

Site Managers must ensure all contractors on their NSW government projects comply with the *Implementation Guidelines to the New South Wales Code of Practice for Procurement: Building and Construction (the Guidelines)*

## The site manager's role in complying with the Guidelines

Site managers can help to ensure principal contractors, subcontractors and other parties involved in applicable projects comply with the Guidelines by becoming familiar with the Guidelines, particularly in relation to induction, freedom of association, safety, right of entry, industrial action and dispute resolution.

## Induction

- Inductions should be undertaken by site management.
- Principal contractors must not allow employee representatives, site delegates or other union representatives to undertake or administer site induction processes unless this is required by an existing enterprise agreement. In these circumstances, site management should be present.
- Contractors must not discriminate against or disadvantage elected employee representatives.
- Principal contractors must not use any form which requires an employee to identify their union status, nor should they require that subcontractors identify union status of their employees or subcontractors.

## Freedom of association

- A person has a right to choose to be or not to be a member of a union.
- A person is not required to be a member of a particular union to work on a site.
- An employer has the right to choose whether to join an employer association.
- Contractors are not required to have a particular enterprise agreement to work on a site. It is illegal for a union or any other employee representative to coerce a contractor into entering into an enterprise agreement with their employees.

## Union membership

The principal contractor must ensure that the contractors on their site comply with the Guidelines and, where applicable, comply with the principal contractor's Workplace Relations Management Plan (**WRMP**).

## Workplace Relations Management Plan

Subcontractors must comply with the principal contractor's WRMP whilst on their NSW government projects.

## Safety

Subcontractors must comply with the principal contractor's Work Health Safety Management Plan or Site Specific Safety Management Plan whilst on site.

## Right of entry

No employer or employee is to grant permission for an employee or official of an industrial association to enter a site, other than in strict compliance with the procedures governing entry of such representatives under the *Fair Work Act 2009* (subject to any enterprise agreement requirements).

See the CCU's fact sheet on 'Right of entry' for further information on this topic.

## Signage on site

Practices which are inconsistent with the Guidelines include the requirement for an employer to apply union or any other logos, mottos or other indicia to company supplied property or equipment, including clothing, unless there is a requirement to do so in an existing enterprise agreement.

## Industrial action

Industrial action is any or all of the following:

- refusing to work
- implementing work bans
- 'go slow' activities
- preventing employees from working.

Parties must take all reasonable steps to resolve industrial action which adversely affects or has the potential to adversely affect the delivery of a project or other related contracts on time and within budget.

Contractors must report any threatened or actual industrial action that may impact the project, project costs, related contracts or timelines to the Construction Compliance Unit (CCU) and client agency within 24 hours of becoming aware of such issues. Reports under the Guidelines can be made via the CCU mailbox:

[ccu@industrialrelations.nsw.gov.au](mailto:ccu@industrialrelations.nsw.gov.au).

The contractor must also provide regular updates to the CCU and the client agency about steps being taken to resolve the threatened or actual industrial action.

See the CCU's fact sheet on 'Industrial action and dispute settlement' for further information on this topic.

## Dispute Settlement

- Grievances or matters under dispute are dealt with at the workplace between the appropriate level of management, employees and where applicable, union representatives.
- Parties must ensure industrial action does not occur while dispute settlement procedures are being followed.
- Principal contractors must report any issues to the CCU and client agency within 24 hours if they may impact on project costs or timelines.
- Principal contractors must provide regular updates to the CCU and client agency about steps being taken to resolve any issues.

See the CCU's fact sheet on 'Industrial action and dispute settlement' for further information on this topic.

### For further information

Phone: 131 628

CCU mailbox: [ccu@industrialrelations.nsw.gov.au](mailto:ccu@industrialrelations.nsw.gov.au)

Website: [www.industrialrelations.nsw.gov.au](http://www.industrialrelations.nsw.gov.au)