

Australian Government
Fair Work
OMBUDSMAN



Office of the Fair Work Ombudsman
Corporate Plan 2024-25

2024-25

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Corporate Plan

The Office of the Fair Work Ombudsman 2024-25 Corporate Plan is prepared in accordance with the Public Governance, Performance and Accountability Rule 2014 (PGPA Rule) and will be acquitted in the annual performance statements published in the 2024–25 Annual Report.

Other Acknowledgements

This Corporate Plan is presented, acknowledging the significant contribution of many employees across the Office of the Fair Work Ombudsman.



Acknowledgement of Country

In the spirit of reconciliation, the Office of the Fair Work Ombudsman (FWO) acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, waters and community.

We pay our respect to them and their Cultures, and their Elders, past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

About our artwork: Stepping forward

Stepping forward represents taking the next step on the journey towards reconciliation and the potential possible when everyone is included.

Connecting with diverse peoples; meeting, listening and sharing together, can build respect and trust. Working in concert for a common purpose and united in the mission to make meaningful change.

It serves as a reminder of the dynamism and vibrancy of First Nations peoples and the lands from which they come, making the emergence of new ideas and ways of being possible that enables the envisioning of a brighter future.

Artist: Timothy Buckley

A message from the Fair Work Ombudsman

Anna Booth, Fair Work Ombudsman

I am pleased to present our Corporate Plan for 2024–25 and the projected outlook for the next 4 years, outlining an aspiring but practical approach to achieving our vision.

The 2024-25 Corporate Plan for the Office of the Fair Work Ombudsman (FWO) aims to inspire and empower the achievement of our Strategic Objectives. It delivers on the commitments set out in my Statement of Intent provided to the Minister for Employment and Workplace Relations in late 2023. Importantly, it is the result of collaboration with FWO staff at all levels, and organisations representing Australia's employers and workers.

Our vision of 'Working for Fairer Workplaces' calls on workplaces to uphold standards so that workers receive the wages and conditions they are entitled to, and employers operate on a level playing field. We strive for a positive culture in all workplaces, where the rights of all are respected and their voices heard. Our Advisory and Reference Groups, made up of unions and employer representatives, share this vision.

Realising our vision of fairer workplaces begins with helping employers and workers to understand their rights and obligations. We cannot do this alone. By leading a dialogue with workers, unions, employers, and employer organisations, we will identify the most effective way to partner with them to build their capacity to create and maintain fairer workplaces.

Where and when workplaces miss the mark, our focus will be to guide them back on track. In those moments when education, assistance, advice and guidance isn't enough, we are committed to confronting persistent and serious wrongdoing, and to hold those responsible to account. In doing so, we will aim to strike the right balance between education, advice and compliance that ensures we are regulating the law in a fair, balanced and measured way.

To achieve our vision, we also need to be effective and efficient in our work. We have developed six new Strategic Objectives to help guide our work so that we can best serve the community. As you will see within the plan, the Strategic Objectives will be achieved through the delivery of Key Activities.

In 2023, the Government announced an external specialist review of our operations, conducted by KPMG. This review made sensible recommendations about our use of resources, organisational structure, collaboration with external stakeholders, culture, and risk settings. These recommendations have informed our thinking in the development of this Corporate Plan and will continue to influence our approach.

One key change we have made is to our operating structure. In consultation with our staff, we have decided to establish four new groups to deliver our objectives:

- ✓ Operations
- ✓ Regulatory Transformation
- ✓ Corporate and Engagement
- ✓ Legal and Policy

We will continue to focus on developing our people's capabilities so that everyone can be part of a high performing workforce, realise their potential in the Australian Public Service, and contribute to achieving our objectives for the workplace community.

Our Corporate Plan sets the stage for the journey starting in 2024-25 and continuing for the years ahead. I am privileged to embark on this journey with everyone at FWO.

As the Accountable Authority of the Office of the Fair Work Ombudsman, I present our Corporate Plan which covers the 4-year period of 2024-2025 to 2027-2028, as required under paragraph 35(1)(b) of the Public Governance, Performance and Accountability Act 2013.



Anna Booth
Fair Work Ombudsman

6 August 2024



Our Vision, Purpose and Functions

Vision



Working for fairer workplaces

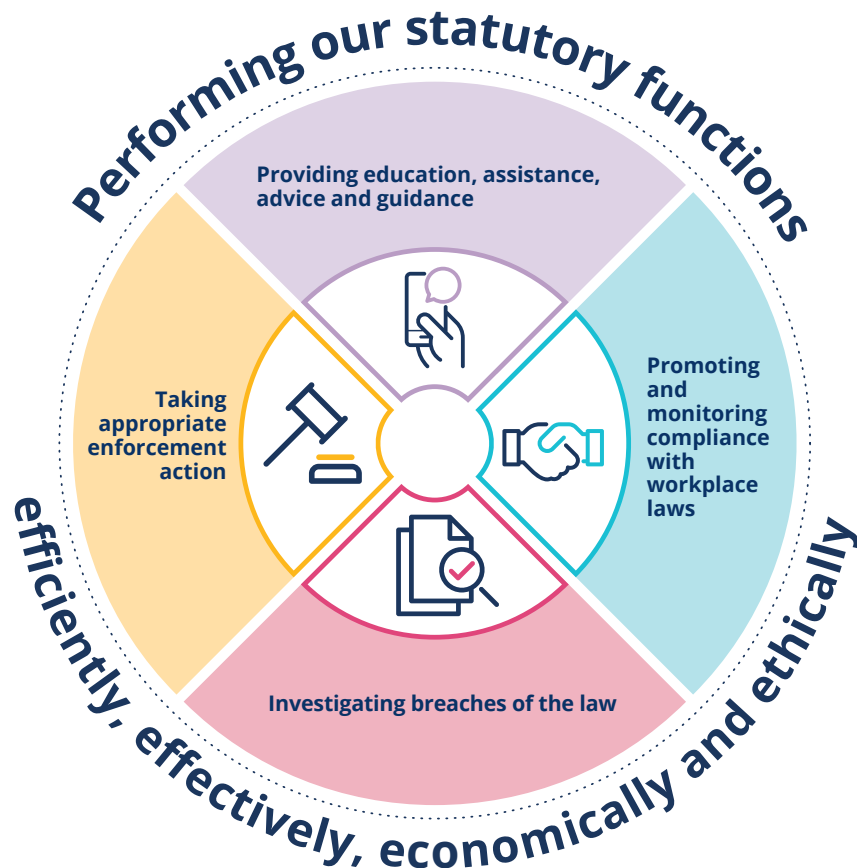


Our purpose and functions

The Office of the Fair Work Ombudsman (FWO) is the statutory office established by the Fair Work Act 2009 (the Act), and is comprised of the Fair Work Ombudsman, Fair Work Inspectors and staff. As defined within the Act, our purpose is to promote harmonious, productive, cooperative, and compliant workplace relations in Australia.

We do this through the following functions:

- ▶ provide education, assistance, advice and guidance to employers, employees, outworkers, outworker entities and organisations
- ▶ promote and monitor compliance with workplace laws
- ▶ inquire into and investigate breaches of the Act
- ▶ take appropriate enforcement action
- ▶ perform our statutory functions efficiently, effectively, economically and ethically.



Cooperation and Collaboration



Embracing tripartism, collaboration and engagement



Collaborative education and collaborative compliance



Genuine consultation to achieve innovative regulatory practices



Strengthened internal consultation to embed new initiatives

To deliver on our vision, our purpose, and our objectives, we need to work with our stakeholders and those in the community.

We are implementing an enhanced consultative and collaborative approach to our work through the establishment of a tripartite Advisory Group comprising of peak employer organisations, registered organisations and worker representatives, ensuring that the FWO has direct access to information and advice relevant to our work and the needs of those we serve.

Our commitment to leveraging expertise across the workplace community has led us to establish sector specific reference groups that focus on our priority areas, which will be a key focus over the 4 year plan.

We will continue to build on and identify opportunities for collaboration, working across government and industry to deliver on our Strategic Objectives. This is evidenced through our ongoing participation in various forums, committees, and reference groups, including the:

- ▶ Fair Work Commission's Small Business Reference Group
- ▶ Federal Regulatory Agency Group
- ▶ Interdepartmental Committee on Human Trafficking and Slavery
- ▶ Migrant Workers Interagency Group
- ▶ Pacific Labour and Pacific Migration Interdepartmental Committee
- ▶ Phoenix Taskforce
- ▶ Respect@Work Council
- ▶ Shadow Economy Standing Taskforce.

Embed collaborative work practices and consultation in the performance of our core services and acknowledging that engagement with a broad range of stakeholders is integral to discharging our functions and purpose effectively.¹



Our Operating Environment



Implementing workplace relations reform



Education and support to understand change



A tripartite approach to promote compliance

The FWO operates in an ever-changing environment both in the context of evolving workplace relations legislation and the nature and needs of the Australian people.

Our work has expanded with responsibility for regulating the commercial building and construction industry under the Act, together with continuing our work with large corporate entities, and the self-reporting of underpayments.

We are committed to helping employers and workers navigate the workplace relations system, including during periods of change. We will do this through collaboration, education, and the development of tailored resources. We will support compliance by using the full suite of compliance and enforcement tools at our disposal, as well as improving our operational efficiency by adjusting our structure, culture and risk settings.

In December 2023, the Australian government passed the **Fair Work Legislation Amendment (Closing Loopholes) Act 2023**. As changes come into effect the FWO will update our information, tools, and resources to assist employers and workers understand and apply new and amended workplace rights and obligations.

A significant change will see the introduction from 1 January 2025 of a criminal offence (Offence) for intentional underpayments of entitlements. The FWO will be primarily responsible for investigating contraventions of the new Offence and referring matters to the Commonwealth Director of Public Prosecutions (CDPP) or the Australian Federal Police for consideration and potential prosecution.

The criminal investigative function will be complementary to the agency's existing use of civil enforcement powers, noting that referral of matters for potential prosecution will be reserved for the most serious, intentional non-compliance.

We have established a dedicated team responsible for coordinating work needed to transition to a dual criminal and civil investigative jurisdiction. Central to the implementation of the Offence will be educating the community on the new criminal penalties, the FWO's investigative function, and two new mechanisms that provide 'safe harbour' from criminal prosecution where relevant requirements are met: a Voluntary Small Business Wage Compliance Code (the Code) and cooperation agreements. The FWO will develop the Code through a tripartite process involving employer and worker organisations.



Our Priorities



Working with stakeholders



Proactively monitoring the regulatory environment



Refining and enhancing our operating policies and procedures

Our priority areas provide a framework through which we make decisions about our resource allocation, and build trust and confidence by acting with transparency and accountability. These are areas that are at significant risk or demonstrate a history of systemic non-compliance, where we seek sector-wide impacts through increased attention. They include an enduring commitment to prioritise education and assistance for small business employers and employees, and vulnerable or at risk workers.

We reviewed our priority areas in early 2024, using intelligence and data and input received through consultation with staff and external stakeholders. Over the 4 year plan we will continue to monitor our priority areas and review them regularly, while staying responsive to emerging issues.

We will proactively monitor the regulatory environment we operate in to identify opportunities to refine and enhance our operating policies and procedures.²

As reflected in our **Statement of Intent** (developed in response to the Minister's **Statement of Expectations**), sector specific stakeholder reference groups focus on our priority areas. Over the 4 year plan they will provide a consultative and collaborative mechanism to support our development and implementation of targeted strategies in our priority areas, including co-design work. We will work with these groups to refine the scope of activities in response to emerging issues, and to measure our impact in each priority area.

About our priority areas



We exercise discretion and allocate resources in a manner that ensures the services and functions we undertake deliver value for the Australian public. Our priority areas provide a framework through which we make decisions about our resource allocation and are a consideration when responding to requests for assistance. Our priority areas focus on industries that are at significant risk or demonstrate a history of systemic non-compliance. They are areas where we seek sector-wide impacts through increased attention.

We develop targeted strategies to address the unique needs of each priority area. In consultation with stakeholders and informed by data and intelligence, our activities may include:

- ▶ education and communication
- ▶ tailored material and resources
- ▶ influencing sector-wide compliance and governance
- ▶ targeted compliance and enforcement activities.

We monitor our priority areas and review them regularly, while staying responsive to emerging issues.

Enduring commitment



We prioritise education and assistance for:



Small business employers and employees



Vulnerable or at risk workers

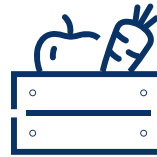
Priority areas



We prioritise working with and ensuring compliance in the following sectors:



Aged care services



Agriculture



Building and construction



Disability support services



Fast food, restaurants and cafés



Large corporates



Universities

Focus matters



We continue to focus on matters that:

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



Our Strategic Objectives



Activities embedded in performance and planning processes



A risk-based and data drive approach to compliance and enforcement



Activities informed by stakeholder feedback

Our Strategic Objectives articulate what we want to achieve in the years ahead. They are a natural progression from our vision and purpose and help guide our work so that we can best serve the community. Importantly, the Strategic Objectives have been developed in consultation with FWO staff and our external stakeholders.

OBJECTIVE 1

Employers and workers know about the Fair Work Ombudsman and what we do

To achieve this Strategic Objective, we will undertake a range of activities designed to ensure awareness of and build trust in the FWO as the federal workplace regulator.

Key Activities

- ▶ Deliver strategic marketing and communications to build awareness of the FWO, and to inform employers and workers of their workplace rights and obligations.
- ▶ Build and maintain strong stakeholder relationships by working with employer organisations, unions, community networks, government, and academics to build trust in, and awareness of our services.
- ▶ Promote our website ([fairwork.gov.au](https://www.fairwork.gov.au)) which provides important information and advice for all workplace participants.
- ▶ Publicise compliance and enforcement activities and outcomes to demonstrate the role of the FWO.
- ▶ Embrace opportunities for our staff to speak in public about the FWO and our activities.

OBJECTIVE 2

Employers and workers understand their workplace rights and obligations

To achieve this Strategic Objective, we will provide information, education, advice and assistance to workers and employers on workplace rights and obligations.

Key Activities

- ▶ Collaborate with employer organisations and unions to support them to educate their members and enable all workplace participants to foster cooperative, productive and sustainably compliant workplaces.
- ▶ Review and enhance our website content to ensure information is accessible, reliable, and fit for purpose, including tailored content developed in consultation with stakeholders.
- ▶ Maintain and enhance the FWO's online tools and resources that facilitate compliance with workplace laws and support best practice workplace relations practices, including access to a range of Fact Sheets and templates, our Pay and Conditions Tool (PACT), and our comprehensive suite of online learning courses.
- ▶ Review the Fair Work Information Statement, Fixed Term Contract Information Statement and the Casual Employment Information Statement in response to changes to workplace laws as well as user research and feedback.
- ▶ Provide tailored information and advice to employers and workers through the Fair Work Infoline.
- ▶ Offer tailored and reliable written advice to small businesses through the Employer Advisory Service.
- ▶ Provide targeted service offerings for small business including tailored web content and a Small Business Helpline.
- ▶ Maintain dedicated sections of our website for migrant workers and visa holders, young workers and students, and other vulnerable cohorts.
- ▶ Provide free translating and interpreting services and professionally translated resources.
- ▶ Offer webinars and in-person workshops and presentations having regard to stakeholder feedback about areas of need.
- ▶ Support the workplace community to provide education to their own stakeholders.
- ▶ Provide information and education on the new criminal offence for intentional wage underpayments, the FWO's investigative function, and the two new pathways that will provide 'safe harbour' from criminal prosecution where relevant requirements are met, that is the Code and cooperation agreements.
- ▶ Communicate informed and impartial positions on key or emerging issues, or areas of compliance concern to positively influence compliance behaviours.

We will support the Government's policy priorities and objectives through our education and advice, and compliance and enforcement functions, and work collaboratively with the Minister and the portfolio, including the Department of Employment and Workplace Relations.³



OBJECTIVE 3

Disputes about compliance with workplace laws are resolved by dispute resolution and the use of enforcement tools

To achieve this Strategic Objective, we will work with employers and workers and their representatives to resolve workplace disputes and remediate non-compliance with workplace laws.

Key Activities

- ▶ Ensure that the information contained in our **Compliance and Enforcement Policy** and on our website clearly explains what people can expect to happen if they contact us about a workplace dispute.
- ▶ Deliver a range of educational resources, including through joint activities with stakeholders and community groups, to equip and empower workers and employers to resolve workplace disputes including through best practice alternative dispute resolution techniques.
- ▶ Review, assess, and triage requests for assistance to determine the most appropriate response.
- ▶ Work with employers and workers to resolve workplace disputes efficiently using a range of supported dispute resolution techniques to achieve voluntary and guided compliance outcomes.
- ▶ Prioritise resolution of workplace disputes using existing and new dispute resolution pathways, including leveraging external organisations such as the Fair Work Commission and small claims courts.
- ▶ Enable the application of workplace laws using dispute resolution techniques as well as compliance and enforcement tools. The FWO will continue its focus on using Compliance Notices as an effective tool to resolve underpayments and Infringement Notices to address non-compliance with payslips and record keeping requirements. Enforceable Undertakings (EUs) will be utilised to remedy contraventions and prevent future contraventions.

OBJECTIVE 4

Non-Compliance is deterred through strategic compliance and enforcement activities.

To achieve this Strategic Objective, we will take a risk based and proportionate response to compliance and enforcement activities.

Key Activities:

- ▶ Undertake proactive activities guided by our priorities to educate, inform, and ensure compliance with workplace laws.
- ▶ Apply behavioural economics to encourage compliance with workplace laws across all sectors.
- ▶ Provide clear and accessible pathways for the workplace community to report non-compliance, including anonymously.
- ▶ Build the capacity of the workplace community to create and maintain sustainable compliance.
- ▶ Encourage and facilitate voluntary reporting and remediation of non-compliance, including by the use of cooperation agreements and the Code.
- ▶ Provide best practice guidance to organisations through the development and delivery of best practice guides, including a FWO Remediation Guide that offers clear and consistent guidance to organisations that voluntarily report non-compliance.
- ▶ Target non-compliance hotspots with coordinated Fair Work Inspector site inspections.
- ▶ Work closely with others including state and federal regulators, and other stakeholders in identifying opportunities for joint operations and compliance activities.
- ▶ Use litigation and other enforcement activities to highlight workplace rights and/or clarify the law in a changing workplace relations environment and publicise these activities to maximise the deterrence effect.
- ▶ Use EUs and litigations as a strategic enforcement pathway in accordance with our **Compliance and Enforcement Policy**.

OBJECTIVE 5

Serious and systemic non-compliance is detected and addressed

To achieve this Strategic Objective, we will deploy a range of traditional and innovative regulatory approaches to deter serious and systemic non-compliance, which may otherwise have continued undetected.

Key Activities

- ▶ Undertake inquiries to identify root-causes of non-compliance to influence change across industry sectors and/or particular cohorts of workers leveraging the expertise of industry participants and experts in the field.
- ▶ Design strategies and plans addressing serious and systemic non-compliance and repeat offenders.
- ▶ Support stakeholder frameworks to monitor and prevent non-compliance in supply chains.
- ▶ Investigate criminal offences and where appropriate refer matters to the CDPP.
- ▶ Use intelligence, data, and predictive analytics solutions to enhance detection of suspected non-compliance to inform our activities.
- ▶ Find alternative influences and pressure points to drive change and support a culture of compliance.

OBJECTIVE 6

Our systems, capabilities, and ways of working support our people to deliver our objectives

To achieve this Strategic Objective, we will ensure our employees are engaged, committed, and prepared to achieve the objectives of the FWO.

Key Activities

- ▶ Focus on the wellbeing of our staff and support them to be a high performing workforce.
- ▶ Ensure through organisational and people strategies the FWO is an inclusive employer that strives to reflect the community that we serve.
- ▶ Complete structural change within the FWO to align capabilities, work and leverage opportunities.
- ▶ Enhance leadership capabilities at all levels of the FWO.
- ▶ Communicate and consult with our staff, including through our Agency Consultative Forum (ACF) and their Community and Public Sector Union representatives.
- ▶ Meet our corporate compliance obligations and accountability to the Minister and the Parliament.
- ▶ Adapt the way we work, using flexibility and innovation to support our employees to meet our priorities.
- ▶ Drive community education and compliance outcomes and support our decision making through refining our collection of data and evidence.
- ▶ Enhance our use of data-driven analytics to gain actionable insights from large datasets, facilitating evidence-based decision-making and enabling the agency to anticipate and respond to emerging trends and challenges effectively.
- ▶ Deliver a technology roadmap and strategy that supports reliability and security of data systems, enhances our data capabilities, and supports the delivery of our activities.



Capabilities and Enabling Framework



Capability to support development, implementation and adoption of initiative



Keeping pace with technology, industry practices and community expectations



Utilise data and evidence to drive effective education and regulation

The FWO's enabling functions and capabilities are key to the successful execution of our functions as a regulator.

Integrity

Integrity in the APS is a multi-layered concept that is shaped by frameworks and policies, assurance mechanisms, its employees and broader organisational culture.⁴

The FWO addresses integrity requirements through comprehensive frameworks, policies and procedures that clearly set standards and obligations and support us being a model employer.

The FWO is committed to meeting the expectations of the Australian public in relation to the integrity, trustworthiness and effectiveness of frameworks and decision-making processes within our Agency and the government more broadly.

We have assurance and governance processes that ensure the standards of integrity are being met with high standards of professionalism, both in what we do and how we do it.

We will act with integrity, honesty and ethically in the exercise of our functions and interactions with stakeholders and the community.

The FWO has addressed the Integrity Principles as set out in the **Commonwealth Integrity Management Framework** through our policies and procedures, continuing education for staff and promoting a culture of trust that reflects the Australian Public Service (APS) core values and behaviours.

We have an established Risk Management Framework and Fraud Control Plan which provide mechanisms to report integrity issues, such as those relating to fraud and corruption and to ensure we meet our obligations and responsibilities with respect to the National Anti-Corruption Commission.

We regularly conduct internal audits to provide independent assurance on risk, controls, compliance, and external accountability, and to identify opportunities for continuous improvement.

The FWO is focused on building trust and being risk based and data-driven, whilst embedding tripartism, innovation and regulatory change.

We are committed to holding ourselves to account, as we hold others to account.



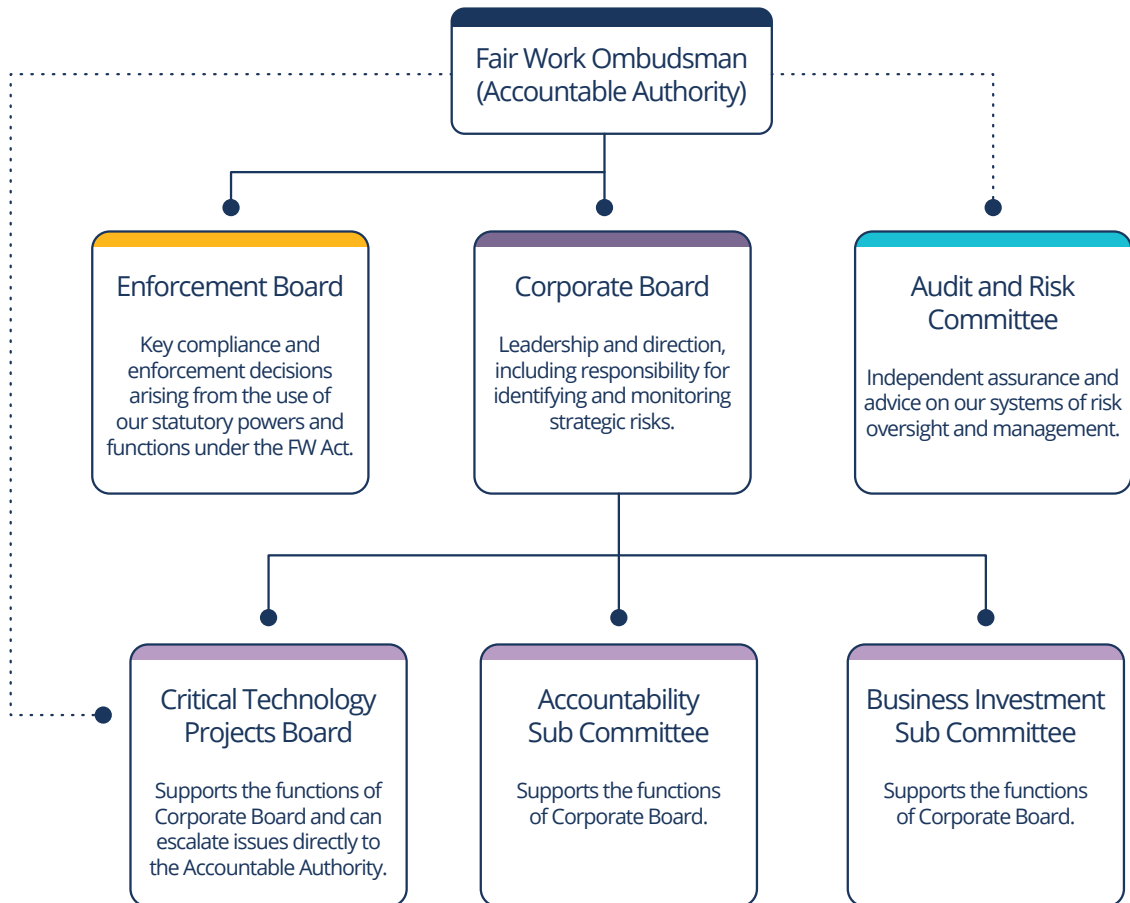
Governance Structure

The Fair Work Ombudsman is ultimately responsible for the efficient, effective, economical, and ethical use of resources. The Fair Work Ombudsman, as the Accountable Authority, is supported by a governance structure that facilitates effective and timely decision-making by providing:

- ✔ Advice on specific matters
- ✔ Delegated decision-making where appropriate
- ✔ Transparency and accountability of decision-making
- ✔ Monitoring, reporting and management of risk.

We are committed to exercising our discretion over the allocation of resources in a manner that ensures the services and functions we undertake provide value for money for the Australian public. A key component of this is ensuring appropriate structures are in place, such as our Corporate and Enforcement Boards, which promote effective decision-making at all levels within the Agency.

Over the 4 year outlook of this plan, we will regularly review the effectiveness of internal decision-making processes and our governance framework so that we can make best use of our people, our technology, and our financial resources.



People

We operate in a changing environment, and must adapt to evolving stakeholder needs, public expectations, and the wider workplace relations landscape. To meet these challenges, we need a workforce that is engaged, capable, and adaptable. We will continue to develop, strengthen and embed a culture that is supportive, inclusive, and committed to integrity and we will embed continuous improvement in all our activities. In 2024, we will deliver a People Strategy to ensure we are ready to adapt and respond to changes in our working environment.

Our **Agency Census Action Plan** outlines how we will review our consultation and change management practices across the organisation and develop processes to harness our people's ideas to drive innovation and continuous improvement. Genuine staff consultation and change management has been identified as critical to our success, leveraging opportunities for collaborative problem-solving through our ACF.

We know a diverse workforce will result in better public services and trust in the APS. We are developing a new Diversity and Inclusion Strategy that will affirm our commitment to a diverse, inclusive, and culturally safe workplace, and will provide an overarching framework to our diversity and inclusion initiatives. We are continuously striving to increase representation across diversity groups including people who identify as living with disability or as Aboriginal and/or Torres Strait Islander to meet both the FWO and APS targets and ensure our workforce reflects the community we serve.

We will address this by developing a Disability Employment and Confidence Strategy and through our Aboriginal and Torres Strait Islander Employment Strategy that specifies actions to drive inclusive recruitment, capability, and career paths.

We are committed to strengthening our internal capabilities by aligning our recruitment, development, and mobility programs consistent with the APS Strategic Commissioning Framework, which sets a clear expectation that the core work of the APS will be delivered by APS employees. We will do this by undertaking a review of outsourced work, identifying where this can be brought inhouse, and developing plans to build internal capability in these areas.

We will monitor our use of the external workforce, and when this capability is needed, we will treat it as an opportunity to enhance the skills of our people. In 2024-25, we will reduce outsourcing of core work in line with the APS Strategic Commissioning Framework. Our targets for 2024-25 focus on reducing the outsourcing of Administrative Services, with an expected reduction of \$45,000 in 2024-25 in outsourcing expenditure.

We will also implement the APS Senior Executive Service (SES) Performance Leadership Framework to embed a culture of transparency and accountability for SES officials.

This approach will deepen our capabilities and knowledge of the core work of our agency and balance our ability to deliver services now and in the future.



1,007
Agency headcount



78.6%
Full time



50%
Women in leadership



20.5%
Culturally and linguistically diverse





Technology

Our Technology Strategy prioritises and aligns outcomes with the FWO's objectives, legislation, and regulatory commitments, emphasising cyber security and integrating with the whole-of-Government digital transformation agenda, for enhanced business outcomes and an improved citizen experience.

We will be cognisant of and adaptive to the whole-of-Government technology and cyber security priorities and associated or potential impacts on our business and service delivery, and responsive to the changing needs and expectations of the Australian public.⁵

We will continue to have a strong focus on:

- ▶ Maintaining the functionality, security, and currency of our core systems, including safeguarding against evolving cyber threats to ensure regulatory compliance, operational resilience, and the reliability of our foundational technology infrastructure.
- ▶ Exploring emerging technologies such as artificial intelligence, keeping pace with modern developments, and enabling innovative technology solutions that improve Agency operations and service delivery.
- ▶ Consolidating and simplifying our technology landscape to enhance efficiency, reduce complexity, and streamline operations through strategic investments in system upgrades and integration.
- ▶ Investing in our people to build internal capabilities, providing training and development opportunities that equip them with the skills needed for maintaining core systems and the successful delivery of technology solutions.
- ▶ Supporting compliance and enforcement efforts through improved technical capabilities, using data analytics and advanced technologies to enhance our ability to monitor and enforce compliance with workplace relations laws.

Finances

Our funding derives primarily from government annual appropriations, with special appropriations providing for payments of administered funding to eligible recipients on behalf of the Australian Government. Our funding source and budget estimates are detailed in the Portfolio Budget Statements 2024-25, delivered in May 2024.

Timely and accurate financial reporting assists our senior management with decision-making and provides forecasts regarding future financial viability. This information, in turn, feeds into the internal budget process. Through analysis and regular reporting to our senior management and governance bodies, we can be responsive to rapid changes impacting the Australian workforce, prioritising and maximising the use of our financial resources.

Over the 4 year outlook of this plan, we will continuously review our financial practices to safeguard operational efficiency and effectiveness, and to ensure financial sustainability in the delivery of our role and purpose.



Risk Management

We believe that to manage risk effectively you must have in place a framework that cultivates and embeds risk management practices, and is in line with the statutory requirements in the Public Governance, Performance and Accountability Act 2013 (PGPA Act).

We will proactively outline our approach to risk and decision-making, including through our Risk Management Framework and our annual Corporate Plan, and through our Regulatory Priorities.⁶

We manage risk so that we can continue to deliver on our vision, purpose, and Strategic Objectives. We will:

- ✔ Maintain a structured approach to risk management through the FWO's Risk Management Framework.
- ✔ Regularly review our strategic risk register ensuring that controls are effective and that we learn from realised risks.
- ✔ Update and mature our fraud and corruption control measures.
- ✔ Ensure that our Business Continuity approach and resources are fit for purpose.

We have heard directly from our employees that further work needs to be undertaken across the FWO to embed a balanced approach to risk based decision-making, ensuring that our settings are at the right level to ensure timely outcomes. This was also addressed in the [KPMG Review of the FWO](#), and we will work to ensure our settings support our operational decision-making.

The Audit and Risk Committee provides independent assurance and advice to the Fair Work Ombudsman on our systems of risk oversight and management.

The following key risks have been identified that may impact on our ability to fulfill our purpose.





| Key risk | How we treat the risk |
|--|---|
| Failure to meet our statutory functions as set by the Fair Work Act 2009 | <ul style="list-style-type: none"> ▶ A Compliance and Enforcement Policy that demonstrates how the FWO performs its statutory compliance and enforcement functions. ▶ Oversight by the FWO's Enforcement Board of key compliance and enforcement decisions. ▶ Quarterly review of work in our priority areas to ensure activities and initiatives are achieving the required outcomes. |
| Failure to meet the expectations of the community and stakeholders in delivering our services | <ul style="list-style-type: none"> ▶ A Compliance and Enforcement Policy that demonstrates how the FWO performs its statutory compliance and enforcement functions. ▶ A Stakeholder Engagement Strategy that outlines the key principles informing our approach to stakeholder engagement to support genuine consultation and collaboration. ▶ Hosting various forums including an Advisory Group and priority sector reference groups to leverage the collective expertise and knowledge of the workplace community. ▶ Participating in various forums, committees and reference groups to remain informed of key issues impacting our customers and their expectations, and identify opportunities for collaboration with industry and government stakeholders. ▶ Analysing feedback and complaints received and identifying business improvement opportunities. |
| Inability to maintain and enhance cyber security requirements to protect systems, data and information | <ul style="list-style-type: none"> ▶ Management of information technology environment by Chief Information Officer and Information Technology security personnel, including the Cyber Security team. ▶ Assessment and assurance, including Essential Eight assessment, onsite support from the Australian Cyber Security Centre, and implementation of recommendations from cyber security internal audit. ▶ Best practice approach to managing potential or actual data breaches through embedded policies and education in relation to Privacy and Information Governance/Management. ▶ Implementation of embedded security measures in our processes and in our Software Development Lifecycle to manage security threat vectors. |
| Failure to attract, develop and retain a capable workforce that delivers on strategic objectives | <ul style="list-style-type: none"> ▶ Establish a People Strategy that incorporates activities to attract and retain employees and build strong capability across the FWO. ▶ Promote the FWO Employee Value Proposition to attract quality candidates. ▶ Support wellbeing at work through fostering a collaborative and consultative culture, flexible work practices, and the Employee Assistance Program. ▶ Review and deliver programs and initiatives that support diversity and inclusion including the Aboriginal and Torres Strait Islander Employment Strategy. ▶ Support opportunities for leadership and staff development and mobility. ▶ Mitigate the impact of organisational adjustments through effective change management planning and processes. |
| Failure to maintain and improve technology platforms and systems to ensure that they are fit for purpose | <ul style="list-style-type: none"> ▶ Deliver a Technology Strategy to support tailored technology solutions through secure platforms and collaborative partnerships. ▶ Business Investment Sub-Committee and Corporate Board oversight of Technology Strategy and Roadmap. ▶ Survey customers to determine effectiveness of digital tools. |

Performance Framework



Regulator best practice and striving for continuous improvement



Discharging our functions and purpose effectively



Providing accurate and timely information

Our performance framework articulates clear and measurable outcomes and provides accountability for the work that we do.

We have reviewed our framework incorporating the government's principles of regulator best practice into our measures and processes, and have reflected the intentions set out in our [Statement of Intent](#) (developed in response to the Minister's [Statement of Expectations](#)). We used examples of best practice in the framework (and from other agencies) and have incorporated improvements.

The PGPA Act and the Public Governance, Performance and Accountability Rule 2014 (PGPA Rule) as well as our own internal audit activities aims to ensure integrity in our reporting.

More information about how we meet the Australian Government's expectations for regulators can be found on our website: [Regulator performance](#)



Measuring and reporting on our performance

The performance measures outlined over the following pages aim to demonstrate our performance against our key objectives and activities. They reflect the changes we are making as an organisation and help embed a commitment to service standards in our work.

We are committed to ensuring a high quality of service in performing our duties as the federal workplace regulator, and we will continue to use surveys to ensure that we are meeting the needs of the community we serve.

We are also trialling a performance measure that will help us measure community awareness of the FWO, because we need to be known and trusted to ensure compliance with workplace laws. As part of the trial, we will set targets that will keep improving awareness of the FWO.

As a regulator, we need to report on how we use compliance and enforcement tools, and our new performance measures will show a balanced approach to encouraging voluntary compliance and using formal tools when needed.

We have identified a total of 10 performance indicators for the 2024-25 to 2027-28 reporting period. We have retained some indicators, developed new ones and we are also continuing to work on other indicators. We plan to add KPI(s) to Objectives 1 and 5, which are marked as 'under development', and we will include the targets, rationale and methodology in future Corporate Plans, once the KPIs have been developed and approved.

We have established a linkage within each KPI where there is a clear line of sight between the 2024-25 portfolio budget statements and our performance measures.

An overview of the indicators are set out in the table below:

| KPI # | KPI | Type |
|-------|--|-------------------|
| 1.1 | The FWO will ensure increased awareness of our role | Under development |
| 2.1 | The Fair Work Infoline provides high quality advice and assistance ⁷ | Revised |
| 2.2 | The Employer Advisory Service provides written information and advice that helps small business customers to understand their workplace rights and obligations | New |
| 2.3 | FWO's digital tools are effective ⁸ | Retained |
| 3.1 | The FWO will resolve Requests for Assistance involving workplace disputes in a timely manner to achieve compliance with workplace laws ⁹ | New |
| 3.2 | The FWO will use enforcement tools to achieve compliance with workplace laws | New |
| 4.1 | The FWO will develop and publish its areas of priority ¹⁰ | Retained |
| 5 | Serious and systemic non-compliance is detected and addressed | Under development |
| 6.1 | FWO employees are engaged, committed and prepared to achieve our objectives | New |
| 6.2 | FWO employees feel supported by the FWO | New |



KPI Outcomes

Key Performance Indicator 1.1: THIS KPI IS UNDER DEVELOPMENT
The FWO will ensure increased awareness of our role

Performance Measure:

The FWO will conduct a survey to assess the Australian Public’s knowledge of the FWO.

| Targets: | 2024-25 | 2025-26 | 2026-27 | 2027-28 |
|-----------------|-----------------|-----------------|-----------------|-----------------|
| | To be confirmed | To be confirmed | To be confirmed | To be confirmed |

Further information:

KPI 1.1 is identified as being ‘under development.’

The FWO is currently working with an external provider to conduct surveys to understand the Australian Public’s awareness of the FWO.

In working with the external provider, a full methodology will be established and results from baseline surveys will be used to determine targets.

The methodology, targets and rationale will be included in future Corporate Plans, once the KPI has been developed and approved.

Data Sources:

To be established after baseline surveys conducted to determine KPI metrics.

Measure Type:

The performance measure is an effectiveness measure to provide insight into the community awareness of the FWO.

Changes over time:

To be advised.

Authority Source:

May 2024-25 PBS: Linked to Section 1.1 Strategic Direction Statement – page 174.

Key Performance Indicator 2.1:
The Fair Work Infoline provides high quality advice and assistance

Performance Measure:

Percentage of customer survey responses demonstrating a rating of satisfied or better.

| Targets: | 2024-25 | 2025-26 | 2026-27 | 2027-28 |
|----------|---------|---------|---------|---------|
| | >75% | >75% | >75% | >75% |

Target Rationale:

The target of greater than 75% was established using an existing customer service survey. The target was based on results for this survey, prior to using the survey to measure KPI 2.1.

Methodology:

Customers are randomly selected to participate in the survey within 5 business days of their phone enquiry to the Fair Work Infoline being closed as advice provided.

Customers are asked the following question:
How satisfied were you with the quality of advice and assistance you received from the Fair Work Infoline?

Response options available are: 'Very satisfied; Somewhat satisfied; Neither satisfied nor dissatisfied; Somewhat dissatisfied; Very dissatisfied.'

Customers are invited to participate via direct personalised email containing an individual link to the online survey.

The survey will be conducted over 2 survey periods each month (approximately 2 weeks apart) to ensure interactions are representative of the whole month.

The final result will be calculated as a percentage and is based on the total number of customers who responded they were very satisfied or somewhat satisfied with our advice and assistance, divided by the total number of respondents, and multiplied by 100 to get the percentage.

Data Sources:

The data is derived from survey responses via email.

Measure Type:

This is a qualitative measure of efficiency and effectiveness based on customer satisfaction with the quality of information and service provided by Fair Work Infoline staff.

Changes over time:

KPI2.1 replaces KPI 2 from the 2023-24 reporting period, which has been in place since the 2020-21 reporting period.

The performance measure and targets remain unchanged.

Authority Source:

May 2024-25 PBS: Outcome 1 - Program 1.1 – page 180.



Key Performance Indicator 2.2:

The Employer Advisory Service provides written information and advice that helps small business customers to understand their workplace rights and obligations

Performance Measure:

The percentage of Employer Advisory Service customer survey responses demonstrating a rating of satisfied or better - where small business customers identified that the information they were provided helped them to understand their workplace rights and obligations.

| Targets: | 2024-25 | 2025-26 | 2026-27 | 2027-28 |
|----------|---------|---------|---------|---------|
| | >75% | >75% | >75% | >75% |

Target Rationale:

The target reflects the results of a pre-existing survey that captures small business customer experience with the FWO's Employer Advisory Service (EAS). The current survey serves to inform the new KPI as a baseline, and particular questions are to be the subject of KPI measurement.

The KPI target is also based on the results of an existing survey, which provides a baseline for responses to the key question. *"Overall I am satisfied with the advice provided."* The current survey has been running since April 2022 and has captured the experience of customers consistently for all those receiving written advice since 1 July 2021.

Methodology:

Customer satisfaction is measured by regular surveys. All customers who receive written advice from the EAS in the survey period are invited to participate. The result is based on the question *"Overall I am satisfied with the advice provided"* and consists of an aggregation of 'agree' and 'strongly agree' responses from all surveys conducted during the period.

Data Sources:

Data is sourced from the existing survey administered by the EAS.

Measure Type:

This is an effectiveness measure.

The measure reports on the FWO's commitment to ensuring small businesses have access to information, education and advice through the EAS. The helpfulness of written advice is an indication of the effectiveness of that advice. The customer satisfaction rating shows the value that is placed on the output quality and effectiveness of the service by small business customers.

This performance measure demonstrates the FWO's commitment to supporting delivery of services to assist the regulated community comply with their obligations under the Fair Work Act 2009.

Changes over time:

This is a new KPI for the reporting period of 2024-25. The initial target of greater than 75% is retained for forward years.

Authority Source:

May 2024-25 PBS: Outcome 1 - Program 1.1 - page 180.

Key Performance Indicator 2.3: FWO's digital tools are effective

Performance Measure:

Percentage of customer responses demonstrating a rating of satisfied or better where customers identified that the information helped them to understand workplace rights and obligations.

| Targets: | 2024-25 | 2025-26 | 2026-27 | 2027-28 |
|----------|---------|---------|---------|---------|
| | >75% | >75% | >75% | >75% |

Target Rationale:

The target of greater than 75% was established following 2020-2021 analysis of the results of a pilot customer survey in 2020.

The target was agreed by the Data Governance KPI Working group as achievable and was subsequently approved by the FWO.

Methodology:

All desktop users who visit the FWO's website (fairwork.gov.au) during the survey period will be invited to participate in the survey.

Users will be asked the following question: *Did the information you found today help you understand your workplace rights and obligations?*

The FWO offers desktop users of our website the option to complete an exit survey via a pop-up message on their first visit to fairwork.gov.au during the survey week.

The final result will be calculated by taking the total number of customers who answer that they did find the information helpful and dividing it by the total number of valid responses to that question and multiplying it by 100 to get the percentage.

Data Sources:

The data is sourced from the customer survey responses, via a Qualtrics survey.

Measure Type:

This is a qualitative measure of effectiveness, based on customer survey responses identifying whether their experience helped them to understand their workplace rights and obligations.

Changes over time:

The performance measure and targets remain unchanged.

Authority Source:

May 2024-25 PBS: Outcome 1 - Program 1.1 – page 180.



Key Performance Indicator 3.1:

The FWO will resolve Requests for Assistance involving workplace disputes in a timely manner to achieve compliance with workplace laws

Performance Measure:

This will be measured as the time to finalise 80% of Requests for Assistance (RfAs) involving a workplace dispute.

| Targets: | 2024-25 | 2025-26 | 2026-27 | 2027-28 |
|-----------------|------------------------------|------------------------------|------------------------------|------------------------------|
| | 80% finalised within 60 days | 80% finalised within 60 days | 80% finalised within 60 days | 80% finalised within 60 days |

Target Rationale:

The target was established as an indicator of timely management of RfAs involving a workplace dispute, to achieve an outcome utilising available resources.

Methodology:

The time to finalise RfAs involving workplace disputes is calculated based on the time to complete within the reporting period.

The FWO's case management system is used to determine the days to finalise.

A RfA workplace dispute is where a customer seeks assistance that is beyond the provision of advice (this does not include proactive initiatives or self-disclosures of non-compliance).

Data Sources:

Operational data retained from our internal case management systems, CustomerNet (CNet) and Titan (CRM), which record RfAs involving a workplace dispute. The data is curated and retained in the FWO's Data Warehouse.

Measure Type:

This is a quantitative measure of timeliness, and a measure of service delivery efficiency.

The timely resolution of RfAs involving workplace disputes demonstrates an efficient use of resources, responsiveness to the customer, and supports effective workload management.

Changes over time:

The performance measure has previously been at least 85% of matters finalised in an average of 30 days. The performance measure has changed to 80% of RfAs involving workplace disputes are finalised within 60 days.

The change in target has been applied as a direct result of a change to the methodology of the performance measure from a percentage of matters finalised within an average of 30 days, to the time to complete matters within 60 days.

Authority Source:

May 2024-25 PBS: Outcome 1 - Program 1.1 – page 180.

Key Performance Indicator 3.2:**The FWO will use enforcement tools to achieve compliance with workplace laws****Performance Measure:**

The percentage of investigations finalised in the reporting period using one or more enforcement tools.

| Targets: | 2024-25 | 2025-26 | 2026-27 | 2027-28 |
|----------|---------|---------|---------|---------|
| | >40% | >40% | >40% | >40% |

Target Rationale:

The target has been identified using historical data of a similar nature, and aims to reflect a proportionate approach to finalising investigations using one or more enforcement tools. The target will be subject to review and assessment during the first reporting period, to ensure it is consistent with the FWO's new Compliance and Enforcement Policy that will be published in 2024-25. The target reflects a balanced approach to finalising investigations through the effective use of compliance and enforcement tools.

Methodology:

The FWO will use quantitative data to demonstrate that we apply a risk-based approach to enforcement action in accordance with the FWO's Compliance and Enforcement Policy.

The performance measure is calculated using all investigations finalised during the reporting period where one or more enforcement tools have been used.

The percentage value is based on the count of finalised investigations involving use of an enforcement tool, out of the total number of finalised investigations in the reporting period.

Enforcement tools include those provided for in the Fair Work Act 2009:

- ▶ Infringement Notice
- ▶ Compliance Notice
- ▶ Enforceable Undertaking
- ▶ Litigation

An investigation includes work undertaken by the FWO that is referred to a Fair Work Inspector and captured by one of our internal case management systems, Titan (CRM). Further information about our approach can be found in our Compliance and Enforcement Policy.

Data Sources:

Operational data retained from our internal case management system, Titan (CRM), which records investigations. The data is curated and retained in the FWO's Data Warehouse.

Measure Type:

This performance measure is a quantitative measure of output.

Changes over time:

This is a new KPI aggregating a range of applied enforcement tools to illustrate the enforcement approach of the FWO.

Authority Source:

May 2024-25 PBS: Outcome 1 - Program 1.1 – page 180.



Key Performance Indicator 4.1:

The FWO will develop and publish its areas of priority

Performance Measure:

The FWO will ensure that its priorities are published on the FWO's website.

| Targets: | 2024-25 | 2025-26 | 2026-27 | 2027-28 |
|-----------------|------------------------------|------------------------------|------------------------------|------------------------------|
| | To be achieved by 31 July | To be achieved by 31 July | To be achieved by 31 July | To be achieved by 31 July |

Target Rationale:

The target is a simple demonstration of completion of a task.

Methodology:

The development of priorities will be evidence based and the priorities will be published. The public notification of the FWO's priorities will be via the FWO's website - www.fairwork.gov.au.

Data Sources:

An internal working group will provide the finalised priorities for publication on the FWO's website

Measure Type:

This is an output measure. It evidences that a complex program of work has been completed to identify priorities.

Changes over time:

This measure remains constant over time,

Key Performance Indicator: THIS KPI IS UNDER DEVELOPMENT**Strategic Objective 5: Serious and systemic non-compliance is detected and addressed****Performance Measure:**

Under development.

| Targets: | 2024-25 | 2025-26 | 2026-27 | 2027-28 |
|-----------------|-----------------|-----------------|-----------------|-----------------|
| | To be confirmed | To be confirmed | To be confirmed | To be confirmed |

Further information:

At this point in time there are no clear KPIs for Objective 5. This in no way reflects that we are not currently meeting our purpose under the Act, but identifies that we will continue to enhance our maturity of data systems and process, to understand, report and assess 'serious and systemic non-compliance.'

With the FWO restructure taking place on 1 July 2024, resulting in new work groups and new agency wide programs and activities, together with the introduction of our criminal investigative function in January 2025, we will broaden our existing approach to detecting and addressing serious and systemic non-compliance.

These influences will assist to further shape the scope, measures and targets relevant to serious and systemic non-compliance KPIs.

The KPI(s) for Objective 5 is identified as being 'under development', with targets, rationale and methodology to be included in future Corporate Plans, once the KPIs have been developed and approved.



Key Performance Indicator 6.1:**FWO employees are engaged, committed and prepared to achieve our objectives****Performance Measure:**

The levels of engagement, commitment and preparedness of FWO staff in comparison to the APS average.

| Targets: | 2024-25 | 2025-26 | 2026-27 | 2027-28 |
|-----------------|--|--|--|--|
| | Equal to or greater than the APS average | Equal to or greater than the APS average | Equal to or greater than the APS average | Equal to or greater than the APS average |

Target Rationale:

FWO established a target of the employee engagement index score being at or above the APS average to provide visibility of FWO's commitment to ensuring employees are engaged and committed to the agency's objectives. The target demonstrates the agency's investment in staff and initiatives that support their engagement.

Methodology:

FWO employee engagement index score in comparison to the APS average, will be derived from the APS Employee Census.

The employee engagement index score is based on a model of:

- ▶ **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.

The FWO will use quantitative data published by the Australian Public Service Commission (APSC) as part of the APS Employee Census results to compare the employee engagement index score for FWO to the APS average.

The APS Employee Census is an annual survey of staff sentiment that is open to all staff working for the FWO. The APSC use a Say, Stay, Strive model of employee engagement which is flexible and uses tailored the questions for the APS context.

Data Sources:

Employee engagement index scores are provided to FWO by the APSC on an annual basis. Employee engagement index scores are provided at a range of levels, including FWO and APS average.

Measure Type:

This is a quantitative effectiveness measure of FWO's commitment to ensuring employees are engaged and feel committed to the agency's objectives.

Changes over time:

Nil.

**Key Performance Indicator 6.2:
FWO employees feel supported by the FWO**

Performance Measure:

Evidence of wellbeing levels of FWO staff against the APS average.

| Targets: | 2024-25 | 2025-26 | 2026-27 | 2027-28 |
|----------|--|--|--|--|
| | Equal to or greater than the APS average | Equal to or greater than the APS average | Equal to or greater than the APS average | Equal to or greater than the APS average |

Target Rationale:

FWO established a target of the wellbeing policies and support index score being at or above the APS average to provide visibility that the agency is focused on the wellbeing of its staff to support a high performing workforce.

Methodology:

FWO wellbeing policies and support index score in comparison to the APS average, will be derived from the APS Employee Census.

The APS Employee Census is administered to all staff working for the FWO on a date set by the APSC.

The wellbeing policies and support index score is based on the collective results from the following questions:

- ▶ I am satisfied with the policies/practices in place to help me manage my health and wellbeing.
- ▶ My agency does a good job of communicating what it can offer me in terms of health and wellbeing.
- ▶ My agency does a good job of promoting health and wellbeing.
- ▶ I think my agency cares about my health and wellbeing.
- ▶ I believe my immediate supervisor cares about my health and wellbeing.

Data Sources:

Wellbeing policies and support index scores are provided to the FWO by the APSC on an annual basis. Wellbeing policies and support index scores are provided at a range of levels, including FWO and APS average.

Measure Type:

This is a quantitative effectiveness measure of FWO's focus on the wellbeing of its staff to support a high performing workforce.

Changes over time:

Nil.



Appendix A – requirements checklist

The Corporate Plan has been prepared in accordance with the requirements of:

- ▶ subsection 35(1) of the PGPA Act; and
- ▶ subsection 16E(2) of the PGPA Rule 2014.

The following table details the requirements met by the FWO's Corporate Plan and the page reference(s) for each requirement.

| Corporate Plan requirements | Pages |
|--|--------------|
| Introduction | 01 |
| <ul style="list-style-type: none"> ▶ Statement of preparation ▶ The reporting period for which the plan is prepared ▶ The reporting periods covered by the plan | |
| Purposes | 03 |
| Environment | 05 |
| Key activities | 09 |
| Operating context | 13 |
| <ul style="list-style-type: none"> ▶ Capability ▶ Risk oversight and management ▶ Cooperation | |
| Performance | 21 |

Endnotes

- 1 Fair Work Ombudsman - Statement of Intent 2023
- 2 Fair Work Ombudsman - Statement of Intent 2023
- 3 Fair Work Ombudsman - Statement of Intent 2023
- 4 Integrity | Australian Public Service Commission (apsc.gov.au)
- 5 Fair Work Ombudsman - Statement of Intent 2023
- 6 Fair Work Ombudsman - Statement of Intent 2023
- 7 KPI 2.1 replaces KPI 2 from the 2023-24 reporting period, which has been in place since the 2020-21 reporting period. The performance measure and targets remain unchanged but KPI has changed to a measure of the Fair Work Infoline, rather than whole of FWO
- 8 KPI 2.3 is retained as the former KPI 3 outlined in the 2023-24 Corporate Plan
- 9 KPI 3.1 is a new KPI that is a variation to the former KPI 4 outlined in the 2023-24 Corporate Plan
- 10 KPI 4.1 - KPI number (formerly KPI 9) and some wording has changed from the 2023-24 reporting period, but the measure remains the same



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