

Fair Jobs Code



Victoria's Fair Jobs Code ensures suppliers and businesses applying for Victorian Government contracts or significant business expansion grants are recognised for providing fair and safe workplaces.

The Fair Jobs Code (code) enables the Victorian Government to use its purchasing power to promote secure employment and fair labour standards and to ensure compliance with employment, workplace and industrial laws. The code came into effect on 1 December 2022.

The government's updates to the code will become operative on 1 September 2024. Following this date, all Victorian Government agencies must apply the updated version of the code to all relevant tender processes (and subsequent procurement contracts) and grant applications (and subsequent grant agreements) released to the market or to the public on or after this date.

Application of the code

The code applies to:

- all types of procurement activities, including goods, services and construction, where the contract value is \$1 million and above ("threshold procurements")
- grants of \$500,000 or more where the milestones of the grant agreement specify that as a result of the funding the business will increase the number of employees engaged by the business ("significant business expansion grants").
- all Standing Offer Arrangements (including State Purchase Contracts, Sole Entity Purchase Contracts and supplier panels and registers)

Note: all values are exclusive of GST.

Pre-assessment certificates

Suppliers interested in tendering for Victorian Government threshold procurements and businesses seeking

significant business expansion grants must hold a Fair Jobs Code pre-assessment certificate.

When assessing eligibility for a pre-assessment certificate, consideration is given to a supplier/business' compliance with existing workplace, industrial relations and occupational health and safety laws over the past 3 years.

Pre-assessment certificates are recognised by all Victorian Government departments and agencies and are valid for a period of 2 years from issue date unless surrendered or revoked due to a serious breach.

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

Applications for a pre-assessment certificates can be made through [Buying for Victoria](#). There is a video available at https://youtu.be/NUFfa_gYxYQ which goes through the steps to complete the application.

Fair Jobs Code plan

Suppliers bidding for procurements with a value of \$20 million or more ("high value procurements") and businesses that have received a significant business expansion grant will be required to:

- submit a Fair Jobs Code plan outlining how the requirements of the code will be met
- agree to relevant terms and conditions, including, but not limited to, regular reporting on implementation of code commitments.

Where a supplier is required to submit plans under the Instructions for Public Construction Procurement in Victoria and Directions under Part 4 of the *Project Development and Construction Management Act 1994* (Vic), the supplier may submit those plans and a Fair Jobs Code plan addendum to address any other matters not covered in those plans.

Fair Jobs Code standards

Suppliers tendering for high value procurements must address the code's standards in their Fair Jobs Code plan. Businesses receiving significant business

expansion grants are also required to address these standards.

Compliance with employment, industrial relations and workplace health and safety obligations

- Ongoing compliance with all applicable employment, industrial relations and workplace health and safety obligations.
- Suppliers and businesses must hold all licences and/or registrations related to employment, industrial relations and workplace health and safety laws as are required for their relevant industry.
- Monitor and implement any future amendments to applicable employment legislation.

Secure employment and job security

- Endeavour to engage workers directly and on a permanent basis wherever possible.
- Only enter into arrangements for the provision of labour hire services with labour hire providers that are licensed under the *Labour Hire Licensing Act 2018* (Vic).
- Meet obligations under Australian immigration and migration laws.
- Reflect secure employment arrangements in organisational policies.
- Have systems in place to not knowingly or recklessly misrepresent an employment relationship as an independent contracting arrangement.

Cooperative and constructive relationships between employers, employees and their representatives

- Allow workers to actively participate in and be represented by the industrial organisation or employee association of their choice.
- Make reasonable allowances for employees and bargaining representatives to participate in enterprise agreement negotiations.
- Have processes in place to consult with employees and their representatives about major workplace changes, allow employees to attend meetings regarding work, health and safety matters.
- Recognise validly elected workplace delegates and employee representatives and have processes in place to allow communications.

Workplace equality and diversity

- Demonstrated commitments in organisational practices.

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

- Only entering into subcontracting arrangements with subcontractors that hold a Fair Jobs Code pre-assessment certificate where the total value of their sub-contract work is \$1 million or more.
- Information about a supplier's approach to these matters will be requested in the Fair Jobs Code plan, along with regular reporting on delivery over the duration of the contract.
- In the event of a conflict between the Fair Jobs Code and Commonwealth or State laws, those laws shall take precedence.

Governance

The Fair Jobs Code Unit within the Department of Jobs, Skills, Industry and Regions:

- engages regularly with agencies and industry to ensure they understand the requirements and their obligations under the code
- issues and maintains code procedures under direction from the Minister for Jobs and Industry
- assesses applications and issues Fair Jobs Code pre-assessment certificates as appropriate
- supports agencies to implement the code
- monitors, evaluates and reports on code outcomes, including undertaking audits, investigations and reviews as appropriate.

Compliance

Victorian Government departments and agencies play a key role in the effective delivery of the code by ensuring suppliers promote the code standards, hold a pre-assessment certificate, a Fair Jobs Code plan or plan addendum where required, and monitor compliance and delivery over the term of a contract.

Local Jobs First Commissioner

The Local Jobs First Commissioner

- engages with agencies and industry to educate and promote and ensure compliance of the code

Complaints

Complaints can be made to the FJC Unit about suppliers and businesses that hold a pre-assessment certificate by:

- a worker or former worker
- a regulator or decision maker who has made an adverse finding
- a party to any dispute related to an adverse finding
- a Victorian Government agency that has engaged with the supplier or business in the past three years.

Commencement

Victorian Government departments and agencies have applied the code to procurement and grant processes from 1 December 2022. From 1 September 2024 the updated version of the code must be applied.

Further information

Website vic.gov.au/fairjobscode

Email: fairjobscode@ecodev.vic.gov.au

The Fair Jobs Code and other procurement policies

The code supplement and works in with existing procurement policies.

Along with [Local Jobs First](#), the [Social Procurement Framework](#) and the [Supplier Code of Conduct](#), the code is part of the Victorian Government's commitment to use its purchasing power to ensure businesses and suppliers put workers first and recognise and reward those who provide secure employment and fair work practices; operate sustainably, promote equality and diversity; and focus on creating local jobs and supporting local industry.

The Fair Jobs Code works hand in glove with these other policies to support ethical business behaviour and ensure meaningful job opportunities and a thriving Victorian economy.