

## Frequently Asked Questions

### About the Code

#### What is the Fair Jobs Code?

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.

#### When does the Fair Jobs Code come into effect?

The Code comes into effect on 1 December, 2022.

#### Who does the Fair Jobs Code apply to?

The Code applies to:

- a supplier of goods, services or works, including construction works, tendering for:
  - a *threshold procurement contract* (contract valued at \$3 million or more exclusive of GST)
  - a *high value procurement contract* (contract valued at \$20 million or more exclusive of GST)
  - a *significant subcontractor* (where the head supplier has tendered for a high value procurement contract and the subcontract is valued at \$10 million or more exclusive of GST).

- a business applying for a significant business expansion grant (grant valued at \$500,000 or more exclusive of GST and where a key milestone is the delivery of new jobs in Victoria)
- all Victorian Government departments, agencies and public bodies (Agencies) that manage threshold procurement contracts, high value procurement contracts and significant business expansion grants.

#### What does the Fair Jobs Code mean for suppliers/businesses, and government departments and agencies?

Suppliers tendering for threshold procurement contracts and high value procurement contracts, businesses applying for significant business expansion grants and significant sub-contractors will be required to hold a valid Fair Jobs Code Pre-Assessment Certificate.

The supplier/business or significant sub-contractor will be required to hold a valid Pre-Assessment Certificate for the duration of the contract/grant agreement. To learn more, please refer to the Pre-Assessment Certificates section.

Suppliers tendering for high value procurement contracts and businesses that enter into a significant grant agreement will also be required to submit a *Fair Jobs Code Plan (FJC Plan)* or *Fair Jobs Code Plan Addendum (FJC Plan Addendum)*.

The FJC Plan or FJC Plan Addendum forms a binding condition of the contract/grant agreement.

To learn more, please refer to the Fair Jobs Code Plan and Fair Jobs Code Plan Addendum section.

Agencies are required to incorporate Code requirements into tender and grant documentation and processes including Fair Jobs Code Model Clauses. Agencies will also be required to report on Code outcomes.

## Why has the Fair Jobs Code been introduced?

The Code forms an integral part of the Victorian Government's procurement and grants framework in Victoria.

The Code allows the Victorian Government to leverage its purchasing power to promote the Code objectives.

The Code acknowledges businesses with employment standards that put their workers first, by making them eligible to participate in high value government tendering and grant application processes. It supports the Victorian Government's intent to do business with ethically and socially responsible businesses and suppliers that treat their employees fairly and lawfully.

The Code reinforces existing policy and legislative requirements on supplier/ business while providing a streamlined approach for assessing historic performance through the Pre-Assessment Certificate process.

## How does the Fair Jobs Code align with existing procurement policies?

The Code supplements existing procurement policies, aligning and integrating with other Victorian Government procurement requirements and policies such as the [Supplier Code of Conduct](#), [Local Jobs First](#) and [Social Procurement Framework](#).

The Code aligns with existing practice in the construction industry by requiring business and suppliers to complete a FJC Plan that addresses industrial relations and occupational health and safety matters.

## How do suppliers/businesses comply with the Fair Jobs Code?

Suppliers tendering for threshold procurement contracts or high value procurement contracts, and businesses applying for significant business expansion grants, must hold a Pre-Assessment Certificate as a pre-condition to eligibility.

Additionally, a supplier tendering for high value procurement contracts or a business applying for significant business expansion grants, must also submit a FJC Plan or FJC Plan Addendum to the contracting Victorian Government agency, as part of the procurement or grant process.

To participate in the Victorian Government's procurement or grant processes, a supplier/ business must apply for a Pre-Assessment Certificate.

## How do government agencies apply the Fair Jobs Code?

All agencies are required to incorporate the Fair Jobs Code Model Clauses into their tender and grants processes by 1 December, 2022.

Government agencies need to ensure that suppliers/ businesses tendering for threshold procurements, high value procurements or applying for significant business expansion grants hold a Pre-Assessment Certificate. Without this, suppliers/business will not be eligible for consideration.

Agencies will also be required to ensure suppliers tendering for high threshold procurement contracts and businesses entering into significant business expansion grant agreements submit a FJC Plan or FJC Plan Addendum at the relevant time.

## Pre-Assessment Certificates

### What is a Fair Jobs Code Pre-Assessment Certificate?

A Pre-Assessment Certificate demonstrates the Fair Jobs Code Unit (FJC Unit) is satisfied a supplier/business has a history of compliance with existing industrial relations and workplace health and safety laws, as specified under the Code, making them eligible to be considered for a threshold procurement contract, high value procurement contract or significant business expansion grant.

The supplier or business must hold a valid Pre-Assessment Certificate for the life of the contract or grant period.

Pre-Assessment Certificates are valid for two years from the date of issue, after which a supplier/business may apply for a renewal.

### Who needs to apply for a Pre-Assessment Certificate?

A supplier/business wishing to do business with the Victorian Government is advised to apply for a Pre-Assessment Certificate at least 30 days before the submission of a tender or grant.

### How does a supplier/business apply for a Pre-Assessment Certificate?

A supplier/business can apply for a Pre-Assessment Certificate online at Buying for Victoria [‘Apply Now for a Pre-Assessment Certificate’](#).

### Is there a cost in applying for a Pre-Assessment Certificate?

No, it is free to apply for a Pre-Assessment Certificate.

### What information needs to be provided when applying for a Pre-Assessment Certificate?

A supplier/business will need to provide a number of details as part of the Pre-Assessment Certificate application.

- **Contact details** for the authorised person making the application on behalf of the supplier/business.
- **Governance structure** including (to the extent relevant), corporate group members, directors, major shareholders, related parties and controlled or controlling entities of the supplier/ business.
- **Compliance history** and corrective action detailing the supplier/business’s compliance history, during the past three years with all applicable employment, industrial relations and workplace health and safety laws.
- **Continuous disclosure** by the supplier/ business, who must notify the Fair Jobs Code Unit of any adverse ruling or enforceable undertaking within 10 business days of the adverse ruling or enforceable undertaking being made.
- **Audit and review process.** The supplier/ business must participate in audit and/or review processes to enable the FJC Unit, Victorian Government agencies and the Local Jobs First Commissioner to perform their functions.

### What happens after the supplier or business submits their completed application?

The supplier or business will receive an email advising their application has been submitted. The FJC Unit will assess the application, may ask for more information, and determine the supplier or business’ eligibility for a Pre-Assessment Certificate.

The FJC Unit aims to notify suppliers and businesses of the outcome of the Pre-Assessment Certificate application within 30 business days of receiving a completed application. The assessment period may be affected in circumstances where the FJC Unit requires additional information to complete the assessment.

In the event that the FJC Unit intends to decline an application, the supplier or business will be provided a reasonable opportunity to make a submission or comments prior to the decision being formalised.

## How do agencies identify who holds a valid Pre-Assessment Certificates?

A publicly accessible register of suppliers/businesses that have a valid Pre-Assessment Certificate will be available at [Buying for Victoria](#).

## What happens if a supplier or business does not hold a valid Pre-Assessment Certificate?

A supplier/business that does not hold a valid Pre-Assessment Certificate at the time of tendering/applying for a grant may be excluded from consideration.

Where a Pre-Assessment Certificate expires (without renewal) or is revoked during the term of a contract or grant agreement the supplier or business risks a breach of the contract/grant agreement and the Agency will have the option of remediation as provided under the terms of the contract or grant agreement.

## What if a supplier or business becomes non-compliant with the Fair Jobs Code during a tender or grant process?

If circumstances affecting the validity of a Pre-Assessment Certificate arise between the time the Pre-Assessment Certificate was issued and the awarding of a contract or grant, the supplier/business must notify the relevant government agency and contact the FJC Unit at [fairjobscode@ecodev.vic.gov.au](mailto:fairjobscode@ecodev.vic.gov.au).

Where the supplier/business has been subject to an adverse ruling or enforceable undertaking from a relevant regulator, the supplier/business will need to notify **both** the FJC Unit and the relevant government agency.

Where the supplier/business's Pre-Assessment Certificate has expired (without renewal) or is revoked, the supplier or business will need to notify the relevant government agency.

If a supplier/business with a contract or grant agreement notifies the relevant government agency, or the agency becomes aware, of an adverse ruling or enforceable undertaking, the agency is required to notify the FJC Unit.

## What is a Fair Jobs Code Plan or Fair Jobs Code Addendum?

A Fair Jobs Code Plan (FJC Plan) or Fair Jobs Code Plan Addendum (FJC Plan Addendum) is completed by a supplier or business to demonstrate that it meets the Fair Jobs Code Standards (FJC Standards).

The FJC Plan or FJC Plan Addendum is required to include quantitative and measurable commitments focused on real and positive job outcomes that are consistent with the FJC Standards.

The commitments made under the FJC Plan or FJC Plan Addendum will form part of the contract or grant agreement.

## Who needs to complete a Fair Jobs Code Plan or Fair Jobs Code Addendum?

Suppliers that tender for a high value procurement contract and businesses that enter into a significant business expansion grant will be required to submit an FJC Plan or FJC Plan Addendum.

## When does the supplier or business need to submit a Fair Jobs Code Plan or Fair Jobs Code Addendum?

Suppliers tendering for high value procurement contracts will need to submit their FJC Plan or FJC Plan Addendum to the relevant government agency at the time of submitting their tender.

Businesses that enter into a significant business expansion grant agreement will be required to submit their FJC Plan to the relevant government agency at a time determined by the agency, but within 12 months of entering into the grant agreement.

## How does a supplier or business prepare a Fair Jobs Code Plan or Fair Jobs Code Addendum?

The [FJC Plan](#) template is on [Buying for Victoria](#).

Where a **construction supplier** is required to submit an Industrial Relations Plan in accordance with the Instructions for Public Construction Procurement in Victoria under Part 4 of the *Project Development and Construction Management Act (Vic) 1994*, the [FJC Plan Addendum](#) template on [Buying for Victoria](#) should be used.

## What happens if a supplier/business does not meet the requirements of the Fair Jobs Plan or Fair Jobs Code Plan Addendum?

A supplier/business that does not submit a FJC Plan or FJC Plan Addendum at the time of tendering will be excluded from consideration.

Where a supplier/business fails to meet their commitments under the FJC Plan or FJC Plan Addendum they risk a breach of the contract or grant agreement, and the relevant government agency will have the option of seeking remedies as provided for under the terms of the contract or grant agreement.

## Complaints about a supplier/business that holds a Pre-Assessment Certificate

Complaints about a supplier/business holding a Pre-Assessment Certificate can be made by:

- a worker or former worker employed or engaged by the supplier/business
- a regulator or decision-maker who has made an adverse finding relating to the supplier/business

- a party to any dispute which resulted in an adverse finding relating to the supplier/ business
- a Victorian Government agency that has engaged with the supplier/business in the past three years in relation to the supply of goods, services or construction works or the provision of grants.

The FJC Unit may request further information from a contracting government agency in resolving the complaint.

Complaints will be managed according to the Department of Jobs, Precincts and Regions (DJPR) policies and procedures.

A complaint can be lodged against a Pre-Assessment Certificate holder at [Fair Jobs Code Complaints](#).

## How does a supplier/business seek a review of the Fair Jobs Code Unit decision?

If a supplier/business wants the decision to revoke or refuse a Pre-Assessment Certificate reviewed, it can request an independent internal review by a senior DJPR officer within 30 business days of the decision.

The officer will conduct an independent internal review and may request further information from the supplier/business or the contracting government agency.

In conducting an internal review, the officer will provide the supplier/business with a reasonable opportunity to provide any information or materials for consideration in making the internal review decision and a copy of any decision made.

To request an internal review, please log into [Fair Jobs Code Portal](#) and click on the 'Review Decision' icon on the portal home page.

## Fair Jobs Code Portal

### I have previously registered, how do I log in?

When applying for a Pre-Assessment Certificate, a supplier/business is registered as an applicant. Once registered, they can access the portal anytime via the [Fair Jobs Code webpage](#) by clicking on 'Login if already registered'.

### What are the password requirements for the Fair Jobs Code Portal?

Passwords need to include the following:

- 13 characters
- One uppercase letter
- One lowercase letter
- One number
- One special character

### My login details don't work

First try to reset the password by clicking the 'Forgot your password' link on the Login page or email the Fair Jobs Code Unit at [fairjobscode@ecodev.vic.gov.au](mailto:fairjobscode@ecodev.vic.gov.au).

## Reset your Portal password

Passwords can be reset from the Fair Jobs Code Portal Registration screen and clicking the 'Forgot Password' button or email the Fair Jobs Code Unit at [fairjobscode@ecodev.vic.gov.au](mailto:fairjobscode@ecodev.vic.gov.au).

### Can a registered user give another person from the same organisation access to the Fair Jobs Code Portal?

Access is granted to one email address per registration. If another person requires portal access, please email the Fair Jobs Code Unit at [fairjobscode@ecodev.vic.gov.au](mailto:fairjobscode@ecodev.vic.gov.au).

## Further Information

Contact the Fair Jobs Code Unit with any questions regarding the Code.

**Email:** [fairjobscode@ecodev.vic.gov.au](mailto:fairjobscode@ecodev.vic.gov.au)

**Phone:** 13 22 15

**Website:** [buyingfor.vic.gov.au/fair-jobs-code-and-guides](http://buyingfor.vic.gov.au/fair-jobs-code-and-guides)