Tabled by Mr Jason O'Dwyer
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A Qualitative Research Report on:

CITIZEN CO-DESIGN WITH SMALL BUSINESS OWNERS

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Prepared for the Fair Work Commission

A report prepared for the Fair Work Commission.

This report is the product of independent research by the authors. The authors take responsibility for the research that is presented in the report.

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Sweeney Research is accredited under the International Standard, ISO 20252.
All aspects of this study have been completed in accordance with the requirements of that scheme.

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Terminology

- **Citizen co-design...** is a process of engaging directly and meaningfully with citizens in the development of public services with which they will have a direct exchange. It is based on the premise that citizens who are the recipients of public services know what their needs are/will be and should therefore have involvement in determining the satisfactory delivery of those services. In this instance, the citizens are members of the small business community.

- **Information architecture...** refers to the presentation and order of document information. In this instance, it refers to the format, content structure, language, and usability of modern awards.

- **Exemplar award...** refers to the exemplar modern award tested in the study. The exemplar award was prepared by staff of the Commission based on the Security Services Industry Award 2010 (the Security award) to address some of the structural issues identified in the modern awards including:

    - expressing rates of pay as hourly as well as weekly rates;
    - expressing work-related allowances as monetary amounts as well as percentages;
    - publishing tables of rates of pay incorporating overtime and penalty rates;
    - including examples of how more complex provisions operate, e.g. breaks after overtime and penalty rates for casuals working outside of ordinary hours;
    - incorporating basic information about entitlements under the National Employment Standards;
    - limited re-wording of provisions for plain English; and

- re-arranging provisions to group like provisions together, e.g. putting all provisions in relation to breaks in one clause. **Modern awards...** refer to the modern awards tested in the study which included:

    - *General Retail Industry Award 2010;*
    - *Hospitality (General) Award 2010; and*
    - Clerks – Private Sector Award 2010.

    Modern awards are enforceable documents containing minimum terms and conditions of employment in addition to any legislated minimum terms. They cover a whole industry or occupation, and are used as the benchmark for assessing enterprise agreements before approval.

- **Small business operators, participants, employers, operators, cohort...** refer to the small business operator participants of the study.

Executive Summary

This qualitative study was commissioned by the Fair Work Commission in the context of the 4 yearly review of modern awards to elicit practical insights from small businesses (1–19 employees) that are end-users of modern awards.[1] The current consultation on modern awards may not necessarily capture the views of end-users from the small business sector who are not active participants (or who pay for their interests to be represented) in the workplace relations system. Accordingly, a citizen co-design process was proposed to engage some of these end-users in a qualitative study.

The overarching objective of the study was to understand the attitudes and behaviours of the small business community in relation to usage and usability of modern awards.

The research relied on the principles of citizen co-design to explore the usability of modern awards by considering matters relating to their format, content structure, language, and usability (known as 'information architecture').

A series of six group discussions and ten depth interviews were conducted with small business operators, resulting in a total of 47 individual participants in the study across a range of industries. The research was conducted in Victoria and New South Wales (NSW), across metropolitan and regional locations, from 17 June to 9 July 2014. The sample was split by business size (1-8 and 9-19 employees) and level of familiarity (more or less familiar) with modern awards. In all sessions, respondents explored a range of current modern awards and then compared these experiences with an exemplar modern award. The information architecture was further examined via a series of tasks that participants were asked to complete.

Consistent themes emerged across regional and metropolitan employers. These themes were also consistent across Victorian and NSW participants. Essentially, small business operators in this study faced similar challenges in relation to the modern awards.

As the study was qualitative in nature, the findings cannot be generalised across the entire small business community.

Key Findings

The small business operators that participated in this study worked in a world of constant challenge and change. Increasing demands of customers, a more aggressively competitive market, increased burden of administration, the constant change of regulation and a more assertive workforce, were noted by participants as characteristic of their business world.

Participants' priority focus was to maintain business profitability, and all activities were considered in this context. They sought to minimise any distractions from their core business activities.

The information needs of participants were clear, they sought; **certainty, efficiency, ease** and **support.**

Small business operators that participated in the citizen co-design activities appreciated the opportunity to share their sentiments on the modern awards. The existing layout of the modern awards elicited negative sentiment and was considered daunting by some participants. The documents were seen as difficult to use, but in-line with their low expectations of a government, regulatory/policy document, i.e. complex and challenging.

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[1] *The Fair Work Act 2009 (Cth) requires the Fair Work Commission to conduct* 4 yearly reviews of all modern awards.

The key information architecture components of the modern awards considered in the fieldwork, such as layout, content structure, language and ease of use, were considered to be:

- **Convoluted...** Too long and unwieldy, suggesting a time intensive and difficult process.
- **Complex...** The language was difficult to understand, with 'legalese' and jargon.
- **Ambiguous...** Information provided was not clear, requiring too much interpretation.
- **Of questionable relevance...** Difficult to identify which award was most relevant when employees' roles varied and did not clearly fit into a single industry.
- **Not for them...** Written for the benefit of *"bureaucrats and lawyers"*, with no consideration of end-user needs or capability.

There was very little confidence in the current modern awards. This lack of certainty was disempowering for small business owners in the study, and had led to some active avoidance.

Information architecture clearly played a critical role in helping to facilitate understanding of and willing interest in using documents in which content was considered inherently difficult.

The exemplar modern award represented a significant improvement, and the small business operators that participated in the citizen co-design activities appeared genuinely impressed. Most importantly, these small business owners found that the changes made the document appear more accessible and less intimidating. The stand out improvements included:

- reduced length;
- clearer table of contents, i.e. with the amendment listing removed;
- increased use of tables;
- inclusion of examples;
- simpler language; and
- a reduced need for interpretation and calculations (of wages).

The exemplar modern award appeared to build the participants' confidence that they could effectively use the modern awards, and would have greater certainty in referencing the required information.

However, it was clear from the focus groups and depth interviews that there was opportunity to improve the exemplar further. The following were considered to be improvements that focussed on the information architecture of modern awards, specifically format, structure and language:

- **Ordering of content...** Structure the content to follow an employment contract as closely as possible.
- **Summary tables...** At the start of each section a summary table highlighting the key information.
- **Avoiding calculations...** Minimise the need to apply formulas.
- **Paragraph and content spacing...** Less text-heavy, with shorter paragraphs and more space between content.
- **Table of contents...** Clear labelling of clause numbers versus page numbers.
- **Short titles...** No more than two subject areas per title in the table of contents.

The public value proposition of making modern awards user-friendly is significant, including, but not limited to, improving voluntary compliance levels with modern awards by small businesses through lowering a barrier to compliance.

A key implication of the current modern award information architecture is that low expectations and poor experiences were acting as barriers to using the modern awards for the participants. At the same time, participants were acutely aware of needing to adhere to and follow the modern awards.

To manage this apprehension, most participants reported simply paying a little above modern award pay rates as a form of insurance, so they didn't get caught out. They also reported providing basic holiday and leave entitlements but relied on reaching some understanding with employees about many of the other provisions around breaks and penalties. Some participants were changing their employment practises in order to avoid dealing with the modern awards, i.e. not hiring or moving toward contract labour.

In summary, the challenges faced by the smaller end of the business community suggest that regulatory documents will struggle to have optimal impact if not presented in a manner that demonstrates an appreciation of the needs and capabilities of the end-user. Information that is too hard to deal with may result in 'best guess' solutions or avoidance of the document altogether.

1. Introduction

This research was commissioned in the context of the 4 yearly review of modern awards to elicit practical insights from small businesses (1–19 employees) that are end-users of modern awards. The research relied on the principles of citizen co-design to explore the useability of modern awards by considering matters relating to their format, content structure, use of language and usability ('information architecture').

Citizen co-design is about including citizens in the development of public services that they will have a direct exchange with, through either receiving a benefit or an obligation. It is concerned with the meaningful engagement of citizens in the planning and decision making processes which may lead to policy or service delivery improvements. It is based on the premise that citizens who will be the recipients of public services know what their needs are/will be, and should therefore have involvement in determining what the satisfactory delivery of those services looks like.

Engaging the community in the policy making and public service delivery process brings multiple advantages. For instance, it helps resolve the complex problem of maximising the flow of information, helps government deliver public value in line with public needs, and empowers citizens to share the responsibility of policy decisions and the development of services.

Interested parties have opportunities throughout the 4 yearly review of modern awards to provide information to the Commission about the form of modern awards. However, the current consultation on modern award information architecture may not necessarily capture the views of end-users from the small business sector who are not active participants (or who pay for their interests to be represented) in the workplace relations system. Accordingly, a citizen co-design process was proposed to engage some of these end-users in a qualitative study.

The public value proposition of making modern awards user-friendly is significant, including, but not limited to, improving voluntary compliance levels with modern awards by small businesses through lowering a barrier to compliance.

The study was undertaken by an independent research agency, Sweeney Research, and included a cross-section of small business operators in metropolitan and regional locations across Victoria and New South Wales.

As the study was qualitative in nature, the findings cannot be generalised across the small business community. Focus group discussions and depth interviews evolve ideas and generate hypotheses. They are not intended to be a precise and definitive index of what happens in the marketplace. This report should be interpreted with that constraint in mind.

The structure of the report is as follows:

- **Background...** Covers the objectives and methodology used.

- **Context...** Details key considerations that influenced the mindset of small business operators in this study when considering their information needs and use of modern awards.

- **Small Business Operator Information Needs...** Identifies what was important to these participants when they engaged with information sources.

- **Current Modern Awards...** Highlights the attitudes and perceptions to the information architecture of the current modern awards.

- **Implications of the Current Information Architecture...** An overview of how these small business operators responded to the challenges raised in relation to the information architecture.

- **Exemplar Modern Awards...** Details the attitudes and perceptions of the exemplar modern award information architecture.

- **Potential next steps...** Suggests some potential opportunities for further evolution of the exemplar modern award information architecture.

- **Conclusions...** Summary of key findings of the study.

2. Background

2.1 Research Objectives

The overarching objective was to understand the attitudes and behaviours of the small business community in relation to usage and usability of modern awards.

The specific objectives were defined as follows:

1. Modern award information architecture

- Understand impressions of the usability of modern awards...

    - impressions of the overall format used;
    - perceptions of the content and ease of comprehension;
    - ease of accessing information of interest; and
    - suitability of language.

- Identify areas/elements that work well.

- Identify areas/elements that do not work well, are difficult to understand or cause confusion.

- Highlight any opportunities for improving usability.

2. Modern award attitudes and usage

- Understand overall perceptions of the modern awards in relation to ease of use.

- Explore how small business operators use the modern awards to set pay rates for employees.

- Highlight any concerns or reservations about using the modern awards in relation to finding and using information contained within.

2.2. Research Methodology

The citizen co-design activities encompassed a series of focus group discussions and depth interviews that were conducted in Victoria and New South Wales over the period between 17 June and 9 July 2014.

Locations included:

- **Victoria:** Melbourne metropolitan and regional (Shepparton, Bendigo and Ballarat).
- **New South Wales:** Sydney metropolitan and regional (Orange).

The sample was split by business size and familiarity with the modern awards:

- **Business size:** small businesses were disaggregated into two groups: 1-8 and 9-19 paid employees. Groups were divided by company size to ensure greater homogeneity between respondents. This recognised that business challenges and needs can change as company size increases or decreases.

- **Familiarity:** participants were disaggregated into two groups: less and more familiar. This was based on whether the respondent self-identified as having referenced the modern awards, and their level of confidence and comfort when using the modern awards.

Small business owners that participated in the 'less familiar' group in either the metropolitan or regional locations comprised of businesses that employed between 1 and 19 employees.

The sample structure is outlined below in Table 1.

Table 1: Sample Structure

Sample Structure				
Target market	**Metropolitan**		**Regional**	
	More familiar	**Less familiar**	**More familiar**	**Less familiar**
▪ Businesses 1-8 employees	Melbourne metro 1 group 2 depths	Melbourne 1 group 1 in-depth	Orange 1 group 2 depth	Shepparton 1 group
▪ Businesses 9-19 employees	Sydney metro 1 group 2 depths		1 group - Bendigo 3 depths* Ballarat x 2, Shepparton x 1	
Total metro/ regional	3 groups 5 in-depths		3 groups 5 in-depths*	
Total	6 groups 10 in-depths			

*An extra depth was included in recognition that one respondent did not sufficiently meet the recruitment criteria in the Bendigo group.

To be eligible for participation, all participants were assessed according to their...

- **Owner status...** All participants were an owner/operator of a small business.

- **Level of decision-making...** All participants were the key decision maker on the use of modern awards in the business.

- **Use of modern awards...** All had a responsibility to read/interpret the modern awards.

- **Membership...** No participants were a member of an employer association.

- **Use of professional advisers...** No participants were actively using professional workplace relations advisers externally or internally.

- **Mix of industry...** Focussing on those industries with high proportions of award-reliant employees, including Accommodation and Food Services, Administrative and Support Services, Retail Trade, and Rental, Hiring and Real Estate Services.

2.3 Recruitment

The following points highlight the challenges experienced with recruitment of the sample, which centred on business location and the use of professional advisers:

- **Regional...** there was difficulty sourcing larger small businesses (that employed between 9 and 19 employees) in Shepparton. This was resolved by expanding the regional locations to include Ballarat and Bendigo.

- **Industry associations...** it became apparent that a couple of participants were either a member of an industry association or a Franchisee who had access to information and advice in relation to the modern awards. These participants did take part in the study but additional participants were recruited who met the criteria.

REPORT AND FINDINGS

3. Context

The daily life of many of the small business operators that participated in the study was one characterised by constant challenges and lack of time. These small business operators spoke of juggling multiple roles whilst contending with a fast paced marketplace, demanding customers, the increased burden of administration, and the ongoing challenges of retaining good staff.

Many were acutely aware that their skill set was anchored in their profession of choice and did not necessarily extend to all of the specialist skills required to operate a business. Most did not have any pretence about having the skills of a lawyer, accountant or human resource professional. Knowledge in these areas had largely been gained through years of experience and trial and error, in conjunction with a 'common sense' approach borne out of the practical demands of their business.

Time poor... Participants sought to resolve issues as efficiently as possible in order to minimise negative impact on business momentum and productivity. Ultimately, their primary focus was to keep the business running smoothly and profitably in what they considered to be a competitive, aggressive, demanding and uncertain environment. They were very conscious of what they would allow to distract them from their core business – no less so when it came to resolving problems and sourcing information.

> *"The thing is that I might have five minutes to find some information before the phone rings again and someone else wants something..."* (1-19, Less Familiar, Melbourne, Group)

The staff challenge... One of the key challenges for small business operators in the study was attracting and retaining good staff. Good employees were highly valued and these employers spoke of making a greater effort to keep good staff on board through flexible work practices.

The small business operators in the study stated that staff represented a substantial risk, especially as employees were seen to be more aware of and assertive regarding their workplace rights. Hiring staff that didn't work out or becoming embroiled in staff conflict was viewed as a genuine business risk - one that could result in a substantial investment of time, money and effort. Consequently, the ability to manage understanding and agreement around modern awards was very important to most and critical to some.

For most of these time poor small business operators, the current modern awards documents presented a challenge – as detailed in the following sections.

4. Small Business Operator Information Needs

It was apparent that some small business operators in the study felt out of their depth when dealing with information that was beyond their scope of expertise. The participants noted that if an information source was too difficult to use or created doubt, it would be disregarded and alternate solutions would be sought.

Four key needs were expressed by these small business operators in regard to working with the modern awards:

- **certainty;**
- **efficiency;**
- **ease;** and
- **support.**

4.1 Certainty

For the members of the small business community in the study, certainty was identified as the overarching need when it came to dealing with documents such as the modern awards. It was fundamentally important to them that they felt confident in finding the right answers and could communicate these with surety to their employees.

> *"Often we have to explain the changes in modern awards to our employees, so if we don't understand the modern awards ourselves it makes it difficult to explain it...and they often have questions that we might not be able to answer."* (1-19, Less Familiar, Shepparton, Group)

Participants were acutely aware that employees were often reliant upon them to translate the modern awards, and did not want to appear to not understand the modern awards or be unprepared for their employees.

In this context, certainty meant....

- a document that allowed them to locate the correct information; and
- confidence in the information found, i.e. the intent of the content was clear and there was no ambiguity or room for error in the interpretation.

This certainty gave the small business operators in the study the confidence to make decisions. It was seen as essential to facilitate business activity and provide the necessary peace of mind for operators.

This need for certainty was underpinned by a desire amongst participants to minimise risk. The small business operators felt very strongly that they could not afford to make a mistake on something as important as wages and entitlements.

The consequences of misinterpreting information and making a mistake were viewed as:

- **Costly...** Both financially and time-wise.

- **Damaging...** To their reputation.

- **Ethically concerning...** They openly spoke of a desire to do the right thing by their employees.

> *"There are no accountants or lawyers here, we're every day sort of people. We don't want to be confused and then make mistakes."* (1-19, Less Familiar, Shepparton, Group)

> *"[most important is] Getting it right, making sure I understand it. Making sure that I've qualified it and it's correct. That my understanding of it is correct."* (9-19, More Familiar, Sydney, Depth)

4.2   Efficiency

Some of the participants reported spending hours reviewing the modern awards, on at least an annual or biannual basis, as standard business practise, in order to ensure that they were using the most up-to-date information related to employment conditions. This was perceived to be a cumbersome chore. Most participants referenced modern awards to answer a specific question or issue at-hand, and spending hours on this task was not a viable option.

In all activities, a sense of efficiency was essential in order to minimise the cost to their business activity, productivity and/or personal life.

> *"Well you don't make money doing this do you?"* (1-19, More Familiar, Ballarat, Depth)

> *"You spend a lot of time reading and ensuring you look at all the asterisks and other dots and dashes. To make sure that you are covering everything in that area that pertains to that employee or employees, and that takes time. In a small business time is something you never have enough of."* (9-19, More Familiar, Sydney, Group)

In this context, efficiency meant...

- **Simplicity...** Documents were straightforward to use.

- **Intuitive...** Content had a logical flow, that prioritised information based on what is of most interest and importance to them.

- **Expedient...** Quick resolution of the problem/issue at hand so they could "get back to work".

> *"What's important is having accurate info without spending 2 hours to find it"* (1-8, More Familiar, Melbourne, Group)

4.3 Ease

Small business operators who participated in the study wanted to avoid any form of confusion. Referencing material with ease was considered to reflect an efficient outcome which, as outlined above, was a fundamental need for this group.

In this context, ease meant...

- **Accessibility...** Documents needed to present information that was easy to use, not too long, dense or cluttered. It must be easy to find what you are looking for.

- **Clarity...** Language used should be simple and straightforward and reflect 'layman's' language. There should be a minimal requirement for interpretation, thus leading to confidence in outcomes.

- **User focused...** Designed with the end-user requirements in mind, i.e. focused on why end-users (both employers and employees) need the information and the best way to communicate this.

> *"When you're not dealing with it every day and you have to refer to it, it's a challenge because it's not part of your day to day job...we're not HR managers."* (1-19, Less Familiar, Melbourne, Group)

4.4 Support

Small business operators that participated in the study often accessed different types of support when needed. They recognised the benefit of accessing an expert or more informed source over expending hours (that they did not have) trying to find answers by themselves. They used any resources readily available to them and showed no reservation in contacting Fair Work for assistance on issues around modern awards.[2]

In this context, support meant...

- **Proactive...** A proactive supplier of all necessary information relating to a modern award.

- **Accessible...** An avenue for advice on specific questions, e.g. via phone, email or live chat.

- **References to resources...** A resource to check on their own interpretations of the modern awards – providing a sense of confidence in applying the outcome to their own specific circumstances.

- **Obtaining practical advice...** A suitably qualified and impartial organisation that could help resolve any disputes between employees and employers regarding the modern awards.

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[2] When referring to Fair Work, respondents did not specify whether they were referring to Fair Work Commission or Fair Work Ombudsman.

5. The Current Modern Awards

5.1 Overall Impressions

The current modern awards were a source of frustration for the small business operators in the study. On one hand, participants wanted to do the 'right thing' by the law and by their employees. But on the other hand, many had little confidence in their ability to interpret the information provided in the current modern awards correctly.

They were conscious of the potential costs of making an error, e.g. the financial implications of having to rectify incorrect pay rates over a period of years, or the costs of an employee dispute.

The only slight variations in attitudes and desires in the sample regarding document functionality tended to be seen across small businesses of varying sizes and expertise in accounting and legal procedures. A few participants in the sample reported putting in place set procedures and structures around how they source information from modern awards, such as setting up templates, folders and creating checklists, as opposed to taking an ad-hoc approach. These participants were either 9-19 size businesses or had previously studied or worked as an accountant or lawyer. However this did not appear to impact on their response to current information architecture, or their needs in relation to future modern awards. Overall, sentiments were very similar in the sample irrespective of business size or location.

Irrespective of familiarity with the modern awards, participants were somewhat hesitant to engage with the modern award documents in the course of their business – it either filled them with a sense of dread, or resignation to the challenge (and tedium) ahead.

Their key reservations centred on:

- **The number of modern awards...** With so many modern awards some employers worried that they weren't referencing the correct documents.

    "I actually found the NSW State Award first but I wasn't quite sure, I'm not sure where the lines are on State vs Federal, so then I just took it as I'll go to Fair Work because they're the governing body." (9-19, More Familiar, Sydney, Group)

- **Lack of clear fit/cross over between modern awards...** A key challenge for these small business operators was that there did not seem to be a modern award that clearly represented the type of activities of their employees. Participants stated that employees of small businesses are often required to multi-task and do not fit into neat or clear categories. For example, the same employee in a café could be part chef, part wait staff and part dish hand. This raised the key question for some participants of whether the modern awards were actually relevant to their business. Classification remained difficult even where an employee could be allocated to the role in which they perform the majority of their work, as this could still change depending on, for example, work flow, or peak times versus off-peak times.

    "In small businesses, individual people can be doing more than one role, so again how do you categorise that person? Do you just go by the major proportion of their work and categorise them as that?" (1-8, More Familiar, Melbourne, Group)

"Sign writer is not on there, so do we go with graphic designer? It was the closest...?"
(1-8, More Familiar, Orange, Group)

"I run a motel and I needed Fair Work to tell me which Award I should even be looking at." (1-19, More Familiar, Ballarat, Depth)

- **Ambiguous...** Many participants felt the content lacked immediate clarity, and were often uncertain in their comprehension of the content. The use of long-form sentence structure throughout meant that they often had to try to interpret the meaning. This resulted in 'grey areas' when all they sought was a straightforward answer or a clear result.

  "Small business people...we can't afford to pay lawyers and employment people to do all this for us, so I find it very hard with all those words, and then to say 'unless you both agree to it'. Well, that just doesn't make any sense." (1-8, More familiar, Melbourne, Depth)

- **Difficult...** To navigate and find the answers they needed. The modern awards were seen by participants to be a document outlining policy and legislation, not a document designed to help businesses appropriately compensate employees.

  "I bumble my way through. I think the whole thing is written in lawyer's language, not normal plain English." (1-8, More Familiar, Melbourne, Depth)

- **Constantly changing...** The regularity of updates to the modern awards, with no notification to the end-user (if the participants were not subscribed to updates), meant that some participants were inclined to use the document without ever being confident that they were referring to the right information. There was a reliance on the media for awareness of any changes to the National Employment Standards (NES) or modern awards. Consequently, some spoke of lacking confidence that they are even looking at the right/most recent document. This, in turn, greatly undermined overall confidence in participants' ability to use the modern awards.

  "You have to go through pages and pages of information to see what's changed...it's incredibly frustrating. Every year there's rules and regulations that change, but you don't get an update." (1-8, More Familiar, Melbourne, Group)

Participants expressed a desire for direct notification of updates. For example, registering their email address and the relevant modern awards that they regularly refer to. Then if any determinations or changes were made to modern awards they would receive an email notifying them that 1) there had been a change, and to which documents, and 2) areas within the modern award that the change had impacted.

Although this service exists, it was apparent that most participants were not aware of this.

- **Complex...** Within each modern award there were so many employee classifications, grades, variables and considerations to take into account, that employers in the study were not quite sure that all factors or considerations had been taken into account.

"What I don't understand is the levels. If someone has an engineering certificate are they at level 1? I really think after the minimum wages it should have an explanation of what the levels refer to." (1-8, More Familiar, Melbourne, Depth)

"I was looking for a particular Award and kept ending up in the completely wrong place. It took two or three goes to actually find what we were looking for." (1-8, More Familiar, Orange, Group)

From the perspective of reviewing the information architecture, the current modern awards neither inspired confidence nor a willingness to engage for participants.

5.2 Basic Usage Behaviours

Before discussing the information architecture (format, structure and use of language) in detail, it is worth noting some of the behaviours that characterised how this cohort previously engaged with the modern awards documents.

Solutions over understanding... Small business operators in the study talked of being task-focussed when they engaged with the modern awards. That is, they had a clear purpose in mind and would interact with the document with the explicit aim of achieving that specific end. This time poor and results orientated group would focus only on content which was pertinent to their specific question; there was little interest in reading beyond this.

Skimming... Participants appeared to skim over the documents to find content of interest. They did use the table of contents, but often skimmed it very briefly and did not necessarily capture full headings or titles. This resulted in participants missing information, becoming frustrated that they could not immediately find what they were looking for, and starting over.

Some of the participants noted that they had become used to the conventions of reading information online. That is, retrieving short, sharp pieces of information. Information delivered in dot-point format, or in small paragraphs, was considered easier to skim and filter until the right information is found. Long sentence-based presentation seemed to require greater consideration and focus – a requirement that was challenging for some operators dealing in an online-dominated business environment.

Key words... Participants noted they would often have a word in mind and then interact with the modern awards, for example these words might be wages or holidays. If they could not locate the word they would review the document again in a bid to determine the language that they should be seeking. This meant that the participants in the study often by-passed content that would have answered their queries because they simply did not see the relevance of the title or sub-title, or took several attempts to review the table of contents to find the area of interest.

For example, some participants did not associate "pay rates" with "minimum wages" and as a result would not review the content provided under minimum wages.

Given this low engagement behaviour by participants, it was apparent that the information architecture of the modern awards was critically important to encourage correct and meaningful use of the content.

5.3　Information Architecture of the Current Modern Awards

Key challenges were encountered in the fieldwork across all aspects of the modern awards including:

- **Format**... The actual look, feel, and presentation of content.
- **Content**... Scope and priority of content.
- **Language**... Ease of comprehension.
- **Usability...** Content structure and ease of locating information.

Format

The presentation of the modern awards played an important role in setting participants' expectations with regard to their usability.

Although the documents were not quite as daunting for those who were more familiar with and regularly used the modern awards, the general response amongst participants was negative and conjured up experiences that were both time-consuming and draining.

A number of challenges were evident in regard to the format of the current modern awards.

The length... The sheer volume of the documents presented an initial barrier for many operators in the study. They were seen to be daunting, and cued a 'typical' government document that was likely to be verbose and unwieldy.

Density of content... The text heavy presentation elicited concerns amongst participants about how long it would take to read and comprehend the document. Though none expected to read the modern awards from cover to cover, the lack of summarised content suggested to participants that any queries would be time consuming to resolve.

Front page complexity... The front page of each modern award tested presented another key problem in terms of the layout. The detailed list of amendments, in particular, provoked several concerns amongst participants about the:

- complexity of the document;
- validity of the current content; and
- relevance to small business operators, as the documents were considered to be written in the interests of lawyers and bureaucrats, rather than business operators and employees.

Font... Some participants noted that the presentation was further diminished by the 'Times New Roman' font style and small font size, both of which enhanced the formality of the document and the strong legal tone.

Black and white... Most participants felt that black and white was suitable for a formal and regulatory document. However, it was clear that 'black bold' was not always sufficient to draw attention to a point or area of content.

Some participants noted that the formal, black and white presentation of these documents presented a barrier for their employees, especially younger employees.

Content Structure

The focus of the study was the presentation of the modern award content, as opposed to perceptions of the conditions in the modern awards.

That said, it is worth noting that there was a sense amongst participants that the ability to simplify the documents and make them genuinely user friendly for small business operators was constrained by the complexity of the modern awards themselves.

> *"The detail is too much, there's just too much detail in the qualification."* (9-19, More
> Familiar, Sydney, Depth)

There were some clear opportunities for change in relation to the content structure.

Scope... There was strong and consistent sentiment in the fieldwork that the modern awards contained a lot of unnecessary information. Moreover, that the verbosity of the content was a function of the authors' desire to 'protect' themselves as opposed to genuine consideration of the importance and value of the information to the end-users.

Order... Frustration around structure was further exacerbated by a sense that the order of the content in no way reflected what was important to them. Small business operators in the study were concerned primarily with the key content that they seek out most frequently, and that frames a basic work contract, such as:

- wages and penalties;
- holidays and leave conditions;
- breaks; and
- basic entitlements.

It was noted by some that content around definitions, classifications, and dispute settlement were better placed towards the back end of the document.

> *"Maybe they could have a quick reference guide of the things we would use all the*
> *time: sick leave, rates, hours, bereavement, all leave entitlements, termination,*
> *warnings...the stuff that you need in a hurry, and the stuff we most often refer to."* (1-
> 19, Less Familiar, Shepparton, Group)

Focus... There was a general feeling amongst participants that the content veered towards what was not covered in the modern awards as opposed to what was. Rather than a simple statement regarding what was allowed, content was viewed as talking around the issues and explained broad boundaries and exceptions, often without getting to the heart of what was essential.

For example: In the General Retail and Clerks modern award, hourly rates were not provided. Rather, only a weekly full time rate was provided. This necessitated further investigation around... *how many hours are in a week, and what is the difference between a casual rate and a full time rate?*

> *"Why can't they do the maths and add on the 25%, so it's written there and I can't get*
> *it wrong."* (1-8, More Familiar, Melbourne, Depth)

Language

The language itself presented one of the most difficult elements for small business operators in the study to manage. Language played a critical role in establishing the accessibility of the content and therefore the modern awards overall. An important consideration for this cohort was the need to interpret the modern awards on behalf of their employees, as well as for their own benefit. Consultation of the modern awards documents might occur at a time of internal conflict, or in a bid to avoid conflict with an employee. At these times confidence and accuracy were considered essential by participants in order to prevent an issue escalating. As discussed, any inability to interpret with confidence directly undermined their decision-making and standing with employees.

Jargon... The current modern awards were seen by the small business operators in the study to be littered with jargon and/or 'legalese'. This style of language was clearly intimidating, even for the more familiar participants. It resulted in small business operators re-reading sentences, or slowing down their reading and speculating on meaning. Some simply stated that it was all 'over their head'!

> *"It's a document written for the person who wrote it... lawyers – not the person who will actually use it. Not small business owners like me."* (11-19, More Familiar, Sydney, Depth)

If a single phrase was not understood, yet repeated throughout the document, this compounded the challenge for participants. A key example was references to 'transitional', which appeared to cause problems for a number of participants.

Participants' views included the following:

- *Hospitality Industry (General) Award at p.4..."2.3 this Award contains transitional arrangements which specify when particular parts... "* – too complex.

- *General Retail Industry Award 2010 at p. 8... "4.1... this industry Award covers employers throughout Australia in the general retail industry and their employees in the classifications listed in clause 16 – Classifications to the exclusion of any other modern award... "* – too sophisticated and complex.

- *General Retail Industry Award 2010 at p. 18... "15.6 Transitional provision"* – legalese.

- *General Retail Industry Award 2010 at p. 23... "10.6 Transport allowance – Where an employer requests an employee to use their own motor vehicle in the performance of their duties such employee will be paid an allowed of $0.76 per kilometre"*– clear and easy to understand.

Tone... Although most participants expected a level of formality, the prevalence of jargon and 'legalese' combined with the complexity of the sentences rendered the documents inaccessible or unapproachable.

Abbreviations... Many participants noted that the NES was referred to without any immediate explanation of what these are. Simple encounters such as this made the document more difficult for participants to understand, and placed greater demands on the user to find the answers before they could proceed, diminishing the desired efficiency of using the modern awards.

- *Clerks Private Sector Award 2010 at p. 14..."14.5 Transitional provisions... NAPSA employees"* – no definition.

Vague language... Resulted in too much room for interpretation and a sense among participants that there were 'grey areas' throughout. The documents were seen to place a burden on the reader, who was required to determine what was meant by the conditions. This often required substantial consideration and an undesirable level of interpretation by participants.

> *"There's still a lot of grey area that is open to interpretation, as opposed to having it written in plain English in a contract."* (1-8, Less Familiar, Melbourne, Group)

What were believed to be straightforward questions could not be answered simply and clearly. For example - *How long can someone work without a break?*

e.g. – Clerks Award 26.2 - *An employee must be allowed two 10 minute rest intervals to be counted as time worked on each day that the employee is required not less than eight ordinary hours)* – Some indicative responses to this in the fieldwork were:

- *What does "ordinary hours" mean?*

- *If someone works eight hours do they only get 2 x 10 minute breaks? Or is this in addition to meal breaks?*

- *Is this paid or unpaid?*

- *What if they only work 7 hours? What then?*

Inconsistent phrasing... Confusion was caused amongst participants if the phrasing of a reference did not remain consistent. For example the Hospitality Award refers to 'Clause 2'.

'NOTE: Transitional provisions... – see clause 2 and Schedules A, B...' – these were links in an online format, but in a hardcopy context the user had to manually find 'Clause 2' – however, Clause 2 was not referred to in a similar manner in the table of contents, it is simply listed as '2' within Part 1.

Complex sentences and references... Sentences that were loaded with abbreviations, references and/or too many ideas caused confusion and frustration amongst participants.

- *Clerks Private Sector Award 2010* at p. 5... "standard rate means the minimum weekly wage for a Level 2, Year 1 in Clause 16 – Minimum weekly wages".

- *Clerks Private Sector Award 2010* at p. 5... "Definition of NAPSA deleted by PR994549 from 01Jan10".

Paragraph lengths... The difficulties associated with complex sentences were compounded in the context of a paragraph. In the fieldwork, a series of complex sentences had the potential to make a section virtually indecipherable for many of these small business operators. For example, where a paragraph contained 3 to 4 ideas, it sometimes required multiple readings in order for participants to grasp the content. Because of this, confidence in their interpretation often faltered. Participants requested shorter, single idea paragraphs in the future.

The small business operators found it a lot easier to comprehend lists, bullet points and concise sentences.

Participants' views included the following:

- *Hospitality Industry (General Award)* at p. 8... 4.1 Coverage – listing of employers not covered by the award – straight forward.

- *Hospitality Industry (General Award)* at p. 14... Part 3 10. Types of employment, 10.1 – the listing of employment types was simple and clear.

- *Hospitality Industry (General Award)* at p. 65... D2.1. Food and Beverage stream – the bullet points were appreciated.

Usability

Ease of use was considered a fundamental aspect of good information architecture by participants. Although discussed separately in this section, it was also a function of Ease and Clarity, Content Structure and Language. As much as the small business operators persevered in their attempts to find information, the difficulties encountered through usability challenges alone reaffirmed a common sentiment expressed in the fieldwork, that the modern awards should be used as little as possible and/or when participants had no other options available.

Key challenges around usability included:

Table of contents – numbering confusion... Although the numbering of the item and page followed common convention (the former on the left hand side and the latter on right hand side), the lack of a title for each caused some confusion. For example, some participants referred to the item number thinking that it was the page reference. Though many eventually worked this out through trial and error, it was a little, initial error that made the document feel counterintuitive. It was this type of experience that created a sense of frustration with the documents from the outset.

e.g. – *which is the page number and which is the paragraph/section number?*

Part 1— Application and Operation of Award		3
1.	Title	3
2.	Commencement and transitional	3
3.	Definitions and interpretation	4
4.	Coverage	5

Tables... As tables were seen to provide 'answers', requiring little or no interpretation (which was desirable), they were positively received by participants.

Although the current modern awards did have some tables, they were seen to be too 'deep' in the body of the document to alleviate any of their initial concerns about ease of use and the ability to quickly and easily source the types of information sought.

Participants' views included the following:

- *Clerks Private Sector Award 2010* at p. 15..."Minimum weekly wages table" – clear and easy to read.

- *General Retail Industry Award 2010* at p. 36... *"Breaks during work periods"* – a good example of a table, generally clear with no need for interpretation.

Multiple references... A key challenge for participants was the need to make multiple references within the document in order to verify content and find appropriate answers. If finding a solution required more than two skips to other references, the activity started to feel unnecessarily cumbersome and time consuming. Users also started to lose track of their key purpose, got distracted, and risked going down the incorrect pathway or becoming overwhelmed and resorting to external assistance. The need to reference another document, in particular the NES, meant that participants needed to cross check multiple documents to gain relatively straightforward information, such as leave entitlements. This created complexity, frustration and additional work – consequences that small business operators in the study were keen to avoid.

> *"We tried to work out how much to pay a 19 year old casual, and it took us 4 tries before we found it...we had to refer to this, then refer to that."* (1-19, Less Familiar, Melbourne, Group)

> *"To get it right you have to read all of this, it's backwards and forwards and it's just stupidity."* (1-8, More Familiar, Orange, Group)

> *"Don't just tell me to go to the NES... Tell me what page in the NES to refer to. Make it clear, fast and easy."* (1-19, More Familiar, Ballarat, Depth)

6. Implications of the Current Information Architecture

The common expectation expressed by the small business operators in relation to using the modern awards was largely negative. The expected experience was characterised as a time intensive, difficult process that would fail to yield genuine confidence in any outcomes. Consequently, for many of these participants the modern awards did not act as a tool to facilitate constructive business solutions or conversation. In fact, most participants described actively avoiding engagement with the modern awards, despite being conscious that not acting in the appropriate manner could put them at risk.

The solution for many was...

- **To pay slightly above the award...** To ensure they were not 'caught' by any changes.

- **Overcompensate with breaks...** The notion that it was better to give too much than not enough.

- **To simply copy what they have done before...** Take a previous employment contract and simply swap out the names for a new employee.

- **To take a punt...** To review and make a 'best guess' judgement as to how the condition may apply to their unique circumstances – often based on past, outdated experience. One participant spoke of simply modifying an employment contract for the past 12 years with a new rate that they "thought would be ok."

  > "I probably give it [the amount of time] until you get frustrated and then go on the gut feeling..." (1-8, More Familiar, Shepparton, Depth)

- **To negotiate...** With employees directly to find a suitable arrangement, e.g. come in on a Saturday for half an hour at no charge but allow them to leave an hour earlier one day during the week.

- **To seek assistance...** From Fair Work, peers, third parties such as accountants. If the issue was particularly serious, i.e. dismissal, or if they were particularly risk averse and concerned about making errors.

  > "I'm trying to comply with a system that's always changing. I'm trying to do the right thing. In the end I call the Fair Work 'employer hotline' and ask them to help me." (9-19, More Familiar, Ballarat, Depth)

- **To have 'work arounds'...** For example, one employer (1-8 Employees, More Familiar, Ballarat), who was familiar with the modern awards, reported going to http://paycheck.fwo.gov.au/PayCheckPlus.aspx every time they employed a new staff member, and entering information as if they were the employee in order to check what they had determined was the appropriate pay rate.

In more extreme cases, the employers in the study reported changing their employment practise in order to avoid having to engage with the modern awards and risk misunderstanding conditions, such as:

- not employing low skilled staff and placing greater demands on current staff; and

- moving towards contract employment.

7. Exemplar Modern Award

7.1 Overall Impressions

> *"Readability - just the way it's laid out, nice and clear and simple."*
> (1-19, Less Familiar, Shepparton, Group)

Participants' responses to the information architecture of the exemplar modern award[3] were resoundingly more positive. The exemplar was perceived to address a lot of the frustrations and concerns with the current modern awards, and was met by participants with a level of relief and genuine surprise at the improvements.

On initial inspection, the exemplar was considered by the small business operators in the study to be notably more accessible; a document with which employers would have a significantly greater chance of achieving clear answers to their questions. The document was seen to be more user-friendly, inspired greater confidence, and consequently improved willingness to actively engage with the modern awards. Importantly, it was seen to be designed to answer the participants' questions, not simply act as a policy document.

Participants appeared to feel empowered by the ease with which they could navigate and work with the document. This in turn increased their reported likelihood of expending more time reading the content. Success with one activity or one experience built positive momentum with regard to future engagement.

Once using the exemplar to undertake a number of simple tasks, almost all participants felt more confident in their ability to source the correct information than they had using the current modern awards – this was primarily underpinned by the use of tables, which required little or no interpretation or calculations, to understand the facts.

7.2 What Worked Well

> *"Doesn't look so much like a legal document."*
> (9-19, More Familiar, Sydney, Group)

Improvements were seen across all of the key areas of: format, content structure, language and usability and within these, there were a number of standout improvements. But some further possible improvements on these were also noted by participants.

Standout improvements	Suggested further improvements
▪ Reduced document length	▪ To further reduce the length
▪ Clean table of contents, i.e. with the amendment listing removed	▪ Introduce titles i.e. page number ▪ Move the schedules into the relevant sections ▪ No more than two subject areas within each section
▪ Increased use of tables	▪ Inserting borders for tables with longer text to ensure ease of reading
▪ Inclusion of examples	▪ -
▪ Simpler language	▪ Further reduce paragraph length where possible
▪ Reduced need for interpretation and calculations (of wages)	▪ -

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[3] https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/Exemplar-award.pdf.

These are discussed in more detail below.

It was the combined effect of these improvements that made the document more manageable for business operators in the study.

7.3 Format

All participants indicated that the key problems associated with the format of the current modern awards had been addressed, and in many cases improved, in the exemplar award. The exemplar was considered visually superior, and as a result more intuitive. However, there were still a number of further improvements noted by participants – these are listed below under 'Suggested further improvement'.

Length... All participants noted the shorter and more manageable length of the document. This version was far less daunting and did not conjure expectations of having to 'trawl through' for hours on end.

- **Suggested further improvement...** There was a desire for the document to be shortened further, or alternatively to incorporate a 1-2 page summary version of the key points.

> *"You just want an executive summary with the pertinent details and then if you want to know more here is where to go."* (1-19, Less Familiar, Melbourne, Group)

Density... The presentation of the content was lighter, more spacious and easier to read. This led to perceptions amongst participants of a better, simpler user experience.

Font... The slightly larger font was noted by participants, and made the document seem less formal and more user-friendly.

Front page clarity... A key point of improvement noted in the fieldwork was the simple and clear front page that focussed exclusively on the table of contents. This simplicity immediately engendered confidence in users' ability to find information.

- **Numbering...** The numbering lacked titles and if it were not for 'learning' through the current modern awards, there may still have been confusion amongst participants.

- **Suggested further improvement...** Place 'Page #' above the right hand side numbers.

- **Schedule A...** Sits on the bottom of the first page and was easily missed. Moving this to the second page risks the schedule documents being missed altogether as participants did not show any inclination to review the entire table of contents in detail.

- **Suggested further improvement...** It was suggested by participants that the Schedules should be allocated to their appropriate sections and at the top of that section so they act as a summary of key information.

- **Section separation...** Information presented in small sections or paragraphs was also considered an improvement. Participants were less likely to miss sub-sections and generally found it easier to locate the content of interest.

- **Suggested further improvements...** Based on how respondents used the document, it appeared that Part 3 could be split to include Section 7 and 8, with Section 9 and 10 moved to Part 4 – so all the content relating to dollar cost is in the one section.

7.4   Language

Many of the small business operators in the study simply did not have a lot of time or energy for ambiguity. They wanted plain, black and white descriptions when it came to more complex issues such as modern awards; language that was unequivocal and provided clear guidelines, rather than options that were open to subjective interpretation. The exemplar represented an improvement in this regard.

Jargon... On initial inspection the language was considered easier to understand and had substantially less jargon.

Tone... As a result of the simpler language, the tone was also more accessible whilst retaining sufficient formality.

Abbreviations... The exemplar appeared to have fewer acronyms overall. Moreover, the inclusion of the full NES descriptor in the title of the relevant section, i.e. Section 6, helped participants at the point where they were looking and meant that they did not have to reference 'Definitions'.

Sentence length and phrasing... On closer inspection the exemplar award still presented some problems in this regard – either too many ideas in the one paragraph or phrasing that raised more questions than it provided answers.

> *"It certainly looks easier but it still has information shortfalls. For example, if I'm looking at a casual here it says shift duration, page 13, and I'm looking at part 3, for a casual it says the minimum ordinary shift is four hours and then it says the minimum ordinary shift is 10 hours or no more than 12 hours by agreement, see clause 7.2-b, what the hell does that mean? And it still doesn't have the hourly rate in an area where it should be."* (9-19, More Familiar, Sydney, Depth)

7.5   Usability

All of the noted improvements worked together to create a document that was considered easier to use and consequently, less daunting for the small business operators in the study.

Table of contents... Outside of removing the amendment listing, the more concise grouping of sections made the table of contents a far more effective tool to help participants navigate the document. This meant that users were more inclined to use the table of contents as a reference rather than skim the document in the hope of coming across information of interest.

Tables... The use of tables was seen as more pronounced in the exemplar award. The participants, who sought simple and clear information, appreciated this addition. It made the content appear 'absolute', especially in relation to breaks and wages which were key areas of interest.

> *"The working calculations, the examples, are very helpful. The tables are set out better. The way that it's all spelled out. I'd prefer it to be a proper table with lines though."* (9-19, More Familiar, Sydney, Group)

> *"I like the tables and the graphs, it makes it a lot easier to understand."* (1-8, Less Familiar, Sydney, Group)

Content presentation within the tables was viewed as equally important.

- **%'s...** Using percentages for penalty rates was seen by participants as relatively easy to calculate for most, e.g. Table 11.1 Penalty rates.

- **$rates...** Providing actual dollar rates was seen by participants as a clear improvement as the document finally delivered a clear answer that did not require any effort on their part – it did the work for them and gave them the level of certainty they were seeking.

  "Calculations are better...they've given you an actual example so they've shown you how to calculate it." (9-19, More Familiar, Sydney, Group)

- **Suggested further improvement...** In most instances the tables presented well, but where there was more text or the table was longer, divider lines were required by participants to facilitate quick reading, i.e. 7.2 (a) Shift duration and 10.1 (a) Expense related to allowances and (b) Wage related allowances.

Examples... These were extremely impactful, and signalled a document trying to assist participants in working out solutions. Participating small business operators were impressed and stated that they would actively use these examples to help them work out how to apply information provided in the modern awards to their specific circumstances. The examples helped to build confidence that they were interpreting the modern awards correctly and helped address a key concern - paying incorrect rates.

However, the examples require careful wording. In one instance when following Example 3 Shift work and weekend work (casual employee), the respondent miscalculated the wage rate. Essentially, they worked off the casual rate of $23 x 121.7% rather than reverting to the base rate of $18.40 and adding the penalties as a combined sum. The step-wise detail of the calculation did not make sense to this operator who kept missing the fact that they were using the incorrect starting point – they worked off the rate listed in Table 9.1 Minimum wages.

In these instances, the respondent did not understand why they had to revert to what seemed like the incorrect starting rate. A simple rationale for the 'base wage' starting point was required in order to ensure compliance.

Multiple references... There appeared to be less need for participants to skip to other references when sourcing information in the exemplar. This helped to establish a sense of easy accomplishment which in turn built confidence in using the document.

7.6 Content Structure

"It seems a lot easier to read, I don't know if it's shorter..."
(9-19, More Familiar, Shepparton, Depth)

The exemplar presented as more user-centric with its reduced content and order, which demonstrated a better appreciation of what is of importance to the end-user.

Scope... The fact that the document presented as leaner, meant that most felt there was less chance of redundant content. This reinforced the expectation of a more efficient experience.

Order... General improvements to the document also translated to how users experienced the flow of content, which they felt was markedly better. However, the content order still did not fully reflect what participants considered to be most important and the priority focus – that is, the content that reflected the most common reason why they would refer to modern awards. Once the relevance of the modern award was known (which was addressed in Part 1 and 2), then this content was deemed less important and unlikely to be referred to as regularly.

- **Suggested further improvement...** Provision of a summary document of key facts around wages and conditions was felt to be the ideal means to address this.

- **Suggested further improvement...** It was felt that Part 1 and/or 2 could be moved to the end of the document.

Focus... The provision of more tables and data as absolutes, e.g. wages calculated and presented in dollar terms provided a greater impression amongst participants that the content was focussed on the facts.

Paragraph length... The improved language, combined with the provision of more tables, meant that paragraph length was considered by participants to be less of an issue with the exemplar award. However, there were examples where paragraphs could be further reduced or broken down into a series of shorter paragraphs, or combination of short paragraph followed by bullet pointed information.

Concise presentation of content helped to reduce the perceived complexity of the ideas. Moreover, this style of presentation is in line with online conventions. Most operators in the study engaged with modern awards online– at least initially, if not in all encounters.

8. Potential Next Steps for the Modern Awards

From a broader perspective, there appeared to be further opportunity to evolve the modern awards by leveraging the online medium.

Most small business operators in the study were either currently engaging with, or would expect to engage with, the modern awards online – at least on initial enquiry. Subsequently, there was a belief that the documents should be able to provide the full benefit of this medium.

- **Fully tailored results...** The ideal modern award information architecture was described as one that would allow a fully tailored, user driven experience. One where employers could access the Fair Work website, key in their criteria and have the relevant award information delivered accordingly and saved under the name of the respective employee. Operators would then be able to access this specific, employee-labelled file whenever required without having to re-enter the data.

- **Summary Document...** Provision of a printable document that could be used as a quick reference tool for both the employer and the employee. A summary document of 1-2 pages, similar to the outputs of Pay Check Plus but also including other factors beyond pay such as leave entitlements, breaks and other key award facts. This could then be shared between employers and employees so that there is a common understanding and easy reference tool. This was seen as particularly useful for younger employees with less experience.

- **Utilise a tool similar to the Fair Work Ombudsman's - Pay Check Plus...** Working out and clarifying pay rates was the most common reason given in the study for employers referring to modern awards, particularly when a new employee commences. A calculator style tool that determines pay rates given an employee's variables (age, experience, qualifications) was often mentioned as a tool that would be highly useful.

- **Provide a checklist reference tool...** A key challenge for employers in the study when using the modern awards to produce employment contracts and necessary information for new employees was ensuring that they have taken all factors into consideration. A quick reference tool that could be used to tick off all necessary considerations may be utilised by many, helping with confidence that they are indeed 'doing the right thing'.

These initiatives placed the onus on the information system to provide the correct outputs (assuming correct input of query data), thus diminishing their risk of error. It was expected by participants that the tools would also generate results in a fast and efficient manner, thereby reducing the time and effort invested. Consequently, these initiatives would provide certainty, efficiency and ease and by virtue of this, a sense of being supported.

9. Conclusions

It was clear that members of the small business community who participated in the study struggled with the information architecture of the current modern awards. The documents failed to meet their core needs of: certainty, efficiency, ease and support; and as such undermined their decision making confidence.

The challenges presented by the current modern awards acted as barriers to engagement. The small business operators in the study were reluctant to use the documents and in many instances had developed practises in order to minimise or actively avoid having to use them.

It was clear that effective information architecture that facilitated ease of use and comprehension had a direct impact on attitudes. Moreover, positive experiences with documents built motivation to engage with them further. This was most noticeable in the change of attitude and disposition expressed when the operators in the study experienced the exemplar modern award.

The Exemplar

Overall the exemplar award was very positively received. It was seen as a significant improvement that demonstrated an appreciation of participants' needs and capabilities. Consequently, they felt more confident at the prospect of using these documents.

The exemplar presented a number of notable improvements that made a substantial difference to the user experience and should be considered for future iterations:

Reduced length... This was one of the key improvements noted. This immediately generated a sense that the document would be more manageable.

Table of contents... Were considered well-spaced and clear. This presented a positive first impression and built confidence from the start amongst small business operators in the study that they would be able to locate information of interest.

Tables... Utilising tables ensured that the document was solutions focussed and had the answers participants needed, not simply instructions on how to determine the answers that they need.

Examples... These helped participants transfer their own circumstances into an example, providing confidence that they were accurately considering all factors required. Moreover, the calculation examples helped those with lower maths skills to correctly calculate percentage rates.

Language... This was considered simpler with less 'legalese' and jargon, reducing the onus on interpretation.

Less calculations required... This made it easier to determine wage rates.

However, it was clear that there was opportunity to improve the exemplar further.

Future improvements

Information architecture... The following were considered to be improvements that focussed on format, structure and language:

- **Ordering of content...** Structure the document to follow the flow/process of setting up an employment contract as closely as possible.

- **Summary tables...** At the start of each section a summary table highlighting the key information for that section minimises the searching readers are required to do.

- **Avoiding calculations...** Minimise the need to apply formulas at all (e.g. 125% of full time wages/38 hour week = casual hourly rate) and provide actual results (Casual hourly rate =$18.40).

- **Paragraph and content spacing...** Help the visual appeal of the documents and facilitate accessibility by being less text heavy and structured in a less 'dense' manner.

- **Table of contents...** Would benefit from clear differentiation/labelling of clause numbers versus page numbers.

- **Short titles...** No more than two subject areas per title in the table of contents to minimise the chance of missing topics.

From a longer term perspective, small business operators in this study suggested that the online medium could be further leveraged for the modern awards. The online medium was considered to provide scope for developing tailored content searches, summary reports, checklists and calculators as potential future improvements.

APPENDIX 1: Interview Structure

Session Duration and Incentives

Each group session lasted approximately 90 minutes and involved 6-8 research participants in all groups except one conducted in Orange (5 participants). Each respondent was provided with a cash incentive of $150 for taking part.

Each depth interview lasted approximately 60 minutes and was held at the business premises of the respondent. They were provided with a cash incentive of $130 for taking part.

Stimulus

The following modern awards were used to represent current modern award information architecture:

- *General Retail Industry Award 2010*

- *Hospitality General Award 2010*

- *Clerks Private Sector Award 2010.*

The exemplar Award was used to represent the improved Award architecture was:

- Security Services Industry Award 2014.

Tasks

The depth interviews were included to allow for specific tasks to be completed using the modern awards and the exemplar modern award as a tangible test of the information architecture.

The current modern award tasks were:

Task 1 Could you please locate information on rates of pay?

- Could you please find the hourly rate of pay awarded to an adult worker employed on a casual basis at the Classification Level 1?

- Could you also please find what the hourly rate is for work performed on a Sunday?

Task 2... Could you please locate information on an employee's annual leave entitlements? What types of employees are these entitlements applicable to?

Task 3... How many hours can an employee work without taking a break?

Task 4... What does an employee need to do if they want to change a shift worker's roster?

The exemplar Award tasks were:

Task 1... Could you please locate information on rates of pay?

- Could you please find the hourly rate of pay awarded to an adult worker employed on a casual basis at the Classification Level 1?

- Could you also please find what the hourly rate is for work performed on a Sunday?

Task 2... Could you please locate information on an employee's annual leave entitlements? What types of employees are these entitlements applicable to?

Task 3... How many hours can an employee work without taking a break?

Task 4... What does an employee need to do if they want to change a shift worker's roster?

These exercises were used to extract a more detailed understanding of the usability of the modern awards. They were developed in consultation with Fair Work Commission staff.

APPENDIX 2: The Field Instruments

Qualitative Research Recruitment Screener

Client: Office of Fair Work Commission   Study no. 24210

Date: 28 May 2014   Version 1

Hello, my name is (... ... ...) from Sweeney Research, a national market research company.

We are conducting a study on behalf of the Fair Work Commission with small business people about awards that set pay and conditions, how usable they are and what could be improved. We would like to include your opinions.

The Fair Work Commission is currently reviewing all awards, and the results of this research will help to inform the review. The Commission is particularly seeking the views of small business people who do not access specialist expertise.

The research would involve meeting as a group with other small business owners in the evening at our research facilities or a one-on-one interview at your place of business.

As a thank you, you will receive $150 for your participation in a group or $130 for a one-on-one interview.

May I check with you to see if you are the type of person that would benefit from this discussion?

Awards definition (if required)

An award contains the minimum conditions of employment – including pay rates – that apply to employees in particular industries or occupational groups. Awards cover items such as;

– minimum wages, dispute resolution, termination, redundancy, and superannuation.

S1	Do you or anyone in your family or friends work in the following industries? **Read out** **Multiple response**	Terminate	Advertising/Public Relations
		Terminate	Journalism or Media
		Terminate	Marketing/Market Research
		Continue	None of these

S2	Are you the owner or proprietor of your business and are you responsible for its operations on a daily basis?	Continue	Yes
		Terminate	No

S3	Is this the only business you are responsible for?	Continue	Yes
		Terminate	No

S4	How many people are currently paid employees of the business? **(Recruit according to quotas – get a mix of sizes in each group)**	Terminate	None, I am a single owner/operator 1
		Continue	1-5
		Continue	6-8
		Continue	9-15
		Continue	16-19
		Terminate	20+

NOTE: **by paid employee we mean...** all employees who were paid a wage/salary by this business/organisation.

Paid employees **DO NOT** include:
- temporary labor hire workers;
- consultants and contractors who are paid a fee for service;
- apprentices or trainees **whose wages are paid by a Group Training Organisation (GTO);**
- unpaid workers such as unpaid family members or volunteers; or
- working proprietors or business partners that contributed to the production of, or sales of, goods and/or services, and may or may not draw a wage or a percentage of the profits.

S5	What type of industry is your business involved in? **(record and recruit a mix for each group)**	Continue	Accommodation and food services
		Continue	Administrative and support services
		Continue	Retail Trade
		Continue	Rental, hiring and real estate services
		Continue	Other services
		Continue	Construction
		Terminate	If above industries not selected... please list

Examples of industry classifications (as examples only):

- **Accommodation and food services**: includes short-term accommodation for visitors and/or meals, snacks, and beverages for consumption by customers both on and off-site (cafes, restaurants and take-away food services, pubs, taverns and bars). Excluded from this division are gambling institutions (casinos); amusement and recreation parks; long-term (residential) caravan parks; theatre restaurants; sporting clubs; and other recreation or entertainment facilities providing food, beverage, and accommodation services.
- **Administrative and support services**: includes routine support activities for the day-to-day operations of other businesses. Activities may include office administration; hiring and placing personnel for others; preparing documents; taking orders for clients by telephone; providing credit reporting or collecting services; arranging travel and travel tours. Support services may include activities such as building and other cleaning services; pest control services; gardening services; and packaging products for others.
- **Retail trade**: includes the purchasing and/or onselling, without significant transformation, to the general public. Retail trade comprises motor vehicle and motor vehicle parts retailing, fuel retailing, food retailing (supermarkets and specialised food retailing), hardware, clothing, newsagencies, florists, chemists, antique dealing and so on.
- **Rental, hiring and real estate services**: includes rent, hiring, or otherwise allowing the use of their own assets by others. The assets may be tangible, as in the case of real estate and equipment, or intangible, as in the case with patents and trademarks. The division also includes providing real estate services such as selling, renting and/or buying real estate for others, managing real estate for others and appraising real estate.
- **Construction**: includes the construction of buildings and other structures, additions, alterations, reconstruction, installation, and maintenance and repairs of buildings and other structures. Also includes demolition or wrecking of buildings and other structures, and clearing of building sites are included.
- **Other services**: includes a broad range of personal services; religious, civic, professional and other interest group services; selected repair and maintenance activities; and private households employing staff. For example, personal care services, such as hair, beauty and diet and weight management services; providing death care services; promoting or administering religious events or activities; or promoting and defending the interests of their members.

S6	Which of the following statements best reflects your current practises in relation to the use of awards to set rates of pay and your current business		
NOTE: An award contains the minimum conditions of employment – including pay rates – that apply to employees in particular industries or occupational groups.		Continue business	I currently use awards to set rates of pay for my 1
		Continue	I don't currently use awards to set rates of pay for my business but may do in the future
Awards cover items such as;		Terminate	I don't currently use awards to set rates of pay for my business and will not in the future
▪ minimum wages			
▪ dispute resolution			
▪ termination			
▪ redundancy			
▪ superannuation			

S7	Do you access/use a specialist in workplace relations e.g. human resources specialist – either within your business or through an external relationship?	Continue	No
		Terminate	Yes

S8	Are you a member of any business association or group where you can source assistance or advice on modern workplace relation issues such as pay rates?		
		Continue	No
NOTE: Groups must have 50% Code 1		Continue	Yes
NOTE: All depths must Code 1			
Recruiter to track			

If code 2 at S8		Continue	No
S9	Do you source advice or information on workplace relations issues from your business association or group?	Terminate	Yes

S10	Which best describes your role in relation to the use of awards in your business?	Continue	I am the sole decision maker on awards based issues for our business
		Continue	I jointly make decisions in conjunction with other members of the business in relation to awards based issues for our business
	If select code 2, ensure they are not simply taking advise but are actively involved in the decision making	Continue	I act on the advice of others in our business in relation to awards based issues for our busin
		Terminate	I have no involvement in the decisions regarding a

S11	Which best describes your familiarity with the modern awards that relate to your business?	Continue	I reference the awards myself and am very familiar
		Continue	I have referenced the awards on occasion and am somewhat familiar and comfortable with us
		Continue	I have had very little experience using the awards comfortable with using these materials
	More Familiar – Code 1 & 2	Continue	I have had no experience using the awards althou and am not at all familiar or comfortable with using these materials
	Less Familiar – Code 3 & 4		
		Terminate	I have had no experience using the awards and do

If code 4 at S11			
S12	How likely is it that you will use the awards for your business in the future?	Continue	Extremely likely
		Continue	Somewhat likely
		Terminate	Not very likely
		Terminate	Not at all likely

| S13 | Have you ever been prosecuted by the Fair Work Ombudsman or a union about any workplace relations matters? | Continue | No |
| | | Terminate | Yes |

S14	How long have you been in business	Continue	Less than one year	1
	(recruit a mix)	Continue	1-5 years	
		Continue	6-10 years	
		Continue	11-15 years	
		Continue	16+ years	

| S15 | Record gender | Continue | Male |
| | **(recruit a mix)** | Continue | Female |

| S16 | Record age | Age | |

Sample Structure-as specified at the start of the study				
Target market	**Metro**		**Regional**	
	More familiar	Less familiar	More familiar	Less familiar
▪ Businesses 1-8 employees	Group 1 (Melb) Depth 1 (Melb) Depth 2 (Melb)	Group 3 (Melb) Depth 5 (Melb)	Group 4 (NSW Orange) Depth 6 (NSW Orange) Depth 7 (NSW Orange)	Group 6 (Vic Shepparton)
▪ Businesses 9-19 employees	Group 2 (Syd) Depth 3 (Syd) Depth 4 (Syd)		Group 5 (Vic Shepparton) Depth 8 (Vic Shepparton) Depth 9 (Vic Shepparton)	
Total metro/ regional	3 groups 5 depths		3 groups 4 depths	
Total	6 groups 9 depths			

End of Interview (if eligible and willing to take part):

Thank you, I just need to collect your contact information so that we can send you a confirmation of the details about the group.

Venue details:		
Date of recruitment:	[insert]	
Respondent's name:	[insert]	
Phone number:	[insert home/business}	[insert mobile]
Address:	[insert]	
Email address:	[insert]	

Fair Work Commission

Citizen Co-design

Discussion Guide – Depth Interviews **FINAL**

Sweeney Contacts: Jen Hodges

Ref No. 24210 • 16th June 2014 • Version 1

The Research Objectives

The overall aim of the research is...

> **To understand the attitudes and behaviours of the small business community in relation to usage and usability of modern awards.**

The specific objectives are...

Modern Award Information Architecture	▪ Understand impressions on the usability of modern awards...
	   – Impressions of the overall format used
	   – Perceptions of the content and ease of comprehension
	   – Ease of accessing information of interest
	   – Suitability of language
	 ▪ Identify areas/ elements that work well
	 ▪ Identify areas / elements that do not work well, are difficult to understand or cause confusion
	 ▪ Highlight any opportunities for improving usability

Modern Award Attitudes and Usage	▪ Understand overall perceptions of the modern awards in relation to ease of use ▪ Explore how small business operators **use** the modern awards to set pay rates for employees ▪ Highlight any concerns or reservations about using the modern awards in relation to finding and using information contained within

Discussion Overview

The following discussion guide provides an overview of the areas that will be covered in this study. It is not intended to be a prescriptive list of questions. The sessions will be free-flowing and the moderator will pursue issues/ reactions/thoughts as they arise, while ensuring all of the key areas are covered off.

The broad flow of the groups can be summarised as follows…

1. Introduction	**5 minutes**
2. Awards – overall impressions	**10 minutes**
3. Awards – tasks & review	**25 minutes**
5. Conclusions	**5 minutes**

Discussion Guide

	(5 mins)
1. Introduction OBJ: Warm up participants and brief understanding of their business context Welcome. Research has found that in 2013, 25 per cent of businesses had at least 1 employee covered by a modern award.[4] Data obtained from the Australian Bureau of Statistics further indicate that just over 1.5 million employees derived their entitlements from a modern award in 2012.[5] Therefore, as small business owners, you have been asked to assist in improving something that means a great deal to many Australians—both employers and employees. — Topic... How awards are presented... how we can improve their presentation for your use — Recording and viewing — Confidentiality and industry code of conduct — Respondent introduction... — Name, type of business, position in business, number of employees and what you use awards for	

	(10 mins)

2. Awards – overall impressions
 	
OBJ: Understand how their perceptions of awards and the usage scenarios – to form a context for their document needs
 	
Context... although we will explore a little about how you use awards and where you find the information, this session is really focussed on understanding how well the information is presented and how easy it is to understand and locate what you want and most importantly....how we can make it even better
 	
When referring to awards... we are talking about the awards documents / not the rates
— How important is it to be able to understand and work with awards in your business
— What awards do you work with
— How comfortable and confident do you feel using them / any reservations
— Overall... how easy are they to use (navigation & layout) / to understand (language)– why
— **Typical scenario...** describe the typical scenario that you would be using an award document, how much time would you have, how much time is needed to find information
    — What's important to you in this situation
    — What are the challenges in this context
    — Where would you go to first source the information
▪ **Thinking about that scenario...** what are all the feelings you can experience
    — How do you feel about using the awards
    — How do you feel when using them
— How do you feel afterwards	

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[4] Wright S and Buchanan J (2013) *Award reliance*, Research Report 6/2013, Fair Work Commission, December, Melbourne.
[5] ABS, *Employee Earnings and Hours, Australia, 2012*, Catalogue No. 6306.0.

4. Awards review OBJ: Understand the pros, cons and opportunities to improve the current awards documents We're going to do a few tasks to see how you feel about using the awards documents As you are doing each task, I want you to talk me through what you are thinking at each stage – what you are looking for, how you are feeling - probe We are doing this to see how easy it is use the documents **Task 1** Could you please locate information on rates of pay? - Could you please find the hourly rate of pay awarded to an adult worker employed on a casual basis at the Classification Level 1? - Could you also please find what the hourly rate is for work performed on a Sunday? **Task 2**... Could you please locate information on an employee's annual leave entitlements? What types of employees are these entitlements applicable to? **Task 3**... How many hours can an employee work without taking a break? **Task 4**... What does an employee need to do if they want to change a shift worker's roster? **During each task...** – Note where the respondent looks, what cues they use – Note where there is any confusion **On completion...** – How would you describe that – What made it easy – What was challenging – What could have made it better **After completing 2-3 tasks...** Based on these experiences and your general experiences, would do you believe... – What could be improved with the awards information – What would make it easier for you – How could other formats be used i.e. online, Apps **Review of the exemplar Security Services Industry Award 2014** - What are your impressions of this - What do/don't you like about this – why - How easy do you imagine it would be to use **Task 1**... Could you please locate information on rates of pay? - Could you please find the hourly rate of pay awarded to an adult worker employed on a casual basis at the Classification Level 1? - Could you also please find what the hourly rate is for work performed on a Sunday? **Task 2**... Could you please locate information on an employee's annual leave entitlements? What types of employees are these entitlements applicable to? **Task 3**... How many hours can an employee work without taking a break? **Task 4**... What does an employee need to do if they want to change a shift worker's roster?	**(25 mins)** **Stimulus:** 3 awards 1. General Retail 2. Hospitality; and 3. Clerks New redesign modern award Securities Services Industry Images of different formats for Ideal e.g. App, website etc.
5. Conclusion OBJ: Summary thoughts If you could create your ideal award document, what would it be like – *brief description*	**(5 mins)**

THANK AND CLOSE

Fair Work Commission

Citizen Co-design

Discussion Guide – Group Discussions **FINAL**

Sweeney Contacts: Jen Hodges

Ref No. 24210 • 18th June 2014 • Version 1

The Research Objectives

The overall aim of the research is...

> **To understand the attitudes and behaviours of the small business community in relation to usage and usability of modern awards.**

The specific objectives are...

Modern Award Information Architecture	▪ Understand impressions on the usability of modern awards...
	  – Impressions of the overall format used
	  – Perceptions of the content and ease of comprehension
	  – Ease of accessing information of interest
	  – Suitability of language
	▪ Identify areas/ elements that work well
	▪ Identify areas / elements that do not work well, are difficult to understand or cause confusion
	▪ Highlight any opportunities for improving usability

Modern Award Attitudes and Usage	▪ Understand overall perceptions of the modern awards in relation to ease of use ▪ Explore how small business operators use the modern awards to set pay rates for employees ▪ Highlight any concerns or reservations about using the modern awards in relation to finding and using information contained within

Discussion Overview

The following discussion guide provides an overview of the areas that will be covered in this study. It is not intended to be a prescriptive list of questions. The sessions will be free-flowing and the moderator will pursue issues/ reactions/thoughts as they arise, while ensuring all of the key areas are covered off.

The broad flow of the groups can be summarised as follows...

1. Introduction	**10 minutes**
2. Information needs	**10 minutes**
3. Awards – overall impressions	**15 minutes**
4. Awards review	**60 minutes**
5. Conclusions	**5 minutes**

Discussion Guide

	(10 mins)
1. Introduction OBJ: Warm up participants and brief understanding of their business context — Welcome Research has found that in 2013, 25 per cent of businesses had at least 1 employee covered by a modern award.[6] Data obtained from the Australian Bureau of Statistics further indicate that just over 1.5 million employees derived their entitlements from a modern award in 2012.[7] Therefore, as small business owners, you have been asked to assist in improving something that means a great deal to many Australians—both employers and employees. — Topic... How awards are presented... how we can improve their presentation for your use — Recording and viewing — Confidentiality and industry code of conduct — Respondent introduction... — Name, type of business, position in business, number of employees and what you use awards for	

	(10 mins)

2. Information needs
 	
OBJ: Understand general information needs – to form a framework to evaluate the awards
 	
Before we look at some awards, let's stand back and think about our information needs generally in a business context and what's important to us.
— How do you like to source information i.e. online, apps, hard copy
— Do you have any examples of good resources , what it is about them that works well
— **What's important to you when you are trying to find information...**
 	
    — Probe on... Ease, efficiency, clarity, empowerment
 	
    — Drill down e.g. easy ... what does this mean in terms of using the materials – consider layout/presentation, language, navigation	

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[6] Wright S and Buchanan J (2013) *Award reliance*, Research Report 6/2013, Fair Work Commission, December, Melbourne.
[7] ABS, *Employee Earnings and Hours, Australia, 2012, Catalogue No. 6306.0.*

	(15 mins)

3. Awards – overall impressions

OBJ: Understand how their perceptions of awards and the usage scenarios – to form a context for their document needs

Context... although we will explore a little about how you use awards and where you find the information, this session is really focussed on understanding how well the information is presented and how easy it is to understand and locate what you want and most importantly....how we can make it better

When referring to awards... we are talking about the awards documents / not the rates

- **Brainstorm associations... When you think of awards and using them ... what comes to mind**

  - Probe... general layout and how the document presents, the language, the ease of use

Briefly cover...

- How important is it to be able to understand and work with awards in your business
- How many awards do you work with
- Where do you source them / why
- How do you work out how to use them
- Overall... how easy are they to use / to understand – why
- How comfortable and confident do you feel using them / any reservations
- **Typical scenario... describe the typical scenario that you would be using an award document, how much time would you have, how much time is needed to find information**
  - **What's important to you in this situation**
  - **What are the challenges in this context**
  - **Where would you go to first source the information**
- **Thinking about that scenario... what are all the feelings you can experience**
  - **How do you feel about using the awards / prospect at using them**
  - **How do you feel when using them**
  - **How do you feel afterwards**

4. Awards review	**(60 mins)**

OBJ: Understand the pros, cons and opportunities to improve the current awards documents

We're going to look at some awards and interrogate them ... find out what's good, what's not so good and how can it be made better.

Put group into teams of 2/3 ... give green/ red marker each

30 MINS: Activity 5-10mins... you're going to have a quick look through the documents and make some notes.. in RED – for what doesn't work well, what you don't like, what isn't user friendly, GREEN for what does and what you do like etc. and we'll work with it from there

When you do this ... think about what's important to you when you are working with this material in work context

Think about ... how it presents, the order of the information and well you can understanding it, how well it answers your questions

What works...
— Explore what works and why
— Can we make this even better

What doesn't work...
— What isn't working and why
— How can we address this ... challenge if it is a small tweak or a major tweak

Briefly...

5 MINS: Create the ideal... let's create an award that you would want to work with
— Describe how it would look
— Describe the language
— What would be the priority content
— What would make it easier to use the document/ navigate through
— What modes would you use i.e. paper, online website, pdf, App...
— How could these be used / for what

  – 25MINS: Present the reviewed modern award
  – How well does this match the ideal
  – What do/don't you like/why
  – Probe: look, language, ease of use

Stimulus:
3 awards
1. General Retail
2. Hospitality; and
3. Clerks

New redesign modern award
Securities Services Industry
Images of different formats for Ideal e.g. App, website etc.

5. Conclusion	**(5 mins)**

OBJ: Summary thoughts

▪ If you could make one change to the format and presentation of current awards – what would it be and why

THANK AND CLOSE