



Self-Assessment Checklist for Principal Contractor

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

This self-assessment checklist is designed to help principal contractors understand their obligations under the Guidelines. It is for guidance purposes only and **does not** constitute a certificate of compliance.

Compliance with the Guidelines	Yes	No	N/A
General			
Our company ensures that all project managers, site managers and foremen read the <i>Implementation Guidelines to the New South Wales Code of Practice for Procurement: Building and Construction (Guidelines)</i> and understand their obligations on site and that these behaviours will be monitored.			
Our company commits itself to the principles of the Guidelines with respect to New South Wales Government work and private work.			
Our company has submitted to the client agency, the following documents: <ul style="list-style-type: none"> Workplace Relations Management Plan (WRMP) (if applicable) Work Health and Safety Management Plan (WHSMP) or (Site Specific Safety Management Plan (SSSMP)) Compliance Schedule (properly executed) 			
Our project team for any particular site is aware of their compliance obligations.			
Legal Obligations			
Our company does not enter into, participate in, or facilitate in sham contracting arrangements.			
Our company practices do not avoid or circumvent strike pay obligations.			
Workplace Arrangements & Over-award Payments			
Our company does not apply direct or indirect coercion or pressure on another party to make over-award payments.			
Our company does not require or unduly influence a contractor or consultant to enter into any agreement, or issue a contract, subcontract or industrial instruction that directly or indirectly binds or otherwise pressures or coerces another party into making over-award payments.			
Our company does not require payments from subcontractors to industry superannuation, redundancy and sick leave funds which provide for contributions in excess of award and legislative requirements.			
Our company does not require or unduly influence another party to have particular workplace arrangements in place.			



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Compliance with the Guidelines	Yes	No	N/A
Freedom of Association			
Our company has adopted policies that promote freedom of association.			
Our company does not unlawfully encourage or discourage employees to join a union.			
Our company does not refuse to employ or terminate employees because of their union status.			
Our company does not use forms requiring employees to identify their union status.			
Grievances/disputes			
Our company ensures that it reports any dispute that may impact on project costs, related contracts or timelines to the Construction Compliance Unit (CCU) and the client within 24 hours of it becoming aware of the grievance or dispute.			
Our company ensures that it takes all reasonable steps to resolve grievances or disputes: <ul style="list-style-type: none"> • within reasonable time limits • at the workplace between appropriate levels of management, employees and where applicable, union representatives • in accordance with the procedures outlined in the relevant industrial instrument or other workplace arrangement 			
While dispute settlement procedures are being followed, our company ensures that: <ul style="list-style-type: none"> • industrial action does not occur; • the circumstances that existed prior to the dispute prevail; and • work continues as normal without detriment to any of the parties. 			
Our company ensures that procedures in NSW work health and safety (WHS) legislation are followed in relation to disputes about WHS issues.			
Our company reports and provides regular updates to the client agency and the CCU in relation to: <ul style="list-style-type: none"> • the resolution of any grievance or dispute relating to workplace relations that may affect the project • the resolution of any grievance or dispute relating to WHS matters • the resolution of any threatened or actual industrial action 			
Our company has implemented procedures to ensure that reporting in relation to grievances or disputes occurs at the earliest opportunity.			
Our company properly records the details and circumstances surrounding lawful and unlawful industrial conduct.			
Our company provides all lost time information as a consequence of lawful and unlawful industrial conduct to the CCU and client agency on a timely basis.			
Our company takes all reasonable steps to prevent and/or end unlawful industrial action.			
Our company agrees to take all requisite steps to ensure that any damages or penalties relating to unlawful industrial action are appropriately pursued.			

This document is of a general nature. Principal contractors should seek legal advice in relation to their specific circumstances. The NSW Government and its employees do not accept liability for action taken in reliance on this document, and disclaim all liability from any error or omission.

Compliance with the Guidelines	Yes	No	N/A
Right of Entry			
Our company has a clear right of entry policy and procedures in place on each building and construction site.			
Our company is committed to enforcing right of entry requirements, as covered in sections 10.3, 10.4 and 10.5 of the Guidelines.			
Our site management teams are aware of their rights and obligations regarding right of entry.			
Our company requires that subcontractors report all requests to attend site to the site managers prior to the entry.			
Our workplace site inductions include a comprehensive outline of our company's protocols and practices regarding right of entry and associated behaviours.			
Our company effectively monitors right of entry.			
Subcontractor management			
Our company's tender and contract documents require that subcontractors agree to comply with the Guidelines			
Subcontractors provide our company with a signed Compliance Schedule at the time they submit a tender to perform works.			
Contractual documents incorporate the requirement for subcontractors to allow the CCU to be able to: <ul style="list-style-type: none"> inspect any work, material, machinery, appliance, article or facility; inspect and copy any record relevant to the project; interview any person; access sites and documents; and monitor and investigate compliance. 			
Our company engages subcontractors who are compliant with the NSW Code and Guidelines and have a demonstrated track record of compliance.			
Our company ensures that subcontractors comply with our WHSMP/SSSMP and WRMP (if applicable).			
Our company's site reporting protocols are understood by our subcontractors. They actively participate in the site tool box meetings and embrace feedback concerning dispute issues and Work, Health and Safety matters.			
Our company ensures that the subcontractors we use know to report any breach of the Guidelines to our site management.			
This company is aware that the CCU may contact representatives of the subcontractors at any time during the project.			
Conditions of employment			
Our company does not have any unregistered written agreements.			

Compliance with the Guidelines	Yes	No	N/A
Safety			
Our company maintains a commitment to safety and our senior managers are proactively involved in improving safety outcomes on the project.			
Our company's commitment to safety is demonstrated by: <ul style="list-style-type: none"> • our WHS policy; • reference to the WHS obligations of senior management in our WHS management plan; and • involvement of senior management in the project; including attendance on the project site and during project safety meetings. 			
Reporting			
Our company has a policy in place to report all breaches of the Guidelines to the CCU within 24 hours of becoming aware of the breach.			
Our company has policy and procedures in place to report, record, respond, monitor and manage breaches of the Guidelines.			
Workplace Relations Management Plan			
Our company is committed to complying with our WRMP in our onsite work practices.			
Our company conducts regular audits of the WRMP during the life of the project to ensure that we are continually identifying areas which need improvement.			
Our company modifies the WRMP wherever there is scope for improved performance.			

If you have answered 'no' to one or more of the questions above, the principal contractor may be at risk of being considered non-compliant with the Guidelines.

**For further information:
Construction Compliance Unit**

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