# Fair Jobs Code plan template

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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. 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 & 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 that a Fair Jobs Code plan (FJC plan) must be completed by**:**

* all prospective suppliers tendering for 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)

all businesses that have entered into a grant agreement with a Victorian Government agency where the value of the grant is $500,000 or more (exclusive of GST) and where a key milestone of the grant agreement specifies that the business will increase or retain the number of employees engaged by the business (significant business expansion grants).

The FJC plan must be submitted to the contracting agency using this template as part of the procurement or grant process.

Procurement tender submissions that do not include a FJC plan in accordance with the template will be excluded from the tender process.

The prospective supplier/business must answer all criteria as fully and accurately as possible. The commitments made in this FJC plan will form part of subsequent contractual arrangements.

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 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 these policies complement each other, and how duplication can be removed.

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

**Note**

Suppliers for Public Constructionthat have obligations in accordance withPart 4 of the *Project Development and Construction Management Act* 1994 (Vic) – *Instructions for Public Construction Procurement in Victoria and Directions* (PD & CM Act) will be required to submit a FJC plan addendum instead of the FJC plan.

# Part A – General information

## A.1 Contract/Grant information

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

## A.2 Supplier/Business information

|  |  |
| --- | --- |
| Legal name of entity submitting this FJC plan (Supplier/Business) | Legal name of entity submitting this FJC plan (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 | 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

*Supplier/business compliance with applicable employment, industrial relations and workplace health and safety laws was assessed, and deemed satisfactory, by the Fair Jobs Code Unit (FJC Unit) when the supplier/business’ Fair Jobs Code pre-assessment certificate (pre-assessment certificate) was issued.*

Please provide the following information:

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

1. Has the supplier/business 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):

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| Details (up to 300 words) |

1. What policies and mechanisms does the supplier/business have in place to ensure compliance with applicable workplace laws?

Some examples might include:

* how the supplier/business receives up to date advice on industrial relations and safety laws – e.g. through an industry body, human resources training etc
* employment relations resources available to the supplier/business
* Occupational Health and Safety committees or other workplace committees

internal governance practices in relation to applicable workplace laws.

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| Details (up to 500 words) |

1. Do any industrial instrument(s) regulate the terms and conditions of employment for workers employed by the supplier/business? Choose all that apply[[2]](#footnote-3).

[ ]  Modern Award(s)

[ ]  Enterprise Agreement(s)

Please specify the title of all modern award(s) and/or enterprise agreement(s) that apply to workers employed by the supplier/business and performing work generated by the contract/grant.

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| Details (up to 200 words) |

Standard 2 – Promote secure employment and job security

1. The supplier/business must endeavour to engage workers directly and on a permanent basis wherever possible, comply with labour hire and immigration laws and avoid sham contracting[[3]](#footnote-4).
	1. Please provide details of the size and composition of the supplier/business’ workforce and any known subcontractors’ workforce as accurately as possible in accordance with workforce planning projections at the time of submitting this FJC plan.

*The Agency recognises that the supplier/business may have incomplete information at the time that this FJC plan is submitted, and/or circumstances impacting workforce requirements may be subject to change. The supplier/business must report significant variations to the workforce size and composition to 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 employees. |
| 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/business by a third-party provider that is licensed in accordance with the *Labour Hire Licensing Act (Vic) 2018* (including workers employed in accordance with a registered training agreement by a Group Training Organisation) to perform tasks/work directly related to this contract/grant. |
| Retained job | a job with the supplier/business or subcontractor before signing the contract/grant agreement, working on tasks/works related to this contract/grant. |
| Created/New job | a job that has been specifically created by the supplier/business or subcontractor because of work generated by this contract/grant. |

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| Supplier/business 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. What strategies does the supplier/business have in place to give preference to ongoing employment over casual, fixed term or labour hire arrangements? Examples include:
* preference to permanent (ongoing) employment over fixed-term or casual employment arrangements
* preference to direct employment over the use of labour hire, independent contractors or subcontracted labour
* advertising for permanent workers before engaging casual workers where possible
* replacement of permanent workers who resign with permanent workers, where possible
* offering casual conversion arrangements in accordance with the National Employment Standards and/or applicable industrial instruments

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

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| Details (up to 500 words) |

* 1. Where the supplier/business plans to use fixed term, casual and/or labour hire arrangements to support the delivery of this contract/grant instead or permanent workers, please explain the rationale for doing this?

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| Details (up to 500 words) |

1. Where a supplier/business engages labour hire workers, the supplier/business 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/business 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/business plan to engage independent contractors to support the delivery of the contract/grant?

[ ]  Yes [ ]  No *If no, please go to 7.*

If yes, please describe what process or practices the supplier/business has in place to ensure that it will not misrepresent an employment relationship as an independent contracting arrangement?

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| Details (up to 500 words) |

1. Where the supplier/business engages non-Australian citizens/working visa holders to support the delivery of this contract/grant, please describe how the supplier/business’ policies, procedures or systems will ensure that working visa holders are employed in accordance with immigration/migration laws and individual visa conditions.

*For example, does the organisation have a Visa Entitlement Verification Online (VEVO) account to check the visa details and conditions of employees prior to commencement?*

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| Details (up to 1000 words) |

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

1. Standard 3 requires that suppliers and businesses 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/business must allow the worker to actively participate in, and be represented by, such organisation/association. Please describe what policies and procedures you have in place to facilitate this:

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| --- |
| Details (up to 200 words) |

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

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| Details (up to 200 words) |

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

Please describe how the supplier/business plans to facilitate this.

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| Details (up to 300 words) |

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

Please describe how the supplier/business facilitates this.

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| Details (up to 300 words) |

* 1. The supplier/business 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/business has in place to facilitate this.

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| Details (up to 300 words) |

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

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| Details (up to 300 words) |

Standard 4 – Foster workplace equity and diversity

Standard 4 requires that suppliers and businesses comply with applicable laws and demonstrate a commitment to equity and diversity.

1. Please describe what policies and procedures the supplier/business has in place to ensure compliance with anti-discrimination and equal opportunity laws.

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| Details (up to 500 words) |

1. How does the supplier/business demonstrate a commitment to equity and diversity when employing and managing staff?

For example:

* being a Workplace Gender Equality Agency (WGEA) Employer of Choice
* quotas in place to promote the employment of women, LGBTIQA+, Aboriginal people and people with a disability
* collecting and monitoring data on pay rates by gender or other
* training and development on workplace equity and diversity
* support for employees experiencing family and domestic violence.

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| Details (up to 500 words) |

Standard 5 – Promote supply chain compliance

Standard 5 requires that the supplier/business ensures that subcontractors comply with all applicable State and Commonwealth industrial relations and workplace health and safety laws.

1. Does the supplier/business anticipate engaging subcontractors to support the delivery of this contract/grant[[4]](#footnote-5)?

[ ]  Yes [ ]  No *If no, please go to 12*.

* 1. Please complete the following as accurately as possible with respect to subcontractor information known at the time of submitting this FJC plan[[5]](#footnote-6):

|  |  |
| --- | --- |
| How many subcontractors does the supplier/business anticipate engaging to fulfil this contract/grant? | 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 number(s) of the significant subcontractors[[6]](#footnote-7):

| 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/business will take to ensure that all direct subcontractors comply with their employment, industrial relations, occupational health and safety and immigration/migration laws and visa conditions.

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

* 1. Please outline how the supplier/business does/will monitor subcontractors’ ongoing compliance for the duration of their contract.

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| Details (up to 500 words) |

Additional information

1. Is there any additional information that the supplier/business wishes to provide to support this FJC plan?

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| Details (up to 500 words) |

# Part C – Supplier declaration

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

|  |  |
| --- | --- |
| Name | Name |
| Position | Position |
| Authority | [ ]  Director/owner of the supplier/business *(Go to 13.3)*[ ]  Authorised employee of the supplier/business *(Go to 13.3)*[ ]  Appointed representative of the supplier/business *(Go to 13.2)* |

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

|  |  |
| --- | --- |
| 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/business, I:**

|  |  |  |
| --- | --- | --- |
| a) | hereby declare that the information contained in this FJC plan 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 will be a condition of the contract
2. Regular reporting will include the supplier/business’ obligation to notify the agency of:
* matters affecting the successful implementation of this FJC plan
* significant variations (20% or greater) in workforce size and composition or the use of subcontractors.
 | [ ]  |
|  | 1. any information contained in this FJC plan 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. | [ ]  |

|  |  |
| --- | --- |
| 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/)](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 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/businesses are reminded of their obligation to notify the Fair Jobs Code Unit of any adverse rulings/enforceable undertakings that have come into effect since their pre-assessment certificate application was submitted. [↑](#footnote-ref-2)
2. The application of an industrial instrument to an employee will be determined by the specified coverage of that industrial instrument. Typically, Modern Awards determine coverage by the employer’s industry and/or the employee’s occupation. Enterprise Agreements will determine coverage by industry/occupation and may be specific to an employer’s project, worksite(s) or geographical area. Note: The use of common law contracts does not exempt an employee from coverage of the terms and conditions of an industrial instrument. [↑](#footnote-ref-3)
3. [Sham contracting](https://www.vic.gov.au/sham-contracting-building-and-construction-industry) is when an employer disguises an employment relationship, either recklessly or internationally, as a contracting arrangement. [↑](#footnote-ref-4)
4. The agency acknowledges that the supplier/business may have incomplete information at the time that this FJC plan has been submitted. The supplier/business must report significant variations to the agency. [↑](#footnote-ref-5)
5. As above. [↑](#footnote-ref-6)
6. The agency acknowledges that the supplier/business may have incomplete information regarding required subcontractors at the time that this FJC plan has been submitted. The supplier/business must report significant variations to the agency. [↑](#footnote-ref-7)