



FairWork
Commission

CONTINUING THE CHANGE PROGRAM

FUTURE DIRECTIONS 2014-15
PROGRESS REPORT

INTRODUCTION

Nearly 12 months ago the Fair Work Commission launched the second phase of its ongoing change program *Future Directions*, detailing 30 initiatives that we intend to implement throughout 2014 and 2015.

The purpose of this document is to provide an update on the progress we have made over the past year to improve our performance and the service we deliver to the community.

All of the changes and innovations we have made will assist us to:

- promote fairness and improve access;
- increase efficiency and innovation;
- increase accountability; and
- improve productivity and engage with industry.

In addition to working towards the successful implementation of the initiatives set out in the second stage of *Future Directions*, several more innovations and projects have also been developed over the past 12 months.

In particular we have a renewed focus on better meeting the needs of small business users. We have engaged in a program of consultation with small business which has enabled us to better understand the needs of small businesses and some of the barriers they face when interacting with the Commission.

As a result of our engagement with small business we are developing and implementing a series of initiatives to support this important sector of the Australian economy. Many of these are detailed on page 5 of this update.

While small business is a focus, we are continuing to explore ways to better meet the needs of all of our stakeholders, particularly through the use of more web-based technologies, when interacting with the Commission.

In this regard we are conducting a comprehensive usability review of our website and finding ways to enhance the benefits of web-based technology in everything we do.

In order to improve our efficiency and timeliness we are undertaking three significant pilots in relation to appeals, agreement approvals and general protections matters.

All of these initiatives are discussed in more detail on page 4. Each has the aim of reducing the transaction costs for parties and the time taken to deal with these applications.

Our change program would not be possible without the ongoing support of our key stakeholders and the community we serve.

I would like to thank everyone who has assisted us by providing feedback on the initiatives we are undertaking, taking part in the pilot programs, or providing the Commission with your suggestions on how we can continue to make a great public institution better.

As I noted last year when we launched the second phase of *Future Directions*, there is always scope to expand upon these programs and introduce new projects.

So I would like to once again invite all of our stakeholders to provide us with their feedback on the work we have planned or suggestions for new initiatives we should consider.

I look forward to bringing you another update on the changes we are making later this year.



A handwritten signature in blue ink that reads "Iain Ross". The signature is fluid and cursive.

Justice Iain Ross AO
President

THE COMMISSION'S AGENDA

Improving our performance

Permission to appeal pilot

The permission to appeal pilot aims to provide a more efficient appeal process for parties by seeking to resolve the issue of permission to appeal before parties spend time and expense preparing submissions that may not ultimately be required.

As part of this pilot all appeals are assessed and where our data suggests that an appeal would have a higher chance of being refused permission, it is likely to be included in the pilot.

If an appeal is allocated to the pilot, permission to appeal is dealt with as a threshold issue and only the applicant is required to file short written submissions.

All appeals included in the pilot filed in a particular month are heard on one or

two days in the following month by a Full Bench in either Sydney or Melbourne.

The pilot will be evaluated at the end of the year.

Agreement approval pilot

An agreements pilot has been established involving Commission staff, under the supervision of a Deputy President, triaging applications for all Western Australian, Tasmanian and ACT agreements and some Victorian agreements in the building, metal and civil construction industry prior to a Member's consideration of the agreement.

The aim is to ensure agreement applications are dealt with more quickly and efficiently.

The initial results are promising and the pilot will be reviewed after 31 March 2015.

General protections conciliation pilot

This pilot involves trained staff conciliators dealing with general protections applications in Western Australia, Queensland and the ACT.

As is the case with unfair dismissals, the staff conciliators conduct telephone conferences to deal with these applications, reducing the time required to schedule the conference and the cost to parties.

The initial results are positive and the pilot will be reviewed in April before a decision is made about whether to expand the process.

Education and engagement

As part of the Commission's commitment to engaging with the Australian community a number of education and engagement initiatives have been, or are being, planned.

Anti-bullying forums

On 10 and 12 March 2015 the Commission will host one-day forums in Melbourne and Sydney in relation to the anti-bullying jurisdiction.

The forums are an opportunity for those who have engaged with the jurisdiction to discuss some of the key themes that have emerged from the matters dealt with by the Commission in the past 12 months.

Key stakeholders are able to provide feedback on how they think the jurisdiction is operating in practice and where there may be areas for improvement.

Australian Workplace Relations Study

The Commission recently published the *Australian Workplace Relations Study* (AWRS) First Findings Report which provided an initial snapshot of the data collected from this study.

The AWRS is the first nation-wide study since the *Australian Workplace Industrial Relations Survey* (AWIRS) in 1995 to link data generated from employers and employees.

The Commission has commenced publishing reports and research papers featuring AWRS data. The AWRS dataset will also be released in a range of user-driven applications to provide a public resource to those wishing to undertake their own analysis and research.

The Commission's AWRS activities will culminate in a two-day conference in June

2015, where invited and submitted papers featuring an analysis of AWRS data will be presented.

New Approaches

The Commission's *New Approaches* initiative is one way we are responding to our new statutory obligation to promote cooperative and productive workplace relations.

As part of the *New Approaches* program, Commission Members will be available to attend workplaces and provide specialised training in relation to enterprise bargaining and dispute resolution.

The Sydney Water and Orora case studies featured in the 2013-14 annual report provide an example of the preventative role the Commission can play in workplace relations.

Improving services for small business

The Commission has been consulting with small business to explore ways we can improve our services to meet their needs.

Given the change in the nature of our work, with a shift from collective to individual disputes, an increasing number of small businesses are coming into contact with the Commission.

Small business has told us that they require simple, plain English materials to assist them to engage with the Commission. We have established a small business working group within the Commission to consider how we can better meet the needs of these key stakeholders.

Some of the initiatives already being undertaken or considered include:

- **Agreement making guide and checklist**—the Commission is developing an agreement making guide and checklist with a particular focus on assisting small business with the bargaining and agreement making process. The checklist will be written in plain English and include a summary of important dates in the agreement making process. This material will be published by the end of March 2015.
- **Citizen co-design with small business owners research**—focus groups and in depth interviews were undertaken with 47 small business owners across Victoria and New South Wales in the context of the 4 yearly review of modern awards. The purpose of this exercise was to elicit practical insights from small businesses and to gain a greater understanding of the attitudes of the small business community in relation to their use and perceptions of modern award documents.
- **Consultation with other government agencies**—the Commission is consulting with other government agencies to help develop a cohesive approach to providing information services to small business, to reduce duplication and provide clearer information.
- **Permission to appeal pilot**—the appeals pilot allows for the permission to appeal issue to be dealt with more quickly and efficiently. The aim is to reduce the time and financial cost burdens on all parties.
- **Unfair Dismissal Practice Note and plain English information materials**—in late 2014 the Commission released an Unfair Dismissal Practice Note and a series of documents to assist unrepresented parties when preparing for unfair dismissal hearings or conferences. Each of the documents

prompts a response to questions relating to the statutory criteria which must be considered by a Member when determining an unfair dismissal application.

- **Usability review of the Commission's website**—the Commission is currently undertaking an extensive usability review of our website. Part of this process is ensuring that small businesses are able to quickly and easily access the Commission's online resources and the information they require.
- **Small business workshop**—the Commission is currently considering conducting a series of small business workshops. These events are likely to focus on the practicalities of agreement making and the unfair dismissal jurisdiction. Further information materials are likely to be released in conjunction with these events.
- **Online video mock hearing for unrepresented parties**—later this year the Commission will develop an online video-based unfair dismissal mock hearing for unrepresented parties to assist them to prepare for hearings or conferences at the Commission.

We will continue to consult broadly with small business to ensure that we adapt and respond to their particular needs.

Understanding our parties

While the Commission has offices in all capital cities, we understand that our parties are often located outside of metropolitan areas and as such may have different needs.

To help us better understand these needs we are currently mapping where our parties are based and how we can adequately and efficiently engage with all parties that appear before us.

Some of the initiatives which may be considered as a result of this work include: a review of our processes for lodging applications; extending the use of telephone, video and web-based technologies for conducting proceedings; and exploring the use of more web-based information and services.

MARCH UPDATE

INITIATIVE

» On track ✓ Completed

1	Develop new benchbooks. Update—the Enterprise Agreements Benchbook will be published in March. An Industrial Action Benchbook is currently being developed.	»
2	By the end of 2015 we will provide access to audio files of most Commission hearings. Update—a new centralised monitoring and transcript process has been implemented, with a client portal to access audio files anticipated to be launched in 2015.	»
3	In 2014–15 we will review the scope of the current pro bono lawyer program in order to provide these services on a broader geographical and jurisdictional basis. Update—work is being undertaken to extend this program to regional Victoria and Queensland.	»
4	By the end of 2014 we will pilot an information kiosk in the Sydney Registry. By the end of March 2015 we will assess how the kiosk is used by persons attending the Registry and whether it should be rolled out to other Registries. An information kiosk will enable applicants to complete and lodge forms electronically and access information both about the Commission and other agencies. Update—a kiosk has been established and feedback is being sought from users. Expansion of this kiosk facility to other Registries will be considered once the Commission's Online Lodgment Service is fully implemented.	»
5	By mid 2015 we will produce further "Virtual Tours" of various aspects of the Commission's functions including anti-bullying and general protections.	»
6	By the end of 2014 we will establish processes for Commission staff to assist self-represented applicants by identifying issues in their application about which they may wish to seek legal advice. Update—new processes have been implemented in relation to Extension of Time, Minimum Employment Period and National System Employee issues identified in applications.	✓
7	By early 2015 we will have reviewed and updated all of our forms. Update—the review process is well underway. Forms have been separated into groups for review. Already 34 forms have been reviewed and updated. Most other forms are in the process of being reviewed and updated.	»
8	During 2014 and 2015 we will improve access to, and presentation of, information and advice through: <ul style="list-style-type: none"> Continued improvement of the materials provided on our website; Enhancing the website's capacity to search and collate content of collective agreements; Conducting education webinars that enable clients to obtain detailed, targeted information. Update—a major website usability review, with a significant focus on search, is currently underway. In addition, the Commission has already conducted several successful education webinars for registered organisations. Further education webinars are being considered.	»
9	During 2014 and 2015 we will examine how we can more effectively use technology, including live streaming of significant matters and improved access from remote areas.	»
10	In 2014 we will begin preparation for conducting the Commission's first paperless Annual Wage Review in 2015. Update—following the preparation carried out in 2014, the Commission is on track to conduct the first paperless Annual Wage Review in 2015.	✓
11	All visitors to Commission premises from July 2014 will have WiFi access, including in hearing rooms.	✓
12	Following the pilot program for unfair dismissal conciliation conferences, in 2014 and 2015 we will explore further uses of SMS alerts for Commission matters.	»
13	We will examine ways in which Commission staff can work more efficiently, such as: <ul style="list-style-type: none"> By introducing a facility enabling lodgment of multiple related applications as a single "bulk" lodgment; and By examining the cost effectiveness of "smart forms" for our most popular forms. 	»
14	In 2014 and 2015 we will introduce an electronic case management system which will significantly reduce costs for the parties and for the Commission, assist in improving processing times and enhance access to information.	»

15	By mid 2015 we will review the processes for determining applications for the approval of enterprise agreements to ensure the most timely and efficient resolution of these matters. Update—an agreements pilot involving Commission staff triaging applications for all Western Australia, Tasmania and ACT agreements and some Victorian agreements in the building, civil and metal construction industries commenced late in 2014. Initial results are promising and the pilot will be reviewed after 31 March 2015.	»
16	During the next two years we will evaluate our performance against the International Framework for Tribunal Excellence to identify further measures to improve our performance against the Framework.	»
17	In 2014 we will take a “snapshot” of a day in the life of the Commission to capture client satisfaction with any Commission services that were provided on that day.	✓
18	In mid 2015 we will run a pilot program to provide clients with selected application benchmark information as a guide to how long their application may take to be dealt with through to finalisation.	»
19	In 2014 we will develop a performance indicator framework in order to provide greater reporting across a broader range of matters before the Commission. Update—a draft performance indicator framework has been developed and is currently being reviewed by external experts to ensure its validity.	»
20	In 2014 we will take steps to enhance the transparency and accountability of the Commission through: <ul style="list-style-type: none"> • Investigating options for research into the Commission’s public value; and • Facilitating an external review of the Commission’s key performance indicator framework. Update—research was commissioned in 2014 to identify options to improve the Commission’s public value and review its performance indicator framework. The research is expected to be completed in early 2015.	»
21	By late 2014 we will develop additional timeliness benchmarks for unfair dismissal matters. Update—anticipated new benchmarks will be published in March 2015.	»
22	Throughout 2014 and 2015 we will conduct mock hearings in all Australian states and territories.	✓
23	By September 2014 we will consult with a broad range of clients in developing a communications strategy which improves the public’s understanding of our services and role.	✓
24	In 2014 we will further facilitate the exchange of views with our key stakeholders by establishing new user groups, including a pilot program with community legal centres. Update—the Commission is taking part in a Migrant Workers Steering Group which entails working with community organisations to better assist and educate migrant workers about their workplace rights. The Commission is also working with the Footscray Community Legal Centre and the Springvale Monash Community Legal Centre to support their employment law-focused programs.	»
25	In 2014 we will explore ways in which we can provide better services to small business. Update—the Commission is currently undertaking or planning several initiatives specifically for small business. See page 5 of this publication for further information.	✓
26	In 2014 we will continue the <i>Australian Workplace Relations Study (AWRS)</i> to capture the views of both employers and employees, resulting in the production of the first Australia wide statistical dataset linking employer data and employee data. Update—the AWRS First Findings Report was published in late January. Further reports and research papers that feature AWRS data have also been released. The Commission will also release data over the first half of 2015 in a range of user-driven applications which will provide a public resource to those wishing to undertake their own analysis. The Commission’s AWRS activities will culminate in a two-day conference in June where invited and submitted papers that feature analysis of the AWRS data will be presented.	✓
27	In consultation with key stakeholders, in 2014 and 2015 we will develop and implement a strategy for the promotion of cooperative and productive workplace relations that facilitate change and foster innovation.	»
28	In 2014 and 2015 we will continue to engage with the research community by co-sponsoring a series of papers and delivering accompanying lectures in capital cities around Australia.	✓
29	In support of the recommendation contained in ‘Towards more productive and equitable workplaces—an evaluation of the Fair Work legislation’, in late 2014 we will conduct and publish qualitative research to identify clauses in enterprise agreements that enhance productivity or innovation.	✓
30	By mid 2015 we will conduct research to map the location and business needs of parties to assist in determining how we can provide services that more effectively and efficiently meet their needs.	»



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