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# Fair Jobs Code

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## Grant Guidelines for

Government Departments  
and Agencies

1 February 2025

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## WHAT IS THE FAIR JOBS CODE?

The Fair Jobs Code aims to encourage and reward businesses and suppliers that comply with industrial relations and occupational health and safety laws, and to promote Fair Jobs Code standards including:

- secure employment and job security
- cooperative and constructive relationships between employers, employees and their representatives
- workplace equity and diversity
- supply chain compliance.

All Victorian Government departments, agencies and public bodies that provide applicable grants have responsibilities in relation to implementing the code.

## BACKGROUND

The code came into operation on 1 December 2022 and updates to the code became operative on 1 September 2024.

## WHAT GRANTS ARE AFFECTED?

The code applies to all Victorian Government grants with a value of \$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). This includes competitive grants delivered through grant programs, direct allocation grants and negotiated grants.

## WHAT DO AGENCIES NEED TO DO?

Agencies are required to ensure that:

- grant guidelines issued provide information on the Fair Jobs Code requirements
- grant agreements include model clauses that give effect to the code
- a business holds a Fair Jobs Code pre-assessment certificate at the time of submitting a grant application (if relevant) or executing a grant agreement
- grant recipients submit a Fair Jobs Code plan within 12 months of the execution date to show how they will deliver on the code standards including secure work
- the agency reports annually on the number of business expansion grants subject to the Fair Jobs Code and the commitments made in Fair Jobs Code plans relating to workers.

## FOR MORE INFORMATION

For more information about the code, visit [buyingforvic.gov.au/fair-jobs-code](https://buyingforvic.gov.au/fair-jobs-code).

## Quick reference checklist for agencies - Grants

This checklist outlines the basic responsibilities for agencies regarding significant business expansion grants.

<b>Before grant application</b>	
1. The grant will be subject to the code if it is a grant: <ul style="list-style-type: none"> <li>○ with a value of <b>\$500,000 or more</b> (exclusive of GST), and</li> <li>○ where a key milestone of the grant agreement specifies that the business will increase or retain the number of employees engaged by the business.</li> </ul>	<input type="checkbox"/>
2. Ensure the grant guidelines issued by the grant manager include the: <ul style="list-style-type: none"> <li><input type="checkbox"/> requirement for businesses to hold a pre-assessment certificate (PAC) when applying for a grant</li> <li><input type="checkbox"/> link to the online PAC application form <a href="#">Apply for a Fair Jobs Code pre-assessment certificate   buyingfor.vic.gov.au</a></li> <li><input type="checkbox"/> Fair Jobs Code plan must be submitted within 12 months of entering into the grant agreement</li> <li><input type="checkbox"/> link to the online information on how to prepare a Fair Jobs Code plan <a href="#">Fair Jobs Code plan: guidelines for suppliers and businesses   buyingfor.vic.gov.au</a></li> </ul>	<input type="checkbox"/>
<b>After grant application is received</b>	
3. Ensure all applications include each business' PAC number. Businesses that do not hold a PAC must be excluded from consideration unless an exception applies (see section 10)	<input type="checkbox"/>
4. Ensure the PAC number in the application has been verified on the register at <a href="#">buyingfor.vic.gov.au/fair-jobs-code-pre-assessment-certificate-register</a>	<input type="checkbox"/>
<b>Executing the grant agreement</b>	
5. Ensure businesses are aware that if a certificate expires or is revoked at any time during the agreement term (including any completion reporting period) they may be in breach of the contract and remedy may be sought	<input type="checkbox"/>
6. Ensure <a href="#">Fair Jobs Code Model Clauses for Grants</a> are incorporated in the grant agreement	<input type="checkbox"/>
7. Ensure mechanisms are in place to review the validity of the business' certificate over the life of the grant agreement. This may be by linking to an existing milestone in the grant agreement	<input type="checkbox"/>
8. Ensure that a Fair Jobs Code plan is submitted by the business to the agency at a time determined by the agency, but within 12 months of entering into the grant agreement. This may be done by linking the requirement to submit the plan to an existing milestone in the grant agreement	<input type="checkbox"/>
9. Review the Fair Jobs Code plan to ensure the information provided addresses all the requirements of standards 1-5 of the code. Contact <a href="mailto:fairjobscode@ecodev.vic.gov.au">fairjobscode@ecodev.vic.gov.au</a> if assistance is required	<input type="checkbox"/>
10. Ensure the jobs commitments in the Fair Jobs Code plan are reported by the business to the grant manager over the life of the grant agreement	<input type="checkbox"/>
11. Ensure jobs data is recorded in GEMS by the grant manager	<input type="checkbox"/>
12. Provide a copy of the agreed Fair Jobs Code plan to the Fair Jobs Code Unit at <a href="mailto:fairjobscode@ecodev.vic.gov.au">fairjobscode@ecodev.vic.gov.au</a>	<input type="checkbox"/>
<b>Additional responsibilities</b>	
13. Notify the Fair Jobs Code Unit if a business discloses, or if the agency becomes aware, that a grant recipient is subject to an adverse ruling or an enforceable undertaking. Notify the Fair Jobs Code Unit at <a href="mailto:fairjobscode@ecodev.vic.gov.au">fairjobscode@ecodev.vic.gov.au</a>	<input type="checkbox"/>
14. Complete attestation and reporting annually on the number of business expansion grants subject to the Fair Jobs Code and the commitments made in Fair Jobs Code plans	<input type="checkbox"/>
<p><i>This checklist is intended to be a quick reference only. For details, please consult the main body of the guidelines and the code or contact the Fair Jobs Code Unit at <a href="mailto:fairjobscode@ecodev.vic.gov.au">fairjobscode@ecodev.vic.gov.au</a></i></p>	

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# 1. Foreword

The introduction of the Fair Jobs Code (code) demonstrates the Victorian Government's commitment to ensuring that businesses seeking to be considered for *significant business expansion grants* (grants valued at \$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) and suppliers tendering for *threshold procurement contracts* or *high value procurement contracts* are recognised for their commitment to treating workers fairly.

By introducing the code, the Government aims to encourage businesses and suppliers who have a history of compliance with industrial relations (IR) and occupational health and safety (OHS) laws and who support Fair Jobs Code standards (FJC standards) including promotion of job security and secure employment.

These guidelines are designed to assist government departments, agencies and public bodies (agencies) to implement the code and to ensure that their grant arrangements comply with the code.

These guidelines are issued by the *Fair Jobs Code Unit* (FJC Unit) of the Department of Jobs, Skills, Industry and Regions (DJSIR) under the authority of the Minister for Industry and Advanced Manufacturing, in accordance with section 9.2 of the code.

## 2. General information

- 2.1 The code and these guidelines apply to all agencies, being Victorian government departments or public bodies mandated to comply with the Victorian Government Purchasing Board's goods and services supply policies [buyingfor.vic.gov.au/goods-and-services-mandated-agencies](https://buyingfor.vic.gov.au/goods-and-services-mandated-agencies), as well as the agencies listed in Schedule 1 to the Fair Jobs Code.
- 2.2 The code applies to universities and their subsidiaries, which are defined as suppliers under the code.
- 2.3 The code recognises the expectation that agencies will independently consider the merit of potentially insourcing projects ahead of, and as part of, any procurement or grant process.
- 2.4 The code includes provisions that aim to encourage compliance with IR and OHS laws and the FJC standards.
- 2.5 These guidelines should be read together with the code. A copy of the code can be found at [buyingfor.vic.gov.au/fair-jobs-code](https://buyingfor.vic.gov.au/fair-jobs-code).
- 2.6 Please contact the FJC Unit, Department of Jobs, Skills, Industry and Regions at [fairjobscode@ecodev.vic.gov.au](mailto:fairjobscode@ecodev.vic.gov.au) regarding assistance with these guidelines or the application of the code.

### 3. Key points

- 3.1 The code applies to all:
- Victorian Government agencies; and
  - Businesses* seeking to be considered for *significant business expansion grants* (grants).
- 3.2 *Significant business expansion grants* are those grants where a key milestone of the grant agreement specifies that the business will increase or retain the number of employees engaged by the business.
- 3.3 Agencies must apply the code as follows:
- Competitive grants:** Agencies must apply the code to all *Competitive Grants* awarded through new grant programs that open to applications on or after **1 December 2022**.
  - Direct allocation grants and negotiated grants:** Agencies must apply the code to all *Direct Allocation Grants* and *Negotiated Grants* that will be submitted by the agency for Ministerial approval on or after **1 December 2022**.
  - New grant applications under pre-existing grant programs:** Where the source of the grant funding was allocated prior to **1 December 2022**, agencies should update grant program guidelines to reflect the application of the code at the earliest possible time, but no later than 1 December 2023. When program guideline updates reflect the application of the code, the code must be applied to all grants awarded from this date onwards.
- 3.4 The code requires that:
- any grant agreement to which the code applies will include [Fair Jobs Code Model Clauses for Grants](#) (FJC Model Clauses) as provided by the FJC Unit
  - a business entering into any grant agreement to which the code applies must hold a valid *Fair Jobs Code pre-assessment certificate* (PAC), unless one of the limited exceptions apply (see section 10)
  - all *significant business expansion grants* that are entered into require the business to submit a *Fair Jobs Code plan* (FJC plan) within 12 months of executing the grant agreement.
- 3.5 Grant agreements entered into prior to 1 December 2022 are not subject to the code.
- 3.6 The code will apply to international businesses that are required to hold an Australian Business Number. Non-residents may be entitled to an ABN if they are carrying on or starting an enterprise in Australia or making supplies connected with Australia's indirect tax zone. For further information, see [Australian Business Registry](#).
- 3.7 An exception to the code may apply in some circumstances (see section 10 below).

## 4. Implementation for agencies

The code introduces **4 key requirements** for agencies to incorporate into their grants process:

### 4.1 Fair Jobs Code PAC

Agencies must ensure that a business seeking to be considered for an applicable grant must hold a Fair Jobs Code PAC as a precondition prior to grant execution. Where successful, the business is required to hold a valid PAC for the life of the grant agreement. The granting agency may use their discretion to determine whether the PAC is required to be held to the end of a post completion reporting period when it is beyond the grant funded period (see section 5 below).

### 4.2 Fair Jobs Code plan (FJC plan)

Agencies must ensure that a business that enters into an applicable grant agreement submits a Fair Jobs Code plan (FJC plan). The FJC plan template is a prescribed document where the business sets out how they will deliver on the code standards including secure work. The commitments made in the FJC plan will form part of the grant agreement. Agencies are required to review and monitor delivery of the FJC plan throughout the life of the grant agreement (see sections 6 and 7 below).

### 4.3 Inclusion of Fair Jobs Code Model Clauses for Grants

Agencies will be required to include specified [Fair Jobs Code Model Clauses](#) in grant documents and agreements.

### 4.4 Reporting on code outcomes

Agencies will be required to:

- a. attest annually to the FJC Unit that the agency is compliant with this code. This will include the number of business expansion grants subject to the Fair Jobs Code and the commitments made in the plan
- b. upon request, provide information to the FJC Unit for reporting and education purposes (see section 8 below).

## 5. Pre-assessment certificate

### 5.1 What is a PAC and how does a business obtain a certificate?

- 5.1.1 Certificates are issued by the FJC Unit. The certificate verifies that a business' compliance with IR, employment and OHS laws as assessed by the FJC Unit and considered satisfactory.
- 5.1.2 A business can make an application for a certificate online at [buyingfor.vic.gov.au/apply-fair-jobs-code-pre-assessment-certificate](https://buyingfor.vic.gov.au/apply-fair-jobs-code-pre-assessment-certificate). Guidelines for businesses can be found at [buyingfor.vic.gov.au/fair-jobs-code-guidelines-suppliers-and-businesses](https://buyingfor.vic.gov.au/fair-jobs-code-guidelines-suppliers-and-businesses).
- 5.1.3 The application is free of charge and will take most businesses approximately 20 mins to complete. There is a short video which will take the business through the steps to make an application at <https://www.buyingfor.vic.gov.au/apply-fair-jobs-code-pre-assessment-certificate>.
- 5.1.4 The FJC Unit will endeavour to process applications for a certificate and to notify the business of the outcome of their application within 30 business days of receiving a completed certificate application.
- 5.1.5 A certificate is valid for two years from the date of issue.
- 5.1.6 A business applying for a grant (or equivalent) must hold a valid certificate for the life of the grant agreement. This is a mandatory requirement unless an exception applies.
- 5.1.7 If a certificate is likely to expire during the life of the grant agreement the certificate must be renewed prior to expiry. The PAC holder will receive multiple prompts from the FJC Unit when it is time to renew their PAC.
- 5.1.8 A certificate may be revoked by the FJC Unit if the business no longer meets the certificate assessment criteria of section 5 of the code.
- 5.1.9 Failure to maintain a valid certificate will constitute a breach of the grant agreement. This will give the agency the right to pursue remedies provided under the terms of the grant agreement.

### 5.2 How to check the validity of a certificate

- 5.2.1 The agency is required to ensure that a business holds a valid certificate as part of the grant execution process.
- 5.2.2 A business must provide evidence of its certificate in any grant application. Evidence may include a copy of the PAC or the PAC number which can be verified by the agency on the [certificate register](#).
- 5.2.3 Valid certificates are listed in a publicly accessible *Pre-Assessment Certificate Register* (certificate register) which is maintained by the FJC Unit. The certificate register includes the business details of the certificate holder. The certificate register can be found at [certificate register](#).

### 5.3 Agency responsibilities in relation to the certificate

#### 5.3.1 Grant documents

Agencies must incorporate the requirement to hold a valid PAC into grant information documents. FJC Model Clauses for grant information documents can be found at [buyingfor.vic.gov.au/fair-jobs-code-tools-and-templates-agencies](https://buyingfor.vic.gov.au/fair-jobs-code-tools-and-templates-agencies).

#### 5.3.2 Grant applications

Agencies must require that all grant applications include a copy of the business' PAC number. A business that is not able to provide a valid PAC number must be excluded from consideration (unless an exception applies).



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### 5.3.3 Confirm validity of the certificate

Agencies must check that a business' certificate is valid by checking the certificate register at [buyingfor.vic.gov.au/fair-jobs-code-pre-assessment-certificate-register](https://buyingfor.vic.gov.au/fair-jobs-code-pre-assessment-certificate-register).

Agencies must check that the business' certificate remains valid for the life of the grant agreement, and if not, that the business intends to re-apply for a certificate prior to expiry. Agencies may wish to implement a system or process for reviewing validity of certificates where the certificate is due to expire within an agreement period by linking it to an existing milestone.

The granting agency may use their discretion to determine whether the PAC is required to be held to the end of a post completion reporting period when it is beyond the grant funded period.

### 5.3.4 Grant agreement

When the Fair Jobs Code applies, the [FJC Model Clauses for Grants](#) must be incorporated into all grant agreements. Businesses should be made aware that if a certificate expires at any time during the term of the grant agreement, they risk a breach of the agreement, and the agency will have the option of seeking remedies as provided under the terms of the grant agreement.

### 5.3.5 Continuous disclosure

Agencies must ensure that the business is made aware of their obligations to:

- a. notify the agency and the FJC Unit of any adverse rulings or enforceable undertaking against the business
- b. cooperate with reasonable requests from the FJC Unit or the agency relating to the performance of its functions under the code
- c. notify the agency within 10 business days of changes to the validity of its certificate including if its certificate has expired or is revoked during the term of the grant agreement.

### 5.3.6 Notify the FJC Unit

If an agency is notified by a business or becomes aware that a business with whom the agency has a grant agreement, is subject to an adverse ruling, and enforceable undertaking or if the certificate has expired, the agency must notify the FJC Unit via email to [fairjobscode@ecodev.vic.gov.au](mailto:fairjobscode@ecodev.vic.gov.au)

## 6. Fair Jobs Code plan

Businesses that are grant recipients must submit a completed FJC plan at a time determined by the agency, but within 12 months of entering into the grant agreement. The agency may wish to consider whether lodgement of the FJC plan can align with key milestone grant reporting.

6.1 The FJC plan addresses employment, IR and OHS standards as required by the code:

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

**Standard 2:** Promote secure employment and job security.

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

**Standard 4:** Foster workplace equity and diversity.

**Standard 5:** Promote supply chain compliance.

For details on each standard see Section 6 of the code.

6.2 The FJC plan must be completed using the *Prescribed FJC plan template for grants* (prescribed template) available at [buyingfor.vic.gov.au/prepare-fair-jobs-code-plan](http://buyingfor.vic.gov.au/prepare-fair-jobs-code-plan).

6.3 Each section of the prescribed template requires the business to provide:

- a. information on how code standards will be met
- a. quantitative and measurable commitments focused on real and positive job outcomes that are consistent with the aims and objectives of the code.

6.4 Commitments made under the FJC plan are binding and will form part of the grant agreement. It is the agency's responsibility to monitor the business' delivery of the FJC plan and to ensure that the commitments and undertakings are fulfilled as part of the periodic grant reporting by the business.

## 7. Agency responsibilities in relation to FJC plan

### 7.1 Incorporate FJC Model Clauses for Grants into grant documentation

Agencies must ensure that grant information documents incorporate the FJC Model Clauses for Grants, including a requirement that businesses submit a FJC plan. FJC Model Clauses for grant documents can be found at [buyingfor.vic.gov.au/fair-jobs-code-tools-and-templates-agencies](http://buyingfor.vic.gov.au/fair-jobs-code-tools-and-templates-agencies).

### 7.2 Review and verify FJC plan

7.2.1 The agency is required to verify that the FJC plan has been completed on the prescribed template.

7.2.2 The agency will review the FJC plan to ensure the information provided addresses all the questions and requirements of standards 1-5 of the code.

7.2.3 All agencies are encouraged to consider each business' commitment to the provision of secure work in Victoria (standard 2) including whether the business will engage employees directly on a permanent or (in the case of a time-based project) fixed-term basis rather than rely upon casual or labour hire arrangements.

7.2.4 The FJC Unit is available for additional information and guidance on how to review FJC plans.

7.2.5 The agency must send the agreed FJC plan to the FJC Unit at [fairjobscode@ecodev.vic.gov.au](mailto:fairjobscode@ecodev.vic.gov.au) within one month of the agency's acceptance of the FJC plan.

7.2.6 Agencies must report to the FJC Unit details of FJC plans approved in contracting with a business once entered and will be required to report to the FJC Unit on the implementation of the plans throughout the term of the contract. This will be done through periodic audit requests or through the annual attestation and reporting process.

### 7.3 Incorporate FJC Model Clauses into grant agreements

7.3.1 FJC Model Clauses for grants are to be included in all grant agreements.

7.3.2 Agencies should ensure that the terms and conditions of a grant agreement include:

- (a) submission of the FJC plan to the agency within the first 12 months of entering into the grant agreement
- (b) regular reporting on implementation of FJC plan commitments over the life of the agreement
- (c) responding to reasonable information requests related to reviews or audits as required.

7.3.3 Businesses should be made aware that:

- (a) the FJC plan will form part of their agreement deliverables
- (b) failure to deliver the commitments outlines in the FJC plan may breach the grant agreement
- (c) that the agency will have the option to seek remedies as provided under the terms of the grant agreement.

7.3.4 FJC Model Clauses for grant agreements can be found [buyingfor.vic.gov.au/fair-jobs-code-tools-and-templates-agencies](http://buyingfor.vic.gov.au/fair-jobs-code-tools-and-templates-agencies).

### 7.4 Monitor the implementation of the FJC plan commitments

7.4.1 Agencies must monitor the business' implementation of their FJC plan commitments throughout the term of the grant agreement.

- 7.4.2 As part of the standard grant reporting, the business must provide the agency with progress on the job commitments they've made in their FJC plan.

## 8. Agency reporting obligations

- 8.1 Agencies are annually required to attest to activities in relation to their implementation of the code. Reports from grant recipients will inform annual attestations on implementation and operation of the code.
- 8.2 The reporting period will be from 1 July to 30 June each financial year.
- 8.3 The FJC Unit will provide agencies with a template and instructions for reporting.
- 8.4 The attestation will require that the agency confirms that it has complied with the code by:
- a. ensuring that businesses have obtained a certificate in all cases required
  - b. ensuring that businesses have submitted a completed FJC plan in all cases required
  - c. any exceptions to 8.4(a) have been carried out in accordance with section 10 of these guidelines.
- 8.5 Agency attestations will form part of the FJC Unit's annual report on implementation of the code by agencies.
- 8.6 In addition to an attestation, agencies will be required to report annually on code activities. Specifically:
- a. the number of grant agreements signed in that financial year where a business held a Fair Jobs Code certificate
  - b. the number of grant agreements signed in that financial year where a business was required to hold a certificate but did not, and the reason for the business not holding a certificate
  - c. the number of grant agreements signed in that financial year where a business submitted a FJC plan
  - d. the number of grant agreements in that financial year where a business was required to submit a FJC plan but did not, and the reasons for this
  - e. the number of workers that were engaged on a permanent, fixed term, casual and labour hire basis as committed in the FJC plan for applicable grants in that financial year.

## 9. Ongoing agency monitoring obligations

- 9.1 A business that holds a certificate has an ongoing duty of disclosure to the agency it has contracted with and the FJC Unit regarding any actions that may compromise the certificate validity, such as any adverse ruling or an enforceable undertaking made against it.
- 9.2 It is important for an agency to monitor compliance with contractual obligations and compliance with the code. Verifying the validity of each businesses' certificate should form part of an agency's general monitoring of the performance of the business and its adherence to contractual obligations.
- 9.3 A business must also cooperate with reasonable requests to provide information made by the agency or the FJC Unit. The agency will be responsible for facilitating cooperation to enable responses to enquiries to be received in a timely manner.
- 9.4 The ongoing duty of disclosure obligations a formalised by the inclusion of FJC Model Clauses for grants, which must be included in relevant grant documentation.

## 10. Exceptions to the code – grants in the state's economic interest

Note: Exceptions to certificate requirements should be relied upon *only* when necessary.

- 10.1 An agency may enter into a grant agreement with a business that does not have a certificate if the grant is for a project or activity in support of a policy that contributes to the state's economic interests.
- 10.2 The agency should consider whether the grant project or activity would be in the state's economic interests prior to accepting applications from businesses that do not hold a certificate.
- An example of an exception in the state's economic interests may be where the requirement to provide a certificate could deter a business from pursuing a significant business opportunity in Victoria or otherwise jeopardises an investment opportunity.
- 10.3 Where the agency intends to provide a grant to a business that does not hold a certificate, the agency should notify the FJC Unit as soon as practicable and give reasons for applying the exception to the requirement for the business to hold a certificate.

## 11. Fair Jobs Code Unit and Locals Jobs First Commissioner

### 11.1 Role of the FJC Unit

The FJC Unit will:

- a. issue certificates
- b. maintain the publicly accessible certificate register with details of suppliers and businesses holding a valid certificate
- c. collect copies of agreed FJC plans from agencies
- d. support agencies with implementation of the code, and provide guidance relating to certificates and FJC plans
- e. undertake audits, investigations and reviews of code implementation

- f. maintain a register of breaches by, and complaints about, businesses that hold or held a certificate including any reported non-compliances, their source and any advice given, or action taken
- g. obtain attestations from agencies on implementation of the code
- h. monitor, evaluate and report on code outcomes
- i. provide advice and support to the Minister
- j. develop materials under the direction of the Minister including procedures, guidance material, model clauses, forms and templates to support the implementation of the code.

#### 11.2 Role of the Local Jobs First Commissioner

11.2.1 The Local Jobs First Commissioner (Commissioner) will engage with agencies and industry to educate and promote the code.

11.2.2 Without in any way limiting the powers and functions of the Commissioner, the Commissioner's role in relation to the code and governance arrangements, is summarised in section 9.5 of the code.

## 12.Complaints management

- 12.1 The FJC Unit will have authority to receive, investigate and resolve complaints in relation to the suitability of a business to hold a certificate.
- 12.2 Complaints will be managed in accordance with Department of Jobs, Skills, Industry and Regions policies and procedures (with any necessary modifications) and in line with the *Victorian Ombudsman's Complaint Good Practice Guide for Public Sector Agencies*.

## 13.Information sharing

- 13.1 The FJC Unit will maintain the publicly accessible certificate register database which will provide details of those businesses holding a valid certificate.
- 13.2 Information provided by suppliers and businesses in their certificate applications may be shared with the Local Jobs First Commissioner and other agencies.
- 13.3 Guidelines, policies, procedures, forms, templates, instructions or other material supporting the implementation of the code can be found at [buyingfor.vic.gov.au/fair-jobs-code-tools-and-templates-agencies](http://buyingfor.vic.gov.au/fair-jobs-code-tools-and-templates-agencies).
- 13.4 Further information, advice and support will be provided by the FJC by email at [fairjobscode@ecodev.vic.gov.au](mailto:fairjobscode@ecodev.vic.gov.au).

## 14.Relationship between code, guidelines and commonwealth and state laws and policies

- 14.1 If there is any inconsistency between these guidelines and the code, the code will prevail.
- 14.2 In the event of a conflict between the code (including these guidelines) and any commonwealth or state laws (including subordinate instruments made pursuant to those laws), those laws prevail.
- 14.3 The code or the granting of a certificate does not remove the requirements for businesses to undergo assessments for other mandatory government pre-qualification schemes and approved registers.

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- 14.4 The FJC Unit will not duplicate the legislated responsibility of regulators, such as the Fair Work Ombudsman, the Fair Work Commission and WorkSafe Victoria, nor will they replace the function of Victorian Government agencies and their contract managers.
- 14.5 There are several other Victorian Government codes and policies as they relate to industrial relations and occupational health and safety laws and standards. Examples of complementary Victorian Government policies include:
- *The Supplier Code of Conduct*
  - *The Local Jobs First Policy*
  - *The Social Procurement Framework*
  - *The Building Equality Policy*
  - *The Victorian Government Call Centre Code*
- 14.6 The FJC Unit is actively working with agencies and industry to review how policies complement each other, and how any duplication can be removed.

# Appendices

## APPENDIX 1: Glossary

Term	Definition
<b>adverse ruling</b>	A ruling by any court, tribunal, board, commission or other entity with jurisdiction or legal authority to determine the matter, that the supplier or business has breached an applicable employment, industrial relations or workplace health and safety law.
<b>agency</b>	A department or public body mandated to comply with the Victorian Government Purchasing Board's goods and services supply policies <a href="http://buyingfor.vic.gov.au/goods-and-services-mandated-agencies">buyingfor.vic.gov.au/goods-and-services-mandated-agencies</a> , as well as the agencies listed in Schedule 1 to the Fair Jobs Code.
<b>agencies</b>	The plural of 'agency'.
<b>business</b>	Any entity that is not an agency that is awarded a significant business expansion grant from an agency.
<b>competitive grants (open competition)</b>	Where applications are invited through a public request for applications. Selection is based on merit, with applications subject to an assessment process against pre-established assessment criteria.
<b>direct allocated grants (allocated)</b>	Made direct to specific entities where the amount granted is often determined according to an agreed formula.
<b>enforceable undertaking</b>	A promise or agreement made by a supplier or business with a regulator, Court, or other body (including the Fair Work Ombudsman, WorkSafe Victoria and Wage Inspectorate Victoria) in respect of a breach or alleged/suspected breach of an applicable employment, industrial relations or workplace health and safety law.
<b>FJC plan</b>	A businesses or supplier's Fair Jobs Code plan, which addresses industrial relations, occupational health and safety requirements and commitments and standards required by the code.
<b>FJC Unit</b>	The Fair Jobs Code Unit, an administrative group within the Department of Jobs, Skills, Industry and Regions with responsibilities in relation to the code.
<b>grant</b>	In this document shall have the same meaning as <i>significant business expansion grant</i> .
<b>grant agreement</b>	In this document, shall refer to any contract, term, condition or agreement stipulating the terms and conditions applicable to the recipient of a grant.
<b>including</b>	Including but not limited to.
<b>Minister</b>	The Minister for Industry and Advanced Manufacturing
<b>negotiated grants (invited)</b>	Grant applications are invited from select entities. Selective grants may be subject to contestability requirements. Selection is made where the applicant can demonstrate his/her ability to adequately satisfy the pre-established requirements of the program.
<b>significant business expansion grant</b>	A grant from a Victorian Government agency with a value of \$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.
<b>supplier</b>	All types of entities that supply or propose to supply goods, services, or works, including construction works and services, to a Victorian Government agency, except for: <ul style="list-style-type: none"> <li>agencies (within the meaning of the code)</li> <li>public entities that provide goods, services or works for essential services related to the supply of electricity, natural gas, water, wastewater, or telecommunications.</li> </ul>



## APPENDIX 2:

**Related information**

<b>Fair Jobs Code</b>	<a href="http://buyingfor.vic.gov.au/fair-jobs-code">buyingfor.vic.gov.au/fair-jobs-code</a>
<b>Guidelines for businesses and suppliers</b>	<a href="http://buyingfor.vic.gov.au/fair-jobs-code-guidelines-suppliers-and-businesses">buyingfor.vic.gov.au/fair-jobs-code-guidelines-suppliers-and-businesses</a>
<b>Pre-assessment certificate application</b>	<a href="http://buyingfor.vic.gov.au/apply-fair-jobs-code-pre-assessment-certificate">buyingfor.vic.gov.au/apply-fair-jobs-code-pre-assessment-certificate</a>
<b>Certificate register</b>	<a href="http://buyingfor.vic.gov.au/fair-jobs-code-pre-assessment-certificate-register">buyingfor.vic.gov.au/fair-jobs-code-pre-assessment-certificate-register</a>
<b>Fair Jobs Code complaints</b>	<a href="http://buyingfor.vic.gov.au/complaints-under-fair-jobs-code">buyingfor.vic.gov.au/complaints-under-fair-jobs-code</a>
<b>Fair Jobs Code Unit</b>	Email: <a href="mailto:fairjobscode@ecodev.vic.gov.au">fairjobscode@ecodev.vic.gov.au</a>
<b>Fair Jobs Code procurement guidelines for departments and agencies</b>	<a href="http://buyingfor.vic.gov.au/fair-jobs-code-agencies-procurement">buyingfor.vic.gov.au/fair-jobs-code-agencies-procurement</a>
<b>FJC Model Clauses for Grants</b>	<a href="http://buyingfor.vic.gov.au/fair-jobs-code-tools-and-templates-agencies">buyingfor.vic.gov.au/fair-jobs-code-tools-and-templates-agencies</a>
<b>Prescribed FJC plan template</b>	<a href="http://buyingfor.vic.gov.au/fair-jobs-code-tools-and-templates-agencies">buyingfor.vic.gov.au/fair-jobs-code-tools-and-templates-agencies</a>