



Further information

How to have your workplace arrangements assessed for compliance

Workplace arrangements, whether they are formal workplace agreements or not, can be assessed for Code compliance by the Department of Education, Employment and Workplace Relations (DEEWR).

If your workplace arrangements are Code compliant you can tender for and work on Australian Government funded construction projects.

If your workplace arrangements are not Code compliant DEEWR will advise where changes should be made. Once rectified, you will be eligible to tender for Australian Government funded projects.

Detailed information on the obligations of all parties involved in the Code can be found in the publication *Australian Government Implementation Guidelines for the National Code of Practice for the Construction Industry*.

Code clauses for advertisements, tenders, contracts and purchase orders can be found in the publication *Model Tender and Contract Clauses for Contractors*.

To make an enquiry or obtain copies of these publications, as well as a range of Code related fact sheets and guides contact the **Office of the Australian Building and Construction Commissioner**:

www.abcc.gov.au
Hotline: 1800 003 338
Email: enquiry@abcc.gov.au

To enquire whether your workplace arrangement complies with the Code, or if your material supplier has to comply with the Code, contact the **Department of Education, Employment and Workplace Relations**:

www.workplace.gov.au/building
Hotline: 1300 731 293
Email: building@deewr.gov.au

For OHS obligations contact the **Office of the Federal Safety Commissioner**:

www.fsc.gov.au
FSC Assist Line: 1800 652 500

National Code of Practice
for the Construction Industry

Six Workplace Relations Principles for Code Compliance

➔ **A Quick Guide for Contractors**

Six workplace relations principles for complying with the Code

The National Code of Practice for the Construction Industry (the Code) applies to all construction projects funded by the Australian Government.

Head contractors, subcontractors and material suppliers involved on those projects need to establish high standards of workplace relations behaviour including greater flexibility and productivity in their operations.

These workplace practices can be summarised into six main principles. Contractors with employees need to adopt these principles to comply with the workplace relations elements of the Code.

PRINCIPLE ONE

Operate in a legal and ethical manner

Your employees must be paid their proper entitlements under a lawful workplace arrangement. Statutory employment requirements, such as workers compensation, superannuation and long service leave, must be met. Any subcontractors you engage must be bona-fide and meet their lawful employer/employee obligations.

PRINCIPLE TWO

Ensure Freedom of Association is respected

Membership with industrial associations

The decision of each of your employees on whether or not to join a union is to be respected. You must not pressure or influence that decision or assist in applying pressure to an employee in respect of their decision.

You must not identify the union membership status of employees to others or provide the names of employees to unions. This principle also applies to membership of industry and employer associations.

Right of entry

If a union organiser seeks to enter your worksite the right of entry requirements of the relevant legislation must be observed.

PRINCIPLE THREE

Contract only with businesses who adhere to the Code

Every subcontractor, consultant or material supplier you engage to work on an Australian Government funded construction project must agree to adhere to the principles of the Code.

Any advertisements, expressions of interest, tenders, purchase orders and contracts must include requirements to commit those parties to comply with the Code. All parties have to be able to demonstrate they comply with the Code.

Model tender and contract clauses have been prepared by the Department of Education, Employment and Workplace Relations (DEEWR) and can be used directly in your documentation.

PRINCIPLE FOUR

No intervention in the workplace arrangements of others

A project manager cannot pressure or unduly influence your business regarding the workplace arrangements you have with your employees. This covers industrial requirements being placed as a condition of tender or in a contract.

A contractor must not pressure or unduly influence the workplace arrangements of their subcontractors.

This does not prohibit a project manager conducting assessments to ensure that your employees' legal entitlements are being met.

The Code emphasises the need for industrial disputes to be resolved by discussion between the employer and the employees in line with their workplace arrangement. Employees must have the freedom to decide who will represent them in these discussions.

PRINCIPLE FIVE

Utilise workplace arrangements to encourage productivity

The Code encourages your workplace arrangements to contain efficient, fair and flexible workplace practices that lead to increased productivity.

PRINCIPLE SIX

Report any breaches to the appropriate authorities

You are required to report breaches of the law to the relevant authority. If you suspect a breach of the Code has taken place then you must report this to the ABCC within 21 days of it coming to your attention. This includes:

- any industrial or OHS disputes
- breaches of right of entry legislation
- breaches of freedom of association

See *Further Information* for contact details.



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