



**Deputy Secretary  
Nathan Smyth**

Dear Chief Executive Officer

### **CHANGES TO MUTUAL OBLIGATIONS AND PROVIDER SERVICING REQUIREMENTS**

As announced today by the Prime Minister, the Hon Scott Morrison MP, and Senators the Hon Michaelia Cash and the Hon Anne Ruston, the Australian Government is making a number of changes to mutual obligation requirements to assist job seekers to secure employment as our nation continues to recover from the economic challenges of COVID-19.

These changes reflect the importance of ensuring job seekers are well prepared and assisted to actively take advantage of increased job opportunities as the labour market continues to improve.

#### **Resumption of Mandatory Face-to-Face Servicing – from 9 March 2021**

The Australian Government is reintroducing nationwide face-to-face service delivery for job seekers in the department's employment services (including ParentsNext), with effect from 9 March 2021.

For job seekers who have been out of work for longer periods of time, meeting a job service provider face-to-face can provide a significant benefit in discussing potential employment and training options and preparing for their next job.

While the pandemic will undoubtedly continue to present challenges, governments across Australia have well-established responses in place for managing localised COVID-19 outbreaks and social restrictions. COVID-safe plans are required practice for businesses, individuals are aware of the importance of mitigations such as social distancing and vaccination programs are being progressively rolled out. This, combined with the importance of delivering personalised support for job seekers who require provider assistance, has informed a decision to resume mandatory face-to-face servicing where safe to do so.

Accordingly, you will find attached to this letter a new direction from the department that cancels the current direction issued on 18 September 2020, with effect from 9 March 2021. The existing direction came into effect on 28 September and allows providers to operate face-to-face services subject to specific conditions, while enabling job seekers to opt-in to this mode of delivery.

The new direction removes the job seeker opt-in arrangement and requires your organisations to deliver services face-to-face where previously specified by deeds and consistent with the requirements of relevant State or Territory governments in the ongoing health response to COVID-19. Special circumstances exemptions will also continue to be available through Services Australia for job seekers who require them – including those directly impacted by COVID-19.

The department is issuing the new direction today so that you can take appropriate operational decisions to ensure your organisation can pivot back to face-to-face delivery to meet the needs of the job seekers on your caseloads. In the interim, it is imperative that your staff continue to abide by the current direction, until the replacement direction comes into effect on 9 March. The department will send an SMS to job seekers and participants before the new direction takes effect advising them of the return of compulsory face-to-face servicing arrangements.

### **Increased Job Search Requirements and Quality Assurance – from early April 2021**

With promising signs of economic recovery and businesses hiring staff, it is appropriate to continue to implement mutual obligation requirements for job seekers which were in place prior to the pandemic, as well as providing additional support to ensure that job seekers have the best opportunity to secure employment.

The minimum job search requirement will increase from 8 per month (as is currently the case) to 15 per month from April 2021. This will then increase to a requirement for a minimum of 20 job searches per month from July 2021. This means that all Job Plans for jobactive job seekers will need to be revised, noting providers will retain discretion to, and be expected to, adjust job search requirements to each individual's personal circumstances, capacity and the local labour market conditions.

As the minimum job search requirements increase, your staff will continue to play a critical role in supporting job seekers to submit quality applications to meet their required job searches. To ensure job search activities are actively monitored, the department will increase assurance activities related to the work undertaken by jobactive providers to confirm both the quality and quantity of job search. Additional assurance of online job seekers' job search will also be undertaken by the Digital Services Contact Centre (DSCC). The department's approach will focus on the factors outlined in the relevant legislative instrument, such as the assessment that a job seeker is looking for different roles, at a variety of levels and using a range of methods.

### **New Employer Reporting Line – from early April 2021**

The department will stand up a new Employer Reporting Line from April 2021 to create a dedicated channel for employers to inform Government should people on income support decline the offer of a job. The new Reporting line also provides an opportunity to more proactively assist employers to find appropriate staff and to link employers with jobactive providers in their communities to assist them with their recruitment needs.

Staff on the Employer Reporting Line will verify that the information provided relates to a job seeker with mutual obligation requirements and provide feedback to employment service providers or the DSCC for investigation and compliance action, as appropriate. Where a provider or the DSCC verifies a 'work refusal', in line with current policy and practice, this would then be reported to Services Australia for potential application of a payment penalty.

### **Stronger Contractual Action to Drive Performance – from early April 2021**

With business confidence improving and strong demand for additional workers, we need to support job seekers in every way possible to take up the opportunities this presents for them.

It is now more critical than ever that employment programs deliver effective, high quality services for employers and job seekers.

In support of this aim, the department will take stronger contractual action where needed to drive peak performance of employment service providers.

The department, which already uses a range of mechanisms to drive and assess provider performance and compliance, will work closely with you to set out clear guidance on the requirements.

A contractual notice (to take effect from the beginning of April 2021) will advise all jobactive providers that performance will be monitored and assessed against critical contractual obligations that go to how actively you deliver services to employers and job seekers.

These will likely include target areas such as prompt commencement of new job seekers in services, and referrals to activities to improve job seeker's employability (such as training). They will also focus on proactive follow up of job interview attendance and job search quality.

Current guidelines will be varied to require your organisation to take additional action to investigate and take compliance action for job seeker non-attendance at job interviews where your staff become aware (whether scheduled by the provider or not).

The department intends to use existing remedies under the jobactive deed where your organisation does not perform to the required standards, having first been given an opportunity to improve its performance.

#### **New Activity for Job Seekers After 6 Months – from October 2021**

From October 2021, there will be an additional requirement for job seekers who have been participating in jobactive and Online Employment Services for six months to undertake an activity (such as a short training course, or an 8-week version of Work for the Dole).

This new requirement recognises the benefits of an activity earlier in a job seeker's period of assistance to help them attain the skills and work-like experience critical to securing a job. (Annual Activity Requirements will still apply for those job seekers who remain in employment services at 12 months after commencement.)

Some job seekers will already be meeting their activity requirement through part-time work or training and will be exempt from these requirements. For those who are not, you will need to refer them to short training courses, such as those available through JobTrainer, or through other Government programs such as Employability Skills Training, Career Transition Assistance or Skills for Education and Employment.

Another option is a work experience placement, such as through a PaTH Internship, National Work Experience Program placement or volunteer work.

An 8-week Work for the Dole placement will be the default activity if no other activity is selected.

Job seekers in Online Employment Services who do not enrol themselves in training or other activity such as Employability Skills Training, will be referred to a provider for an activity to be arranged.

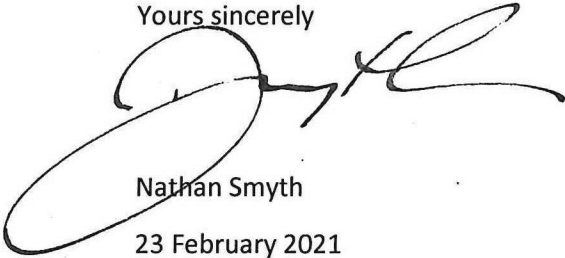
To help job seekers make decisions about training, the functionality in the jobactive digital services system will be enhanced to make training recommendations. This will be matched to available information on the job seeker's employment history, regional jobs in demand and local courses, such as those available through JobTrainer.

**Further Information**

Further guidance on the above changes to mutual obligation and servicing requirements will be available shortly through provider and participant Fact Sheets and operational advice on the provider portal. I encourage you and your staff to check the [Provider Portal](#) and the [departmental website](#) for updates and program-specific information over the coming weeks.

I will host a special CEO livestream to discuss these changes and provide the opportunity for questions and answers at **4.00pm today, Tuesday 23 February 2021**.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nathan Smyth', with a large, stylized initial 'N'.

Nathan Smyth

23 February 2021



23 February 2021

### **Direction on return to Face-to-Face Service Delivery**

The Department of Education, Skills and Employment (the department) considers that, with signs of economic recovery, businesses hiring staff and COVID-19 restrictions continuing to ease across Australia, it is appropriate to commence the return to normal servicing arrangements for job seekers.

Accordingly, the department directs that, with effect from **9 March 2021**, Participant opt-in requirements cease and Providers **must** deliver Services face-to-face where this is required by the Deed and consistent with relevant health advice.

This new direction cancels the direction issued on 18 September 2020, which had permitted Providers to deliver Services, including all Activities (including Work for the Dole) face-to-face, provided that several conditions were met, including that Participants must opt-in to participate in the Services face-to-face.

Subject to the below conditions and qualifications, the department now directs that:

- (a) the Provider must ensure that face-to-face delivery is carried out in a safe manner and is appropriate for the relevant Participant, the Provider's staff and others from a work health and safety perspective. In this regard, the Provider must:
  - (i) consult guidance and information published by Safe Work Australia and the relevant work health and safety regulator;
  - (ii) have a COVID-Safe plan, in accordance with the requirements specified by the relevant State and Territory government, in place for each of the Sites where face-to-face delivery will be provided;
  - (iii) ensure that face-to-face Services are delivered in accordance with the Provider's relevant COVID-Safe plan;
  - (iv) ensure that each relevant Activity Host Organisation or Host Organisation has a COVID-Safe plan (or similar), in accordance with the requirements specified by the relevant State and Territory government, in place for each Activity which involves face-to-face participation prior to the Provider placing a Participant into that Activity; and
  - (v) continue to deliver non face-to-face servicing for participants who are unable to meet the minimum COVID-Safe requirements set by each State or Territory Government.
- (b) where face-to-face delivery is **partially restricted** by the requirements of a relevant State or Territory government, Providers must provide face-to-face servicing up to the limit of the relevant restriction until the restriction is revoked, and provide services remotely by phone, video or online where face-to-face services cannot otherwise be delivered.
- (c) where face-to-face delivery is **entirely prevented** by the requirements of a relevant State or Territory government, non- face-to-face services may be delivered until the relevant requirement is revoked, and for four weeks after the revocation date for non-face-to-face activities booked during the restriction period.
- (d) to the extent that face-to-face service delivery is restricted or prevented by the requirements of a relevant State or Territory government, the department:

- (i) waives obligations to deliver Services face-to-face; and
  - (ii) agrees to the Provider using alternative means to deliver the relevant Services, including by phone, video and/or online.
- (e) as part of a transition period, Activities (including courses where relevant) that have been arranged on or before the date of this direction to be delivered in a non face-to-face format, *and* scheduled to commence prior to 30 April 2021, may be still be delivered in a non face-to-face format. Where a currently scheduled Activity is to commence after 30 April 2021, providers must conduct these activities face-to-face and advise participants accordingly.
- (f) If face-to-face delivery is impacted in the future by local events such as natural disasters or the requirements of Commonwealth, State or Territory governments or local authorities, the Provider may to seek agreement from the department to alter service delivery arrangements for the period of the relevant local event.

Further advice on the application of this direction in relation to specific programs is available on the Provider Portal.

For more information on your local COVID-19 advice, safe practices and workplace principles, please refer to [www.australia.gov.au](http://www.australia.gov.au), [www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au), and your relevant State or Territory health authority information.

Links to enforceable government health and emergency directions and COVID Safe plans is available at: <https://www.safeworkaustralia.gov.au/covid-19-information-workplaces/other-resources/covid-19-public-health-directions-and-covidsafe>