

OFFICIAL

# Fair Jobs Code

---

## Grant guidelines for

government departments  
and agencies

1 September 2024

OFFICIAL



## 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; and
- 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 revisions to the code will become operative on 1 September 2024. These guidelines apply to the revised code.

## 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 the key milestones under the grant agreement specifies that the business will direct the funding towards direct employment costs of the business and will, as a result of the funding increase the number of employees engaged by the business (significant business expansion grants). This includes competitive grants delivered through grants programs, direct allocation grants and negotiated grants.

## WHAT DO AGENCIES NEED TO DO?

Agencies are required to ensure that:

- grant documents and 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;
- grant recipients submit a Fair Jobs Code plan to show how they will deliver on the code standards including secure work; and
- the agency reports annually on code compliance and outcomes.

## FOR MORE INFORMATION

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

# Contents

1. Foreword.....	4
2. General information .....	4
3. Key points.....	5
4. Implementation for agencies .....	6
5. Pre-assessment certificate.....	7
6. Fair Jobs Code plan.....	9
7. Agency responsibilities in relation to FJC plan .....	10
8. Agency reporting obligations .....	11
9. Ongoing agency monitoring obligations .....	12
10. Exceptions to the code – grants in the State’s economic interest .....	12
11. Fair Jobs Code Unit and Locals Jobs First Commissioner .....	12
12. Complaints management .....	13
13. Information sharing .....	13
14. Relationship between code, guidelines and Commonwealth and State laws and policies 13	
Appendix 1: Glossary.....	15
Appendix 2: Fair Jobs Code pre-assessment certificate: Quick reference checklist for agencies – grants .....	16
Appendix 3: Fair Jobs Code plan: Quick reference checklist for agencies – grants .....	17
Appendix 4: Related information .....	18

# 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 is to deliver new jobs to Victoria) 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.

Separate guidelines have been issued for agencies who enter into threshold procurement contracts and high value procurement contracts. The *Fair Jobs Code Procurement Guidelines for Government Departments and Agencies* can be found at [buyingfor.vic.gov.au/fair-jobs-code-procurement-guidelines-departments-and-agencies](https://buyingfor.vic.gov.au/fair-jobs-code-procurement-guidelines-departments-and-agencies).

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 Jobs and Industry, 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, who 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 [fairjobscodes@ecodev.vic.gov.au](mailto:fairjobscodes@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:
- a. Agencies; and
  - b. *Businesses* seeking to be considered for *significant business expansion grants* (grants).
- 3.2 Significant business grants are those grants which specifies that the recipient business must direct the funding provided in the grant towards direct employment costs of the business and increase the number of employees engaged by the business.
- 3.3 Agencies must apply the code as follows:
- a. **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**.
  - b. **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**.
  - c. **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:
- a. any grant agreement to which the code applies will include *Fair Jobs Code Model Clauses* (FJC Model Clauses) as provided by the FJC Unit;
  - b. a business entering into any grant agreement to which the code applies must hold a valid *Fair Jobs Code pre-assessment certificate* (certificate), unless one of the limited exceptions apply; and
  - c. 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 entering into the grant agreement.
- 3.5 The FJC Unit will begin accepting applications for certificates from 10 August 2022 in readiness for businesses to make applications for grants available on or after 1 December 2022.
- 3.6 Grants agreements entered into prior to 1 December 2022 are not subject to the code.
- 3.7 The code will apply to international businesses who are required to hold an Australian Business Number or an Australian Company Number (if applicable). Non-residents may be entitled to an ABN if they're 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](#).
- 3.8 An exception to the code *may* apply in some circumstances (see section 10 below).

## 4. Implementation for agencies

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

### 4.1 Fair Jobs Code pre-assessment certificate (certificate)

Agencies must ensure that a business seeking to be considered for an applicable grant must hold a Fair Jobs Code pre-assessment certificate (certificate) as a precondition of eligibility for the grant. Where successful, the business is required to hold a valid certificate for the life of the grant agreement (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 (FJC Model Clauses)

Agencies will be required to include specified Fair Jobs Code Model Clauses (FJC 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; and
- 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 pre-assessment certificate 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 and OHS laws was assessed by the FJC Unit and considered satisfactory for the three year period prior to the certificate being issued.
- 5.1.2 A business can make an application for a certificate 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 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.
- 5.1.4 A certificate is valid for two years from the date of issue.
- 5.1.5 A business applying for a grant must hold a valid certificate for the life of the grant agreement. This is a mandatory requirement unless an exception applies.
- 5.1.6 If a certificate is likely to expire during the life of the grant agreement, the certificate must be renewed prior to expiry.
- 5.1.7 A certificate may be revoked by the FJC Unit if the business no longer meets the certificate assessment criteria.
- 5.1.8 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 application process.
- 5.2.2 A business must provide evidence of its certificate in any grant application.
- 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 [buyingfor.vic.gov.au/fair-jobs-code-pre-assessment-certificate-register](https://buyingfor.vic.gov.au/fair-jobs-code-pre-assessment-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 certificate 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' certificate or certificate registration number. A business that is not able to provide a valid certificate must be excluded from consideration (unless an exception applies).

#### 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).

## OFFICIAL

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.

### 5.3.4 Grant agreement

When the Fair Jobs Code applies, the FJC Model Clauses ([buyingfor.vic.gov.au/fair-jobs-code-tools-and-templates-agencies](https://buyingfor.vic.gov.au/fair-jobs-code-tools-and-templates-agencies)) 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, the agency or the Local Jobs First Commissioner 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/enforceable undertaking or if the certificate has expired, the agency must notify the FJC Unit via email.

## 5.4 **Summary of certificate requirements**

Appendix 2 of these guidelines provides a table summarising agency responsibilities in relation to the management of certificates.



## 6. Fair Jobs Code plan

- 6.1 Businesses who are grant recipients must submit a FJC plan at a time determined by the agency, but within 12 months of entering into the grant agreement. In determining when the FJC plan should be lodged, the agency is to take into account:
- whether the business has an existing presence in Australia (and may need time to become familiar with IR and OHS laws and regulations for the purpose of addressing components of the prescribed FJC plan template); and/or
  - whether the business is significantly upscaling its presence in Australia as a result of the grant agreement.

The agency may also wish to consider whether lodgement of the FJC plan can align with key milestone grant reporting.

- 6.2 The FJC plan addresses 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.

- 6.3 The FJC plan must be completed using the *Prescribed FJC Plan Template* (prescribed template) available at [buyingfor.vic.gov.au/prepare-fair-jobs-code-plan](http://buyingfor.vic.gov.au/prepare-fair-jobs-code-plan).
- 6.4 Each section of the prescribed template requires the business to provide:
- information on how code standards will be met; and
  - quantitative and measurable commitments focused on real and positive job outcomes that are consistent with the aims and objectives of the code.
- 6.5 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.

## 7. Agency responsibilities in relation to FJC plan

### 7.1 Incorporate FJC Model Clauses into grant documentation

Agencies must ensure that grant information documents incorporate the FJC Model Clauses, including a requirement that businesses submit a FJC plan for grants. FJC Model Clauses for grant 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).

### 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 requirements of standards 1-5 of the code.

7.2.3 Agencies may use their discretion to determine the relevance of information provided in the FJC plan, recognising each grant may have a different context and focus.

7.2.4 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.

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

7.2.6 Agencies must report to the FJC Unit details of FJC plans approved in contracting with a business once entered into 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 ad-hoc 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 are to be included in all grant agreements.

7.3.2 Agencies should ensure that the terms and conditions of a grant agreement include: submission of the FJC plan to the agency within the first 12 months of entering into the grant agreement; regular reporting on implementation of FJC plan commitments over the life of the agreement; and responding to reasonable information requests related to reviews or audits as required.

7.3.3 Businesses should be made aware that: the FJC plan will form part of their agreement deliverables; failure to deliver the commitments outlines in the FJC plan may breach the grant agreement; and 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](https://buyingfor.vic.gov.au/fair-jobs-code-tools-and-templates-agencies).

### 7.4 Monitor the implementation of the FJC plan

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

7.4.2 The business must provide the agency with:

- a. reports on progress with implementation;
- b. updates or amendments to the FJC plan particularly changes relating to number and composition of workforce; and
- c. a report on outcomes from the FJC plan.

7.4.3 The business should provide a report to agencies at least annually, but more frequent reports can be requested at the agency's discretion.

**7.5 Summary of FJC plan requirements**

Appendix 3 of these guidelines provides a table summarising agency responsibilities in relation to the management of FJC plans.

## 8. Agency reporting obligations

- 8.1 Annually, on 30 September, agencies will be required to attest to activities in relation to 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 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 FJC plan in all cases required; and
  - 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 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 reasons for this (i.e. exception applied);
  - 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; and
  - 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, FJC Unit or Local Jobs First Commissioner. The agency will be responsible for facilitating cooperation to enable responses to enquiries to be received in a timely manner.

## 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. support agencies with implementation of the code, and provide guidance relating to certificates and FJC plans;
- d. undertake audits, investigations and reviews of code implementation;
- e. 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;
- f. obtain attestations from agencies on implementation of the code;

- g. monitor, evaluate and report on code outcomes;
- h. provide advice and support to the Minister; and
- i. 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. This may mean that agencies will be asked to provide data and information from time to time for specific activities or for general purposes associated with implementation of the code.

11.2.2 It is important that any requests from the Commissioner are responded to in a timely manner.

11.2.3 The powers and functions of the Commissioner are detailed in Part 3, Division 2 of the *Local Jobs First Act 2003*.

11.2.4 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.

## OFFICIAL

- 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.
- 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 ' <b>agency</b> '.
<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 business' 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 Jobs and Industry.
<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 the key milestones under the grant agreement specifies that the business will direct the funding towards direct employment costs of the business and will, as a result of the funding increase 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, with the exception of: <ul style="list-style-type: none"> <li>agencies (within the meaning of the code); or</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:

## Fair Jobs Code pre-assessment certificate: Quick reference checklist for agencies – grants

A pre-assessment certificate (certificate) is required for all grants unless an exception applies.

This checklist outlines the basic responsibilities for agencies where a certificate is required.

<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); <b>and</b></li> <li>○ where a key milestone under the grant agreement is to deliver new jobs in Victoria. Meaning that key milestones under the grant agreement specify that the business will direct the funding towards direct employment costs of the business and that the business will, as a result of the funding increase the number of staff it employs.</li> </ul>	<input type="checkbox"/>
2. Ensure the grant documents incorporate FJC Model Clauses including the requirement for businesses to hold a certificate at the time of application.	<input type="checkbox"/>
3. Ensure information on how to apply for a certificate has been included in grant information documents.	<input type="checkbox"/>
<b>After grant application is received</b>	
4. Review to ensure all applications include a copy of the business' certificate or their certificate identifier. Businesses that do not hold a certificate must be excluded from consideration unless an exception applies.	<input type="checkbox"/>
5. Ensure the certificate identifiers in the application have been checked as current on the register at <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>	<input type="checkbox"/>
6. Incorporate FJC Model Clauses in the grant agreement.	<input type="checkbox"/>
7. Ensure businesses are aware that if a certificate expires or is revoked at any time during the agreement term they may be in breach of the contract and remedy may be sought.	<input type="checkbox"/>
8. Ensure mechanisms are in place to review the validity of the business' certificate over the life of the grant agreement.	<input type="checkbox"/>
<b>Additional responsibilities</b>	
9. Notify the FJC 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 FJC Unit via the FJC portal <a href="http://buyingfor.vic.gov.au/complaints-under-fair-jobs-code">buyingfor.vic.gov.au/complaints-under-fair-jobs-code</a> .	<input type="checkbox"/>
10. Ensure all requirements for an FJC plan are complied with.	<input type="checkbox"/>
<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 FJC Unit.</i>	



## APPENDIX 3:

## Fair Jobs Code plan: Quick reference checklist for agencies – grants

A Fair Jobs Code plan (FJC plan) must be submitted for all significant business expansion grants.

This checklist outlines the basic responsibilities for agencies where a FJC plan is required. This is in addition to certificate requirements.

<b>Before grant application</b>	
1. The grant will be subject to the code requirements for a FJC code plan 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); <b>and</b></li> <li>○ where a key milestone under the grant agreement is to deliver new jobs in Victoria. Meaning that key milestones under the grant agreement specify that the business will direct the funding towards direct employment costs of the business and that the business will, as a result of the funding increase the number of staff it employs.</li> </ul>	<input type="checkbox"/>
2. Ensure the grant application documents incorporate FJC Model Clauses including the requirement for potential grant recipients to submit the FJC plan within 12 months of entering into the grant agreement.	<input type="checkbox"/>
3. Ensure Information on how to prepare a FJC plan has been included in grant information documents.	<input type="checkbox"/>
<b>Grant application is successful</b>	
4. Ensure FJC Model Clauses are incorporated in the grant agreement.	<input type="checkbox"/>
5. Ensure that an FJC 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.	<input type="checkbox"/>
6. Review the FJC plan to ensure the information provided addresses all the requirements of standards 1-5 of the code. Using discretion to determine the relevance of information provided in the FJC plan, recognising each grant may have a different context and focus.	<input type="checkbox"/>
7. Ensure mechanisms are in place to monitor the delivery/implementation of the FJC plan over the life of the grant agreement.	<input type="checkbox"/>
8. Ensure mechanisms are in place to facilitate regular reporting to the FJC Unit and/or respond to reasonable requests for information from the FJC Unit regarding the FJC plan and implementation.	<input type="checkbox"/>
9. Provide to the FJC Unit details of the FJC plan agreed with the business either through ad-hoc audit requests, or through the annual attestation and reporting process.	<input type="checkbox"/>
<b>Additional responsibilities</b>	
10. Notify the FJC Unit if a business discloses, or the agency becomes aware that, a business is not meeting their commitments under the FJC plan. Notify the FJC Unit via the FJC portal: <a href="http://buyingfor.vic.gov.au/complaints-under-fair-jobs-code">buyingfor.vic.gov.au/complaints-under-fair-jobs-code</a> .	<input type="checkbox"/>
<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 FJC Unit.</i>	

## APPENDIX 4:

**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>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>FJC 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>