

Detailed Guide on the Mandatory Industrial Relations Management Criteria

Mandatory evaluation criteria for industrial relations management

The Ministerial Directions for Public Construction Procurement in Victoria at [Evaluation criteria \(Direction 3.7\)](#) establish that mandatory evaluation criteria for industrial relations management must be used when assessing tender submissions for public construction when:

- in the case of suppliers of Works, the value of the Works (or Works component) exceeds \$500,000 (inclusive of GST); and
- in the case of suppliers of Construction Services, the Fair Jobs Code applies.

The evaluation criteria are available at [Mandatory evaluation criteria for industrial relations management \(Attachment 2 to Instruction 3.7\)](#). The criteria are also listed in this guide.

About this Guide

This guide provides further guidance on the mandatory evaluation criteria for industrial relations management.

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Revision	Date	Reference	Details
	1/07/2018		First release
1	1/12/2022	Section 2	Updated to incorporate Fair Jobs Code.
1	1/12/2022	Section 3	Updated to incorporate: • Victorian legislation for use of labour hire and relating to wage theft; • Fair Jobs Code; • avoiding sham contracting; and • visa compliance.
1	1/12/2022	Sections 4 and 5	Inserted new sections describing industrial relations management criteria for suppliers of Construction Services – applies when the Fair Jobs Code applies. This requirement is effective from 1 December 2022.
1	1/12/2022	Schedule 1	Clarified to apply to suppliers of Works. Updates as described for section 3. Statement of non-compliance - Inserted sub-sections F and G. Inserted questions relating to rectifying conduct or alleged conduct reflected in a finding or adverse ruling or enforceable undertaking.
1	1/12/2022	Schedule 2	Clarified to apply to suppliers of Works.

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Guidance on Industrial Relations Management Criteria

1. Context

All Victorian employers and employees including the public sector are covered by the national industrial relations system established by the **Fair Work Act 2009 (Cth)**. The Victorian Government supports the role of the Fair Work Commission as the national industrial and workplace relations tribunal to carry out a range of functions including:

- providing a safety net of minimum conditions, including minimum wages in awards;
- facilitating good faith bargaining and the making of enterprise agreements;
- granting remedies for unfair dismissal;
- regulating the taking of industrial action;
- resolving a range of collective and individual workplace disputes through conciliation, mediation and in some cases arbitration; and
- functions in connection with workplace determinations, equal remuneration, transfer of business, general workplace protections and right of entry.

2. Tender participant (being a supplier of Works)

The following table describes what does a Tender participant (being a supplier of Construction Services) needs to have / provide to satisfy the Industrial Relations Management Criteria:

	When applying for pre-qualification	When prequalified supplier submitting a tender	When non-prequalified supplier submitting tender	Have in place or required to provide	References
Industrial Relations Policy	Required	Not required	Required	Have in place	Checklist section A
Industrial Relations Plan	Not required	Required	Required	Have in place	Checklist sections B, C D, E, F, G
3a. Industrial Relations Self-Assessment Checklist	Required	Not required	Required	Provide to Agency or Pre-qualification register	Schedule 1
3b Declaration of Compliance with the Industrial Relations Management Criteria	Required	Not required	Required	Provide to Agency or Pre-qualification register	Schedule 2

	When applying for pre-qualification	When prequalified supplier submitting a tender	When non-prequalified supplier submitting tender	Have in place or required to provide	References
Alternative 3 Fair Jobs Code Pre-Assessment Certificate	Required	Not required	Required	Hold	Checklist Section AB
4 Fair Jobs Code Pre-Assessment Certificate, when Fair Jobs Code applies	Required if applicant intends to perform contracts values at \$3 million or more	Not required	Required, for tenders valued at \$3 million or more	Hold	Checklist Section AB
5 Subcontractor proposed for a subcontract valued at \$10 million or more (exclusive of GST) under a contract valued at \$20 million or more (exclusive of GST), when Fair Jobs Code applies	Not required	Required	Required	Hold	Checklist Section AB
6 Fair Jobs Code Plan Addendum, when Fair Jobs Code applies	Not required	Required for tenders valued at \$20 million or more	Required for tenders valued at \$20 million or more	Provide to Agency	Checklist Section AB

The purpose of the Industrial Relations Self-Assessment Checklist (the **Checklist**) (Schedule 1, below) and Declaration of Compliance with the Industrial Relations Management Criteria (the **Declaration**) (Schedule 2, below) is to assist Victorian Government departments and public bodies establish confidence in the industrial relations management practices of tender participants who seek to undertake work for the Victorian Government.

The Fair Jobs Code aims to improve employment outcomes for persons employed by suppliers and service providers to the Victorian Government. The Fair Jobs Code is implemented by Victorian Government departments, agencies and public bodies to help promote fair labour standards and ensure compliance with employment law.

The tender participant's compliance with the Industrial Relations Management Criteria may be subject to further assessment by the relevant department or public body. Documentary evidence to substantiate the tender participant's assessment may be required.

3. Industrial Relations Management Criteria (supplier of Works)

To enable completion of the Checklist and Declaration, to satisfy the Fair Jobs Code when it applies, and to satisfy the Industrial Relations Management Criteria, a tender participant (being a supplier of Works) must:

Demonstrate that it **has in place**:

- an Industrial Relations Policy Statement (see section 3.1 for further details);
- an Industrial Relations Plan (to be developed for each project which outlines) (see section 3.2 for further details);
 - proposed approach to managing workplace relations risks;
 - proposed approach to compliance with legal obligations;
 - proposed approach to the management of employee's entitlements;
 - proposed approach to managing subcontractors (see section 3.2.2 for further details);
 - proposed approach to avoiding knowingly or recklessly misrepresenting an employment relationship as an independent contracting arrangement (see section 3.2.5 for further detail); and
 - proposed approach to ensure that immigration laws are complied with (see section 3.2.6 for further detail).
- a declaration stating compliance with the Industrial Relations Management Criteria including obligations under Commonwealth and State legislation relating to wages and conditions of employment (see also section 3.2.2).
- Compliance under the Fair Jobs Code, when the Fair Jobs Code applies (see section 3.2.4 for further detail).

The Victorian Government encourages industry to adopt a proactive approach to the management of industrial relations at the enterprise level, and to integrate industrial relations management activity into project planning and management.

3.1 Industrial Relations Policy Statement

Tender participants must have an Industrial Relations Policy statement that details:

- the organisational structure for each project identifying the senior personnel, their responsibilities and the reporting lines;
- the contact details of the people responsible for managing workplace relations matters;
- the process for consulting and communicating with the workforce, including strategies to communicate with and manage the relationship with employees, subcontractors, construction unions and representatives of building associations;
- the disputes resolution and grievance procedure;
- the process for managing subcontractor compliance with legal obligations.

The policy should be signed by the most senior person within the organisation, for example the Chief Executive Officer, Directors, or Partners (as appropriate) to demonstrate commitment at the most senior levels of the organisation.

3.2 Industrial Relations Plan

The objective of the Plan is to ensure each project is delivered on time and on budget, while reducing the likelihood of workplace relations issues.

Tender participants are required to develop Industrial Relations Plans (the **Plan**) for each project that:

- assesses the workplace relations risks specific to that project;
- outlines approaches tailored to manage those specific risks; and
- outline a contingency plan to respond to unforeseen risks.

The Plan must:

- a. assess the workplace relations risks specific to that project;
- b. outline approaches tailored to manage those specific risks;
- c. outline a contingency plan to respond to unforeseen risks;
- d. outline the proposed approach to compliance with legal obligations under relevant Commonwealth and State legislation and industrial instruments;
- e. outline proposed approach to managing employee's entitlements;
- f. outline policies and procedures that detail the approach that will be taken to the selection, engagement and management of subcontractors;
- g. outline strategies that will be put in place to ensure subcontractors comply with their legal obligations;
- h. outline the proposed approach to ensure that an employment relationship or a proposed employment arrangement is not knowingly or recklessly misrepresented as an independent contracting arrangement (see section 3.2.5 for further detail); and
- i. outlines the proposed approach to ensure that immigration laws are complied with, and to ensure legal obligations are met when engaging employees who have a working visa (see section 3.2.6 for further detail).

The Plan must identify industrial relations issues that are relevant to the tender participant and actions that will be taken in the event of the following types of incidents:

- grievance disputes;
- inclement weather;
- site issues including site allowances, amenities, clothing and tools;
- potential or actual industrial action; and
- unforeseen risks.

3.2.1 Compliance with legal obligations

Tender participants are required to identify and comply with their legal obligations under relevant Commonwealth and State legislation, and industrial instruments including:

- Commonwealth workplace relations legislation;
- applicable enterprise agreements and modern awards;
- applicable project agreements;
- Victorian long service leave legislation;
- Victorian occupational health and safety legislation;
- Victorian workers compensation legislation;
- Victorian and Commonwealth equal opportunity, anti-discrimination and charter of human rights and responsibilities legislation;
- legislation relating to the operation of superannuation;
- Victorian legislation relating to the use of labour hire; and
- Victorian legislation relating to wage theft.

Tender participants must have in place policies and procedures to ensure compliance with legal obligations, this may be a statement in the Plan. They will also be required to sign a declaration of compliance with the Industrial Relations Management Criteria, which includes ensuring compliance with their legal obligations.

3.2.2 Management of Employee Entitlements

Tender participants are required to provide employees with at least their minimum entitlements for wages and conditions of employment as specified in the relevant modern award, enterprise agreement or employment contract.

Tender participants are required to provide a signed declaration that states compliance in the past 24-month period with obligations under Commonwealth and State legislation relating to wages and conditions of employment.

Tender participants may be required to provide documentary evidence relating to the payment of lawful payment including:

- minimum wages such as penalty rates, overtime and casual rates;
- allowances;
- annual leave;
- long service leave (for example registration with the relevant scheme such as CoINVEST);
- superannuation (for example registration with the relevant scheme such as Cbus);
- workers compensation insurance; and

- other lawful payments where they are specified in a modern award or enterprise agreement (for example payments made to redundancy funds including Incolink).

Where an organisation has implemented remedial measures to address non-compliance with their legal obligations, evidence must be provided to demonstrate the strategies put in place to rectify the relevant problem and ensure compliance in the future with lawful requirements.

The proposed approach to the management of employee's entitlements may be specified in the Plan.

3.2.3 Management of subcontractors

Tender participants are required to have in place policies and procedures that detail the approach that will be taken to the selection, engagement and management of subcontractors. The policies must also detail the strategies that will be put in place to ensure subcontractors comply with their legal obligations.

Departments and public bodies may require tender participants to demonstrate that the subcontractors they engage comply with their legal obligations. One way to meet this requirement could be to require subcontractors to provide documentation similar to the Checklist and Declaration detailed below in Schedules 1 and 2.

The proposed approach to managing subcontractors may be specified in the Plan.

3.2.4 Complying with Fair Jobs Code

The Fair Jobs Code applies to tenders from 1 December 2022.

Tender participants are reminded that they need to comply with processes established under the Fair Jobs Code.

When the Fair Jobs Code applies, a tender participant must demonstrate that:

- It **holds** a current Fair Jobs Code Pre-Assessment Certificate when the value of Works is \$3 million or more (exclusive of GST);
- A subcontractor proposed for a subcontract valued at \$10 million or more (exclusive of GST) under a contract valued at \$20 million or more (exclusive of GST) **holds** a Fair Jobs Code Pre-Assessment Certificate;

unless sections 4.3 or 4.4 of the Fair Jobs Code apply.

- It has **submitted to the satisfaction of the Agency** a Fair Jobs Code Plan or Fair Jobs Code Addendum when the value of the Works is \$20 million or more (exclusive of GST). The Fair Jobs Code Plan Addendum is required in addition to any other industrial relations management plan or occupational health and safety management plan as may be required by this Tender. Submit the Fair Jobs Code Plan or fair Jobs Code Addendum using the templates issued by the Fair Jobs Code Unit available at <https://www.buyingfor.vic.gov.au/fair-jobs-code-tools-and-templates-suppliers-and-businesses>.

Where the Fair Jobs Code applies to the tender, Departments and public bodies may require tender participants to demonstrate that the subcontractors they engage comply with the Fair Jobs Code. One way to meet this requirement could be to require

subcontractors to provide documentation similar to the Checklist and Declaration detailed below in Schedules 1 and 2.

The proposed approach to managing subcontractors subject to the Fair Jobs Code may be specified in the Plan.

3.2.5 Avoiding sham contracting

This requirement applies when the contract to which this industrial relations management plan applies is valued at \$3 million or more (exclusive of GST)

Tender participants are required to have in place policies and procedures that detail the approach that will be taken to ensure that an employment relationship or a proposed employment arrangement is not knowingly or recklessly misrepresented as an independent contracting arrangement. The policies must also detail the strategies that will be put in place to ensure subcontractors comply with their legal obligations.

Departments and public bodies may require tender participants to demonstrate that the subcontractors they engage comply with their legal obligations. One way to meet this requirement could be to require subcontractors to provide documentation similar to the Checklist and Declaration detailed below in Schedules 1 and 2.

The proposed approach to managing subcontractors may be specified in the Plan.

3.2.6 Visa compliance

This requirement applies when the contract to which this industrial relations management plan applies is valued at \$3 million or more (exclusive of GST)

Tender participants are required to have in place policies and procedures that detail the approach that will be taken to ensure compliance with legal obligations when engaging employees who have a working visa. The policies must also detail the strategies that will be put in place to ensure subcontractors comply with their legal obligations.

Departments and public bodies may require tender participants to demonstrate that the subcontractors they engage comply with their legal obligations. One way to meet this requirement could be to require subcontractors to provide documentation similar to the Checklist and Declaration detailed below in Schedules 1 and 2.

The proposed approach to managing subcontractors may be specified in the Plan.

4. Tender participant (being a supplier of Construction Services)

The following table describes what does a Tender participant (being a supplier of Construction Services) needs to have / provide to satisfy the Industrial Relations Management Criteria:

Component of industrial relations management criteria	When applying for pre-qualification	When prequalified supplier submitting a tender	When non-prequalified supplier submitting tender	Have in place or required to provide	Reference
1 Fair Jobs Code Pre-Assessment Certificate, when Fair Jobs Code applies	Required if applicant intends to perform contracts values at \$3 million or more	Not required	Required, for tenders valued at \$3 million or more	Hold	Not applicable
2 Significant subcontractor proposed, when Fair Jobs Code applies	Not required	Required Subcontractor proposed for a subcontract valued at \$10 million or more (exclusive of GST) under a contract valued at \$20 million or more (exclusive of GST)	Required Subcontractor proposed for a subcontract valued at \$10 million or more (exclusive of GST) under a contract valued at \$20 million or more (exclusive of GST)	Hold	Not applicable
3 Fair Jobs Code Plan, when Fair Jobs Code applies	Not required	Required for tenders valued at \$20 million or more	Required for tenders valued at \$20 million or more	Provide to Agency	Not applicable

The Fair Jobs Code aims to improve employment outcomes for persons employed by suppliers and service providers to the Victorian Government. The Fair Jobs Code is implemented by Victorian Government departments, agencies and public bodies to help promote fair labour standards and ensure compliance with employment law.

The tender participant's compliance with the Industrial Relations Management Criteria may be subject to further assessment by the relevant department or public body. Documentary evidence to substantiate the tender participant's assessment may be required.

5. Industrial Relations Management Criteria (supplier of Construction Services)

The Fair Jobs Code applies to tenders from 1 December 2022.

Tender participants are reminded that they need to comply with processes established under the Fair Jobs Code.

To satisfy the Fair Jobs Code, when it applies, a tender participant (being a supplier of Construction Services) must:

The Supplier of Contraction Services must demonstrate that:

1. It **holds** a current Fair Jobs Code Pre-Assessment Certificate when the value of Services is \$3 million or more (exclusive of GST),
2. A subcontractor proposed for a subcontract valued at \$10 million or more (exclusive of GST) under a contract valued at \$20 million or more (exclusive of GST) **holds** a Fair Jobs Code Pre-Assessment Certificate.
3. It has **submitted to the satisfaction of the Agency** a Fair Jobs Code Plan when the value of the Services is \$20 million or more (exclusive of GST). The supplier of Construction Services must submit a Fair Jobs Code Plan using the template issued by the Fair Jobs Code Unit available at <https://www.buyingfor.vic.gov.au/fair-jobs-code-tools-and-templates-suppliers-and-businesses>.

Note: Schedules 1 and 2 do not apply to Suppliers of Construction Services.

Schedule 1: Industrial Relations Management Criteria Self-Assessment Checklist – Suppliers of Works

A. Industrial Relations Policy		Yes	No	
1)	Does your organisation have an industrial relations policy statement, that is signed by most senior person in the organisation, that details:			
	the organisational structure for each project identifying the senior personnel, their responsibilities and the reporting lines;	☐ ☐	☐	
	the contact details of the people responsible for managing workplace relations matters;	☐	☐	
	the process for consulting and communicating with the workforce, including strategies to communicate with and manage the relationship with employees, subcontractors, officers, delegates and other representatives of building associations;	☐	☐	
	the disputes resolution and grievance procedure;	☐	☐	
	the process for managing subcontractor compliance with legal obligations.	☐	☐	
AB	Fair Jobs Code <i>Complete this section AB when the Fair Jobs Code applies. The Fair Jobs Code applies from 1 December 2022.</i>	Not applicable to this tender	Yes	No
1)	Your organisation holds a current and valid Fair Jobs Code Pre-Assessment Certificate. Required when your organisation is seeking to enter into a contract valued at \$3 million or more (exclusive of GST).	☐	☐	☐
2)	All subcontractors proposed to be engaged under a subcontract valued at \$10 million or more (exclusive of GST) hold a current and valid Fair Jobs Code Pre-Assessment Certificate. Required when your organisation is seeking to enter into a contract valued at \$20 million or more (exclusive of GST).	☐	☐	☐
3)	In addition to the Industrial Relations Plan (set out at section B), your organisation has prepared a Fair Jobs Code Plan Addendum.	☐	☐	☐

Required when your organisation is seeking to enter into a contract valued at \$20 million or more (exclusive of GST).			
B. Industrial Relations Plan		Yes	No
1) Does your organisation have an industrial relations plan that identifies the following:			
the industrial relations issues that are relevant to your organisations;	☐	☐	☐
- actions that will be taken in the event of the following types of incidents: - grievance disputes; - inclement weather; - site issues including site allowances, amenities, clothing and tools; - potential or actual industrial action; and - unforeseen risks.	☐	☐	☐
<i>The following items apply when the contract to which this IR plan applies is valued at \$3 million or more (excl GST)</i>	Not applicable to this tender		
processes to ensure that an employment relationship or a proposed employment arrangement is not knowingly or recklessly misrepresented as an independent contracting arrangement.	☐	☐	☐
processes to ensure that immigration laws are complied with, and to ensure legal obligations are met when engaging employees who have a working visa	☐	☐	☐
C. Compliance with legal obligation		Yes	No
1) Does your organisation have policies and procedures to ensure compliance with the following categories of legislation and relevant regulations made under the legislation?			
Commonwealth workplace relations legislation (including the Building and Construction Industry (Improving Productivity) Act 2016 (Cth) and where applicable the Code for the Tendering and Performance of Building Work 2016 and the Fair Work Act 2009 (Cth))	☐	☐	☐
Long service leave (including the Construction Industry Long Service Leave Act 1997 (Vic), Long Service Leave	☐	☐	☐

Act 1992 (Vic)) and Long Service Benefits Portability Act 2018 (Vic)		
• Occupational health and safety (including the Occupational Health and Safety Act 2004 (Vic))	☐	☐
• Workers compensation (including the Workplace Injury Rehabilitation and Compensation Act 2013 (Vic))	☐	☐
• Equal opportunity (including the Equal Opportunity Act 2010 (Vic))	☐	☐
• Anti-discrimination (including the Age Discrimination Act 2004 (Cth) , Sex Discrimination Act 1984 (Cth) , Racial Discrimination Act 1975 (Cth) and Disability Discrimination Act 1992 (Cth))	☐	☐
• Charter of human rights and responsibilities (including the Charter of Human Rights and Responsibilities Act 2006 (Vic) and the Australian Human Rights Commission Act 1986 (Cth))	☐	☐
• Superannuation (including the Superannuation Guarantee Administration Act 1992 (Cth))	☐	☐
• arrangements for the use of labour hire (including the Labour Hire Licensing Act 2018 (Vic))	☐	☐
• employee entitlements (including the Wage Theft Act 2020 (Vic))	☐	☐
D. Management of Employee Entitlements	Yes	No
1) Does your organisation only employ employees in accordance with an enterprise agreement approved by the Fair Work Commission, modern award or employment contract?	☐	☐
2) Does your organisation have an applicable or proposed project agreement in place?	☐	☐
3) Does your organisation have policies and procedures that allow employees to access information about the relevant enterprise agreement or modern award?	☐	☐
4) In the past 36-month period, has your organisation complied with its obligations under Commonwealth workplace relations legislation?	☐	☐
5) In the past 36-month period, has your organisation made the following payments relating to minimum wages and employment conditions?		

• wages including penalty rates, overtime and casual rates;	☐	☐	
• allowances;	☐	☐	
• annual leave;	☐	☐	
• long service leave;	☐	☐	
• superannuation;	☐	☐	
• workers compensation insurance;	☐	☐	
• other lawful payments where they are specified in a modern award or enterprise agreement, for example, payments made to redundancy funds.	☐	☐	
6) In the last 36-month period, has your organisation been subject to:			
• any findings against it by a court or tribunal regarding breach of an industrial instrument, including a breach of a non-confidential consent order?	☐	☐	
• any current proceedings in respect of a breach of an industrial instrument?	☐	☐	
• any adverse rulings or enforceable undertakings related to matters raised in this Checklist?	☐	☐	
E. Management of subcontractors	Yes	No	
1) Does your organisation have in place policies and procedures to ensure that relevant contractual documentation, arrangements or agreements that require subcontractors to comply with their legal obligations?	☐	☐	
F Avoiding sham contracting <i>The following items apply when the contract to which this IR Plan applies is valued at \$3 million or more (excl GST)</i>	Not applicable to this tender	Yes	No
1) Does your organisation have in place policies and procedures in place to ensure that an employment relationship or a proposed employment arrangement is not knowingly or recklessly misrepresented as an independent contracting arrangement?	☐	☐	☐
2) Does your organisation have the policies, procedures, plans or systems in place to ensure:	☐	☐	☐

commercial contracts contain measures to ensure that the obligation to not knowingly or recklessly misrepresented an employment arrangement as an independent contracting arrangement is passed down the contractual chain?	☐	☐	☐
contractual measures are in place to oblige subcontractors to notify the principal contractor of cases of sham contracting?	☐	☐	☐
processes are in place to monitor and audit contractors' management of employment and contracting relationships?	☐	☐	☐
record-keeping and document management systems are in place to store employment and contracting relationships, including related timesheets and payments?	☐	☐	☐
3) In the last 36-month period, has your organisation been subject to:			
any findings against it by a court or tribunal regarding sham contracting?	☐	☐	☐
any current proceedings in respect of sham contracting?	☐	☐	☐
any adverse rulings or enforceable undertakings related to sham contracting?	☐	☐	☐
G Visa compliance <i>The following items apply when the contract to which this IR Plan applies is valued at \$3 million or more (excl GST)</i>	Not applicable to this tender	Yes	No
1) Does your organisation have policies and procedures in place to ensure compliance with legal obligations when engaging employees who have a working visa?	☐	☐	☐
2) Does your organisation have the policies, procedures, plans or systems in place to ensure:	☐	☐	☐
Visa Entitlement Verification Online system checks are carried out before the engagement and induction of all employees?	☐	☐	☐
commercial contracts contain measures to ensure the obligation for visa compliance is passed down the contractual chain?	☐	☐	☐

contractual measures are in place to oblige subcontractors to notify the principal contractor of visa non-compliance?	☐	☐	☐
appropriate compliance training is in place for recruitment teams and hiring managers?	☐	☐	☐
processes are in place to monitor and audit contractors' management of visa compliance?	☐	☐	☐
record-keeping and document management systems are in place to store employee visa details?	☐	☐	☐
3) In the last 36-month period, has your organisation been subject to:			
any findings against it by a court or tribunal regarding non-compliance with visa requirements?	☐	☐	☐
any current proceedings regarding non-compliance with visa requirements?	☐	☐	☐
any adverse rulings or enforceable undertakings related to non-compliance with visa requirements?	☐	☐	☐

Statement of Non-Compliance (Supplier of Works)

Please provide a detailed explanation of the extent of non-compliance for each question below if you have answered:

- 'Yes' to questions D(6), F(3) or G(3), or
- 'No' to any other question.

Criteria	
A	
B	
C	
D	
E	
F	
G	

If you have answered 'Yes' to questions D(6), F(3) or G(3), please explain:

What has the organisation done to rectify any conduct or alleged conduct reflected in the finding or adverse ruling or enforceable undertaking?

What has the organisation done to ensure that the incident leading to the finding or adverse ruling or enforceable undertaking does not re-occur?

Schedule 2: Declaration of Compliance with Industrial Relations Management Criteria (Supplier of Works)

Legal name of organisation		(the tender participant)
ABN / ACN		

Authorised Representative (name)*		(the Authorised Representative)
Authorised Representative (title)*		

I, the Authorised Representative of the tender participant, declare that the tender participant will comply with the Industrial Relations Management Criteria.

I acknowledge that all the information provided by or on behalf of the tender participant as part of the pre-qualification or tender process is current, accurate and provided in good faith. I acknowledge that those applying the **Industrial Relations Management Criteria Self-Assessment Checklist** may rely on the information and hereby indemnify the Victorian Government for any costs or liabilities incurred from or associated with use of the information.

I acknowledge that the Victorian Government may further assess the tender participants compliance with the Industrial Relations Management Criteria and may require the tender participant to provide documentary evidence to assist in such further assessment.

If the tender participant has not complied with their legal obligations in the past 36-months, and remedial measures have been implemented to address the non-compliance, I will attach evidence to this declaration to demonstrate the strategies put in place to rectify the non-compliance.

Signature of authorised representative:

.....

Name of authorised representative:

.....

Dated:/...../.....

*** The authorised representative must be nominated and must have the authority to complete the declaration and answer questions.**