

Compliance with the *Implementation Guidelines to the New South Wales Code of Practice for Procurement: Building and Construction* (the Guidelines).

## The subcontractor's role in complying with the Guidelines

Subcontractors on a NSW Government project must:

- comply with the Guidelines
- comply with the principal contractor's Workplace Relations Management Plan (**WRMP**) (if applicable)
- comply with the principal contractor's Work Health Safety Management Plan or Site Specific Safety Management Plan (as applicable)
- ensure their subcontractors comply with the Guidelines
- allow NSW Government authorised personnel to monitor and investigate compliance by:
  - inspecting any work, material, machinery, appliance, article or facility
  - inspecting and copying any record relevant to the project
  - interviewing any person.

*Model Tender and Contract Documentation* is available on the NSW Industrial Relations website to assist contractors and subcontractors ensure compliance through their contract management procedures.

## Does a subcontractor need to prepare a Workplace Relations Management Plan?

No. Only the principal contractor is required to have a WRMP, which a subcontractor must comply with. A WRMP will be in place where the NSW Government department or public sector body contribution (directly or indirectly) to a project is \$10 million or more, or is at least \$5 million and represents at least 50% of the total construction project value.

## Who is responsible for ensuring that the subcontractors engaged on a NSW Government project are compliant with the Guidelines?

The principal contractor is responsible for ensuring subcontractors comply with the Guidelines and the WRMP.

## What is a compliance schedule?

A compliance schedule is a document a subcontractor may be asked to sign during the tender process in which the subcontractor agrees to comply with the Guidelines on that and all future projects to which the Guidelines apply.

## Does a subcontractor need to get a new agreement?

Parties are not required to have an enterprise agreement or to make a new enterprise agreement to comply with the Guidelines.

## Is a Subcontractor required to have union membership?

No. Union membership is an individual's choice. The Guidelines support freedom of association.

## Is a subcontractor required to call the Construction Compliance Unit if a possible breach of the Guidelines is suspected?

A subcontractor should firstly report any breach to the principal contractor. Breaches can also be reported to the Construction Compliance Unit (CCU) via the CCU mailbox:  
[ccu@industrialrelations.nsw.gov.au](mailto:ccu@industrialrelations.nsw.gov.au).

### 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)