# Fair Jobs Code plan addendum template

**To be completed by suppliers tendering for public construction procurement contracts.**

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| **Instructions for use**  Please download a copy of this document, complete and submit to the contracting agency at the time of tender submission, *or* if there is a *significant variation* (20% or greater) in workforce size and composition, or the use of subcontractors committed to in an earlier Fair Jobs Code plan addendum.  Note: Some fields will require a double-click to complete. |

The Fair Jobs Code (code) recognises suppliers and businesses that comply with industrial relations and occupational health and safety laws, and promote the following Fair Jobs Code standards:

* Compliance with employment, industrial relations and workplace health and safety obligations
* Secure employment and job security.
* Cooperative and constructive relationships between employers, employees and their representatives.
* Workplace equity and diversity.

Supply chain compliance with employment, industrial relations and workplace health and safety

The Fair Jobs Code (code) applies to tender and market approach processes released to the market or public on or after 1 December 2022.

The code requires a Fair Jobs Code plan addendum (FJC plan addendum) to be submitted by prospective suppliers tendering for public construction procurement contracts with a Victorian Government department, agency or public body (agency) where the contract has a value of $20 million or more (exclusive of GST).

The FJC plan addendum must be submitted to the contracting agency:

1. using this FJC plan addendum template
2. at the time the supplier submits their tender.

Tender submissions that do not include an FJC plan addendum using this template will be excluded from the tender process.

The prospective supplier must answer all questions as fully and accurately as possible. Where a supplier is successful in entering into the contract for construction works/services, the commitments made in the FJC plan addendum will form part of the contract.

This template should be read in conjunction with the code and the [*Fair Jobs Code Plan Guidelines for Suppliers and Businesses*](http://www.buyingfor.vic.gov.au/prepare-fair-jobs-code-plan).

The Fair Jobs Code Unit (FJC Unit) recognises that there are several Victorian Government codes and policies that relate to employment, industrial relations and occupational health and safety. The FJC Unit is actively working with agencies and industry to review how policies complement each other, and how duplication may be removed.

The FJC plan addendum has been developed to remove duplication as public construction works/services suppliers will be required to provide information that addresses the Fair Jobs Code standards at other points in the procurement process, including in accordance with:

* Part 4 of the *Project Development and Construction Management Act 1994 (Vic) – Instructions for Public Construction Procurement in Victoria and Directions* (PD & CM Act)

the *Social Procurement Framework Policy (including the Building Equality Policy)*.

In the event of a conflict between the code (including this FJC plan addendum) and any Commonwealth or State laws (including subordinate instruments made pursuant to those laws), those laws prevail.

# Part A – General information

## A.1 Contract information

|  |  |
| --- | --- |
| Name of contract (contract) | Name of contract |
| Description of contract | Description of contract |
| Department, agency or public body offering the contract (agency) | Agency |
| Total value of the contract excluding GST | $0.00 |
| Anticipated contract start date | 1/01/2022 |
| Anticipated contract end date | 1/01/2022 |

## A.2 Supplier information

|  |  |  |
| --- | --- | --- |
| Legal name of entity submitting this FJC plan addendum (supplier) | Legal name of entity submitting this FJC plan addendum (supplier) | |
| Australian Business Number | 0 | |
| Australian Company Number  (if relevant) | 0 | |
| Registered address | Registered address | |
| Web address | Web address | |
| Person(s) chiefly responsible for implementation of the FJC plan addendum | Name | Name |
| Position | Position |
| Email address | Email address |
| Telephone | Office 0 |
| Mobile 0 |
| Name | Name |
| Position | Position |
| Email address | Email address |
| Telephone | Office 0 |
| Mobile 0 |

# Part B – Commitment to the Fair Jobs Code standards

Standard 1: Comply with all applicable employment, industrial relations and workplace health and safety obligations

*The supplier compliance with applicable employment, industrial relations and workplace health and safety laws was assessed by the Fair Jobs Code Unit (FJC Unit) at the time the supplier applied for the Fair Jobs Code pre-assessment certificate (pre-assessment certificate).*

Please provide the following information:

|  |  |  |
| --- | --- | --- |
| Supplier’s Fair Jobs Code  pre-assessment certificate | Certificate number | 0 |
| Issue date | 01/01/2022 |
| Expiration date  (2 years from issue date) | 01/01/2024 |

1. Has the supplier been subject to any adverse rulings or enforceable undertakings since the date that the pre-assessment certificate application was submitted?

Yes  No *If no, please go to 2*.

If yes, please provide details below[[1]](#footnote-2):

|  |
| --- |
| Details (up to 300 words) |

Standard 2: Promote secure employment and job security

1. The supplier must endeavour to engage workers directly and on a permanent basis wherever possible.

Please provide details of the size and composition of the supplier’ workforce and any known subcontractors’ workforce as accurately as possible in accordance with workforce planning projections at the time of submitting this FJC plan addendum.

*The agency recognises that the supplier may have incomplete information at the time that this FJC plan addendum is submitted, and/or circumstances impacting workforce requirements may be subject to change. The supplier must report significant variations to the workforce size and composition to the Agency at the time of other reporting as specified by the Agency. A “significant variation” is considered to be a variation of 20% in one or more of the components of the workforce planning projections.*

|  |  |
| --- | --- |
| Permanent worker | a worker employed on a full-time or part-time basis AND where the employment relationship does not have a specified end date i.e. ongoing employee.  *Permanent workers should include employees engaged as “daily hire employees” in accordance with clause 9 of the Building and Construction General On-site Award 2020 [MA000020] or clause 9 of the Plumbing and Fire Sprinklers Award [MA000036] or registered enterprise agreement.* |
| Fixed-term worker | a full-time or part-time worker where the employment relationship has a specified end date.  *Fixed-term workers should include workers employed under the terms of a valid training agreement (e.g. apprenticeship or traineeship).* |
| Casual worker | a worker is a casual employee if, when they start employment:   * the employment relationship has no firm advance commitment to ongoing work, taking into account a number of factors, and * they’re entitled to a casual loading or specific casual pay rate under an award, registered agreement, or employment contract. |
| Labour hire worker | a worker supplied to the supplier by a third-party provider that is required to be licensed in accordance with the *Labour Hire Licensing Act 2018* (Vic) (including workers employed in accordance with a registered training agreement by a Group Training Organisation) to perform tasks/work directly related to this contract. |
| Retained job | a job with the supplier or subcontractor before signing the contract, working on tasks/works related to this contract. |
| Created/New job | a job that has been specifically created by the supplier or subcontractor because of work generated by this contract. |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Supplier workforce (related to the specific procurement or grant) | | | | | |
|  | **Retained jobs** | | **Created/New jobs** | | **Total** |
| Number of permanent workers | 0 | | 0 | | 0 |
|  | Anticipated period of employment (length of service) | | | |
| Less than 6 months | 6 to 12 months | 12 to 24 months | Greater than 24 months |  |
| Number of fixed-term workers | 0 | 0 | 0 | 0 | 0 |
| Number of casual workers | 0 | 0 | 0 | 0 | 0 |
| Number of labour hire workers | 0 | 0 | 0 | 0 | 0 |
| Number of non-Australian residents/working visa holders |  | | | | 0 |
| Subcontractor workforces | | | | | |
| Number of permanent workers | Not applicable | | | | 0 |
|  | Anticipated period of employment (length of service) | | | |
| Less than 6 months | 6 to 12 months | 12 to 24 months | Greater than 24 months |  |
| Number of fixed-term workers | 0 | 0 | 0 | 0 | 0 |
| Number of casual workers | 0 | 0 | 0 | 0 | 0 |
| Number of labour hire workers | 0 | 0 | 0 | 0 | 0 |
| Number of non-Australian residents/working visa holders |  | | | | 0 |

1. Describe the policies, procedures or practices the supplier has in place to support secure employment arrangements. Examples may include the following where appropriate and possible:

* preference for permanent (ongoing) employment over fixed-term or casual employment arrangements
* preference for direct employment over the use of labour hire, independent contractors or subcontracted labour
* advertising for permanent workers before engaging casual workers, where possible
* offering casual conversion arrangements in accordance with the National Employment Standards and/or applicable industrial instruments

communicating to subcontractors the supplier’s preference for permanent and direct employment of workers.

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| --- |
| Details (up to 500 words) |

* 1. Where the supplier plans to employ workers on a fixed-term instead of a permanent basis to support the delivery of the contract, please explain why.

|  |
| --- |
| Details (upt to 500 words) |

* 1. Where the supplier plans to employ casual workers and/or engage labour hire workers to support the delivery of this contract instead of permanent or fixed-term workers, please explain why.

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| --- |
| Details (up to 500 words) |

* 1. Where a supplier engages labour hire workers, the supplier must only enter into arrangements for the provision of labour hire services with a provider that is licensed under the *Labour Hire Licensing Act (Vic) 2018*.

If the supplier engages labour hire workers, please provide details (if known).

|  |  |
| --- | --- |
| Name of labour hire provider | Labour hire licence number |
| Name of labour hire provider | Labour hire licence number |
| Name of labour hire provider | Labour hire licence number |
| Name of labour hire provider | Labour hire licence number |
| Name of labour hire provider | Labour hire licence number |

1. Does the supplier plan to engage independent contractors to support the delivery of the contract?

Yes  No *If no, please go to 5*.

If yes, please describe the policies, procedures or systems the supplier has in place to ensure that it will not misrepresent an employment relationship as an independent contracting arrangement[[2]](#footnote-3)?

|  |
| --- |
| Details (up to 500 words) |

1. Where the supplier engages non-Australian citizens/working visa holders to support the delivery of this contract, please describe how the supplier’s policies, procedures or systems will ensure that:

* visa holders are employed in accordance with immigration/migration laws and individual visa conditions
* subcontractors meet their compliance obligations with respect to immigration/migration laws and visa conditions[[3]](#footnote-4).

|  |
| --- |
| Details (upt to 1000 words) |

Standard 3: Foster cooperative and constructive relationships between employers, employees and their representatives

1. Standard 3 requires that suppliers foster a workplace environment that allows for cooperation and communication between employers, employees and their representatives, subject to applicable laws.
   1. Where a worker has chosen to be represented by an industrial organisation/association or employee representative organisation, the supplier must allow the worker to actively participate in, and be represented by, such organisation/association.

Please describe how the supplier will accommodate this:

|  |
| --- |
| Details (up to 100 words) |

* + 1. (Optional) Where applicable, please identify the industrial organisation(s)/association(s) currently, or likely to be, present at the supplier’ worksite(s) associated with the delivery of this contract.

|  |
| --- |
| Details (up to 100 words) |

* 1. The supplier must strive to make reasonable allowances for workers and bargaining representatives to participate in enterprise agreement negotiations.

Please describe how the supplier will accommodate this:

|  |
| --- |
| Details (up to 300 words) |

* 1. The supplier must have processes in place to consult with employees and employee representatives about major workplace changes that are likely to have a significant effect on employees.

Please describe how the supplier will facilitate this.

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| --- |
| Details (up to 300 words) |

* 1. Supplier must have processes in place that allow all workers the opportunity to attend meetings with union, health and safety or employee representatives, and access to noticeboards, email or other communication channels to facilitate communication between workers and/or employee representatives regarding work matters.

Please describe the processes that the supplier has in place to facilitate this.

|  |
| --- |
| Details (up to 300 words) |

* 1. How will the supplier recognise validly elected union workplace delegates or employee representatives?

|  |
| --- |
| Details (up to 300 words) |

Standard 4 – Foster workplace equity and diversity

*The supplier’s compliance with anti-discrimination and equal opportunity laws was assessed by the Fair Jobs Code Unit when the supplier's Fair Jobs Code pre-assessment certificate (pre-assessment certificate) was issued.*

*The supplier will be required to demonstrate its commitment to equity and diversity under the Social Procurement Framework and Building Equality policies.*

Standard 5 – Promote supply chain compliance

1. Does the supplier anticipate engaging subcontractors to support the delivery of the contract?

Yes  No *If no, please go to 7.3*.

* 1. Please complete the following as accurately as possible with subcontractor information known at the time of submission[[4]](#footnote-5):

|  |  |
| --- | --- |
| How many subcontractors does the supplier anticipate engaging to deliver the contract? | 0 |
| How many of these subcontracts could be valued at $1 million or more excluding GST (significant subcontractors)? | 0 |

* 1. All subcontractors proposed to be engaged under a subcontract valued at $1 million or more (excluding GST) are required to hold a pre-assessment certificate. Please provide the name(s) and [pre-assessment certificate](https://www.buyingfor.vic.gov.au/apply-fair-jobs-code-pre-assessment-certificate) number(s) of the significant subcontractors[[5]](#footnote-6):

|  |  |
| --- | --- |
| Name of subcontractor | Pre-assessment certificate number |
| Name of subcontractor | Pre-assessment certificate number |
| Name of subcontractor | Pre-assessment certificate number |
| Name of subcontractor | Pre-assessment certificate number |
| Name of subcontractor | Pre-assessment certificate number |
| Name of subcontractor | Pre-assessment certificate number |

* 1. Please describe the steps that the supplier will take to ensure that direct subcontractors comply with their employment, industrial relations and occupational health and safety obligations.[[6]](#footnote-7)

|  |
| --- |
| Details (up to 500 words) |

# Part C – Supplier declaration

* 1. **Person responsible for submitting the FJC plan addendum**

|  |  |
| --- | --- |
| Name | Name |
| Position | Position |
| Authority | Director of the supplier *(Go to 8.3)*  Authorised employee of the supplier *(Go to 8.3)*  Appointed representative of the supplier *(Go to 8.2)* |

* 1. **Where the person submitting the FJC plan addendum, is an appointed representative of the supplier:**

|  |  |
| --- | --- |
| Business address | Business address |
| Email address | Email address |
| Telephone | Office 0 |
| Mobile 0 |
| Australian Business Number | 0 |
| Australian Company Number (if relevant) | 0 |
| Principal function of the appointed representative’s business | Principal function of the appointed representative’s business |

* 1. **On behalf of the supplier, I:**

|  |  |  |
| --- | --- | --- |
| a) | hereby declare that the information contained in this FJC plan addendum is true and correct to the best of my knowledge at the time of writing |  |
| b) | understand and acknowledge that: |  |
|  | 1. regular reporting regarding the implementation of this FJC plan addendum will be a condition of the contract |  |
|  | 1. regular reporting will include the supplier’s obligation to notify the agency of:  * matters affecting the successful implementation of this FJC plan addendum * significant variations (20% or greater) in workforce size and composition or the use of subcontractors. |  |
|  | 1. any information contained in this FJC plan addendum may be shared by the agency with other Victorian Government bodies (including but not limited to the Fair Jobs Code Unit and Local Jobs First Commissioner) for the purposes of applying the code. |  |
| c) | am authorised to submit this FJC plan addendum. |  |

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| --- | --- |
| Signature |  |
| Date | 1/01/2022 |

# Do not submit this page to the agency

Useful links

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| --- | --- |
| [Australian Human Rights Commission](https://humanrights.gov.au/) | A national statutory body that investigates and conciliates discrimination and human rights complaints, as well as providing information on compliance with federal anti-discrimination and equal opportunity laws. |
| [Australian Taxation Office](https://www.ato.gov.au/) | Information regarding taxation and superannuation obligations. |
| [LeavePlus](https://leaveplus.com.au/) | LeavePlus administers the Portable Long Service Leave Scheme for the construction industry in Victoria. |
| [Commonwealth Department of Home Affairs](https://www.homeaffairs.gov.au/) | For information regarding immigration laws and visa conditions. |
| [Fair Jobs Code Unit](https://www.buyingfor.vic.gov.au/contact) | The Fair Jobs Code Unit is a group within the Department of Jobs, Skills, Industry and Regions responsible for administering the Fair Jobs Code. |
| [Fair Work Commission](https://www.fwc.gov.au/) | The national workplace relations tribunal. The Commission provides information on industrial instruments (Modern Awards and enterprise agreements), unfair dismissal, anti-bullying, general protections and unlawful termination claims. The Commission also deals with workplace disputes within jurisdiction and approves enterprise agreements. |
| [Fair Work Ombudsman](https://www.fairwork.gov.au/) | Provides information to employees and employers regarding rights and responsibilities under the *Fair Work Act 2009* (Cth) and modern awards. |
| [Labour Hire Authority](https://labourhireauthority.vic.gov.au/) | The Labour Hire Authority is responsible for the regulation and licensing of the labour hire industry in Victoria. |
| [Local Jobs First Commissioner](https://localjobsfirst.vic.gov.au/commissioner) | The Commissioner advocates on behalf of Victorian Small and Medium Enterprises, as well as promoting the employment of apprentices, trainees and cadets on government projects. The Commissioner also oversees compliance of local content and job commitments entered into as part of the contractual arrangements for project delivery. |
| [Portable Long Service Authority](https://www.vic.gov.au/portable-long-service) | For information regarding the Victorian Portable Long Service Benefits Scheme in the community services, contract cleaning and security industries. |
| [Project Development and Construction Management Act 1994 (Vic)](https://www.buyingfor.vic.gov.au/construction-procurement-guidance) | The Act defines public construction as any matter relating to the construction, maintenance, rehabilitation, alteration, extension or demolition of any improvements on land by, or on behalf of, departments and public bodies |
| [Social Procurement Framework](https://www.buyingfor.vic.gov.au/social-procurement-victorian-government-approach) | Victoria’s Social Procurement Framework supports the expansion and standardisation of social procurement practice across all government procurement activities through both direct and indirect methods |
| [State Revenue Office](https://www.sro.vic.gov.au/) | For information regarding payroll tax obligations in Victoria. |
| [Victorian Equal Opportunity & Human Rights Commission](https://www.humanrights.vic.gov.au/) | An independent statutory organisation responsible for administering the *Equal Opportunity Act 2010* (Vic) and providing information regarding compliance with Victoria’s anti-discrimination laws. |
| [Workplace Gender Equality Agency](https://www.wgea.gov.au/) | The Workplace Gender Equality Agency is a Commonwealth statutory agency that administers the *Workplace Gender Equality Act 2012* (Cth). |
| [WorkSafe Victoria](https://www.worksafe.vic.gov.au/) | WorkSafe regulates workplace health and safety in Victoria and provides information on compliance with occupational health and safety and workers compensation laws. |
|  |  |

1. Suppliers are reminded of their obligation to notify the Fair Jobs Code Unit of any adverse findings/ enforceable undertakings that have come into effect since their pre-assessment certificate application was submitted. [↑](#footnote-ref-2)
2. This requirement aligns with the Industrial Relations Management Criteria Self-Assessment Checklist and Declaration submitted in accordance with the PD &CM Act, in which the supplier has declared that it has policies and procedures in place in relation to the avoidance of sham contracting. [↑](#footnote-ref-3)
3. This requirement aligns with the Industrial Relations Management Criteria Self-Assessment Checklist and Declaration submitted in accordance with the PD &CM Act, in which the supplier has declared that it has policies, procedures, plans or systems in place to ensure visa compliance. [↑](#footnote-ref-4)
4. The agency acknowledges that the supplier may have incomplete information at the time that this FJC plan addendum is submitted. The supplier must report significant variations to the agency. [↑](#footnote-ref-5)
5. As above. [↑](#footnote-ref-6)
6. This requirement aligns with the Industrial Relations Management Criteria Self-Assessment Checklist and Declaration submitted in accordance with the PD & CM Act, in which the supplier has declared that it has policies and procedures to ensure that subcontractors comply with their legal obligations. [↑](#footnote-ref-7)