PBS
Survey respondents in individual matters following a staff conference or conciliation are satisfied that their conference conciliator was even handed	At least 80 per cent	Survey forms					No
Report on the activities that involved consultation with users about improving service delivery		Internal report					No

**Note:**

The Commission’s Corporate Plan 2020-21 included a performance measure to: ‘Survey parties in individual matters following a staff conference or conciliation’, which had a target of ‘at least 80 per cent’. This performance measure has been removed as the Commission transitions to new surveying methodologies and user satisfaction performance indicators and targets. A new performance measure will be introduced in next year’s Corporate Plan.

Consultation and testing with users of the Commission’s services is now embedded in our service design and delivery processes, in addition to regular engagement through the Small Business Reference Group and Enterprise Agreements User Group. Reporting on user engagement occurs through standard project specific governance and reporting processes.

**Delivery strategies**

The Commission will improve its provision of information and service delivery by:

- assessing the accessibility of the Commission’s services and information
- where appropriate, adopting new technology to improve the Commission’s services
- adopting appropriate design and user experience principles in delivering services.

**Intended result**

The Commission is accessible to all Australians, recognising the community’s diverse needs and expectations.



Performance measures	Target	Data Source	2021-22	2022-23	2023-24	2024-25	PBS
Survey respondents in individual matters following a staff conference or conciliation are satisfied with information provided by the Commission about its processes	At least 75 per cent	Survey forms					No
Monitor and report on the use of technology that has been implemented in order to improve access to, or delivery of, Commission services		Internal report					No

**Note:**

The Commission’s Corporate Plan 2020-21 included performance measures to:

- ‘Survey respondents in individual matters following a staff conference or conciliation found information, including in the Commission’s website, was easy to understand’ which had a target of ‘at least 80 per cent’.
- ‘Survey respondents in individual matters following a staff conference or conciliation are satisfied with the relevance of information provided by the Commission’ which had a target of ‘at least 80 per cent’.

These performance measures have been removed as the Commission transitions to new survey methodologies and user satisfaction performance indicators and targets. New performance measures will be introduced in next year’s Corporate Plan.

**Delivery strategies**

The Commission will continue to benchmark its performance and develop reporting capability in order to demonstrate timeliness in service delivery and to ensure transparency and accountability.

**Intended result**

The Commission is efficient, accountable and transparent.





Performance measures	Target	Data Source	2021-22	2022-23	2023-24	2024-25	PBS
Improve or maintain the median time elapsed from lodging applications to finalising conciliations in unfair dismissal applications	34 days	Case management system					Yes
Annual wage review to be completed to enable an operative date of 1 July	30 June	Published decision					Yes
Improve or maintain the median agreement approval time for agreements approved without undertakings	32 days	Case management system					Yes

## Activity two: Capability and culture are enhanced

### Delivery strategies

Underpinning the Commission’s delivery of Activity One, the Commission will continue to develop its capability and culture by:

- continuing to improve the capabilities and skills of its workforce as the key enabler of performance including prioritising developing the depth of the Commission’s capabilities in digital service delivery.
- continue reimagining service delivery with a five-year horizon
- using technology to enhance learning and professional development
- reviewing and strengthening governance structures and processes
- demonstrating the cultural pillars of innovation, collaboration and service excellence
- embedding contemporary risk management practices in operational activities.



**Intended result**

The Commission is a highly skilled and agile organisation in which its people, processes, systems and technology are aligned to deliver high quality, efficient and effective services to the community.

Performance measures	Target	Data Source	2021-22	2022-23	2023-24	2024-25	PBS
Maintain or improve the number of professional development plans that specify individual and/or organisational professional development goals	100 per cent	Internal Reporting					No
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	Internal Reporting					No

## Contact the Fair Work Commission

Online

[www.fwc.gov.au](http://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 the Commission through the National Relay Service. For more information visit [communications.gov.au/national-relay-service](http://communications.gov.au/national-relay-service)



To view the Commission's YouTube channel visit [youtube.com/user/FairWorkAu](https://youtube.com/user/FairWorkAu)