

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Additional Estimates 2009-2010**

Outcome 5 - Workplace Relations

DEEWR Question No.EW0928_10

Senator Cash provided in writing.

Question

Fair Work Education and Information Campaign

1. How is the Department assessing the success of the Fair Work Education and Information Campaign to ensure that employers and employees are adequately informed?
2. What conditions / performance criteria accompany the Fair Work Education and Information grants the Government provides?
3. Please provide a copy of all funding agreements that accompanied the 29 June 2009 funding announcement? Was it a condition that recipients be uncritical of the Government's new workplace regime?
4. What specific performance requirements and accountabilities accompanied funding grants to industry organisations and unions?
5. How is the Government evaluating actual performance of grant recipients and what steps are being taken to publicise these evaluations?
6. How does the Department justify the Government's 5 January 2010 decision giving \$10 million to the union movement for its Union Education Foundation to train shop stewards, when shop keepers and small businesses were calling for practical and useable information and advice they could apply in their workplaces?
7. What specific performance requirements, activity obligations and accountabilities accompany the \$10 million grant to the union movement for training union representatives? Please provide a copy of funding agreement and performance criteria / conditions for the Union Education Foundation? How will these performance requirements be monitored and publicly reported? How was the \$10 million figure determined?
8. Why has the Government refused to agree to proposals for a moratorium on small business prosecutions for unintentional breaches of the new workplace regime requirements given that poor effort the Government has made in communicating the changes?

Answer

1. The effectiveness of the Fair Work Education and Information program (FWEIP) will be assessed against the objectives of the program utilising a range of performance indicators.

Providers are required to report regularly on the education and information activities undertaken and educational resources provided, feedback provided by participants, and the overall effectiveness of these activities and resources.

The Guidelines for Applicants set out the objectives of the program:

The objectives of the program are to provide grants to organisations to enable them to provide education and information services to assist employees, employers and small business in understanding the new workplace relations laws and their practical application, with specific focus on:

- *collective bargaining; and*
- *the new unfair dismissal laws and including the Small Business Fair Dismissal Code.*

The grants will ensure that organisations are in a position to provide employees and employers with timely advice and assistance on the new workplace relations system, in particular to ensure groups such as Indigenous Australians, those from non-English speaking backgrounds, and people with disabilities receive targeted advice and assistance.

A comprehensive assessment of the program will be conducted when the program is completed using data collected throughout the program as part of the grant recipients' reporting requirements.

2. The conditions and performance criteria for FWEIP grants are set out in the Guidelines for Applicants and the Funding Agreement. Copies of these documents are attached.

3. Copies of all Funding Agreements are attached.

Section 4.6 of the program Guidelines for Applicants requires funding recipients to ensure "the information and education services provided by successful applicants must ...be consistent with content provided by DEEWR and all relevant provisions of the new workplace relations system and Australian Government policy" when providing services under the funding agreement. This does not and has not precluded grant recipients being critical of the Government's workplace relations reforms in their normal business activities.

4. The performance requirements and accountabilities accompanying FWEIP grants are set out in the Guidelines for Applicants and the Funding Agreements, copies of which are attached.

5. The Department monitors each FWEIP provider's performance against their obligations under individual funding agreements. Consistent with past practice, the performance of individual providers is not publicised.

6. The \$10 million grant to the Union Education Foundation is to develop and deliver national workplace education programs for employee representatives. The grant is an important component of the Government's \$30million commitment to training, information and education regarding the Fair Work system. Around \$17 million of that funding has been targeted at business and industry organisations.

The \$30 million commitment is in addition to the range of information provided by the Fair Work Ombudsman (FWO) via the FWO's website and the Fair Work Infoline.

7. The funding agreement with the Union Education Foundation has not yet been executed. No funds will be provided prior to execution of the funding agreement. The amount of funding was determined by Government.

8. The Government recognises that small business needs to understand the new laws before it can comply with them and has funded a range of education opportunities for small business.

- The FWEIP continues to provide opportunities for Australian businesses to participate in seminars, webinars and information sessions free of charge. In addition, the dedicated website developed by the Council of Small Businesses of Australia at www.fairworkforsmallbusiness.com.au provides comprehensive information on the new workplace regime requirements for small business.
- The FWO's Fair Work website provides a range of multi media resources for small business and has had more than one million visits.
- The Government has allocated \$3.7 million for 50,000 education visits to businesses by the FWO to ensure they have the information they need on the new system.
- The Government has also allocated \$2.7 million for initiatives for small business, including targeted information activities and the employment of specialist Fair Work Liaison Advisers by the FWO and relevant employer organisations to undertake coordinated information and educative activities in specify industry sectors identified as being most in need of targeted information.
- A further \$500,000 has been provided for a designated small business education unit at the FWO.

On the issue of a moratorium on small business prosecutions, a moratorium is considered both unnecessary and inappropriate and would remove the incentive for employers to familiarize themselves with their obligations under the Fair Work system. As the FWO stated in his media release of 5 January 2010:

“Inspectors will adopt a flexible, fair approach to businesses found to be in breach of the new laws, as it is always our preference to work with employers to educate them and help them voluntarily rectify any non-compliance issues we identify”...

Mr Wilson says that of the 30,000 matters his inspectors investigate annually, 99% are resolved co-operatively and voluntarily by employers without the need for litigation.

“Other than in exceptional circumstances, we do not initiate legal action against businesses, where they have demonstrably tried to do the right thing”