



# 2024 Annual Statement of Compliance:

## Commonwealth Child Safety Framework

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### Commitment to child safety

The Fair Work Commission (the Commission) is committed to providing a safe environment for children and young people consistent with the Commonwealth Child Safety Framework (the Framework). We acknowledge the importance of being a child safe organisation. All Commission staff and Members share responsibility for providing a safe environment for children and young people.

### The Commission's interaction with children and young people

The Commission is Australia's national workplace relations tribunal carrying out functions under the *Fair Work Act 2009* (Cth). We make awards, approve enterprise agreements, and help resolve issues at work, including about termination of employment, bullying and harassment, and discrimination. We also regulate trade unions and employer organisations. Most, but not all, Australian workers are 18 years or older.

The Commission does not administer Australian Government programs, grants or policies for children or young people.

Commission staff and Members have minimal interaction with young workers (under 18 years) in the performance of their duties. We may interact with young workers in responding to enquiries about the Commission's functions, most often by telephone, but also occasionally at a counter (face to face) and in writing. Enquirers rarely disclose their age.

We may also interact with young workers while dealing with a case that is before the Commission. This could be because a young worker is a party to a case or can provide relevant information about a case as a witness. We may interact by email, telephone, video or, less often, in person.

We gather information about the age of participants in cases about individual rights that are most likely to involve young workers, such as termination of employment, bullying and harassment, and discrimination. For cases about collective disputes, however, most often the age of people involved in a case is not disclosed unless it is relevant to dealing with the case (such as because it concerns employment of apprentices, or young workers in the hospitality industry). In collective cases, young workers are most often supported by a union or representative.

A Commission Member hearing a case has wide discretion about how the case will be conducted, including when young workers are involved in proceedings. This includes taking measures the Member considers appropriate to protect vulnerable participants.

Calls to the Commission's information line are routinely recorded, as are Commission proceedings. Public areas of the Commission are monitored by CCTV and many proceedings are held in public.

## **Annual risk assessment as at 31 October 2024**

The Commission has conducted a risk assessment of our engagement with children and young people for the reporting period of 1 November 2023 to 31 October 2024.

We determined that our overall level of risk, with control measures in place, is low.

## **Child safety initiatives**

In the year ended 31 October 2024, the Commission:

- reviewed and prepared updated forms for case types that are most likely to involve young workers, to ask about age.
- implemented a flag in our case management system to identify young workers. We also revised case management reports to further ensure staff and Members are alerted to any young workers who may be involved in a case.
- introduced a process to provide young workers with targeted information about how the Commission deals with personal and sensitive information, and about how they can ask the Commission to keep their case confidential.

Commission staff and Members dealing with cases most likely to involve vulnerable people (including young workers) routinely undertake training in trauma-informed practice.

Where identified, we routinely ask young workers to be accompanied by a parent, guardian or legal representative during proceedings.

The Commission will continue to demonstrate its commitment to creating a safe and supportive environment for young workers. We are currently finalising a new Child Safety policy that adopts and implements applicable National Principles, prior to consultation with Commission staff and Members.

## **Compliance with the Framework**

While we have not yet fully delivered two elements of the Framework (implementing applicable National Principles, and training and compliance), we have made significant progress since our last statement in working towards full compliance.

Once we adopt our new Child Safety policy embedding the applicable National Principles, in the coming year we will move our focus to training in child safety and compliance as relevant.