Model Workplace Relations Management Plan
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The Model Workplace Relations Management Plan (WRMP) is required under Section 5 of the Implementation Guidelines to the Queensland Code of Practice for the Building and Construction Industry (the Guidelines).

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Purpose and objectives

The Guidelines reflect the Queensland Government’s commitment to greater flexibility, innovation and productivity within the State’s building and construction industry to ensure that the Queensland Government maximizes taxpayer value-for-money on publicly funded building and construction projects.

The purpose of the model WRMP is to give an overall framework to contractors and an indication of what is being sought by the Building Construction Compliance Branch (BCCB) to ensure the expectations of the Queensland Government can be achieved. The model WRMP is designed to cover a wide range of projects – from a small school through to billion dollar infrastructure projects. For many projects, only parts of the Model WRMP will be relevant. Contractors should use the model WRMP as a guide.
For the purposes of the application of the requirements of Section 5 (the requirement to provide a WRMP) publicly funded building and construction work shall mean:

i) building construction projects exceeding $10 million in value that are the subject of an expression of interest or request for tender and shall include those projects assessed to be High Risk/Significant projects under the PQC System, or other building construction projects involving State Government funding exceeding $10M.

ii) Road and rail transport infrastructure, bridgework and other civil engineering construction projects exceeding $20 million in value that are the subject of an expression of interest or request for tender and shall include those projects assessed by the Department of Transport and Main Roads to be High Risk/Significant projects, or other civil construction projects involving State Government funding exceeding $20M.

Compliance and audit

The Attorney-General has overall responsibility for the implementation of the Guidelines, and has established the Building Construction Compliance Branch (‘the BCCB’) to monitor compliance with the Guidelines and to receive reports of any alleged breaches.

The BCCB will conduct both desktop and field audits as part of its compliance and assurance obligations. Where a tenderer is required to submit a WRMP, the BCCB’s primary audit focus will be against the WRMP. Tenderers should be cognisant of this when developing and implementing their WRMP.

Track record

*On time and on budget.*

The WRMP requires that tenderers demonstrate to the BCCB that they have a track record of delivering construction projects on time and on budget. In satisfying this obligation, tenderers should provide a summary of the last three projects completed in Queensland indicating the completion cost and date as at the time of tender, and the actual completion cost and date of completion.
Model Workplace Relations Management Plan

This model Workplace Relations Management Plan (WRMP) is intended to provide tenderers with an overview of the BCCB expectations for an effective and auditable WRMP. Use of the pro forma is not mandated, but if departing significantly from the suggested layout and content, tenderers are advised to contact the BCCB to discuss their proposed approach.

Part A – Administration

The purpose of this section is to outline the organisational structure for the project, including the identification of staff, reporting lines and responsibilities, with particular emphasis on those roles and responsibilities which affect labour productivity and compliance with the Guidelines. Where the project intends to rely on external support, such as consultants, solicitors or employer associations, the details of those persons and organisations should be included. Where there is a majority use of subcontractors, the organisational structure should nominate who is responsible for subcontractor management in accordance with Part D.

Part B – Risk assessment

The purpose of this section is to obtain the tenderer’s view on the industrial relations risks that the project might face. The risk assessment should demonstrate an understanding of the industrial relations environment, lessons from previous projects and project-specific issues. Where there is off-site fabrication or modularisation involved in the delivery strategy, the risk assessment should include industrial relations risk associated with procurement and installation. The risk assessment should explicitly identify issues that will affect the tenderer’s ability to comply with the Guidelines and also identify any barriers to meeting their objectives of efficiency and productivity.

Part C – Site establishment

The WRMP should show how the tenderer intends to undertake preparatory works including security, site clearance, fencing, utilities supply and the establishment of offices, amenities and lay down areas. Workforce growth numbers and accommodation, site sheds, information technology set up, access and egress, site labour movement and any other site establishment issues should be included as part of the WRMP under this section.

Part D – Subcontractor management

The purpose of this section is to outline how the tenderer will select and manage subcontractors.

The WRMP should outline how the selection and mobilisation of independent contractors, trade packages, labour hire and apprentices is conducted.

The WRMP should demonstrate the process by which subcontractors are assessed and selected. The ability to comply with the Guidelines must be demonstrated by each subcontractor as part of the initial assessment. Each subcontractor should demonstrate how it manages its industrial relations issues associated with its workforce. The WRMP should outline how subcontractor industrial relations issues, including grievances are to be managed and reported to the head contractor.
The WRMP should also contain details as to how the head contractor proposes to ensure that the obligations contained at Section 5.2 of the Guidelines (Contractor Obligations) are given effect, including ensuring that subcontracts contain provisions that ensure that:

- Grievances, disputes and industrial action are reported to the principal contractor and
- The subcontractor agrees to take all requisite steps to stop any unlawful industrial action, and to ensure that any damages or penalties are appropriately pursued (refer to Part M).

Part E – Conditions of employment

The purpose of this section is to outline how the tenderer will establish terms and conditions of employment.

The principal contractor must demonstrate a commitment to strictly comply with the Guidelines, particularly in relation to:

- Right of entry policies and procedures
- Freedom of association
- Grievance procedures
- Managing lawful and unlawful industrial action.

The WRMP should include reference to the use of common law contracts, in the form of offer letters, conditions of employment and the like to reinforce the employer's expectations in relation to matters that relate to the Guidelines.

Part F – Recruitment of direct labour

The purpose of this section is to outline how the tenderer will attract, recruit and retain suitable direct labour. Depending on the size, scope and location of the project, the tenderer may need to address issues of skills shortages, interstate and offshore sourcing of labour, training and competency assurance.

The WRMP should identify possible barriers to productivity and efficiency and strategies to address those barriers. Written policies and procedures in the recruitment and selection of staff as well as procedures to manage unsatisfactory staff performance must also be included.

Part G – Induction and mobilisation

The purpose of this section is to outline how the tenderer will ensure that direct and subcontract employees can be mobilised to the site efficiently and effectively, and with a full awareness and understanding of the project, and the expectations of the Queensland Government and the client agency in terms of safety, productivity and continuity of operations.
Part H – Labour productivity
The purpose of this section is to outline how the tenderer proposes to achieve the labour productivity, flexibility and value for money objectives of the Queensland Government.

The WRMP should address how the tenderer proposes to maximise labour productivity, identify barriers and opportunities to efficient and timely performance, and outline the key initiatives that will differentiate the project.

The WRMP should demonstrate that the tenderer and all subcontractors have the ability to effectively identify and manage unsatisfactory employee performance, up to and including termination of employment. The WRMP should reference the ‘Fit-for-Work’ policy to be used on the project.

Part I – Performance metrics
The purpose of this section is to outline how the tenderer will measure and report labour productivity and performance. Impediments to achieving labour productivity for all contractors must be identified as well as implementation strategies designed to minimise any loss of productivity on the project. Options for sourcing labour requirements in a flexible and efficient manner should be identified and implemented. The WRMP should identify those key performance indicators which are relevant to the labour productivity initiatives identified as part of the WRMP, and indicate how they will be collected and reported.

In addition, the WRMP should provide for data collection as to overall site and labour efficiency, on-site labour breakdowns, lost time and continuity of operations, delays and disruptions due to any industrial matters including site grievances, union right of entry issues, health and safety matters, and lost-time for any reason.

The WRMP should specify who is responsible for collating the performance metrics, and who is responsible for their review and for ensuring how that unsatisfactory performance is acted upon. An action plan for managing any site stoppage for any reason must form part of the WRMP.

Part J – Freedom of association
The purpose of this section is to outline how the tenderer will comply with the freedom of association objectives of the Guidelines. Appendix 1 contains a summary of the freedom of association objectives and prohibitions provided for by the Guidelines. The WRMP should outline how the tenderer proposes to meet the Guidelines’ freedom of association objectives in a holistic and integrated manner. This might include reinforcing the principles and prohibitions in recruitment and induction processes and documents; reinforcement of employees’ obligations in employment documents; ongoing education and training and audit program and the consequences should a breach occur.

Part K – Right of entry
The purpose of this section is to outline how the tenderer will comply with the right of entry requirements. The WRMP should include an assessment of site security and access and a requirement that relevant staff are trained and informed on the right of entry requirements and
procedures provided for under the *Fair Work Act* and relevant workplace health and safety legislation. This includes how to ensure persons exercising a right of entry hold valid permits.

The WRMP should include how the tenderer will ensure that right of entry standards are maintained and enforced by subcontractors. The WRMP should also demonstrate how the tenderer will monitor union officials’ activities and interest in the project/site, and what steps are to be taken where officials breach or otherwise misuse right of entry. All contractors have an obligation to pursue legal remedies in respect to unlawful industrial conduct for breaches of the right of entry requirements.

**Part L – Grievance management**

The purpose of this section is to outline how the tenderer will ensure that employee grievances are managed effectively and in accordance with the relevant industrial instrument and the Guidelines. The WRMP should include mechanisms for monitoring and recording the nature and frequency of grievances amongst the direct workforce and the subcontract workforce. The WRMP should ensure that the Guidelines’ requirement that the employee is free to choose whether and by whom to be represented in a grievance process is monitored and enforced (unless there is a requirement to the contrary in the relevant enterprise agreement).

**Part M – Management of unlawful industrial action**

The purpose of this section is to outline how the tenderer will ensure that the project is set up and resourced to properly monitor, respond to and report unlawful industrial action, including ensuring that the costs associated with unlawful action can be recorded and recovered from any offending party.

The WRMP should address the issues raised at Appendix 2 in completing this section.

The WRMP should ensure that the prohibition against the payment of strike pay is complied with and that such compliance can be verified in respect of its own employees and in respect of subcontractors’ employees. This may include ensuring that the tenderer can audit the payroll systems and associated records of the subcontractor.

**Part N – Audit and review**

The purpose of this section is to outline how the tenderer will audit and review the WRMP. The WRMP should make provision for regular review over the life of the project. The WRMP should provide a process for modification where there is scope for improved performance.

**Part O – Notification to client agencies**

The purpose of this section is to ensure the tenderer complies with the notification requirements of section 10.1 of the Guidelines.

Section 4 of the Guidelines identifies arrangements or agreements that are inconsistent with the requirements of the Guidelines. Although these clauses are considered compliant under ‘Practice Direction - Workplace Instrument Based Conduct 2013/01’ they may adversely impact on productivity.
The tenderer should identify any clauses in its industrial instruments that are not consistent with the requirements of the Guidelines.

The tenderer should demonstrate strategies to maximise labour productivity while at the same time complying with the relevant clauses of its industrial instrument.
Appendix 1 – Summary of freedom of association

Objectives and prohibitions

<table>
<thead>
<tr>
<th>Item</th>
<th>Prohibition/requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>General prohibition</td>
<td>A party must not enter into, participate in, or facilitate arrangements or practices designed to avoid its own legal obligations, or the legal obligations of others. This includes arrangements or practices that undermine freedom of association.</td>
</tr>
<tr>
<td>Policies</td>
<td>Contractors must adopt policies that promote freedom of association.</td>
</tr>
<tr>
<td>Personal information</td>
<td>Contractors may not provide the names of new staff, job applicants, contractors or subcontractors to unions other than as required by law.</td>
</tr>
<tr>
<td>Union membership</td>
<td>Contractors may not permit ‘no ticket, no start’ signage; ‘show card’ days; or any other practice which implies that union membership is anything other than a matter for individual choice, including employers unlawfully encouraging or discouraging employees to join a union.</td>
</tr>
<tr>
<td>Inductions</td>
<td>Contractors must not allow employee representatives, shop stewards or other union officers to undertake or administer site induction processes (unless there is a requirement to do so in the relevant enterprise agreement). Site management must oversee or be involved in these processes.</td>
</tr>
<tr>
<td>Discrimination</td>
<td>Contractors must not discriminate against or disadvantage elected representatives.</td>
</tr>
<tr>
<td>Forms</td>
<td>Contractors must not use any form which requires an employee to identify their union status, nor should they require that subcontractors identify the union status of their employees or subcontractors.</td>
</tr>
<tr>
<td>Refusal to employ or terminate</td>
<td>Contractors must not refuse to employ or terminate an employee because of their union status.</td>
</tr>
<tr>
<td>Refusal of request to represent</td>
<td>Contractors must not refuse a reasonable request from a workplace delegate to represent employees in relation to grievances and disputes or discussions. Contractors are reminded of the Dispute Settlement prohibition, outlined above (Guidelines 8.4).</td>
</tr>
<tr>
<td>Nonworking shop steward</td>
<td>Contractors must not permit the imposition, or attempted imposition, of a requirement for any employer on site to engage a non-working shop steward or delegate or to hire any individual nominated by a union (unless there is a requirement to the contrary in the relevant enterprise agreement).</td>
</tr>
<tr>
<td>Logos and indicia</td>
<td>Contractors must not require the display of union or related logos, mottos or other indicia on company property or equipment, including clothing (unless there is a requirement to the contrary in the relevant enterprise agreement).</td>
</tr>
</tbody>
</table>

Appendix 2 – Management of unlawful industrial action

A major source of inefficiency, delay and cost to the industry and to the State is unlawful industrial action.

Last updated 10 January 2014
The Guidelines provide for the following requirements in relation to industrial action:

<table>
<thead>
<tr>
<th>Item</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dispute settlement</td>
<td>Parties must ensure industrial action does not occur while dispute settlement procedures are being followed (unless there is a requirement to the contrary in the relevant enterprise agreement).</td>
</tr>
<tr>
<td>Reasonable steps</td>
<td>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.</td>
</tr>
<tr>
<td>Reporting</td>
<td>Contractors must report any threatened or actual industrial action to the BCCB and the Client within 24 hours that may impact the project, project costs, related contracts or timelines. The contractor must also provide regular updates to the BCCB and the client in relation to the steps being taken to resolve the threatened or actual industrial action. All union contact must be kept in a register for reporting and auditing by the BCCB.</td>
</tr>
<tr>
<td>Legal Response</td>
<td>Contractors must take all steps reasonably available to them to prevent or end unprotected action occurring on or affecting the projects, including taking legal action</td>
</tr>
</tbody>
</table>

In developing a WRMP, tenderers must consider the following:

**What is unlawful action?**
The WRMP should ensure that the concept of unlawful action is properly defined and that site management and subcontractor management understand what behaviours constitute unlawful action. For example, a stoppage in relation to an alleged safety issue that is not in accordance with the terms of the industrial instrument or relevant workplace health and safety legislation is likely to constitute unlawful action.

**How is the unlawful action to be recorded?**
The WRMP should ensure that any unlawful action is properly recorded. This should include details as to who is involved, the issues underlying the action, the unions involved, and the proposed nature and duration of the action, and any costs (direct and indirect). In order to properly comply with the Guidelines’ requirements, tenderers will need to ensure that site management, particularly supervisors of direct and subcontract labour are able to properly record the details of the circumstances surrounding the action in a format that is satisfactory to include in affidavits and witness statements.

Where unlawful action is reported to the BCCB, there will be a specific audit of the tenderer’s compliance with this requirement.

**How will the contractor respond to notification of a rally or other protest activity involving workers on site, including requests by workers to attend a rally?**
The WRMP should outline how the tenderer proposes to ensure that rallies, protests and other activities that result in lost time are managed in accordance with the Guidelines. This includes taking all reasonable steps to prevent or end the proposed action, to recover losses associated...
with the action, and ensuring that workers are not paid strike pay during a period of unlawful industrial action.

**Is the contractor aware of the range of legal options available and properly resourced to apply those options?**
The Guidelines requires that contractors take all reasonably available steps to bring unlawful industrial action to an end. The WRMP should demonstrate that the contractor has an awareness of the range of options available to counter unlawful action, including all legislative and common law sources of action. The WRMP should also identify what resources are available to the tenderer and subcontractors to ensure that legal responses to unlawful action are prompt and effective.

**Identification of losses and costs associated with unlawful industrial action**
In order to claim interlocutory relief from unlawful action, tenderers must be able to promptly identify the costs arising from the action. The WRMP should outline who is responsible for the collection and collation of this information.

**Authority to settle, withdraw or otherwise terminate legal proceedings**
Where tenderers or subcontractors initiate legal proceedings following unlawful action, the contractor should discuss any proposed settlement or withdrawal of the proceedings with the BCCB.