

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.

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

Contract management

1. Do you engage any independent contractors?

Yes No

If yes, can you attach evidence to demonstrate that they are genuine contractors?

Yes No

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

Yes No

If yes, do you have procedures in place to ensure that your subcontractors comply with their obligations under the *Fair Work Act 2009* and *Fair Work Regulations 2009*?

Yes No

Please provide details:

Employee entitlements

3. Do you directly employ the staff that will provide the services subject to this tender?

Yes No

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

Yes No

Please provide details:

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

Yes No

6. 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

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

Yes No

8. 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, parental leave, long service leave, notice of termination of pay in lieu of notice, redundancy pay)?

Yes No

9. 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*?

10. 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*?

11. 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. 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

12. 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

13. 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?

14. 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?

Attachments

I have attached evidence to this questionnaire to support my response:

Yes No

Further details:

Questionnaire completed by:

Name: _____ Position: _____

Company: _____

Date: _____