

Back to Work

Guidelines for funding 2018–20

Effective 1 December 2018

Before you apply

What is the Back to Work program?

The Back to Work program is designed to give businesses the confidence to employ Queenslanders who have experienced a period of unemployment. Support payments are available to eligible employers who hire a previously unemployed Queenslanders who has experienced a minimum period of unemployment directly prior to commencing work with them.

The program is available throughout regional Queensland and in areas of South East Queensland (SEQ) experiencing significant labour market challenges.

Employer Support Payments and Youth Boost payments are available under these guidelines to eligible employers who meet **all** the program eligibility criteria.

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

Further information on the Back to Work program including terms and conditions, definitions, frequently asked questions and fact sheets is available on qld.gov.au/backtowork

Where is the Back to Work program delivered?

Back to Work Regional	Back to Work SEQ
<p>Eligible regions are:</p> <ul style="list-style-type: none">• Central Queensland• Far North Queensland• Mackay/Whitsunday• North Queensland• North West Queensland• South West Queensland• Wide Bay Burnett	<p>Eligible local government areas are:</p> <ul style="list-style-type: none">• Ipswich• Lockyer Valley• Logan• Moreton Bay• Scenic Rim• Somerset

What payments are available?

Back to Work Regional

Employer Support Payments (\$10,000) For a jobseeker previously unemployed between four and 52 weeks	Employer Support Payments (\$15,000) For a jobseeker previously unemployed 52 weeks or more	Youth Boost Payments (\$20,000) For a jobseeker (aged between 15-24 years) previously unemployed minimum four weeks
<p>Payments are made directly to the eligible employer, in two parts:</p> <ul style="list-style-type: none"> • Initial payment of \$4000¹ after four weeks of continuous employment and approval of the initial payment application. • Final payment of \$6000¹ after 52 weeks of continuous employment with the same employer and approval of the final payment claim. 	<p>Payments are made directly to the eligible employer, in two parts:</p> <ul style="list-style-type: none"> • Initial payment of \$6000¹ after four weeks of continuous employment and approval of the initial payment application. • Final payment of \$9000¹ after 52 weeks of continuous employment with the same employer and approval of the final payment claim. 	<p>Payments are made directly to the eligible employer, in three parts:</p> <ul style="list-style-type: none"> • Initial payment of \$6000¹ after four weeks of continuous employment and approval of the initial payment application. • Second payment of \$7000¹ after 26 weeks of continuous employment with the same employer and approval of the second payment claim. • Final payment of \$7000¹ after 52 weeks of continuous employment with the same employer and approval of the final payment claim.

N.B. Claims cannot be made for second or final payments (later payments) unless the previous payment applications for that employee were lodged by the same employer and approved.

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

¹ Figures in the table are payments for eligible full-time jobs as described in the "Eligibility criteria" table. Eligible part-time jobs attract 75 per cent of the full payment.

Back to Work SEQ

Employer Support Payments (\$15,000) For a jobseeker (25 years or over) previously unemployed 52 weeks or more	Youth Boost Payments (\$20,000) For a jobseeker (aged between 15-24 years) previously unemployed minimum four weeks
<p>Payments are made directly to the eligible employer, in three instalments:</p> <ul style="list-style-type: none"> • Initial payment of \$4500¹ after four weeks of continuous employment and approval of the initial payment application. • Second payment of \$5250¹ after 26 weeks of continuous employment with the same employer and approval of the second payment claim. • Final payment of \$5250¹ on completion of 52 weeks of continuous employment with the same employer and approval of the final payment claim. 	<p>Payments are made directly to the eligible employer, in three instalments:</p> <ul style="list-style-type: none"> • Initial payment of \$6000¹ after four weeks of continuous employment and approval of the initial payment application. • Second payment of \$7000¹ after 26 weeks of continuous employment with the same employer and approval of the second payment claim. • Final payment of \$7000¹ on completion of 52 weeks of continuous employment with the same employer and approval of the final payment claim.

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¹ Figures in the table are payments for eligible full-time jobs as described in the "Eligibility Criteria" table. Eligible part-time jobs attract 75 per cent of the full payment.

Eligibility criteria

<p>Eligible employers</p>	<p>All employers are eligible except for government entities (local, state and Australian governments and entities including government-owned corporations and statutory bodies).</p> <p>Each eligible employer (based on their ABN) may claim a maximum of five Back to Work applications. This cap of five applications applies to Employer Support Payments, Youth Boost payments, Mature Age Worker Boost payments and combinations of payment types.</p> <p>Employers must have:</p> <ul style="list-style-type: none"> • a good workplace health and safety and industrial relations record and • a genuine commitment to ongoing employment of the employee.
<p>Eligible jobs</p>	<p>An eligible job must be mainly located in the areas of Queensland listed on page 1 of these guidelines, and either:</p> <ul style="list-style-type: none"> • 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, hours consistent with their approved benchmark, on average or • a registered and eligible Queensland full-time or part-time apprenticeship (refer to exceptions below).
<p>Ineligible jobs</p>	<p>Ineligible jobs include:</p> <ul style="list-style-type: none"> • a casual job (i.e. may not have guaranteed hours of work each week; may involve working irregular hours; does not provide paid sick or annual leave). 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 employment such as engagements that are short term in nature (e.g. weekly hire basis) • employees transitioning from casual or periodic employment to ongoing part-time or ongoing full-time work • where the applicant is not directly employing the employee (i.e. employed on contract via a third party, such as a labour hire company or group training organisation) • a job that offers full-time salary or wages above \$120,000 per annum (or pro-rata for part-time). <p>Ineligible apprenticeships include:</p> <ul style="list-style-type: none"> • a school-based apprenticeship or traineeship • an apprenticeship or traineeship which is funded through the Queensland Government's Skilling Queenslanders for Work program.
<p>Eligible employee for Employer Support Payments</p>	<p>An eligible employee for the Employer Support Payment:</p> <ul style="list-style-type: none"> • must be a permanent resident of Australia and their principal place of residency is in Queensland • must have been unemployed for the minimum period for the specified support payment directly prior to commencing employment with the eligible employer • has not worked for the eligible employer in the 52 weeks directly prior to commencing employment with the eligible employer • commenced employment with the eligible employer from 1 July 2018 • at the time the initial payment application is made, has been in paid employment with the eligible employer for at least four weeks but not more than 12 weeks

	<ul style="list-style-type: none"> • is not a current full-time student • was not a full-time student within four weeks immediately prior to commencing with the eligible employer • must not have displaced any existing workers • if the employee has a disability, must be engaged in mainstream employment.
Eligible employee for Youth Boost Payments	<p>An eligible employee for the Youth Boost Payment:</p> <ul style="list-style-type: none"> • must meet all the criteria for an Employer Support Payment except for the requirement to have been unemployed for a period of 52 weeks and • was unemployed for at least four weeks directly prior to commencing employment with the eligible employer and • must be over the age of 15 years and below the age of 25 years on the date they commenced employment with the eligible employer (but can turn 25 during the period of their employment).
Ineligible employees	<p>An ineligible employee for a Back to Work payment includes if the employee is:</p> <ul style="list-style-type: none"> • an owner of the company, business or joint venture • a sole trader • a partner in a partnership • a director of the company • a primary shareholder in the company • an owner under a trust arrangement. This may include the trustee, a beneficiary under the trust and/or being an owner of a directly controlled or related entity.

How many applications can be made?

From 1 July 2017, each eligible employer (based on their ABN) may claim a maximum of five Back to Work Regional applications and five Back to Work SEQ applications. This cap applies to Employer Support Payments, Youth Boost Payments and the previously available Mature Age Worker Boost Payments and combinations of those payment types. Once a total of five initial payment applications have been approved, no further initial payment applications will be accepted.

This cap does not apply to applications for employees commencing before 1 July 2017.

Who can lodge an application for Back to Work?

Applications must be submitted by the employer, not an agent or other party. This is due to the requirement for the employer to agree to the conditions of the Back to Work program (see Employer Declaration below).

Employer declaration

Applicants will be entering into a legal agreement with the Queensland Government. Applicants will need to confirm, for each application submitted, that they:

- have thoroughly read and understood the guidelines for funding and Terms and Conditions and
- consent to the Back to Work Team sharing information with Queensland and Australian Government agencies including but not limited to the Office of State Revenue; Queensland Treasury; Office of Industrial Relations; Department of State Development, Manufacturing, Infrastructure and Planning; the Queensland Ombudsman; the Queensland Police Service; Department of Education and Training; TAFE Queensland; Queensland Audit Office; Australian Taxation Office; Fair Work Ombudsman; Australian Government Department of Jobs and Small Business and Centrelink. This is for the purposes of:
 - evaluating, administering, assessing, monitoring and auditing compliance with the eligibility criteria for the Back to Work Program
 - supporting the delivery of other Back to Work funding and support
 - promoting the Back to Work Program, and
- have obtained the consent of the employee referred to in the application to disclose the personal details of the employee for the purposes set out in the privacy statement contained in the Terms and Conditions.

All eligibility criteria must be met to receive payments.

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

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

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

- 26 weeks of continuous employment for the second Employer Support Payment (Back to Work SEQ only) or Youth Boost payment
- 52 weeks of continuous employment for the final Employer Support Payment or Youth Boost Payment.

Applications and claims received outside of these timeframes will be ineligible for payment. It is highly recommended that applicants submit their applications well before the cut-off date.

Applicants must notify the Back to Work Team immediately of any problems submitting their applications within the required timeframe at backtowork@desbt.qld.gov.au

Evidence requirements

The online application process requires evidence that the employer, employee and job meet the eligibility criteria for the payment. This evidence must be submitted when making your online application, to enable your application to be assessed.

All scanned items 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.

What evidence is required as part of my initial application?

Documents required at the time of application are as follows:

ABN Certificate

All registered businesses will have received an ABN Certificate at the time of registering the business. A copy of the certificate (which includes a letter) can be requested from the Australian Business Register at www.abr.gov.au/Contact-us/Contact-the-ABR/

The ABN and name on the ABN certificate must match the ABN and name on your QGrants organisation account and the employee payslips you provide.

Please note, an ASIC certificate and ABN lookups are not accepted as evidence.

Payslips

An employee must have been in paid permanent employment with you for at least four full weeks prior to the initial application being made and must have worked the average hours relevant to a part-time or full-time application.

To prove that these requirements have been met, please provide copies of the employee's payslips for the first four continuous full weeks of their employment with you. Payslips must be submitted, as timesheets or a payroll summary will not be sufficient. The ABN and name on the payslips you provide must match the ABN and name on your ABN certificate 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>

Employee ID

Proof is required of the jobseeker's identity. 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 ID must be current (not expired) at the date the employee commenced employment. The first name, surname and date of birth on the employee ID must match the first name, surname and date of birth on the application.

Employees with a disability

If an employee has a disability and a workplace assessment 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 Job Capacity Assessment 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 approved benchmark working hours, the application will not meet the required eligibility criteria.

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

Delays in obtaining evidence

If you are waiting for evidence documents (e.g. ABN Certificate) to complete your application and it is getting close to the cut-off date, you can still apply.

Please submit your application with the information and documents available and provide details of the documents you are waiting for as an attachment to your application. You will be contacted by a member of the Back to Work Team to discuss next steps.

Late applications

Consideration will be given to a late application if:

- a) the 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 an application within the required timeframe and
- b) the Back to Work team has been notified as required in the **How long do I have to apply for a Back to Work payment?** section of this document.

Please note that being unaware of the Back to Work program and not submitting an application within the required timeframe is not considered an extenuating circumstance. Late application requests will not be considered in this circumstance.

The applicant must submit a written request for consideration of a late application, together with a statutory declaration and all relevant supporting material to the Back to Work team at compliance@desbt.qld.gov.au

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

Ready to apply

Initial application process

Applications must be made through the QGrants system at <https://qgrants.osr.qld.gov.au/portal>

The online application form contains a series of questions you must answer to progress the application. All questions are mandatory with the exception of employee demographic questions.

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

- Employer details – addressing employer eligibility
- Employee details – addressing employee eligibility
- Employment details – addressing job eligibility
- Required declarations and consents.

The QGrants system requires important information to be supplied including applicant contact information, bank account details, business information and evidence documents to support your application.

It is the responsibility of the applicant to ensure information is kept up-to-date so that the Back to Work team can remain in contact regarding future applications, claims and reviews.

Assessing your application

Applications will be assessed based on the following eligibility criteria:

- Has the applicant complied with these guidelines including
 - eligible employer
 - eligible job
 - eligible employee
 - completion of required periods of employment
 - timeframes for submitting applications
 - supporting evidence and documentation
 - necessary consents
 - cap on approved applications?
- Has the applicant (and, if the applicant is not an individual, its owners) and the applicant's management staff, complied with local, state and Australian laws and regulations, including but not limited to laws relating to workplace health and safety and industrial relations?
- Has the applicant demonstrated a genuine commitment to the ongoing employment of the employee and other employees for whom applications have been submitted?
- Has the applicant's engagement of the employee displaced any existing workers?
- 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
 - 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 your application

Applications submitted with all complete and correct information and documents are usually processed within 15 business days. This may change depending on application volume.

If you have been requested to provide more information following an initial review, your application will remain open until the required evidence documents are uploaded onto the system. 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 employer and/or the employee to clarify details in the application.

If it is determined that an applicant has received a payment they were not eligible for, the Queensland Government will seek to recoup that payment from the applicant.

If an 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 should be overturned. The applicant should also attach all relevant material that supports their request. The team will only review decisions once the statement and relevant supporting material have been provided. All program eligibility criteria must be met for an original decision to be overturned.

If an applicant requests review of decisions that relate to more than one application, the applicant will need to submit separate formal requests for review for each decision.

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

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

Or compliance@desbt.qld.gov.au

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

After your initial claim has been approved

Ceased employment/changes to employment

If the employee ceases employment with you after a payment has been made, you do not need to return the payments already received, but you will be ineligible for any further payments for that employee. However, 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 from you.

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.gov.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

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 application including that continuous employment has occurred for the specified period of time. Applicants are required to upload into the QGrants System a clear and legible scan of the required documents in a PDF, JPEG or Word format.

Required documents are:

For 26-week claims:

To support your claim, you must provide evidence to demonstrate that your employee has completed 26 weeks continuous paid employment with you and must have worked the average hours relevant to a part-time or full-time application. This evidence must include:

- if the period of employment does not cross a financial year, one payslip from each month from the employee's commencement including one covering the 26-week point.
- if the period of employment crosses a financial year
 - a copy of the PAYG payment summary (formerly known as a Group Certificate) covering the period from the employee's commencement to 30 June of that financial year and
 - one payslip from each month post 30 June that year including one covering the 26 week point from the employee's commencement date.

For 52-week claims:

To support your claim, you must provide evidence to demonstrate that your employee has completed 52 weeks of continuous employment with you and must have worked the average hours relevant to a part-time or full-time application. This evidence must include:

- if the period of employment does not cross a financial year, one payslip from each month from the employee's commencement including one covering the 52-week point
- if the period of employment crosses a financial year
 - a copy of the PAYG payment summary (formerly known as a Group Certificate) covering the period from the employee's commencement to 30 June of that financial year and
 - one payslip from each month post 30 June that year including one covering the 52 week point from the employee's commencement date.

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 Terms and Conditions available on the Back to Work website and QGrants 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 their employees for the purposes of assessing eligibility. Employers must declare that they have obtained consent from their employee to disclose 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.qld.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 For example, guidance in relation to the Goods and Services Tax (GST) treatment of financial assistance payments can be found in GST Ruling 2012/2.

Contact us

Website: qld.gov.au/backtowork
Phone: 13 QGOV (13 74 68)
Email: backtowork@desbt.qld.gov.au