



Australian Government



jobactive

Guideline:

Work Refusal Failures and Unemployment Failures

Under the Targeted Compliance Framework (TCF), there are consequences for Participants if they commit a Work Refusal Failure or an Unemployment Failure. A Participant commits a Work Refusal Failure when they refuse or fail to accept an offer of suitable Employment. A Participant commits an Unemployment Failure when they become unemployed either:

- as a direct or indirect result of a voluntary act (unless Services Australia is satisfied that the voluntary act was reasonable); or
- as a result of their misconduct as an employee.

Broadly speaking, if a Participant commits:

- a Work Refusal Failure, their Income Support Payment may be suspended and will be cancelled if they do not have a Reasonable Excuse; or
- an Unemployment Failure, their Income Support Payment will be cancelled.

If a Participant's Income Support Payment is cancelled, then it cannot be paid for four weeks.

These penalties reinforce the principles that:

- Income Support Payments for Participants should only be available to those who are genuine in their efforts to move into paid work; and
- where Participants gain Employment, they must take all reasonable steps to remain in the workforce, and reduce their reliance and need for an Income Support Payment.

This Guideline does not apply to ParentsNext Providers.

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Changes from the previous version (Version 3.0)

Policy changes:

Nil.

Wording changes:

The following minor updates have been made to this Guideline:

- Clarifying the processes for Providers when apparent non-compliance cannot be actioned under the Targeted Compliance Framework (TCF) as the non-compliance is identified outside of normal timeframes or policy settings.
- Outlining the interactions and processes the Provider must take regarding the Employer Reporting Line.
- Clause numbers and links have been updated where necessary.
- Additional wording added in line with policy changes.
- Clause numbers have been removed from body of the text and appear at the bottom of each section.

A full document history is available on the [Provider Portal](#).

Related documents and references

Jobactive

[Job Plan and Scheduling Mutual Obligation Requirements Guideline](#)

[Capability Assessment Guideline](#)

[Capability Interview Guideline](#)

[Targeted Compliance Framework: Mutual Obligation Failures Guideline](#)

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1. Interpretation

Unless otherwise specified:

- in this Guideline, all references to a 'Participant' are references to a 'Fully Eligible Participant (Mutual Obligation)' as defined in the jobactive Deed 2015-2022 (the Deed);
- capitalised terms in this Guideline have the meaning given to them in the jobactive Deed; and
- Deed clauses are references to the jobactive Deed.

2. Work Refusal Failures and Unemployment Failures

A Participant commits a Work Refusal Failure when they refuse or fail to accept an offer of suitable Employment.

A Participant commits an Unemployment Failure when they become unemployed either:

- as a direct or indirect result of a voluntary act (unless Services Australia is satisfied that the voluntary act was reasonable); or
- as a result of their misconduct as an employee.

3. Work Refusal Failures

Identifying a Work Refusal Failure

Providers have obligations under the Deed when they become aware (e.g. an employer notifies the Provider or the Provider receives an Employer Report Referral from the Employer Reporting Line) that a Participant has apparently committed a Work Refusal Failure (i.e. the Participant has refused or failed to accept an offer of Employment). Providers' main obligations in this case are set out in the Deed.

When the Provider discusses the circumstances of an apparent Work Refusal Failure with the Participant, the Provider must consider the issues outlined below.

The Provider must first consider whether the Participant has refused or failed to accept an offer of Employment. If the Participant has not received an offer of Employment (e.g. they attended an interview but were not offered the position), the Provider must not determine that the Participant committed a Work Refusal Failure.

If the Participant has refused or failed to accept an offer of Employment, the Provider must then consider whether the Employment that was offered was suitable for the Participant. Providers must have regard to the following factors (as relevant) when assessing whether the Employment was suitable for the Participant, as any one of these factors would make the work unsuitable:

- the Participant lacks the particular skills, experience or qualifications that are needed to perform the work and no training will be provided by the Employer;
- there is medical evidence that the Participant has an illness, disability or injury that would be aggravated by the conditions in which the work would be performed;

- the Participant is the principal carer for one or more children, and does not have access to appropriate care and supervision for the children at the times when the Participant would be required to undertake the work (which includes reasonable amounts of time that would be needed for the Participant to travel between home and the work);
- performing the work in the conditions in which the work would be performed would constitute a risk to health or safety and would contravene a law of the Commonwealth, a State or a Territory relating to occupational health and safety;
- the terms and conditions for the work would be less generous than the applicable statutory conditions;
- commuting between the Participant's home and the place of work would be unreasonably difficult (that is, it would require the Participant to spend more than 90 minutes each way in commuting time (60 minutes for principal carers or those with a partial capacity to work, see below), using the mode of transport normally available to the Participant);
- the work requires the Participant to change residence;
- the Participant has a verifiable and legitimate objection to the work on moral, cultural or religious grounds (for example, there is evidence that the Participant adheres to a particular set of moral, ethical or religious values and aspects of the work would be inconsistent with those values);
- the work would require the Participant to enlist in the Defence Force or the Reserves; or
- the Participant has a partial capacity to work, or is the principal carer of at least one child, and one or more of the following applies:
 - the duration of the journey between the Participant's home and the place of work would normally exceed 60 minutes;
 - the Participant would be financially worse off as a result of undertaking the work, by comparison with not undertaking the work, considering:
 - the financial cost to the Participant in providing appropriate care and supervision for one or more children, for whom the Participant is the principal carer, at the times when the Participant would be required to undertake the work;
 - the financial cost of travel that would be incurred by the Participant in undertaking the work;
 - the reduction in income support, additional tax paid, or impact on public housing; or
 - the financial benefit for the Participant of undertaking the work would be marginal because of the financial cost to the Participant in providing appropriate care and supervision for one or more children, for whom the Participant is the principal carer, at the times when the Participant would be required to undertake the work.

For more information on Providers' Deed obligations regarding Work Refusal Failures, see the [Reporting a Work Refusal Failure](#) section in this document.

(Deed references: jobactive Deed 2015–2022 clauses 115.2(a), 115.5(a))

Reporting a Work Refusal Failure

Providers must comply with their Deed obligations relating to Work Refusal Failures, regardless of which compliance zone the relevant Participant is in. In accordance with the Deed, following a discussion with the Participant, the Provider must consider whether the Participant has committed a Work Refusal Failure. See above under the heading 'Identifying a Work Refusal Failure'.

Below is a discussion of the system steps that the Provider must follow after they decide whether the Participant has committed a Work Refusal Failure.

Providers have Deed obligations to create Work Refusal Failure reports in certain circumstances. The systems steps that the Provider must follow to create Work Refusal Failure reports in those circumstances are discussed below.

The Work Refusal Failure report must be created and finalised (as discussed below) within 10 Business Days of the incident date. If this does not occur (e.g. where the Provider does not become aware of a Work Refusal Failure until after 10 Business Days have passed since the incident date), the Department's IT Systems will not allow the Work Refusal Failure report to be finalised, meaning the Work Refusal Failure will not be reported to Services Australia.

The incident date is the date that the Participant:

- refused an offer of suitable Employment. For example, if a Participant was offered a job at an interview and refused that offer:
 - on the day of the interview, the incident date is the date of the interview; or
 - three days after the interview, the incident date is the date that is three days after the interview; or
- failed to accept an offer of suitable Employment. For example:
 - if the Participant was given 14 days to accept the offer, and did not do so, the incident date is the 14th day (unless the Participant actively refuses the job on an earlier day); or
 - if, when the offer was made, the Participant agreed a start date with the potential Employer, but did not commence work on that date, the incident date is date the Participant was due to start.

(Deed references: jobactive Deed 2015–2022 clauses 115.2, 115.3(b), 115.4(a)(i), 115.5)

Contact attempt is successful on the same Business Day

Provider considers that the Participant committed a Work Refusal Failure

This section of the Guideline applies when, after discussing the circumstances of an apparent Work Refusal Failure with the Participant, the Provider:

- considers the Participant committed a Work Refusal Failure (see the discussion under the heading 'Identifying a Work Refusal Failure' above); and
- has an obligation to create a Work Refusal Failure report under the Deed (i.e. because they had the discussion with the Participant on the Business Day they became aware of the apparent Work Refusal Failure).

In that case, the Provider must create and finalise the Work Refusal Failure report by undertaking the following steps in the Department's IT System:

- selecting 'create compliance';
- selecting the Event Type from the drop down menu that will appear as follows:
 - select 'job seeker failed to accept suitable job' where the Provider considers that the Participant refused or failed to accept an offer of suitable Employment, other than by failing to commence work on the start date agreed with the potential Employer; or
 - select 'job seeker failed to commence suitable job' where the Provider considers that the Participant failed to commence work on the start date agreed with the potential Employer;
- recording the incident date (discussed above);
- answering 'yes' to the question of whether they are in contact with the Participant;
- selecting a reason from the 'Reasons not accepted' column of the drop down menu that will appear. The Provider must select the reason that most closely aligns with the reason the Participant gave as to why they refused or failed to accept the offer of suitable Employment. A full list of these drop-down menu options can be found at Attachment A;
- otherwise accurately answer the questions that will be automatically generated; and
- selecting 'create', which will finalise the Work Refusal Failure report and send it to Services Australia. Services Australia will assess whether the Participant had a Reasonable Excuse for the Work Refusal Failure, which will determine whether the Participant's Income Support Payment is cancelled.

By creating and finalising the Work Refusal Failure report as described above, the Provider is confirming that they consider that the Participant has committed a Work Refusal Failure.

(Deed references: jobactive Deed 2015–2022 clause 115.3(b))

Provider considers that the Participant has not committed a Work Refusal Failure

This section of the Guideline applies when the Provider:

- is in contact with the Participant on the Business Day on which the Provider became aware of an apparent Work Refusal Failure; and
- after discussing the circumstances of the apparent Work Refusal Failure with the Participant, considers the Participant has not committed a Work Refusal Failure (see the discussion under the heading 'Identifying a Work Refusal Failure' above), no further action required.

Provider considers that the Participant has been non-compliant but the TCF cannot be applied

This section of the Guideline applies when the Provider:

- is in contact with the Participant on the Business Day on which the Provider became aware of an apparent Work Refusal Failure; and

- after discussing the circumstances of the apparent Work Refusal Failure with the Participant, the Provider considers that the TCF cannot be applied (e.g. more than 10 Business Days have past), but the Participant has been non-compliant. Refer to the TCF workflow at Attachment D of the [Targeted Compliance Framework: Mutual Obligation Failures](#) Guideline.

Contact attempt is not successful on the same Business Day

Providers have obligations under the Deed when they become aware that a Participant has apparently committed a Work Refusal Failure, but are unable to contact the Participant on the same day. On that day, the Provider must create the Work Refusal Failure report by undertaking the following steps in the Department's IT System:

- selecting 'create compliance';
- selecting the Event Type from the drop down menu that will appear as follows:
 - select 'job seeker failed to accept a suitable job' where the Provider considers that the Participant refused or failed to accept an offer of suitable Employment, other than by failing to commence work on the start date agreed with the potential Employer; or
 - select 'job seeker failed to commence suitable job' where the Provider considers that the Participant failed to commence work on the start date agreed with the potential Employer;
- recording the incident date (discussed above);
- answering 'no' to the question of whether they are in contact with the Participant;
- otherwise accurately answering the questions that will be automatically generated; and
- selecting 'create'. This will create a draft Work Refusal Failure report.

If the Participant is in the Penalty Zone, the Participant's Income Support Payment will be suspended when the Provider creates a Work Refusal Report in the Department's IT System. The Participant will then receive a notification advising them to contact their Provider.

If the Participant is in the Green Zone or Warning Zone, they will receive notification advising that they appear to have committed a Mutual Obligation Failure, that they must contact their Provider as soon as possible, and that their payment may be suspended after two Business Days if they take no further action.

If the Participant does not make contact with their Provider within two Business Days, the Department's IT Systems will automatically suspend the Participant's Income Support Payment and the Participant will receive notification that their Income Support Payment has been suspended and to contact their Provider.

The Participant's Reconnection Requirement is to make contact with their Provider to discuss the Work Refusal Failure. If the Participant's Income Support Payment has been suspended, the suspension will be lifted once they make contact with their Provider, and their Provider finalises the Work Refusal Failure report (as discussed immediately below).

Where the TCF cannot be applied, but the Provider has determined that the Participant has been non-compliant, refer to the TCF workflow at Attachment D of the Targeted Compliance Framework: Mutual Obligation Failures Guideline.

(Deed references: jobactive Deed 2015–2022 clause 115.4)

When there is contact with the Participant

Where there is contact with the Participant after the Business Day on which the Provider became aware of the apparent Work Refusal Failure, the Provider has a Deed obligation to update the draft Work Refusal Failure report referred to above. System Step: The Provider must update and finalise the Work Refusal Failure report by undertaking the following steps in the Department's IT System:

- selecting the pencil icon in the draft Work Refusal Failure report. By doing so, the Provider is confirming that they are in contact with the Participant; and
- either:
 - if the Provider considers the Participant committed a Work Refusal Failure (see the discussion under the heading 'Identifying a Work Refusal Failure' above):
 - selecting 'No' in response to the question of whether they accepted the reason given by the Participant. By doing so, the Provider is confirming that they have determined that the Participant has committed a Work Refusal Failure;
 - selecting a reason from the 'Reasons not accepted' column of the drop down menu that will appear. The Provider must select the reason that most closely aligns with the reason that the Participant gave as to why they refused or failed to accept the offer of suitable Employment. A full list of these drop-down menu options can be found at Attachment A; and
 - selecting 'submit', which will send the Work Refusal Failure report to Services Australia. Services Australia will assess whether the Participant had a Reasonable Excuse for the Work Refusal Failure, which will determine whether the Participant's Income Support Payment is cancelled; or
 - if the Provider considers the Participant did not commit a Work Refusal Failure (see the discussion under the heading 'Identifying a Work Refusal Failure' above):
 - selecting 'Yes' in response to the question of whether they accepted the reason given by the Participant. By doing so, the Provider is confirming that they have determined that the Participant has not committed a Work Refusal Failure;
 - selecting a reason from the 'Reasons accepted' column of the drop down menu that will appear. The Provider must select the reason that most closely aligns with the reason that the Participant gave as to why they did not refuse or fail to accept an offer of suitable Employment. A full list of these drop-down menu options can be found at Attachment A; and
 - selecting 'submit', which will close the report (i.e. the report will not be sent to Services Australia for investigation).

If the Participant's Income Support Payment has been suspended, this suspension is lifted when the Provider selects 'submit'.

If the Participant does not contact their Provider within 28 calendar days of their payment suspension date, their Income Support Payment will automatically be cancelled.

Where the TCF cannot be applied, but the Provider has determined that the Participant has been non-compliant, refer to the TCF workflow at Attachment D of the [Targeted Compliance Framework: Mutual Obligation Failures](#) Guideline.

(Deed references: jobactive Deed 2015–2022 clause 115.5(c))



Documentary Evidence: Evidence that the Provider must link or upload to the Work Refusal Failure report in the Department's IT Systems may include notification of Employment offer, details of the job/Employer and dates or evidence from a Transition to Work Provider (for a Transition to Work participant).

4. Unemployment Failures

Identifying an apparent Unemployment Failure

Providers have Deed obligations when they become aware (e.g. an employer notifies the Provider and/or the Provider receives an Employer Report Referral from the Employer Reporting Line) that a Participant has become unemployed apparently as:

- a direct or indirect result of a voluntary act of the Participant; or
- a result of the Participant's misconduct as an employee.

Where a Participant becomes unemployed as described above, this is referred to as an 'apparent Unemployment Failure' in this Guideline. Providers' main obligations in regarding apparent Unemployment Failures are set out in the Deed.

When the Provider discusses the circumstances of an apparent Unemployment Failure with the Participant (as referred to in the Deed), in addition to whether or not the work was unsuitable (as discussed under the heading 'Identifying a Work Refusal Failure'), the Provider must also consider the issues referred to below.

One of the issues that the Provider must consider is whether the Participant became unemployed as a direct or indirect result of an act of the Participant that was voluntary. For example, a Participant will become unemployed as a direct result of their voluntary act if the Participant voluntarily resigns. Note that this will not be an Unemployment Failure if Services Australia considers that the Participant's voluntary act was reasonable (for example, if the Participant resigned due to bullying or unsafe work practices, or if, for any of the reasons listed under the heading 'Identifying a Work Refusal Failure', the work was unsuitable). When the Provider creates an Unemployment Failure report (as discussed below under the heading 'Reporting an apparent Unemployment Failure'), the report will be sent through the Department's IT Systems to Services Australia. Services Australia will then determine whether the Participant's voluntary act was reasonable (i.e. Services Australia will determine whether the Participant has committed an Unemployment Failure).

In addition to the above, the Provider must also consider the issue of whether the Participant became unemployed as a result of the Participant's misconduct as an employee. Providers must have regard to the following factors (if relevant) when assessing whether the Participant became unemployed as a result of the Participant's misconduct as an employee:

- a **deliberate** failure by the Participant to produce/deliver a reasonable amount of work;
- the Participant's unauthorised absences from duty without good reason;
- the Participant's improper behaviour or practices, such as theft, assault or harassment of other employees;
- deliberate actions by the Participant that cause serious risk to the health or safety of other employees; or
- deliberate actions that threaten the reputation, viability or profitability of the Employer.

For more information on Providers' Deed obligations regarding apparent Unemployment Failures, see the [Reporting an apparent Unemployment Failure](#) section in this document.

(Deed references: jobactive Deed 2015–2022 clauses 116.2(a), 116.4(a))

Reporting an apparent Unemployment Failure

Providers must comply with their Deed obligations relating to apparent Unemployment Failures, regardless of which compliance zone the relevant Participant is in.

In accordance with the Deed, following a discussion with the Participant, the Provider must consider whether the Participant has committed an apparent Unemployment Failure. See above under the heading 'Identifying an apparent Unemployment Failure'.

Below is a discussion of the system steps that the Provider must follow after they decide whether the Participant has committed an apparent Unemployment Failure.

Providers have obligations under the Deed to create Unemployment Failure reports in certain circumstances. The systems steps that the Provider must follow to create Unemployment Failure reports in those circumstances are discussed below.

The Unemployment Failure report must be created and finalised (as discussed below) within 20 Business Days of the incident date (discussed immediately below). If this does not occur (e.g. where the Provider does not become aware of an Unemployment Failure until after 20 Business Days have passed since the incident date), the Department's IT Systems will not allow the Unemployment Failure report to be finalised, meaning the apparent Unemployment Failure will not be reported to Services Australia.

The incident date is the first full day a Participant is unemployed (e.g. if a Participant was dismissed due to misconduct, the incident date is the day after the day on which they became unemployed).

(Deed references: jobactive Deed 2015–2022 clauses 116.2, 116.3(a)(ii), 116.4)

Contact attempt is successful on the same Business Day

Provider considers that the Participant committed an apparent Unemployment Failure

This section of the Guideline applies when, after discussing the circumstances of the apparent Unemployment Failure with the Participant, the Provider:

- considers the Participant committed an apparent Unemployment Failure (see the discussion under the heading 'Identifying an apparent Unemployment Failure' above); and
- has an obligation to create an Unemployment report under the Deed (i.e. because they had the discussion with the Participant on the Business Day they became aware of the apparent Unemployment Failure).



System Step: In that case, the Provider must create and finalise the Unemployment Failure report by undertaking the following steps in the Department's IT System:

- selecting 'create compliance';
- selecting the Event Type from the drop down menu that will appear as follows:
 - select 'job seeker dismissed for misconduct' where the Provider considers that the Participant became unemployed apparently as a result of the Participant's misconduct as an employee; or
 - select 'job seeker voluntarily leaves a job' where the Provider considers that the Participant became unemployed apparently as a direct or indirect result of a voluntary act of the Participant;
- recording the incident date (discussed above);
- answering 'yes' to the question of whether they are in contact with the Participant;
- selecting a reason from the 'Reasons not accepted' column of the drop down menu that will appear. The Provider must select the reason that most closely aligns with the reason that the Participant gave as to:
 - why the Participant did the voluntary act (e.g. resigned) that lead to their unemployment; or
 - why the Participant engaged in misconduct (or believed they did not engage in misconduct);
- A full list of these drop-down menu options can be found at Attachment B;
- otherwise accurately answer the questions that will be automatically generated; and
- selecting 'create', which will send the Unemployment Failure report to Services Australia for investigation.

(Deed references: jobactive Deed 2015–2022 clause 116.3(a)(ii))

Provider considers that the Participant has not committed an apparent Unemployment Failure

This section of the Guideline applies when the Provider:

- is in contact with the Participant on the Business Day on which the Provider became aware of an apparent Unemployment Failure; and

- after discussing the circumstances of the apparent Unemployment Failure with the Participant, considers the Participant has not committed the apparent Unemployment Failure (see the discussion under the heading 'Identifying an apparent Unemployment Failure' above).

In this case, the Provider does not need to take any TCF action.

Provider considers that the Participant has been non-compliant but the TCF cannot be applied

This section of the Guideline applies when the Provider:

- is in contact with the Participant on the Business Day on which the Provider became aware of an apparent Unemployment Failure; and
- after discussing the circumstances of the apparent Unemployment Failure with the Participant, considers that the TCF cannot be applied (e.g. more than 20 Business Days have past), but the Participant has been non-compliant. Refer to the TCF workflow at Attachment D of the [Targeted Compliance Framework: Mutual Obligation Failures](#) Guideline.

Contact attempt is not successful on the same Business Day

Providers have Deed obligations where they become aware that a Participant has committed an apparent Unemployment Failure, but were unable to contact the Participant on the same Business Day. On that day, the Provider must create the Unemployment Failure report by undertaking the following steps in the Department's IT Systems:

- selecting 'create compliance';
- selecting the Event Type from the drop down menu that will appear as follows:
 - select 'job seeker dismissed for misconduct' where the Provider considers that the Participant became unemployed apparently as a result of the Participant's misconduct as an employee; or
 - select 'job seeker voluntarily leaves a job' where the Provider considers that the Participant became unemployed apparently as a direct or indirect result of a voluntary act of the Participant;
- recording the incident date (discussed above);
- answering 'no' to the question of whether they are in contact with the Participant;
- otherwise accurately answering the questions that will be automatically generated; and
- selecting 'create', which will create a draft Unemployment Failure report that the Provider must update when they are next in contact with the Participant.

Unlike the creation of a Work Refusal Failure report, the creation of an Unemployment Failure report does not trigger payment suspension under any circumstances. Therefore, to prompt the Participant to make contact in order to discuss the apparent Unemployment Failure, the Provider must create a Provider Appointment for the Participant to attend within 10 Business Days.

If the Participant attends the Provider Appointment, the Provider must discuss the Unemployment Failure with them at that Provider Appointment.

If the Participant is in the Penalty Zone and they do not attend the Provider Appointment, their Income Support Payment will be suspended for failing to attend and they will receive notification that they should contact their Provider.

If the Participant is in the Green Zone or Warning Zone and they do not attend the Provider Appointment to discuss the apparent Unemployment Failure, the Participant will receive notification that their payment will be suspended after two Business Days if they do not make contact with their Provider. If the Participant does not make contact with their Provider within two Business Days, their payment is suspended and they will receive notification of the suspension.

Where the TCF cannot be applied, but the Provider has determined that the Participant has been non-compliant, refer to the TCF workflow at Attachment D of the [Targeted Compliance Framework: Mutual Obligation Failures](#) Guideline.

Payment suspensions act as a trigger to encourage the Participant to contact their Provider.

Once the Participant makes contact, the Provider can then discuss the apparent Unemployment Failure with them in the same conversation.

If the Participant does not contact their Provider within 28 calendar days of the day on which their Income Support Payment is suspended, their Income Support Payment will automatically be cancelled.

(Deed references: jobactive Deed 2015–2022 clause 116.3)

When there is contact with the Participant

Where there is contact with the Participant after the day the Provider became aware of the apparent Unemployment Failure, the Provider has a Deed obligation to update the draft Unemployment Failure report referred to above. The Provider must update and finalise the Unemployment Failure report by undertaking the following steps in the Department's IT System:

- selecting the pencil icon in the draft Unemployment Failure report. By doing so, the Provider is confirming that they are in contact with the Participant; and
- either:
 - if the Provider considers the Participant committed an apparent Unemployment Failure (see the discussion under the heading 'Identifying an apparent Unemployment Failure' above):
 - selecting 'No' in response to the question of whether they accepted the reason given by the Participant. By doing so, the Provider is confirming that they have determined that the Participant has committed an apparent Unemployment Failure;
 - selecting a reason from the 'Reasons not accepted' column of the drop down menu that will appear. The Provider must select the reason that most closely aligns with the reason that the Participant gave as to:
 - why the Participant did the voluntary act (e.g. resigned) that lead to their unemployment; or

- why the Participant engaged in misconduct (or believed they did not engage in misconduct); and
selecting 'submit', which will send the Unemployment Failure report to Services Australia for investigation; or
- if the Provider considers the Participant **did not commit** an apparent Unemployment Failure (see the discussion under the heading 'Identifying an apparent Unemployment Failure' above):
 - selecting 'Yes' in response to the question of whether they accepted the reason given by the Participant. By doing so, the Provider is confirming that they have determined that the Participant has not committed an apparent Unemployment Failure;
 - selecting a reason from the 'Reasons accepted' column of the drop down menu that will appear. The Provider must select the reason that most closely aligns with the reason that the Participant gave as to why the Participant became unemployed. A full list of these drop-down menu options can be found at Attachment B; and
 - selecting 'submit', which will close the report (i.e. the report will not be sent to Services Australia for investigation).

A full list of these drop-down menu options can be found at [Attachment B](#).

Where the TCF cannot be applied, but the Provider has determined that the Participant has been non-compliant, refer to the TCF workflow at Attachment D of the [Targeted Compliance Framework: Mutual Obligation Failures](#) Guideline.

(Deed references: jobactive Deed 2015–2022 clause 116.4(b))



Documentary Evidence: Evidence that the Provider must link or upload to the Unemployment Failure report in the Department's IT Systems may include notification of unemployment, or evidence from a Transition to Work Provider (for a Transition to Work Participant), details of the job/Employer and/or details of the incident, including dates, the parties involved and what occurred.

5. Identifying Work Refusal Failures and apparent Unemployment Failures for Transition to Work participants

If a Transition to Work Provider assesses that a Transition to Work participant has committed a Work Refusal Failure or an apparent Unemployment Failure, they will refer the participant to a jobactive Provider. The Transition to Work Provider will:

- explain the impact of the failure to the participant;
- exit the participant from Transition to Work and refer the participant to a jobactive Provider; and
- provide electronic evidence to the jobactive Provider that supports the assessment of a failure.

The jobactive Provider must then comply with their Deed obligations in relation to that Participant, including those relating to Work Refusal Failures and apparent Unemployment Failures.

Summary of required Documentary Evidence



Documentary Evidence: Depending on the failure that has occurred, in addition to the evidence recorded in the Department's IT Systems, Documentary Evidence could include:

- notification of an employment offer;
- the format of the notification (i.e. SMS, email or letter);
- details of the job/Employer and/or details of the incident, including dates, the parties involved and what occurred; and
- evidence from a Transition to Work Provider (for Transition to Work Participants).

Attachment A—Work Refusal Failure reason options

The following tables replicate the drop-down menus in the system.

Job seeker* failed to accept suitable job

Reasons accepted	Reasons not accepted
<ul style="list-style-type: none"> • Caring/family duties that are significant • Conditions or pay not suitable • Conditions/skills beyond job seeker* capacity • Cultural—workplace unsuitable for cultural/religious reasons • Housing instability issues • Legal requirements • Medical—employment will exacerbate medical condition • PCP—unable to arrange suitable childcare • Travel/transport issue—distance too great/expensive • PCP—job seeker* not better off financially 	<ul style="list-style-type: none"> • Caring/family requirements • Caring—childcare not organised as required • Caring—claims childcare too expensive • Conditions—claims too many or too few hours • Conditions—claims job does not match skills • Conditions—claims not in preferred employment industry • Conditions—does not want to undertake certain part of job • Conditions—pay not enough (within allowable policy) • Does not want job • Housing instability • Travel/transport issue—claims distance too great/expensive

* In this case, 'job seeker' refers to a 'Fully Eligible Participant (Mutual Obligation)' as defined in the jobactive Deed 2015–2022

Job seeker* failed to commence suitable job

Reasons accepted	Reasons not accepted
<ul style="list-style-type: none"> • Caring/family duties that were unforeseeable—unable to advise prior • Caring—unable to obtain suitable childcare/too expensive • Conditions or pay not suitable • Conditions/skills for job beyond job seeker⁺ capacity • Cultural business—unable to advise prior • Cultural—workplace unsuitable for cultural/religious reasons • Housing instability issues • Housing—landlord/property inspection—unable to advise prior • Legal requirements—unable to advise prior • Local issue/natural disaster prevented attendance • Medical/health reason—unable to advise prior • Major personal crisis affected job seeker⁺—unable to advise prior • Travel/transport issue—distance too great/expensive • Travel/transport issue—did not have money to pay for • Travel/transport issue on the day—unable to advise prior 	<ul style="list-style-type: none"> • Away from home/on holiday • Caring/family requirements • Caring—childcare not organised as required • Caring—claims childcare too expensive • Conditions—claims too many or too few hours • Conditions—claims job does not match skills • Conditions—claims not in preferred employment industry • Conditions—does not want to undertake certain part of job • Conditions—pay not enough (within allowable policy) • Does not want job • Got start date/time wrong/got lost • Housing instability • Housing—landlord/property inspection • Medical/health reason • Travel/transport issue—claims distance too great/expensive • Travel/transport—did not have money to pay • Travel/transport issue—did not have access <p>Prior notice not given and reasonable to expect:</p> <ul style="list-style-type: none"> • Caring/family reasons • Housing—landlord/property inspection • Legal requirement • Medical/health reason • Travel/transport—did not have money to pay • Travel/transport issue—did not have access

* In this case, 'job seeker' refers to a 'Fully Eligible Participant (Mutual Obligation)' as defined in the jobactive Deed 2015–2022

Attachment B—Unemployment Failure reason options

The following tables replicate the drop-down menus in the system.

Job seeker* voluntarily leaves a job

Reasons accepted	Reasons not accepted
<ul style="list-style-type: none"> • Caring/family duties that are significant • Conditions—pay disputes • Conditions/skills for job beyond job seeker[‡] capacity • Conditions—workplace conflicts • Conditions—work environment unsafe/no longer accessible • Cultural—workplace unsuitable for cultural/religious reasons • Housing instability issues • Legal requirements • Major personal crisis affected job seeker[‡] • Medical—employment exacerbates medical condition • PCP—childcare no longer suitable • PCP—no longer financially suitable • Travel/transport issue—distance too great/expensive 	<ul style="list-style-type: none"> • Caring—claims childcare too expensive • Caring/family requirements • Conditions—claims too many or too few hours • Conditions—claims not in preferred employment industry • Conditions—claims job does not match skills • Conditions—does not like the workplace/employees • Conditions—does not want to undertake certain part of job • Conditions—does not like the type of work • Conditions—pay not enough (within allowable policy) • Conditions—workplace conflicts • Does not want job • Housing instability • Medical/health reason • Travel/transport issue—claims distance too great/expensive

* In this case, 'job seeker' refers to a 'Fully Eligible Participant (Mutual Obligation)' as defined in the jobactive Deed 2015–2022

Job seeker* dismissed for misconduct

Reasons accepted	Reasons not accepted
<ul style="list-style-type: none"> • Caring/family duties impacted work hours • Claims of misconduct by employer are false • Disability/condition presenting itself as misconduct • Did not have appropriate attire to wear at requirement • Major personal crisis affected job seeker⁵ • Medical issue/condition contributed to behaviour • Significant breakdown in employer relationship 	<ul style="list-style-type: none"> • Believes rules are too strict/not applicable to them • Claims accidentally miscalculated hours worked—excessive • Claims of misconduct are false • Conflict started by other people • Couldn't control behaviour/self • Did not think they were dressed inappropriately • Did not believe they were impacted by substances • Denied nature of misconduct • Falsified disability/condition presenting itself as misconduct

* In this case, 'job seeker' refers to a 'Fully Eligible Participant (Mutual Obligation)' as defined in the jobactive Deed 2015–2022

All capitalised terms in this Guideline have the same meaning as in the jobactive Deed 2015–2022 (the Deed).

This Guideline is not a stand-alone document and does not contain the entirety of Employment Services Providers' obligations. It must be read in conjunction with the Deed and any relevant Guidelines or reference material issued by Department of Education, Skills and Employment under or in connection with the Deed.