

Back to Work Incentives Payments Guidelines for Funding 2021-22

Effective 1 July 2021

Before you apply

What is the revitalised 2021-22 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 and help workers facing disadvantage in the labour market. Incentive payments and other supports are available to employers who hire an eligible previously unemployed Queenslander from a vulnerable cohort who has experienced a minimum period of unemployment directly prior to commencing work with them. The revitalised Back to Work program now focusses on intensive support for jobseekers, employers and their employees.

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

Back to Work Incentive 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 incentive 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?

Eligible regional areas	Eligible SEQ areas
<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?

Youth Boost Payments (\$20,000 ¹)	Back to Work Support Payments (\$15,000 ¹)
<p>Payments of up to \$20,000 are available to employers who employ a jobseeker who is aged between 15-24 years and was previously unemployed for a minimum of eight weeks.</p> <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 continuous employment with the same employer and approval of the final payment claim. 	<p>Payments of up to \$15,000 are available to employers who employ a jobseeker who identifies as belonging to one of the following cohorts:</p> <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander peoples (minimum unemployment period of eight weeks) • Person with a disability (minimum unemployment period of eight weeks) • Long term unemployed people (unemployed 52 weeks or longer). <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>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.</p> <p>Employers are only eligible to receive one payment type per eligible employee.</p> <p>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.</p>	

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 may enter into a maximum of four Back to Work agreements. This cap of four agreements applies to both Youth Boost and Back to Work Support Payments for eligible employees employed after 1 July 2021.</p> <p>To be eligible for funding, employers must:</p> <ul style="list-style-type: none"> • be compliant with workplace health and safety, industrial relations and taxation legislation; and • demonstrate a genuine commitment to ongoing employment of the employee. <p>If the employer is an unincorporated association or trust, evidence must be provided that the individual who is entering into the agreement with the Department of Employment, Small Business and Training is operating under the rules and authority of the unincorporated association or trust.</p>
<p>Eligible Jobs</p>	<p>An eligible job must be predominantly located in the areas of Queensland listed on page 1 of these guidelines, and either be:</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, ongoing paid part-time with hours consistent with their approved benchmark, on average.
<p>Ineligible Jobs</p>	<p>Ineligible jobs include:</p> <ul style="list-style-type: none"> • a casual job including no firm advanced commitment to ongoing work with 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 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 employment. • no direct employment relationship and connection with the Back to Work applicant. For example, indirect employment relationships where employees are contracted or hired out/hosted through a labour hire arrangement or group training organisations (third-party employment relationships).
<p>Eligible Employee for Back to Work Support Payments</p>	<p>An eligible employee for the Back to Work Support Payment:</p> <ul style="list-style-type: none"> • must be a permanent resident of Australia and their principal place of residency must be in Queensland. • must belong to one of more of the following cohorts: <ul style="list-style-type: none"> ○ Aboriginal and Torres Strait Islander peoples; ○ Persons with a disability; ○ Long term unemployed persons; • must have been unemployed for the minimum specified period for their cohort, per the table on page 2 of these guidelines. • must not have worked for the eligible employer making the BTW application in the 52-weeks directly prior to the commencement date entered into the application.

	<ul style="list-style-type: none"> • must have commenced employment with the eligible employer from 1 July 2021. • 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. • is not currently, and was not previously, classified as a full-time student within the eight weeks immediately prior to commencing employment with the eligible employer. • must not have displaced any existing workers.
Eligible Employee for Youth Boost payments	<p>An eligible employee for the Youth Boost:</p> <ul style="list-style-type: none"> • must be a permanent resident of Australia and their principal place of residency must be in Queensland. • 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). • must have been unemployed for a minimum of eight weeks at the time of their employment. • must not have worked for the eligible employer making the BTW application in the 52 weeks directly prior to the commencement date entered into the application. • must have commenced with the employer from 1 July 2021. • 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. • is not currently, and was not previously, classified as a full-time student within the eight weeks immediately prior to commencing employment with the eligible employer. • must not have displaced any existing workers.
Ineligible Employees	<p>An ineligible employee for a Back to Work agreement includes if the employee is:</p> <ul style="list-style-type: none"> • an owner of the company, business or joint venture applying for the Back to Work payment; OR • a sole trader applying for the Back to Work payment; OR • a partner in a partnership applying for the Back to Work payment; OR • a director of the company applying for the Back to Work payment; OR • a significant shareholder (more than 50% shareholding) in the company applying for the Back to Work payment; OR • an owner under a trust arrangement of the entity applying for the Back to Work payment. 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 2021, each eligible employer may enter into a maximum of four Back to Work agreements. This cap does not include agreements for employees who commenced employment prior to 1 July 2021.

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

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).

If the applicant is an unincorporated association, it is a requirement that the management committee/applicant provide evidence that the individual making the application is operating within the rules and authority of the unincorporated association when contracting with the Department of Employment, Small Business and Training (see **Evidence requirements**). If the applicant is part of a trust arrangement, it is a requirement that the person making the application is operating with the authority of the trustee/s, as outlined within the trust deed, when contracting with the Department of Employment, Small Business and Training (see **Evidence requirements**).

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 read, understood and agree to the Terms and Conditions and have read and understood the Privacy Collection Notice; and
- consent to the Privacy Collection Notice detailed within the Back to Work Terms and Conditions specifically authorising the Back to Work Team to share information with Queensland and Australian Government agencies including but not limited to the Department of Employment, Small Business and Training; Office of State Revenue; Queensland Treasury; Office of Industrial Relations; Department of State Development Infrastructure, Local Government and Planning; Queensland Ombudsman; Queensland Police Service; Department of Education; TAFE Queensland; Queensland Audit Office; WorkCover Queensland; Australian Taxation Office; Fair Work Ombudsman; Australian Government Department of Education, Skills and Employment 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;
- 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 in the Terms and Conditions; and
- that the employer and its office holders are compliant, and will continue to comply, with all local, state and Australian Government laws and regulations, including, but not limited to, industrial relations and taxation (including superannuation) legislation; and
- that the information they have provided is correct and they have not provided false or misleading information within the application.

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

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

Initial payment applications must be received within 12 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 Back to Work Support Payment or Youth Boost payment,
- 52 weeks of continuous employment for the final Back to Work 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. Some documentation is required to be witnessed by an independent authorised person.

What evidence is required as part of my initial application?

WorkCover Policy or Licence

In Queensland, under the *Workers' Compensation and Rehabilitation Act 2003 (QLD)*, an employer must, for each worker employed, 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)*.

Witnessed identification for the person submitting the application

Evidence is required of the identity of the person submitting the application through QGrants. This identification must match the name and details of the person identified in the QGrants account responsible for submitting the application and be witnessed by an independent authorised person.

Acceptable identification documents are:

- an Australian driver licence;
- adult proof of age card (e.g. 18+ card);

- birth certificate;
- citizenship certificate;
- passport.

The identification must be current (not expired) at the date the application it is supporting is submitted.

Copy of paper ABN confirmation advice

All registered businesses will have received an ABN confirmation advice at the time of registering the business. This advice may have been made available to you electronically at the time you registered for an ABN or have been sent to you 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-charities/applying-abn/your-business-information-abr/paper-copies-abn-details>.

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

Please note, an ASIC certificate and/or ABN lookup is not accepted as evidence. This is because this documentation is publicly available and accessible by other parties.

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 continuous 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 your ABN confirmation advice 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 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 need 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>

Employee consent form

An employee consent form (available on the Back to Work website), must be included with all initial payment applications submitted in QGrants.

This form must be completed and signed by the employee.

Employee identification

Evidence is required of 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.

Employees with a disability

If an employee has a 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 approved benchmark working hours, the application will not meet the required eligibility criteria.

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

Unincorporated associations and trust arrangements

Unincorporated associations and trusts are permitted to make application to the Back to Work program.

In these circumstances, the individual who is authorised to make the application on behalf of the management committee or the trustee/s must provide evidence that they are 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.

These declarations must include that the applicant:

- will comply with the requirements of unincorporated associations or trust deed under the Back to Work program
- is appropriately indemnified out of the funds of the unincorporated association or trust arrangement; and
- acknowledges that the applicant accepts to be personally liable under the agreement with the Department.

Delays in obtaining evidence

If you are waiting for evidence documents (e.g. ABN confirmation advice) 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 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.

Please note that being unaware of the Back to Work program and subsequently 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 request for consideration of a late application in writing, inclusive of the circumstances experienced, via a statutory declaration, and email the request and all relevant supporting material to the Back to Work team at BTW.ProgramManagement@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. 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:

- Employer details – addressing employer eligibility
- Employee details – addressing employee eligibility
- Employment details – addressing job eligibility
- Attachments – to support the information supplied
- 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 contact 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:

- being the eligible employer
 - employing an eligible employee
 - employing their 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
 - providing supporting evidence and documentation
 - obtaining the necessary consents
 - not exceeding the cap on approved applications.
- Has the applicant (and, if the applicant is not an individual, its owners, approved members of the trust deed or management committee if an unincorporated association) and the applicant's 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 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 20 business days. This may change depending on application volume.

If you have been requested 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 employer and/or the employee to clarify details in the application.

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

If the required 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 application's 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 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.

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

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 payment application has been approved

If your initial payment application is approved, it will become a formal agreement with the Back to Work Program. You are bound by your declarations (detailed above) within the

application to abide by the Back to Work Incentives 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 with you after a payment has been made, 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.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

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 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.

Witnessed identification for the person submitting the later payment claim

If the person responsible for submitting a payment application has changed since the initial payment application was approved, please provide a witnessed copy of the identification for the person now responsible for submitting the later payment claim.

This identification must match the name and details of the person responsible in the QGrants account who is submitting the later payment claim. Acceptable identification documents are:

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

The identification must be current (not expired) at the date the later payment application it is supporting is submitted.

Payslips

An employee must have been in ongoing and continuous paid full-time or part-time employment with your business for the full 26-week or 52-week claim period prior to the claim 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 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 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>

Payslips are used to provide evidence of continuous permanent employment.

The Back to Work Team may contact employers to provide additional payslips to determine minimum hours worked.

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

Contact us

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