

# Questionnaire for potential contractors - template

## Instructions for using this template

You can use this template to help you identify if potential contractors are complying with workplace laws.

To help you complete the questionnaire you simply need to replace the <insert tag> with what applies to your situation.

## Suggested steps for using this questionnaire

### Step 1: Before you select a contractor

You can ask potential contractors to complete this questionnaire as part of their response to your request for quote. You can then take their answers into account when selecting a contractor.

In addition, you can ask potential contractors to provide evidence to support their answers (eg. sample payslips) and to complete a statutory declaration stating that all information that they have provided in the questionnaire is true and correct.

You might also choose to provide potential contractors with information about their obligations under workplace laws. A range of free tools and resources are available on the [Fair Work Ombudsman's website](http://www.fairwork.gov.au) [www.fairwork.gov.au](http://www.fairwork.gov.au).

While this questionnaire currently only includes questions about compliance with the *Fair Work Act 2009* and *Fair Work Regulations 2009*, you could choose to include questions about compliance with other workplace laws (eg. workplace health and safety, workers compensation, superannuation, equal opportunity, privacy).

### Step 2: After you select a contractor

Once you've selected your contractor, you may also ask them to complete the questionnaire periodically throughout the life of the contract (eg. once every six months). You may also ask them to notify you if any of the answers that they've given in the questionnaire change at any time.

**Disclaimer:** The Fair Work Ombudsman is committed to providing you with advice that you can rely on. The information contained in this template is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or a workplace relations professional.

# Questionnaire for potential contractors

## Employee entitlements

1. Do you provide all of your employees with a copy of the Fair Work Information Statement when they start work with you?

Yes  No

2. Do you engage any independent contractors?

Yes  No

If yes, are you sure that they are genuine contractors and not employees?

Yes  No

3. Does a modern award or an enterprise agreement apply to your employees?

Yes  No

If yes, please provide details:

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4. If an award or agreement does apply, are you providing your employees with all of their entitlements under their award or agreement (eg. base rate of pay, casual loading, penalties, overtime, allowances, leave, meal and rest breaks)?

Yes  No

5. Do you have any employees to whom an award or agreement does not apply?

Yes  No

If yes, are you paying these employees the National Minimum Wage?

Yes  No

6. Do you provide all of your employees with their entitlements under the National Employment Standards in the *Fair Work Act 2009* (eg. annual leave, sick/carer's leave, compassionate leave, family and domestic violence leave, parental leave, long service leave, notice of termination of pay in lieu of notice, redundancy pay)?

Yes  No

7. What steps have you taken to make sure you will be able to pay all employee entitlements on an ongoing basis?

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8. Do you keep employee records:

- for seven years
- in a format that is readable, in English and readily accessible to a Fair Work Inspector, and
- that contain all details required by the *Fair Work Act 2009* and *Fair Work Regulations 2009*?

9. Do you give your employees pay slips:

- within one working day of being paid, and
- that contain all details required by the *Fair Work Act 2009* and *Fair Work Regulations 2009*?

10. Do you let your employees make free and informed choices about whether or not to join a union and be represented at work?

Yes  No

*Information about employee entitlements is available on the [Fair Work Ombudsman's website](http://www.fairwork.gov.au) [www.fairwork.gov.au](http://www.fairwork.gov.au). In particular, you can search for your modern award, and use the Fair Work Ombudsman's pay tools and award-specific pay guides to calculate minimum pay rates under your award.*

## **Compliance history**

11. In the last < insert period of time > have you been subject to any compliance activity by the Fair Work Ombudsman, including but not limited to penalty infringement notices, compliance notices, enforceable undertakings, proactive compliance deeds or court orders?

Yes  No

12. If yes, please provide details, and confirm whether or not you have complied with the requirements of the notice, undertaking, deed or court order in full?

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13. In the last < insert period of time > have you otherwise been subject to court orders arising from non-compliance with the *Fair Work Act 2009* or the *Fair Work Regulations 2009*?

Yes  No

If yes, please provide details, and confirm whether or not you have complied with the requirements of the court order in full?

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## Contract management

14. Do you intend to subcontract all or part of the services subject to this tender?

Yes  No

If yes, please explain how you will ensure that your subcontractors are complying with their obligations under the *Fair Work Act 2009* and *Fair Work Regulations 2009*?

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Questionnaire completed by:

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Company: \_\_\_\_\_

Date: \_\_\_\_\_