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Agenda item:	2d
Date of Meeting:	15 December 2014
Title of Paper:	Voluntary Work s 22(1)
Paper being brought forward by:	Work Experience and Programmes Branch

RECOMMENDATION

That the Committee:

- **Agree** that providers must undertake a risk assessment and ensure there is appropriate supervision for Voluntary Work s 22(1) activities.
- **Agree** to maintain the current policy parameters for Voluntary Work and s 22(1) that allow job seekers to undertake activities with caring, teaching and direct supervision roles.

CONTEXT

- Voluntary Work s 22(1) are activity options available to job seekers in 2015. They are also an approved activity that job seekers can undertake to meet their Annual Activity Requirement (AAR).
- Under the current Job Services Australia (JSA) model, the policy on risk assessments and supervision for Voluntary Work s 22(1) are consistent. For employment services 2015 we are seeking a decision from the committee on a number of policy elements for these activities for 2015.

KEY ISSUES

ISSUE 1 - Supervision/Risk Assessment

- Voluntary Work s 22(1) under JSA are required to have appropriate supervision and a risk assessment arranged by the JSA provider s 22(1)
- The requirement for Voluntary Work s 22(1) to have a risk assessment ensures the Department has some assurance that the activity is safe to undertake and that any risks to the job seeker are mitigated. Ensuring there is appropriate supervision also provides the Department with some assurance that the job seeker is working in a safe environment and undertaking tasks appropriate to their level of skill/experience.
- There will be specific emphasis in the Employment Services 2015 programme guidelines to ensure that where an activity involves working with vulnerable people, including children and the elderly, providers must ensure that job seekers have the appropriate checks and appropriate supervision.
- The committee should note that the original policy intent for Voluntary Work was to encourage more job seekers to undertake Voluntary Work the government would allow that participation to count towards meeting their Mutual Obligation. For a short period there was a formal Volunteer Work Programme, but this ceased in 2006. Voluntary Work placements were originally seen as an arrangement between the job seeker and the host organisation s 22(1)
 - This intent would mean the provider would have minimal involvement in the establishment or management of the activity and would not be required to ensure a risk assessment has been completed and appropriate supervision be in place as these would be expected to be undertaken by the host organisation (for Voluntary Work) s 22(1)
- The need for the Department to mitigate any risks to the job seeker on all activities resulted in the JSA Deed and Guidelines requiring providers to undertake risk assessments and ensure appropriate supervision for Voluntary Work s 22(1) from the commencement of JSA in 2009.

Option 1 (recommended)

- **For employment services 2015 it is recommended that when establishing Voluntary Work s 22(1) providers must (along with other requirements) undertake a risk assessment, and ensure there is appropriate supervision (to be outlined in the Deed/Guidelines).**
 - Ensuring each activity has a risk assessment and appropriate supervision reduces the risk to the Department should an incident occurs on an activity.
 - This recommendation is consistent with the Work for the Dole activity policy for 2015 which also requires appropriate supervision and a risk assessment for each activity s 22(1)
 - This approach is also in line with the current risk and supervision arrangements for Voluntary Work s 22(1) activities under JSA which have been in place since 1 July 2009, as such there will be no increase in red tape for providers.

Option 2

- Voluntary Work s 22(1) undertaken by job seekers are to be arranged between the job seeker and the host organisation and do not require a risk assessment, or appropriate supervision checks from the provider.
 - Job seekers cannot be compelled to commence in either Voluntary Work activities s 22(1) and organisations participating in either of these activities must sign a host agreement (along with the job seeker) outlining the tasks involved, ensuring appropriate insurance is in place and agreement on reporting attendance.
 - Job seekers can however, be compelled to participate in these activities once they are in a job seekers Employment Pathway Plan (or Jobs Plan for 2015). This is consistent with Social Security Law.
 - This approach minimises the role for the provider in the establishment of, or referral of job seekers to, Voluntary Work s 22(1) . This is despite the fact that job seekers will be undertaking Voluntary Work s 22(1) as a permissible activity to meet their AAR (as directed by the Department, noting that Voluntary Work s 22(1) are voluntary activities).
 - Providers will have no view of the potential environment the job seeker will be working in or any potential risks to the job seeker while undertaking this activity.
 - There is therefore an inherent risk to the Department that where a job seeker is injured on an activity, the Department may be seen to have taken no action to prevent the incident.

ISSUE 2 - Caring, Teaching and Direct Supervision

- The Employment Services 2015 Committee previously decided (ES 2015 meeting of 8 August 2014) that the following exclusions apply to Work for the Dole 2015 activities. A brief is currently with the Minister seeking his approval for the following exclusions:
 - No Work for the Dole activities to take place in childcare
 - No direct supervisory, teaching or caring roles of minors , the elderly and other classes of vulnerable people;
 - Work for the Dole activities can be in proximity of minors, the elderly and other classes of vulnerable people provided there is an appropriate level of adequate supervision and this is reflected in the Deed;
 - No Work for the Dole activities to take place on private property unless specifically approved in guidelines provided by the Department.
- This paper is seeking a decision on whether the exclusions for Work for the Dole activities, also apply for Voluntary Work Activities s 22(1) .

Option 1 (recommended)

- **Maintain current policy parameters for Voluntary Work s 22(1) that allow job seekers to undertake activities with caring, teaching and direct supervision roles. The exclusions that apply for Work for the Dole 2015 will therefore not apply for Voluntary Work s 22(1) .**
 - Voluntary Work activities are undertaken in not-for-profit organisations registered with the Department of Human Services as an approved Voluntary organisation. These activities will still have risk assessments undertaken and appropriate supervision (subject to the committee's decision on Issue 1).

- The work undertaken by Voluntary organisations often means interaction with vulnerable cohorts. By limiting if/when this contact can occur, it will mean a reduction in the availability of Voluntary Work activities for job seekers.
- Unpaid Work Experience Placements can occur in for-profit and not-for-profit organisations. These organisations may have interactions with vulnerable cohorts in some circumstances. As these placements are designed to enhance vocational skills and to experience a work-like environment, it is not recommended that these placements be limited in any way where there may be interaction with vulnerable cohorts.

Option 2

- The rules around caring, teaching and direct supervision that apply to Work for the Dole should also apply to Voluntary Work s 22(1)
 - This means there would be consistent policy advice for providers regarding the types of activities job seekers are permitted to undertake.
 - This option aligns with the current Draft Employment Services Deed 2015-2020 (clause 107.10) for Voluntary Work activities, which states that:
'Unless otherwise agreed by the Department in writing, the Provider must not provide, Broker or Purchase an activity in a Work for the Dole Place or Voluntary Work if it, in whole or in part, as relevant:
 - *requires Stream Participants to undertake physical or hands-on personal care of people;*
 - *is in child care;*
 - *involves any supervisory, teaching or caring roles for Children, the elderly or other classes of vulnerable people, including in schools or aged care facilities;*

s 22(1)

RED TAPE IMPLICATIONS

- Each of the recommended options align with the current policy parameters for providers. Therefore there are no red tape implications for providers.

COORDINATION COMMENTS

Group/Branch Manager/Working Group	s 22(1) - Industry and International Strategies Branch - Labour Market Strategies Group
Agree with proposed recommendation? (Y/N)	Yes – we support the three recommendations.
Comments	The care sector is growing and presents many opportunities to job seekers for entry level employment. A lack of work experience is often a barrier to job seekers securing employment in the sector. s 22(1) volunteer work will help job seekers address this barrier to employment. It also provides flexibility for demand led employment responses – ie Employment Providers working with employers to prepare job seekers for employment.
Group/Branch Manager/Working Group	s 22(1) – Group Manager, State Network
Agree with proposed recommendation? (Y/N)	Yes
Comments	The Network is comfortable with the three recommended options. Two things to add: In relation to risk assessments and checking supervision the recommended option is to continue to do this in 2015-202 – we understand why and can live with the recommended option to do this. If there was an appetite to accept more risk, we would also support not doing it. These are approved organisations that are used to dealing with volunteers and don't need us to check on them. In relation to the option that recommends the continuation of allowing “caring, teaching and direct supervision roles”, I not only agree with this I think we should actively resist the urge to regulation creep by banning them.
Group/Branch Manager/Working Group	s 22(1) – A/g Branch Manager – Labour Market Policy Branch
Agree with proposed recommendation? (Y/N)	Yes
Comments	<u>Issue 1</u> : LMPB supports the preferred option (option 1) but would prefer the guidelines to being minimal and with a lower level of risk assessment and other checks that will apply with WfD. This would recognise that these sorts of arrangements are often negotiated directly between the job seekers and the host/employer. <u>Issue 2</u> : LMPB supports Option 1. We note that these arrangements are often negotiated directly between the host organisation/employer and the job seeker. s 22(1)
Group/Branch Manager/Working Group	s 22(1) – Branch Manager, Work for the Dole
Agree with proposed recommendation? (Y/N)	Yes
Comments	Issue 1 – Open to supporting Option 1 subject to discussion on the duty of care issue.

	<p>A general comment – there is an assumption that there is a high level of duty of care on the Commonwealth for s 22(1) voluntary work. I am not sure if there has been AGS advice on the extent of this. We certainly have lots of AGS advice on the duty of care for WfD (as we are compelling job seekers to undertake WfD and have specific roles in relation to it), but I am not sure how this applies to s 22(1) voluntary work. It may be appropriate to seek that advice if not already done.</p> <p>Also, if we undertake risk assessments etc for s 22(1) voluntary work, why is it not done for other referrals eg training?</p> <p>Issue 2 – support the recommended option that Voluntary Work s 22(1) do not have the same activity exclusions as WfD in terms of teaching, caring and supervisory activities relating to minors, the elderly or other classes of vulnerable people.</p> <p>Note – if you are recommending this position, does it contradict the recommended option for Issue 1?</p> <p>s 22(1)</p>
Group/Branch Manager/Working Group	s 22(1) – Branch Manager, 2015 Employment Services Policy
Agree with proposed recommendation? (Y/N)	Issue 1 – Does not support recommended option. Supports option 2. Issue 2 – Supports recommended option. s 22(1)
Comments	<p>Strongly oppose OPTION 1 for Issue 1. This is inconsistent with government policy and the entire intent of what volunteer work is intended to achieve. Agree with option 1 under Issue 2 – but this would be entirely inconsistent with Option 1 under Issue 1. We cannot undertake risk assessment and be an active player in the job seeker’s placement in a volunteer work placement and then allow them to undertake everything that we do not allow under WfD including caring, teaching, direct contact with vulnerable groups - including on private property.</p> <p>Option 2 under Issue 2 – is not a real option as we cannot control what participants do in volunteer work – all we can do is say we do not count towards MO – this does not seem logical.</p> <p>Subject to decisions made in separate ES 2015 Paper on EF – support Option 1 under limited conditions.</p>
Group/Branch Manager/Working Group	s 22(1) a/g Branch Manager, Stream Services Branch
Agree with proposed recommendation? (Y/N)	Yes
Comments	We are comfortable with the recommendations in the paper.
Group/Branch Manager/Working Group	s 22(1) Job Seeker Assessments and Mature Age Programs Branch, JSA
Agree with proposed recommendation? (Y/N)	Yes
Comments	<p>The Job Seeker Assessments and Mature Age Programs Branch has the following input to the Paper on Voluntary Work;</p> <p>Issue 1 Option 1 – we support the preferred recommendation as it will maintain consistency with Work for the Dole, will ensure a risk assessment, and ensure appropriate supervision (to be outlined in the Deed/Guidelines).</p> <p>Issue 2 Option 1 – we support the preferred recommendation. This approach will allow for a broader range of options and experiences for job seekers as it provides job seekers alternative opportunities to undertake work activities to gain skills and potentially secure employment.</p> <p>s 22(1)</p>

Group/Branch Manager/Working Group	§ 22(1) Employment Services Reporting and Analysis Branch
Agree with proposed recommendation? (Y/N)	Issue 1 § 22(1) – Agreed Issue 2 – Does not support recommended option. Supports option 2.
Comments	We would prefer Option 2, against Issue 2 as it provides consistency, however, we appreciate it would reduce the number of places available (which is a concern).
Group/Branch Manager/Working Group	§ 22(1) – Branch Manager Job Seeker Participation Branch
Agree with proposed recommendation? (Y/N)	Yes
Comments	Included in the paper.

Agenda item:	NEW 2a
Date of Meeting:	22 December 2014
Title of Paper:	Voluntary Work and Unpaid Work Experience Placement Activities
Paper being brought forward by:	s 22(1) Work Experience and Programmes Branch

RECOMMENDATION

That the Committee:

- **Agree** to maintain the current policy parameters requiring providers to undertake a risk assessment and ensure there is appropriate supervision for Voluntary Work s 22(1) activities for 2015 employment services.

CONTEXT

- Voluntary Work s 22(1) are activity options available to job seekers in 2015. They are also an approved activity that job seekers can undertake to meet their Annual Activity Requirement (AAR).
- Arrangements proposed below are the same as the arrangements outlined in the 2009-12 and 2012-2015 Deeds.
- Since the beginning of the market there have been 54,684 placements in Voluntary Work s 22(1)

KEY ISSUES

- Voluntary Work s 22(1) activities under JSA are required to have appropriate supervision and a risk assessment arranged by the JSA provider s 22(1)
- The requirement for Voluntary Work s 22(1) to have a risk assessment ensures the Department has some assurance that the activity is safe to undertake and that any risks to the job seeker are mitigated. Ensuring there is appropriate supervision also provides the Department with some assurance that the job seeker is working in a safe environment and undertaking tasks appropriate to their level of skill/experience.
- Attachment A outlines the legal advice provided on the duty of care, and risks to the Department, for providers when undertaking a risk assessment and supervision checks for activities. The attachment also highlights the consistency in policy outlined in the Deed clauses for Voluntary Work, s 22(1) in the current and previous iterations of the JSA Deed as well as the Draft Employment Services 2015 Deed.

RECOMMENDATION

Maintain the current policy parameters requiring providers to undertake a risk assessment, and ensure there is appropriate supervision when establishing Voluntary Work s 22(1)

- Ensuring each activity has a risk assessment and appropriate supervision reduces the risk to the Department should an incident occurs on an activity.
- This recommendation is consistent with the Work for the Dole activity policy for 2015 which also requires appropriate supervision and a risk assessment for each activity (although a different risk assessment form will be used for Work for the Dole due to the Work for the Dole coordinator role).
- This approach is also in line with the current risk and supervision arrangements for Voluntary Work s 22(1) activities under JSA which have been in place since 1 July 2009, as such there will be no increase in red tape for providers.

RED TAPE IMPLICATIONS

- The recommendation aligns with the current policy parameters for providers.

COORDINATION COMMENTS

To be supplied at the meeting.

Minutes – Tuesday 30 August 2016

Attendees

AWDG –s 22(1)

QIG –s 22(1)

YPG –s 22(1)

LMSG –s 22(1)

ESG –s 22(1)

STATE -s 22(1)

EconS WR –s 22(1)

Secretariat –s 22(1)

Other Attendees: s 22(1)

Apologies: s 22(1)

s 22(1)

s 22(1)

d. WHS Risk Assessments for s 22(1)

Voluntary Work

s 22(1) spoke to the paper, noting the extensive discussions held in the WHS working group and advice received from Legals. EBMC noted that there was a balance needed between the red tape requirements versus documentation s 42(1), and the recommended position meets the Deed requirements and if less guidance was provided then the Deed requirements would require reviewing. s 22(1) expressed concern that the guidance documents may have the unintended effect of increasing provider's aversion to risk which could, in turn, affect the take up of s 22(1). . . The EBMC agreed the guidance documents should be tested with providers and selected business groups as a means of minimising this risk.

s 22(1)

WHS RISK ASSESSMENTS FOR ^{s 22(1)}

VOLUNTARY WORK

Agenda item: 2d

Date of Meeting: 30 August 2016

Author:	s 22(1)
Date cleared:	25 August 2016

RECOMMENDATION FOR EBMC

That the EBMC endorse:

- guidance documents developed to assist jobactive and other employment service providers meet their contractual obligations when undertaking ^{s 22(1)}

Voluntary Work placements. These are:

- s 22(1)

- s 22(1)
- s 22(1)

These attachments are provided for background:

- Attachment A - Duty of Care table;
- s 22(1)
- s 22(1)

CONTEXT

Current Contractual Arrangements

- Under the current contractual arrangements, jobactive (and other employment service) providers must:
 - undertake a risk assessment of each 'Activity' and
 - undertake a risk assessment of each individual job seeker prior to referral to an 'Activity'; and
 - retain records of each risk assessment and any action taken in accordance with the risk assessment.
- There is a strong rationale for this requirement – the risk assessment acts as a tool to minimise:
 - the risk to the safety of job seekers and the public who may come into contact with the job seeker and/or the activity;
 - the legal risk to the department by assisting the department in: (a) discharging its duty of care, if that duty is held to be non-delegable or has not successfully been delegated; or (b) showing that the department has successfully delegated it's duty of care, if the duty is held to be delegable (see Attachment A); and
 - the political risk to the department and government of the day by ensuring that the processes and requirements in place are able to stand up to scrutiny.
- It should be noted that the method of undertaking and recording risk assessments is not prescribed.

s 22(1)

- The working group examined s 22(1) Voluntary Work s 22(1)

These activities were also considered in the context of current employment-services programs, including jobactive DES, Transition to Work and ParentsNext (where applicable).

- The working group considered a range of issues, including the duty of care responsibilities for the Commonwealth, providers, host organisations and job seekers; the department's risk appetite and risk tolerances; and how best to assist providers to meet their obligations while exercising their judgement.
- A suite of stakeholder guidance documents were subsequently developed They include:
 - a short guidance document for assessing WHS risk and documenting and updating WHS risk assessments;
 - an optional template for risk assessments; and
 - examples of recorded risk assessments in low risk environments.
- The working group also developed an internal working document to clarify the duty of care responsibilities that apply to the Commonwealth, employment service providers, Host Organisations and job seekers by activity or programme table ([Attachment A](#)).
- A summary of each of these documents is detailed below.
- Following consideration and endorsement by the EBMC and ESC, the department will seek to 'road test' this approach with employer organisations e.g. the Business Council of Australia, the Australian Chamber of Commerce and Industry, and a number of jobactive providers. This step will help inform the development and implementation of the new Internship Programme.

KEY ISSUES

WHS regulation in Australia

- In Australia, the Commonwealth and each state and territory government is responsible for the regulation of WHS and workers' compensation within their respective jurisdictions.
- Seven of the nine jurisdictions (including the Commonwealth) have enacted the model WHS Act and Regulations. Western Australia is considering options for implementing elements of the model WHS laws. The Victorian Government has indicated that it will not be adopting the model WHS laws in their current form however as the Model laws are largely based on the Victorian laws they are largely consistent.

Duty of Care table (internal use only)

- In order to understand the duty of care responsibilities of each of the parties (Government, employment provider, host organisation and job seeker) a table was developed for internal use only.
- This informed consideration of what streamlining was possible and/or sensible.
- The Australian Government Solicitor, Corporate Legal Group and the Workplace Relations Legal Group were consulted on the development of the table. s 42(1)

- s 42(1)

s 42(1)

s 22(1)

s 22(1)

s 22(1)

s 22(1)

s 22(1)

BACKGROUND

s 22(1)

IMPLICATIONS FOR EXTERNAL STAKEHOLDERS

- The current Work for the Dole risk assessment approach, through the Deed and Guidelines, is more directive and prescriptive than it is for NWEF and Voluntary Work.
- The messaging that providers are currently receiving from the department regarding risk assessments is focused on Work for the Dole activities through the Rolling Random Sample and the Ernst Young on-site audits. This messaging has had a strong focus on documenting very comprehensive risk assessments.
- The current NWEF and Voluntary Work messaging provides a more flexible non-prescriptive approach and the developed options for this paper further enhance the already flexible approach.
- There is a risk that providers may view this as 'mixed messages' from the department when compared to Work for the Dole.

RED TAPE IMPLICATIONS

- The proposed guidance documents do not impose any additional red tape or new requirements on providers as they are either optional or provide assistance to providers.
- The documents are aimed to lessen perceived 'red tape'.

RISK MITIGATION

- No risks are identified that require mitigation.

Work, Health and Safety Framework and Duty of Care Responsibilities for Employment Programmes

Key: = X- no duty or coverage exists ✓ = duty or coverage exists

A Entity	B Role	C Duty under harmonised Work Health and Safety laws - Does the person have a duty, who is it owed to, and what degree of care is required?	D Duty under Work Health and Safety laws in Victoria and Western Australia – Does the person have a duty, who is it owed to, and what degree of care is required?	E Common law duty of care - Does the person have a duty and who is it owed to?	F s 22(1)	G s 22(1)
<p>Commonwealth as the Programme Owner and Administrator of the: s 22(1)</p> <ul style="list-style-type: none"> Voluntary Work s 22(1) <p><u>Note:</u> these activities may occur under jobactive and Transition to Work and EYI and ParentsNext.</p>	<p>Overall design and administration of the programmes/activities, including setting the requirements for service delivery by providers.</p> <p>The Commonwealth helps manage the risk associated with the programme. This includes setting the framework for management of providers.</p> <p>The Commonwealth also undertakes programme assurance activities to determine if providers are fulfilling their contractual obligations. This includes desktop reviews of a percentage of risk assessments.</p>	<p>s 42(1)</p> <p>s 42(1)</p> <p>Persons undertaking the programme/activities included in their <i>Job Plan</i> (referred to in the legislation as an Employment Pathway Plan) are not 'workers' carrying out work for the Commonwealth for the purposes of the <i>Work Health and Safety Act 2011</i> (Cth). This is clarified through particular provisions in the <i>Social Security Act 1991</i> (Cth) each of which relate to a specific social security payment (eg for Newstart Allowance see section 631C(a)).</p> <p>s 42(1)</p>	<p>s 42(1)</p> <p>See comments in column C.</p>	<p>s 42(1)</p> <p>The principal duty of care is a duty to take reasonable care to avoid foreseeable harm, such as harm caused by unsafe work sites and practices. s 42(1)</p> <p>s 42(1)</p>	<p>s 22(1)</p>	<p>s 22(1)</p>

A	B	C	D	E	F	G
Entity	Role	Duty under harmonised Work Health and Safety laws - Does the person have a duty, who is it owed to, and what degree of care is required?	Duty under Work Health and Safety laws in Victoria and Western Australia – Does the person have a duty, who is it owed to, and what degree of care is required?	Common law duty of care - Does the person have a duty and who is it owed to?	s 22(1)	s 22(1)
				s 42(1)		
Provider	<p>The Provider is responsible for ensuring the programme/activity is delivered in accordance with the relevant Deed requirements, which could include conducting and reviewing risk assessments, being satisfied there is a safe system of work and ensuring Host Organisations is complying with relevant Work Health and Safety laws.</p> <p>The Provider is also responsible for taking into consideration the job seeker's circumstances and work restrictions when referring them to an activity, this includes supervision requirements.</p> <p>In addition the Provider may work with the host organisation to determine the tasks that the job seeker/participant will undertake.</p>	<p>s 42(1)</p> <p>s 42(1)</p>	<p>s 42(1)</p> <p>s 42(1)</p>	<p>s 42(1)</p> <p>s 42(1)</p>		

A	B	C	D	E	F	G
Entity	Role	Duty under harmonised Work Health and Safety laws - Does the person have a duty, who is it owed to, and what degree of care is required?	Duty under Work Health and Safety laws in Victoria and Western Australia – Does the person have a duty, who is it owed to, and what degree of care is required?	Common law duty of care - Does the person have a duty and who is it owed to?	s 22(1)	s 22(1)
				s 42(1)		
Host Organisation	<p>Host participants in activities. Role is to manage the day-to-day running of the activity, including supervising participants in the tasks to be completed.</p> <p>The Host Organisation must have their own WHS processes/procedures in place to manage WHS risks and comply with relevant WHS laws.</p>	s 42(1)	s 42(1)	s 42(1)		
		s 42(1)	s 42(1)	s 42(1)		

A	B	C	D	E	F	G
Entity	Role	Duty under harmonised Work Health and Safety laws - Does the person have a duty, who is it owed to, and what degree of care is required?	Duty under Work Health and Safety laws in Victoria and Western Australia – Does the person have a duty, who is it owed to, and what degree of care is required?	Common law duty of care - Does the person have a duty and who is it owed to?	s 22(1)	s 22(1)
Participants	Job seekers participating in an activity, as run by one or more of the above entities.	s 42(1)	s 42(1)	s 42(1)		
		s 42(1)	s 42(1)	s 42(1)		

s 42(1)

Voluntary Work for Participants in NEST

Agenda item: 5

Date of Meeting: 27 July 2020

Author:	s 22(1)
Date cleared:	22 July 2018

Consultations: New Employment Services Model Division, Labour Market Strategy Division, Delivery and Employer Engagement Division, Employment Programs and Activation Division, Quality, Integrity & Evidence Division, Digital Solutions Division, Employment and Legal Coordination Branch,

RECOMMENDATION FOR EBMC

That the EBMC:

1. **Agree** trialling a new approach to volunteering in the New Employment Services Trial (NEST) regions for job seekers who are subject to Points Based Activation, by retrospectively approving voluntary work hours.
2. **Agree** job seekers in the NEST regions who have job search requirements, both in Digital Services and Enhanced Services, who wish to undertake voluntary work are moved to Points Based Activation.
3. **Note** this approach will rely on the usual practices and obligations required by law in relevant states and territories when individuals are volunteering.

CONTEXT/PURPOSE

- In establishing a New Employment Services Model (NESM), Government agreements reflect a move towards a more flexible and tailored approach to job seekers' meeting their mutual obligation requirements. This includes incentivising a mix of job search, study and training, and volunteering. The push towards volunteering is also evident by the Government's promotion of voluntary work during the bushfire crises.
- With the recent increases to the digital caseloads and the Government's commitment to improve and expand online employment services to support more people who are looking for work, there is a need to consider whether and how digital job seekers can participate in voluntary work to gain skills, build networks and remain connected to work like environments.
- Participation in voluntary work however needs to be made easier for all job seekers, not just those in the digital services, similar to the changes being considered for study and training.
- The new Points Based Activation System, to commence in October 2020, provides an opportunity to trial a new approach to recognising voluntary work by allocating points for hours worked to contribute to a job seeker meeting their points' target.

KEY ISSUES

Current voluntary work arrangements and issues

- Voluntary work placements are currently an approved activity under the relevant employment services deeds. Like other activities, which are currently sourced and arranged by providers, s 42(1)

s 42(1)

s 42(1)

s 42(1)

s 42(1)

Proposed new approach for voluntary work in NEST

- It is proposed that voluntary work will not be defined under the NEST Deed as an approved activity in which job seekers can be placed with a host organisation. Instead, it will be a task that all job seekers in the NEST regions can voluntarily choose to do and organise to contribute to their points' target.
- This approach will not involve risk assessments of host organisations or job seekers or any of the other safeguards currently operative under other employment services deeds. Rather, it relies on usual practices and obligations required by relevant state and territory laws as they relate to volunteering for all individuals.
- To have consistency in approach within NEST, existing job seekers who have job search requirements, in both Digital Services and Enhanced Services, will be required to opt in to Points Based Activation in the NEST regions should they wish to undertake voluntary work.
- Under this proposal job seekers will identify their own voluntary work opportunities and after having undertaken the voluntary work will record the details, including a declaration of the hours volunteered and relevant host organisation. The department will subsequently attribute points retrospectively for the hours a job seeker volunteered.
- Recognition of voluntary work retrospectively is similar to how paid work is recognised under Points Based Activation. The department will monitor and undertake assurance activities for voluntary work as part of its broader PBAS monitoring and program assurance strategy.
- The department will promote voluntary work, highlighting that this is entirely voluntary, and that individuals can choose to undertake voluntary work at their own discretion to meet their Points Based Activation requirements. There would be no compliance action taken for not completing volunteer activity, rather job seekers would have compliance apply for failing to meet sufficient points based activities. It will also include advice on what job seekers should consider before choosing to undertake voluntary work.
- Enhanced Service Providers could similarly promote volunteer work, however it could not be made compulsory. Job seekers would be given clear advice that it could only be included for contributing to points after completion and that job seekers are required to meet the points total for the reporting period.

BACKGROUND

- From October 2020, all new digital job seekers will commence directly into Points Based Activation with current digital job seekers able to opt in at their discretion. Enhanced Services providers will have the discretion to transition job seekers to Points Based Activation from October should they determine they are able to understand the concept and take responsibility for self-management of reporting their mutual obligation requirements.
- Job seekers will be required to meet a defined points target through various tasks such as job applications (5 points each), interviews (20 points) and paid work (5 points per 10 hours worked). All job seekers will start with a base points target of 100 points per four week reporting period. Points credits can be applied to effectively lower the

points target depending on a job seeker's labour market, individual circumstance and where they are undertaking activities, such as training or an approved Departmental Program (e.g. CTA).

- Job seekers aged 60 to pension age can currently meet their mutual obligation requirements through 30 hours per fortnight of approved voluntary work, while job seekers aged 55 to 59 can meet their mutual obligation requirements through a combination of voluntary work and paid work in their first 12 months of receiving an unemployment payment, if at least 15 hours is in paid work. After this period, they can then meet their mutual obligations by either paid work or voluntary work or any combination of both. These job seekers are caseload managed by Services Australia.
- To have their voluntary work recognised by Services Australia, mature age job seekers, together with the volunteer organisation, must submit application forms. These forms are used to confirm the organisation is a not-for-profit organisation and has adequate and relevant insurance. These forms are not used to undertake a risk assessment of the volunteer organisation or an assessment of the individuals who are choosing to volunteer

IMPLICATIONS FOR STAKEHOLDERS

- If agreed, the Department will inform the NESM Reference Group, Local Working Groups and Enhanced Service Provider and will consult with them during the trial period to inform future policy for NESM.
- This proposal will require communication to job seekers, Enhanced Services Providers and the Contact Centre. Communication material will be developed.

IMPLICATIONS – RED TAPE/RESOURCES/IT SYSTEMS

- The PBAS IT build is scheduled to go live in October 2020. Processes to operationalise volunteer work as a task that contributes to a job seeker's points' target will need to be finalised and changes to the system made. These changes will not be available for the October 2020 PBAS release.
- The New Employment Services Trial Deed 2019-2020 may require a General Deed Variation to reflect changes to activities and voluntary work. This will be worked through with the Employment and Legal Coord Branch.
- Program Assurance will need to be developed to undertake spot checks on a random sample of job seekers reporting volunteer work. Processes for this will be worked through with the Contact Centre noting that there will be resource implications.

RISK MITIGATION

- There is a risk that encouraging voluntary work for more job-ready job seekers does not contribute to improved employment prospects if they are considered to already possess these skills. It may detract job seekers from efforts to find paid employment. This argument does not consider the broader community and networking benefits from job seekers volunteering.

Mitigation: Volunteer work will not be able to fully meet a job seekers points requirements. It will be monitored to determine its uptake and impact during the remainder of the trial. A communication strategy will also include messaging to note that it is a trial to determine whether changes should be included for NESM.

- Volunteer work needs to meet certain criteria, including that it is undertaken in a not-for-profit organisation, not with family, doesn't displace paid workers etc. There is a risk that participants may claim points for volunteer work that does not meet these criteria.

Mitigation: In recording voluntary hours work participants will need to complete a declaration covering these requirements. The Department will also undertake spot checks as part of its program assurance processes.

- s 42(1) if the arrangements referred to above were put in place, there are still potential risks, including:
 - reputational risk to the Department:
 - as a result of shifting the burden – of identifying if a host organisation is not for profit, has adequate insurance and has a safe system of work in place – to the job seeker

- as a result of it adopting a position with regards to safety for voluntary work which is inconsistent to that under the employment services deeds, such as jobactive
- where a job seeker undertaking voluntary work is injured or killed.

If the above issues attracted the attention of the media or other political actors in the community it could potentially be linked to the Department allowing job seekers to undertake activities without sufficient oversight causing harm etc.

Mitigation: This risk is difficult to mitigate and is one the Department will need to bear. The Department will develop a communication strategy to manage and respond to any adverse media coverage should it arise. It is noted however that Services Australia, which also does not undertake risk assessments to recognise voluntary work for mature age job seekers, has not experienced adverse attention.

- A risk that the Department has not met its obligations under the Commonwealth Child Safety Framework. This could arise where a child is found to have been harmed while completing voluntary work that the Department has recognised for the purposes of meeting their Points Based Activation requirements.

Mitigation: The Department will rely on the usual practices and obligations required by relevant state and territory laws as they relate to working with vulnerable people to mitigate this risk.

- A risk the Department's insurance does not cover job seekers who source their own voluntary work. The Department's policy covers all job seekers injured in employment assistance programs. So whether they are covered by the policy will depend on whether the Participants are participating in an approved employment assistance program.

Mitigation: The Department will rely on the usual practices and obligations required by relevant state and territory laws as they relate to organisations having individuals volunteer on their premises. The Department will also look at whether its insurance arrangements can be adjusted to expressly cover the new approach.

s 22(1)

From: s 22(1) @humanservices.gov.au> on behalf of s 22(1) @humanservices.gov.au>

Sent: Monday, 7 October 2019 1:24 PM

To: s 22(1)

Cc: s 22(1) ; s 22(1)

Subject: RE: Voluntary Work Organisations: [SEC=OFFICIAL]

Hi s 22(1)

Social Security Law is largely silent on matters that must be considered by us when approving a voluntary work organisation. Subsection 603AA(4)(b) of the *Social Security Act 1991* simply states that an approved organisation is an "organisation that has been approved by the Secretary".

For this reason we largely refer to and follow the policies as outlined by the Department of Employment, Skills, Small & Family Business in the Guide to Social Security Law ([section 3.2.9.130](#), and [section 1.1.A.220](#)). I note that the policies in the Guide are also silent on the matters of workplace health & safety.

For these reasons, we consider our role to be primarily administrative in nature. Our Legal Services Division have confirmed that we would not likely have any duty of care with respect to ensuring voluntary work organisations have adequate workplace health or safety practices. Of course, in the event that WH&S concerns are raised, we may decide to revoke an organisations approval if these claims are reasonably substantiated. We have not, to my knowledge, ever been required to take this action to date.

We [advise on our website](#) that organisations are responsible for ensuring they meet all work health and safety obligations under relevant legislation. If approached, we do not offer organisations any guidance or advice on work health and safety obligations. We instead direct them to the relevant state or territory authorities.

Hope this helps. Please call me on s 22(1) if you would like to clarify or discuss any of the above further.

Regards,

s 22(1)

A/G Director – Employment & Supplementary Payments Team

Programme Management & Assurance Branch • Social and Economic Participation Division

Australian Government Department of Human Services

 Level 3 – 570 Bourke Street, Melbourne VIC

 s 22(1) (Ext s 22(1)) • s 22(1)

From: s 22(1) [@employment.gov.au>](#)

Sent: Friday, 4 October 2019 8:31 AM

To: s 22(1) [@humanservices.gov.au>](#)

Cc: s 22(1) [@employment.gov.au>](#); s 22(1) [@humanservices.gov.au>](#)

Subject: RE: Voluntary Work Organisations: [SEC=OFFICIAL]

OFFICIAL

Good morning s 22(1)

Thanks again for providing the information below on DHS' Voluntary Work process.

The department is in the midst of implementing the New Employment Services Trial (NEST) and as part of this, we are trying to determine how voluntary work (amongst other activities) could be managed going forward.

Currently under jobactive, when a job seeker is going to undertake a voluntary work activity, jobactive providers determine the suitability of host organisations and voluntary work activities, and are required to ensure that the following documents are completed:

- Voluntary Work Activity Host Organisation Agreements between provider, job seeker and host organisation, and
- Risk Assessments (to ensure WHS requirements are met).

The responsibility for ensuring the suitability and safety of each voluntary work activity rests with the provider.

Under the DHS process for voluntary work—whereby DHS directly approves the host organisation, approves the job seeker’s participation, requires no formal agreement between the host organisation and the job seeker, and doesn’t require a risk assessment be undertaken—what is the approach taken by DHS with respect to managing the department’s risk and liability, particularly the liability from a WHS perspective as a person conducting business or undertaking (PCBU)?

Any information you can provide will assist us in coming up with options going forward.

Thanks
s 22(1)

s 22(1)

Program Officer

Work Experience and Activities Team

Employment Programs and Activation Division

s 22(1) | s 22(1) @employment.gov.au

Australian Government Department of Employment, Skills, Small and Family Business

www.employment.gov.au

From: s 22(1) @humanservices.gov.au>
Sent: Wednesday, 21 August 2019 10:16 AM
To: s 22(1) @employment.gov.au>
Cc: s 22(1) @employment.gov.au>; s 22(1) @humanservices.gov.au>
Subject: RE: Voluntary Work Organisations: [SEC=OFFICIAL]

Hi s 22(1) – apologies for the delayed response

Happy to discuss

s 22(1)

s 22(1)

s 22(1)

s 22(1)

s 22(1)

9. **Are there any WHS requirements that Voluntary Work Organisations have to meet?**

The organisations are expected to meet all work health and safety obligations under relevant legislation, Human Services is however not responsible for monitoring and compliance of such activities.

s 22(1)

s 22(1)

Document 12 (pages 120 - 135) has been removed under section 42(1) of the *Freedom of Information Act 1982*.

Monday 27 July 2020 held by Microsoft Teams

Attendees

DEED: s 22(1)

DSD: s 22(1)

EPAD: s 22(1)

LMSD: s 22(1)

NESMD: s 22(1)

QIED: s 22(1)

NSD: s 22(1)

FSB: s 22(1)

Secretariat: s 22(1)

Other Attendees: s 22(1)

Apologies: s 22(1)

s 22(1)

5. Voluntary Work for Participants in NEST

s 22(1) and s 22(1) spoke to the paper, noting previous requests to consider increasing volunteering as well as policy changes that reduced access to volunteering for some job seekers.

EBMC discussed the paper at length noting:

- volunteering is a good option for job seekers in the current environment
- volunteering is particularly valuable to those needing work experience or networks e.g. youth, refugees, career changers
- moving from 'placements' to recognising the job seeker efforts to contribute to their employment pathway by doing volunteer work.
- concerns that job ready should be focused on job search.
- previous government decisions that may contradict the proposed direction
- current processes around risk have an impact on other program take-up such as Launch into Work and RET etc.
- a strong desire to test this proposal, and options such as a risk assessment panel arrangement.

EBMC Outcomes:

1. **EBMC agreed in principle** to trialling a new approach to volunteering in the New Employment Services Trial (NEST) regions for job seekers who are subject to Points Based Activation to obtain an evidence base for future decisions, by retrospectively approving voluntary work hours.
2. **EBMC agreed in principle** that job seekers in the NEST regions who have job search requirements, both in Digital Services and Enhanced Services, who wish to undertake voluntary work are moved to Points Based Activation.
3. **EBMC noted** this approach will rely on the usual practices and obligations required by law in relevant states and territories when individuals are volunteering.

Agreed by EBMC.

s 22(1)

VOLUNTARY WORK FOR PARTICIPANTS IN NEST

Agenda item: 4

Date of Meeting: 20 August 2020

Author:	s 22(1)
Date cleared:	7 August 2020

RECOMMENDATION FOR ESC

- That the ESC endorses the decisions made at EBMC prior to seeking agreement from the Minister’s Office regarding volunteering for the New Employment Services Trial (NEST) to inform the new Employment Services Model (NESM).

EBMC DECISION/DISCUSSION/MINUTES

At the EBMC meeting of 27 July 2020 the EBMC:

1. **Agreed in principle** to trialling a new approach to volunteering in the NEST regions for job seekers who are subject to Points Based Activation, by retrospectively approving voluntary work hours.
2. **Agreed** job seekers in the NEST regions who have job search requirements, both in Digital Services and Enhanced Services, who wish to have voluntary work recognised are moved to Points Based Activation.
3. **Noted** this approach will rely on the usual practices and obligations required by law in relevant states and territories when individuals are volunteering.

CONTEXT

- The Government’s position on voluntary work as a way job seekers can meet their mutual obligation requirements can be seen to have changed over time or may seem contradictory at times. Having tightened volunteering requirements in 2018 for mature age job seekers, the Government has more recently indicated through various decision papers a renewed interest in volunteering as a way job seekers can flexibly meet their mutual obligation requirements.
- EBMC’s views were:
 - volunteering is a good option for many job seekers, particularly in the current labour market
 - volunteering is particularly valuable to those needing work experience or networks e.g. youth, refugees, career changers
 - some considered job seeker efforts to contribute to their employment pathway by doing volunteer work should be recognised
 - others were concerned that ‘job ready’ job seekers should be focused on job search
 - current processes around risk have an impact on other program take-up such as Launch into Work and RET, etc.
 - a strong desire to test this proposal.
- Trialling volunteering as an option in NEST as part of Points Based Activation System (PBAS) enables us to consider whether it is appropriate to adjust the mutual obligation framework for NESM now that digital servicing has moved beyond a trial and is now a main stream part of employment services.
- For NESM we need to be exploring all options for job seeker activation, and ‘job ready’ job seekers should have the choice, and have it recognised, to undertake volunteering if it can improve their prospects of getting a job. These improved prospects could come from:
 - staying connected to the broader community
 - networking benefits
 - gaining work experience through volunteering in a different field or country than their previous work experience
 - demonstrating motivation
 - contributing to their resumes.

Operationalising volunteer work

- Should it be agreed that voluntary work be expanded to digital participants, there are still several operational issues that need to be worked through, not least changes to the IT build which will not likely be made prior to the PBAS commencement in October 2020.

- The EBMC paper attached outlines a proposed approach which does not involve risk assessments of host organisations or job seekers but rather, it relies on usual practices and obligations required by relevant state and territory laws as they relate to volunteering for all individuals.
- Under this proposal, job seekers will identify their own voluntary work opportunities and after having undertaken the voluntary work will record the details, including a declaration of the hours volunteered and relevant host organisation. The department will subsequently attribute points retrospectively for the hours a job seeker volunteered.

KEY ISSUES

Voluntary Work as part of the Digital Service Offer

- Volunteering isn't currently available to digital job seekers. Volunteering is currently considered as a complex activity requiring placement by a provider with an approved risk assessment.
- Trialling volunteering as an option in NEST as part of PBAS on a 'small scale' allows the ability to collect evidence. This provides an opportunity to consider whether it is appropriate to adjust the mutual obligation framework for the NESM now that digital servicing has moved beyond a trial and is a main stream part of employment services.

Principle of Work-First

- Finalising how volunteering is to count is still being worked through and will be dependent on the priority of other IT changes and the resolution of how other similar activities, such as the National Work Experience Program and PaTH Internships, will be managed.
- In implementing PBAS, concerns were raised regarding retaining a minimum job search. It is acknowledged that work-first is still the priority for employment services. However, creating restrictions for what may be unusual circumstances significantly increases complexity. It is therefore proposed to keep the settings relatively open to maximise learning/evidence around behaviours and introduce such restrictions where most needed.
- The department will monitor the use of voluntary work to meet a job seeker's Mutual Obligation Requirements throughout the trial to determine the impact and what constraints to voluntary work need to be considered for NESM, such as limiting the number of points available for volunteering to ensure minimum job search.

Benefits and Limitations of Volunteering

- The change to volunteering requirements for job seekers aged 55 and over in 2018 were in response to the Organisation for Economic Co-operation and Development report 'Connecting People with Jobs: Key Issues for Raising Labour Market Participation in Australia' which specifically recommended removing the legislative provision giving relief to the activity test for those 55 years and older through volunteer work, reiterating its recommendation from the 2012 report 'Activating Jobseekers: How Australia Does It'.
- The benefits of volunteering are not only seen for the individual but also the broader community. Volunteering Australia, in their 2019 Federal Election Policy Platform, identifies volunteering as providing an estimated annual economic and social contribution of \$290 billion. Not only is volunteering crucial to building strong and resilient communities, but it also increases workforce participation by building skills and connecting people to employment pathways.¹
- A report commissioned by the Victorian Government also found that volunteering is not only important for connecting people to career paths and labour markets that are better paid and more stable, but also mediates the negative psychological effect of disadvantage, with volunteers from disadvantaged backgrounds having similar levels of psychological well-being as professional educated non-volunteers.²
- The Centre for Social Impact states volunteering can have a positive impact on the individual volunteer as well: it can increase physical and psychological wellbeing, create a wider social network, enhance career opportunities,

¹ Volunteering Australia (2019), Leading a Culture of Giving in Australia – 2019 Federal Election Policy Platform, <https://www.volunteeringaustralia.org/wp-content/uploads/Volunteering-Australia-Federal-Election-Policy-Platform.pdf>

² Victorian Government (2011), Indicators of Community Strength in Victoria: Framework and Evidence, Department of Planning and Community Development, <https://apo.org.au/sites/default/files/resource-files/2011-10/apo-hid26900.pdf>

reduce loneliness, help young people overcome adolescence-related problems, and more (see review by Wilson & Musick, 2000)³.

- A more recent article identified that a study conducted in the United Kingdom, as part of the last economic crisis (2008-2018), found there is limited evidence between volunteering as a key mechanism for young people to secure employment. This was particularly the case for young people who had to undertake 'compulsory volunteering' such as currently organised as an approved activity by employment services providers. This study did however find that those individuals who identified their own volunteer work were in the long run more likely to gain access to the labour market.⁴

³ The Centre for Social Impact (2009), Addressing social disadvantage through volunteering, pages 6-7

⁴ Hoskins, Bryony (2020), Volunteering and employment: debunking the myths of youth employment strategy, <https://www.hrmagazine.co.uk/article-details/volunteering-and-employment-debunking-the-myths-of-this-youth-employment-strategy-1>

Minutes Thursday 20 August 2020 via Microsoft Teams

Attendees

Members: s 22(1) [Chair], s 22(1) [Co-Chair], s 22(1)
Secretariat: s 22(1)

Presenters & Observers: s 22(1)

Apologies: s 22(1)

s 22(1)

4. Voluntary Work for participants in the NEST

s 22(1) introduced the paper, noting the revived interest in volunteering and seeking ESC views on how to move forward with including aspects of volunteering in the New Employment Services Trial (NEST). s 22(1) spoke to the paper, asking ESC to consider testing in the NEST how to encourage job seekers to use volunteering to help them on their pathway to employment and the valuable data that could be collected by testing this aspect in the NEST. s 22(1) highlighted that activities that were planned to be tested in the NEST were waylaid and noted that the volunteering work would be recognised in the Points Based Activation System retrospectively, which minimises the risk.

ESC discussed the rationale behind supporting volunteer flexibility going forth in both the Online Employment Services (OES) and NESM, and how volunteering would be applied for the Annual Activity Requirement if implemented more broadly in the future.

Outcomes:

1. **ESC agreed** to seek agreement from the Minister's Office regarding volunteering for the NEST to inform the NESM.
2. **ESC agreed in principle** to trialling a new approach to volunteering in the NEST regions for job seekers in the first 12 months of registration, who are subject to Points Based Activation, by retrospectively approving voluntary work hours.

3. **ESC agreed** job seekers in the NEST regions who have job search requirements, both in Digital Services and Enhanced Services, who wish to have voluntary work recognised, are moved to Points Based Activation.
4. **ESC noted** this approach will rely on the usual Work Health and Safety practices and obligations required by law in relevant states and territories where individuals are volunteering.

s 22(1)

Minutes Thursday 10 December 2020

Attendees

Members:s 22(1) [Chair], s 22(1)
s 22(1)

Secretariat:s 22(1)

Other Attendees:s 22(1)
s 22(1)

Apologies:s 22(1)

s 22(1)

Parts of document 16 (pages 144 - 148, 150 - 151, 154 and 157 - 173) have been removed under section 22(1)(a)(ii) of the *Freedom of Information Act 1982*.

Proposed Activities for NESM: Overview of changes and no changes

Activities to continue in NESM with no changes	Activities to continue in NESM with minor changes	Proposed new or reformed Activities in NESM
s 22(1)		
Non-Vocational Assistance	Voluntary Work	Employer Based Work Trial (incorporating PaTH Internships, NWEF and Work Experience (other))
s 22(1)		

s 22(1)

Recommendation 2: Activities to continue in NESM with minor changes		
ESC Decision: Agreed/ Not Agreed		
Activity	Proposed changes	Rationale
s 22(1)		
b. Voluntary Work <i>(decision already made by ESC to test in NEST)</i>	<ul style="list-style-type: none"> Restrict to 18+ (Child Safety Framework) Retrospectively recognising as per NEST arrangements 	<ul style="list-style-type: none"> In 2021, the department endeavours to trial a new approach in the NEST regions, to allow voluntary work to be retrospectively recognised by digital job seekers and contribute towards their monthly points target. Continuing this activity in the NESM supports job seekers participating in voluntary work stay activated and incentivised.
s 22(1)		

s 22(1)

Voluntary Work

- In 2021, the department endeavours to trial a new approach in the NEST regions to allow voluntary work to be retrospectively recognised and contribute towards a job seeker's monthly points target. It is recommended that under NESM voluntary work will be retrospectively recognised for digital participants only, for the purpose of counting towards their points. This approach negates the requirement of risk assessments.
- However, it is important to note that in the absence of risk assessments in digital servicing, considerations to restrict the age limit to 18 years and older in the NESM will be essential. This will be to mitigate risks to the department's reputation in not meeting its obligations under the Commonwealth Child Safety Framework, as the risk assessment process is how the department determines the issues around working with children/vulnerability type issues.
- This activity will be available to both Digital and Enhanced job seekers, but will mostly suit a job seeker who is self-driven and organised.

s 22(1)

Evidence to support: Activities to continue in NESM with minor changes

Activity	Evidence
s 22(1)	
Voluntary Work	<ul style="list-style-type: none"> Under jobactive, there have been over 26,000 Voluntary Work placements. Of these 25% have achieved a job placement within three months of exiting the placement.
s 22(1)	

s 22(1)

Voluntary Work

- Voluntary Work provides participants with the opportunity to gain vocational and non-vocational skills that will directly improve their employment prospects, while

s 22(1)

**- Joint ESC 17
December 2020 - Item 3**

remaining connected to their community.

- It also provides opportunities that will develop or enhance a participant's ability to work as part of a team, take directions from a Supervisor, work independently, communicate effectively, and become more motivated and dependable.
- Under jobactive, there have been over 26,000 Voluntary Work placements. Of these **25% have achieved a job placement within three months of exiting the placement.**

s 22(1)

s 22(1)

**- Joint ESC 17
December 2020 - Item 3**

6

Document 17 (pages 174 - 194) has been removed under section 42(1) of the *Freedom of Information Act 1982*.

Department of Jobs and Small Business Programmes
Work Health and Safety Duties – Talking Points

Work Health and Safety Act 2011

What is the *Work Health and Safety Act 2011*?

- The Commonwealth *Work Health and Safety Act 2011* prescribes the main statutory duties and obligations that the Commonwealth owes in relation to work health and safety.
- The *Work Health Safety Act* is designed to reflect the provisions of the Model Work Health and Safety Laws developed by Safe Work Australia (SWA).
- The model laws have been adopted and applied in all jurisdictions except Victoria and Western Australia.

What duties does the Commonwealth have under s 19 of the WHS Act?

s 42(1)

What are the Commonwealth's common law duties?

s 42(1)

Note: Detailed talking points for the Department's potential duty of care and liability under common law are on the final page of this document.

Department of Jobs and Small Business Programmes
Work Health and Safety Duties – Talking Points

How are the Commonwealth’s programmes designed to mitigate WHS risks?

- The Department is the Programme Owner and Administrator, and has responsibility for overall design and administration of programmes.
- The Department helps manage the risk associated with the programme by
 - setting the requirements for service delivery by providers; and
 - setting the framework for management of providers.
- The Department also undertakes programme assurance activities to determine if providers are fulfilling their contractual obligations. This includes desktop reviews of a percentage of risk assessments.

Common Law Duties – Talking Points

Common Law Duties

Common Law Duty of Care

- The principal duty of care is a duty to take reasonable care to avoid foreseeable harm, such as harm caused by unsafe work sites and practices.
s 42(1)

Delegable Duties

s 42(1)

Vicarious Liability

For the actions or omissions of participants
s 22(1)

Conduct of a provider's employee or contractor
s 22(1)