

Back to Work Incentives Payments

Guidelines for Funding

Effective 1 July 2024



The Back to Work program is designed to give businesses the confidence to employ Queenslanders who have experienced a period of unemployment and help workers facing disadvantage in the labour market. Incentive payments and other supports are available to businesses who hire a previously unemployed Queenslander from a vulnerable group, who has experienced a minimum period of unemployment directly prior to commencing employment with them. The Back to Work program offers support for jobseekers, businesses, and their employees.

The program is available throughout regional Queensland and in select areas of Southeast Queensland (SEQ).

These Guidelines relate only to the Incentive Payments where eligible businesses who meet all the program eligibility criteria may apply

The program is not a wage subsidy. The decision to employ someone is at the discretion of the business and must be a business decision that is independent of the availability of the Back to Work Incentive Payment.

Further information on the Back to Work program including terms and conditions, definitions, frequently asked questions and fact sheets is available on

http://www.business.gld.gov.au/backtowork.

Where is the Back to work program delivered?

Eligible Regional Areas		Eligible SEQ Areas	
•	Central Queensland	•	Ipswich
•	Far North Queensland	•	Lockyer Valley
•	Mackay/Whitsunday	•	Logan
•	North Queensland	•	Moreton Bay
•	North West Queensland	•	Scenic Rim
•	South West	•	Somerset
	Queensland		
•	Wide Bay Burnett		

Who can apply for a Back to Work Incentive Payment?

Applications must be submitted by an authorised and direct representative of the business, this is one of the following: a business owner, Director, Partner, Trustee, Public Officer, or an employee of the business that has been authorised by one of the preceding parties to submit the application on behalf of the business.

If the applying business is an unincorporated association or trust, it is a requirement that the individual submitting the application (the applicant) is operating within the rules and authority of the unincorporated association or trust deed when entering into an agreement with the Department of Employment, Small Business and Training.

How many applications can be made?

From 1 July 2021, each eligible business may enter into a maximum of four employer incentive payment agreements. This cap of four agreements applies across both Youth Boost and Employer Support payments for eligible employees employed on or after 1 July 2021; previous agreements under the Back to Work Regional and SEQ programs for employees employed prior to 1 July 2021 do not count towards this cap.

Once a business has entered into four agreements for employees commencing employment on or after 1 July 2021, no further initial payment applications will be accepted.

The utilisation of different business details (name, ABN, business or job location) in order to circumvent the application cap and obtain funding for more than four applications for a single business will not be supported by the program. Any businesses (including partnerships, trust arrangements or other situations where multiple ABNs are associated with a singular business) identified as engaging in this activity may be required to repay funding received in excess of their initial four agreements and may be considered ineligible to receive further funding under the Back to Work program.



What payments are available?

Businesses are only eligible to receive one payment type per eligible employee.

Employer Support (\$15,000*)

Payments of up to \$15,000 are available to businesses who employ a jobseeker who identifies as belonging to one of the following groups:

- First Nations peoples;
- people with disability;
- culturally and linguistically diverse people

and was previously unemployed for a minimum of eight weeks; or

 Jobseekers who are long term unemployed (52weeks or more).

Payments are made directly to the eligible business, in three instalments:

- Initial payment of \$4500* after four weeks of continuous employment and approval of the initial payment application.
- Second payment of \$5250* after 26 weeks of continuous employment with the same employing business and approval of the second payment claim.
- Final payment of \$5250* on completion of 52
 weeks of continuous employment with the same
 employing business and approval of the final
 payment claim.

How long do I have to apply for a Back to Work Incentive Payment?

Initial payment applications must be received within 12 weeks of the employee completing four weeks of continuous employment.

Later payment claims must be received within 12 weeks of the employee completing:

- 26-weeks of continuous employment for the second payment; and
- 52 weeks of continuous employment for the final payment.

Applications and claims received outside of these timeframes will not be eligible for payment.

Youth Boost (\$20,000*)

Payments of up to \$20,000 are available to businesses who employ a jobseeker who is aged between 15-24 years and was previously unemployed for a minimum of eight weeks.

Payments are made directly to the eligible business in three instalments:

- Initial payment of \$6000* after four weeks of continuous employment and approval of the initial payment application.
- Second payment of \$7000* after 26 weeks of continuous employment with the same employer and approval of the second payment claim.
- Final payment of \$7000* after 52 weeks continuous employment with the same employer and approval of the final payment claim.

Notes:

*Funding amounts listed are payable for full-time jobs as described in the Eligibility Criteria. Part-time jobs attract 75 per cent of the funding amount.

Claims cannot be made for second or final payments (later payments) unless the previous payment application or claim for that employee was lodged by the same business and approved.

Pro-rata payments are not available for employment less than the required employment period

Late applications

Consideration will be given to a late application if the business or applicant has experienced extenuating circumstances beyond their control (e.g., ill health, loss of records due to natural disaster or a large-scale internet failure) that prevented the submission of the application within the required timeframe.

The applicant must submit their request for late application consideration via email to backtowork@desbt.qld.gov.au inclusive of a witnessed statutory declaration detailing the circumstances experienced, and any documentation that supports the circumstances claimed.

The consideration outcome will be provided withir 60 business days from the receipt of the request.

Eligibility Criteria

All eligibility criteria must be met to receive a Back to Work payment.

Eligible Businesses

All businesses are eligible except for government entities (local, state, and Australian governments and entities including government-owned corporations and statutory bodies).

To be eligible for funding, businesses must:

- be compliant with workplace health and safety, industrial relations, and taxation legislation; and
- demonstrate a genuine commitment to ongoing employment of the employee.

Where matters of public interest involving the business and its office holders are identified, the Back to Work program reserves the right to determine the business as ineligible for funding.

Eligible jobs

Eligible jobs must have commenced on or after 1 July 2021, be predominantly located in the areas of Queensland listed on page one of these guidelines and at the time the application is submitted either be:

- ongoing paid full-time (at least 35 hours per week on average); or
- ongoing paid part-time (at least 20 hours per week on average); or
- for a person with a disability who has a workplace assessment to work between 8 and 20 hours per week, ongoing paid part-time with hours consistent with their approved benchmark, on average.

Ineligible jobs

Ineligible jobs include:

- casual jobs with no firm commitment of ongoing work or an agreed pattern of work. Further information can be found at https://www.fairwork.gov.au/employee-entitlements/types-of-employees/casual-part-time-and-full-time/casual-employees.
- periodic or contract employment, such as engagements that are short term in nature (e.g., weekly hire basis).

- employees transitioning from casual or periodic employment to ongoing full-time or ongoing parttime employment.
- third-party employment relationships, where there is no direct employment relationship and connection with the Back to Work applicant. For example, indirect employment relationships where employees are contracted or "hired out" through a labour hire arrangement or Group Training Organisations.

Eligible employees for Employer Support payments

An eligible employee for Employer Support must:

- be an Australian citizen
- be an Australian permanent resident (includes humanitarian entrant)
- be a temporary resident with the necessary visa and work permits on the pathway to permanent residency or
- be a New Zealand citizen.
- and their principal place of residency must be in Queensland.
- belong to one or more of the following groups:
 - o First Nations peoples;
 - people with disability;
 - o culturally and linguistically diverse people;
 - Long term unemployed (52-weeks or more);
- have been unemployed for a minimum of eight weeks directly prior to commencing employment with the business making the application if they are a First Nations person, a person with disability or are culturally and linguistically diverse
- have been unemployed for a minimum of 52weeks directly prior to commencing employment with the business making the application if they are a long-term unemployed person.

Eligible employees for Youth Boost payments

An eligible employee for the Youth Boost must:

- be an Australian citizen
- be an Australian permanent resident (includes humanitarian entrant)
- be a temporary resident with the necessary visa and work permits on the pathway to permanent residency or
- be a New Zealand citizen.
- and their principal place of residency must be in Queensland.
- be at least 15 years old and less than 25 years old on the date they commenced employment with the business making the application.
- have been unemployed for a minimum of eight weeks directly prior to commencing employment with the business making the application.

Ineligible Employees:

An employee would be considered ineligible for a Back to Work Incentive Payment if they:

- displaced any existing workers in the business making the application.
- were employed by the business making the application in any capacity in the 52-weeks directly prior to the commencement date entered into the application.
- were classified as a full-time student within the eight weeks directly prior to commencing employment with the business making the application.
- have a personal interest in the business making the application. This includes, but is not limited to, an owner, director, significant shareholder, partner, sole trader, trustee, or trust beneficiary.
- are an owner or director of an existing business who has one or more employees.

Evidence requirements

When applying for a Back to Work Incentive Payment, documentation is required to substantiate that the business, employee, and job meet the eligibility criteria.

The documentation requested is intended to ensure program funds are administered in accordance with

the eligibility criteria and protects businesses and employees against potential fraud and identity theft.

This documentation has been chosen specifically as it should be easily accessible or obtainable for most businesses.

Documents provided must be valid, current, legible and in a standard format (e.g., PDF, JPEG or Word). Documents requiring clarification or resubmission may result in delays to the application process.

WorkCover Policy or Licence

Under the *Workers' Compensation and Rehabilitation Act 2003 (QLD)*, businesses must, for each worker employed in Queensland, insure, and remain insured for their legal liability to pay compensation and damages to their workers.

You will be required to provide your WorkCover Policy or Licence Number and expiration date in your application.

Information provided by you, about your business, including your WorkCover Policy or Licence Number, may be disclosed to WorkCover for the purpose of verifying your compliance of the *Workers' Compensation and Rehabilitation Act 2003 (QLD)*.

Identification of the person submitting the application

It is necessary to substantiate the identity of the individual submitting the application (the applicant). This is because once approved, the application forms a legal agreement, and it is necessary to ensure the person entering into this agreement on behalf of the business has consented to doing so.

There are two options for the applicant to substantiate their identity. In both instances, the full name provided in the document must directly match the full name on the individual QGrants account used to submit the application.

Option One – Verification of Identity Form – 100 point check

A Verification of Identity form may be completed by the applicant and presented to a Queensland Justice of the Peace or Commissioner for Declarations to be witnessed along with a selection of proof of identity documents.

You can find a Justice of the Peace or Commissioner for Declarations <u>here</u>.

Only return your witnessed Verification of Identity form to us. You are not required to provide copies of the documents listed in the form.

You can find the Verification of Identity form at <u>Back</u> to Work 100 Points Identification Check form

Option Two - Statutory Declaration

A <u>QLD Statutory Declaration</u> may be completed by the applicant and presented to a Queensland Justice of the Peace or Commissioner for Declarations to be witnessed.

Prepare your QLD Statutory Declaration using the following statement:

I am the responsible party who has submitted this Back to Work application on behalf of [insert business name] for [insert employee name].

Your QLD Statutory Declaration must be witnessed by an authorised Queensland Justice of the Peace or Commissioner for Declarations, as described in Section 16B of the *Queensland Oaths Act 1867*.

You can find a Justice of the Peace or Commissioner for Declarations here, or you may choose to arrange to have your document witnessed online. You can find out more about the online witnessing service here.

Verification of the business the application is being submitted for

It is necessary to verify the eligibility of the business referenced on the application being submitted.

This is because once approved, the application forms a legal agreement, and it is necessary to ensure the business party to the agreement is the business employing the employee.

There are two documents the applicant can supply to substantiate the identity of the business.

Option One – ABN Confirmation Advice

All registered businesses will have received an ABN confirmation advice at the time of registering the business. This may have been made available to the business electronically at the time the ABN was registered or have been sent to the registered postal address in the mail. If you cannot locate this document, a copy of the advice (which includes a letter) can be requested from the Australian Business Register at https://www.abr.gov.au/business-super-funds-

<u>charities/applying-abn/your-business-information-abr/paper-copies-abn-details.</u>

The ABN and registered business name on the ABN confirmation advice must match the ABN and organisation name in your QGrants organisation account and be present on the employee payslips provided in the application.

Note that an extract, ASIC notification of the ABN details, print out or screenshot of the ABN lookup, GST registration and/or Tax file number will not be accepted.

Option Two - 100pt ID Check

A 100 points of identification check form may be completed by the business owner, Director, Partner, Trustee or Public Officer associated with the ABN and presented to a Queensland Justice of the Peace or Commissioner for Declarations to be witnessed along with a selection of documents.

You can find a Justice of the Peace or Commissioner for Declarations <u>here</u>.

Only return your witnessed 100-point check form to us. You are not required to provide copies of the documents listed above.

Employee Consent Form

An employee consent form (available on http://www.business.qld.gov.au/backtowork), must be included with all initial payment applications submitted in QGrants.

This form must be completed by the employee, with true and correct information to the best of the employee's knowledge and be signed and dated by the employee relevant to the application.

If the employee is unsure of the answer to any of the questions, it is recommended that a letter be attached to the employee consent form to explain their answer in greater detail.

Employee Identification

Evidence is required to substantiate the identity of the jobseeker that has been employed.

Acceptable identification documents are:

- an Australian driver licence;
- adult proof of age card (e.g., 18+ card);
- birth certificate;
- citizenship certificate;
- · passport.

Note: If a non-Australian passport is being submitted as evidence, a letter issued by the Australian Government to the employee outlining their visa details must also be submitted.

The employee identification must be current (not expired) at the date the employee commenced employment. The first name, surname, and date of birth on the employee identification must match the first name, surname, and date of birth on the application.

Payslips

An employee must have been in ongoing and continuous paid full-time or part-time employment with your business for at least four full weeks prior to the initial payment application being made and must have worked the minimum average hours relevant to the application being made.

To substantiate that these requirements have been met, please provide copies of the employee's payslips for the first four full weeks of their employment. Payslips must be submitted; timesheets or a payroll summary report is not sufficient. The ABN and name on the payslips you provide must match the ABN and name on the ABN confirmation advice (if supplied) and QGrants organisation account.

Payslips must meet the minimum requirement as set out by Fair Work Australia under the Fair Work Act 2009 and the Fair Work Regulations 2009. This includes details of any superannuation contributions paid for the employee's benefit, including the amount of contributions made during the pay period (or the amount of contributions that are to be made).

Information on the legal requirements for payslips is available through the Fair Work Australia website at https://www.fairwork.gov.au/pay/pay-slips-and-record-keeping/pay-slips

Employees with disability

If an employee has disability and an Employment Services Assessment (ESAT) or a Job Capacity Assessment (JCA) to work between 8 and 20 hours per week, a signed letter issued by a Disability Employment Services Provider or Department of Human Services endorsed JCA must be attached to the application.

This document should detail the employee's approved benchmark working hours or the application will not meet the required eligibility criteria. The employee must be working in accordance with their approved benchmark hours. If

the payslips do not align with the minimum approved benchmark hours, the application will not be approved.

These eligible part-time jobs will attract 75 per cent of the full-time payment.

Visa eligibility

Temporary visa holders are eligible to participate in Back to Work, however these visa holders need to be on a pathway to permanent residency and have the necessary work permits as part of their visa conditions. It is the responsibility of the employer to ensure that residency requirements are met by the participants.

A letter issued by the Australian Government to the employee outlining their visa details must also be submitted.

To determine visa eligibility to participate in Back to Work, check the visa against the <u>visa subclass</u> eligibility list.

Delays in obtaining evidence

If you are waiting for documentation (e.g., ABN confirmation advice) to complete your application, you can still apply.

Please submit your application with the information and documentation available to you and provide a letter detailing what documentation you are waiting for, as an attachment to your application.

You will be contacted by a member of the Employment Pathways team to discuss next steps.

Ready to apply

Initial application process

Applications must be made through the QGrants portal at https://ggrants.osr.qld.gov.au/portal.

The online application form contains a series of questions the applicant must answer to progress the application. These questions must be answered truthfully. Applications found to include false or misleading information will not be approved and may be referred to the relevant law enforcement authority.

The questions on the form address the eligibility criteria and are arranged in the following sections:

- Pre-application checklist an opportunity for applicants to verify they have all the necessary information and documentation to apply.
- Employer Details addressing employer eligibility
- Employee Details addressing employee eligibility
- Employment Details addressing job eligibility
- Attachments substantiating documentation to support the application
- Bank Details provision of account details for payment of funding
- Required declarations and consents.

It is the responsibility of the business the application is being submitted on behalf of to ensure contact information is kept up to date so that the Employment Pathways team can remain in contact regarding applications, agreements and claims.

Applicant declaration

Applicants will be entering into a legal agreement with the Queensland Government.

Applicants will need to declare, for each application submitted, that they:

- have read, understood, and agree to the Terms and Conditions of the program; and
- have sought and obtained the consent of the employee (see Evidence requirements) referred to in the application to use and disclose their personal information for the purposes and to the entities set out in the Privacy Collection Notice (detailed in the Terms and Conditions); and
- that the business and its office holders have complied, and will continue to comply, with relevant State and Commonwealth industrial and employment laws and respect the rights of employees under those laws. This includes, but is not limited to, laws that are about industrial relations, occupational health and safety, worker's compensation, discrimination, immigration, and taxation (including superannuation); and
- that the information they have provided is correct and they have not provided false or misleading information within the application. That they further understand that any provision of false or misleading information may be reported to the relevant law enforcement agencies.

Applications submitted on behalf of trusts or unincorporated entities will require additional declarations, that they:

- are appropriately indemnified out of the funds of the trust or unincorporated association; and
- acknowledge and accept to be personally liable under the agreement with the Department of Employment, Small Business and Training.

Assessing the application

Applications will be assessed against the guidelines for funding, and assessors will also consider:

- Has the applicant complied with these guidelines including but not limited to:
 - being an eligible business
 - employing an eligible employee in an eligible job
 - employing their eligible employee for the minimum period of employment
 - submitting their application within the eligible timeframe for submission
 - o providing supporting evidence and documentation
 - o obtaining the necessary consents
 - o not exceeding the cap on approved applications.
- Has the business (and, if the business is not owned by an individual, its owners, approved members of the trust deed or management committee if an unincorporated association) and the businesses management staff, complied with all local, state, and Australian laws and regulations, including but not limited to laws relating to workplace health and safety and industrial relations?
- Has the business demonstrated a genuine commitment to the ongoing employment of the employee and other employees for whom applications have been submitted?
- Where the employment is provided for an employee with a disability, is the employee engaged in mainstream employment?
- Are there any public interest issues indicating the application should not be approved?

Examples of when an application might not be approved on a public interest basis include but are not limited to:

- the applicant, its owners, or relevant management staff, have a history of poor compliance with legislation, including but not limited to laws in relation to workplace health and safety and industrial relations
- · matters involving fraud, and
- the applicant has already received funding for the employee under another government program.

Processing the application

Applications submitted with all complete and correct information and documents are usually processed within 20 business days. This may change depending on application volume.

If you have received a request to provide more information following an initial assessment of your application, the 20 business days commences again upon your re-submission of the application.

You can review the status of your application at any time by logging into the QGrants system.

Will I need to provide additional information?

When assessing an application, the Back to Work team may request additional information and documents to assist in determining whether the eligibility criteria have been met. This may include documents such as employment contracts to confirm employment arrangements and information from the business and/or the employee to clarify details in the application.

If you have received a request to provide more information following an initial review, your application will remain open for 30 days to allow you to upload the requested documentation or information. If you require more than 30 days to provide the requested documentation or information, you should notify the Back to Work Team in writing. Where able, your request will be accommodated.

If the required documentation or information is not provided within 30 business days, or if provided an extension, within the agreed period, the application will not be approved for funding. If you choose to provide this information after the applications non-approval, you may contact the Back to Work Team to request they re-open the application. Where able, your request will be accommodated.

If the application is not approved, can a review of the decision be requested?

If the application has been processed and assessed as not meeting the eligibility criteria, the applicant will be notified that it has not been approved. Applicants may request a review of a decision. This request must be lodged within 30 calendar days after the date of the decision.

The request should state in detail the grounds the applicant believes the original decision is incorrect or should be overturned. The applicant should also attach all relevant evidentiary documentation that supports their request.

Review of decision requests may be declined in instances where the decision is made on public interest grounds.

If an applicant requests for multiple decisions to be reviewed, the request should either detail why each decision specifically is incorrect or should be overturned, the applicant will need to submit separate formal requests for each review of decision.

Review requests and the additional supporting material must be lodged in writing to:

compliance@desbt.qld.gov.au

OR

Review Officer, Back to Work Program PO Box 15483 City East Brisbane QLD 4002

Applicants will be notified of the outcome of the review in writing within 60 business days from the receipt of the written request.

After the initial payment application is approved

If your initial payment application is approved, it will become a formal agreement with the Back to Work Program. The applicant and business are bound by the declarations (detailed above) within the application and are required to abide by the Back to Work Incentive Payment Guidelines for Funding and Terms and Conditions.

If it is determined that you have received a payment for which the eligibility criteria were not met, the Queensland Government will seek to recover that payment.

Ceased employment/changes to employment

If the employee ceases employment after an incentive payment application has been approved, you are not required to return the payments already received, but you will not be eligible for any further payments for that employee.

If the employee ceases employment, or their employment conditions significantly change (e.g. they move from full-time to part-time) after an application has been made, you must notify the Back to Work team in writing at backtowork@desbt.qld.qov.au providing:

- the date employment ceased or changed
- an explanation of the reason why the employee ceased employment or had their employment conditions altered.

This information will be held on record for program monitoring and audit purposes (see Terms and Conditions).

Claiming later payments

If your initial payment application is approved, and your employee completes 26-weeks of employment, you will have 12-weeks from the 26-week point to submit a 26-week payment application. If the 26-week payment application is approved, and your employee completes 52-weeks of employment, you will have 12-weeks from the 52-week point to submit a 52-week payment application.

What evidence is required as part of my later claims?

Applicants must reaffirm that they continue to meet the eligibility criteria for all later payments outlined in the payment schedule. Evidence must be provided to support each later payment application including that continuous employment has occurred for the specified period. Applicants are required to upload into QGrants clear and legible copies of the required documents in PDF, JPEG or Word format.

Identification of the person submitting the claim

If the person responsible for submitting applications on behalf of the business has changed since the initial payment application was approved, please provide one of the approved pieces of documentation to evidence their identity per

'Identification of the person submitting the application' on page four of this document.

This identification must match the name and details of the person listed as responsible for submitting the claim in QGrants.

Payslips

An employee must have been in ongoing and continuous paid full-time or part-time employment with the business for the full 26-week or 52-week claim period prior to the correlating claim being submitted and must have worked the minimum average hours relevant to the claim.

To substantiate that these requirements have been met, please provide copies of all employee payslips up to the 26-week or 52-week period of their employment. Payslips must be submitted; timesheets or a payroll summary report is not sufficient. The ABN and name on the payslips you provide must match the ABN and name on your ABN confirmation advice (if supplied) and QGrants organisation account.

Payslips must meet the minimum requirement as set out by Fair Work Australia under the Fair Work Act 2009 and the Fair Work Regulations 2009. Information on the legal requirements for payslips is available through the Fair Work Australia website at https://www.fairwork.gov.au/pay/pay-slips-and-record-keeping/pay-slips



Further information

What happens if the program is discontinued?

Advice will be published on the Back to Work website if funding is no longer available or the program has been discontinued.

Privacy and confidentiality

The Privacy Collection Notice included in provision nine of the Back to Work Terms and Conditions available on the Back to Work website and within the Applicant Declaration set out how information collected as part of the application process will be used by the Queensland Government.

Broadly, the information can be used to evaluate, administer, assess, monitor and audit compliance with the eligibility criteria for the program in order to support delivery of the Back to Work program.

Applicants must provide information about the employee for the purposes of assessing eligibility and must have obtained the employees consent to disclose their personal details for the purposes set out in the privacy statement in the Terms and Conditions.

For further information about the management of personal information, please email the Privacy Contact Officer at corporate.legal@desbt.gld.gov.au.

Tax implications

The taxation implications of any payments made to an applicant under the Back to Work program may differ depending on the applicant's personal circumstances. The Queensland Government is unable to provide taxation advice and accordingly we recommend consulting your own professional adviser to determine any taxation implications that may apply.

The Australian Taxation Office has information that may also assist you at www.ato.gov.au

Human Rights consideration

The intention of the *Human Rights Act 2019* (the Act) is to ensure every person in Queensland is treated equally and without discrimination.

Although the eligibility criteria under Back to Work is not extended to all Queenslanders and therefore may limit the rights of those that are unable to access it, this is described as reasonable and justifiable under the Act (Section 13(2)) as the intent of Back to Work aims to achieve the purpose of the Act by supporting and encouraging equitable participation across a broad range of cohorts that generally face barriers to their participation in the labour market.

Contact us

Website: http://www.business.qld.gov.au/backtowork

Phone: 13 QGOV (13 74 68)

Email: backtowork@desbt.qld.gov.au

Need help in your language?Call 1800 512 451 and ask for an interpreter. If you require further assistance, please contact the Back to Work Team.

