



Australian Government

Department of Education, Employment and Workplace Relations

Fair Work Education and Information program

Guidelines for Applicants

April 2009



Part A – Overview and Administration

1 Goals and Overview of the Fair Work Education and Information program

- 1.1 Organisations at both the peak body level and community level have indicated that a community education and information program is essential for engaging and informing all Australians of changes to workplace relations laws, and that such a program be delivered by organisations that have strong links to their communities.
- 1.2 To this end, the Fair Work Education and Information program (the program) has been established to assist community, employee, employer and small business organisations to reach their goals of providing educative initiatives to target groups on the new workplace relations system, with an emphasis on collective bargaining and unfair dismissal laws.
- 1.3 The program will also consolidate and deliver on the commitments made in the *Forward with Fairness – Policy Implementation Plan* released in August 2007 to provide assistance to employer organisations to help their members with collective enterprise bargaining under the new system and resourcing small business organisations to inform small business of the new workplace relations system and unfair dismissal laws.
- 1.4 The program is integral to the successful implementation of the new workplace relations system as it aims to consolidate the Australian Government commitment for a broad-reaching education and information program. To ensure greatest effectiveness of the program, grants will be available to community, small business, employer and employee associations from the passage of the Fair Work Act until 31 December 2009.

2 Objectives

- 2.1 The Objectives of the program are to provide grants to organisations to enable them to provide education and information services to assist employees, employers and small business in understanding the new workplace relations laws and their practical application, with specific focus on:
- collective bargaining; and
 - the new unfair dismissal laws and including the Small Business Fair Dismissal Code.
- 2.2 The grants will ensure that organisations are in a position to provide employees and employers with timely advice and assistance on the new workplace relations system, in particular to ensure groups such as Indigenous Australians, those from non-English speaking backgrounds, and people with disabilities receive targeted advice and assistance.

3 Funding availability

- 3.1 DEEWR is inviting a select group of organisations to submit applications for a grant for the delivery of education and information services on the new workplace relations system in line with the **Objectives** outlined in Section 2 above.

- 3.2 Organisations have been selected as they meet the following criteria:
- are peak employer, employee or community organisations,
 - are reputable providers of industrial relations advisory and educational programs, and
 - have an ability to reach a broad and/or diverse target audience group. This will include the breadth of the organisation based on location and membership base.
- 3.3 The Government is committed to ensuring that working Australians are provided with assistance in understanding the changes to the federal workplace relations system. Grants will be provided to organisations selected on their capacity to have maximum reach across the country and across a diverse cross section of the community.
- 3.4 Successful applicants will enter into funding agreements with the Commonwealth for the provision of a grant to provide information and education activities that are tailored to the needs of the organisations' target audiences.
- 3.5 Approximately \$6.0m of funding is available for distribution to grant recipients during 2008-09 and \$7.0m in 2009-10.
- 3.6 The amount of the grant provided to successful applicants will be determined on a case-by-case basis depending on the delivery method proposed by the organisation. While applicants are required to provide a statement specifying the grant amount which the applicant is applying for (Section 5.1.4 refers), the decision on how much funding to be provided to successful applicants is at the discretion of the Decision Maker (See Section 9.2 below).
- 3.7 A grant will only be provided to successful applicants who agree to the terms of the final funding agreement.
- 3.8 Submitting an application does not in any way indicate or guarantee that a grant will be provided.
- 3.9 The funding agreement between the Commonwealth and the successful applicants will commence on execution of the funding agreement and will conclude upon the acceptance by DEEWR of the final report and evaluation provided by the organisation. The timing of the provision of deliverables and reports will be agreed upon by DEEWR and the successful applicant when entering into the funding agreement, however the grant allocation and indicative reporting periods are outlined in the table below:

Milestone	Deliverable	Funding Levels
On finalisation of funding agreements	Not applicable	45 per cent of the total grant to be provided
Three months after execution of the funding agreement	Progress Report	30 per cent of the total grant to be provided
Six Months after execution of the funding agreement	Progress Report	15 per cent of the total grant to be provided

31 January 2010	Final Report and evaluation	10 per cent of the total grant to be provided
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- 3.10 Grants may be withdrawn if any of the matters outlined in these Guidelines or in the funding agreement are breached before or during the term of the funding agreement.

4 Delivery model and time frame

- 4.1 Grant recipients will be required to provide education and information services to employees, employers and/or small businesses as outlined in the funding agreement. The funding agreement will conclude in line with the timeframes indicated within Section 3 of these Guidelines.

- 4.2 Organisations are able to determine the delivery model of the education and information services to the community and submit a proposal to DEEWR. If the applicants proposal is successful, DEEWR will prepare a funding agreement based upon the applicant's proposal.

- 4.3 Education and information content for the delivery of education and information services will be developed as modules by DEEWR and provided to successful applicants electronically. The aim of DEEWR developing the content is to assist organisations to deliver information to the community that is consistent and accurately reflects the changes to the workplace relations laws. Successful applicants will conduct the education and information activities on the following basis:

From June 2009:

All services undertaken by successful applicants during this period will focus on those elements of the Fair Work Act commencing 1 July 2009 and how these will directly affect the target audience, including, but not limited to, the following modules:

- key elements of the Fair Work Act, and
- collective bargaining, and/or
- unfair dismissal laws, including the Small Business Fair Dismissal Code.

From July 2009:

All services undertaken by successful applicants during this period will focus on, but not be limited to, the following modules:

- compliance with new laws (including rights and responsibilities of employees and employers),
- the role of Fair Work Australia and the Fair Work Ombudsman, and
- key provisions of the Fair Work Act that will come into effect on 1 January 2010.

- 4.4 The education and information content provided by DEEWR can only be altered with the written permission of DEEWR prior to distributing the material.

- 4.5 Ideally the successful applicants will be able to deliver their model to each State and Territory, delivering services in major centres as well as rural and regional areas.

DEEWR will however, consider responses for the provision of services in single or multiple states or territories, or to single or multiple industries.

- 4.6 The information and education services provided by successful applicants must be delivered free of charge to both members and non members, and be consistent with content provided by DEEWR and all relevant provisions of the new workplace relations system and Australian Government policy.
- 4.7 Successful grant recipients are not excluded from delivering or presenting additional education and information services outside the scope of the program (such as providing information on superannuation entitlements in a seminar where services are also provided under the program). However, funding provided under the program must not be used for these additional services. The Australian Government or DEEWR must not be attached to or in any way linked to the delivery of any non-program services.

Part B – Application Requirements

5 Information required

5.1 Applications for a grant must include the following:

5.1.1 Development Plan

The Development Plan must set out how the applicant intends to deliver services to meet the **Objectives** of the program (Section 2) and **Delivery Model** (Section 4). The Development Plan must, as a minimum, address the following issues, and may address any other issues the applicant thinks relevant:

(a) Scope of Delivery

- The types of services intended to be delivered. Organisations need to provide information on the types of activities that will assist them to deliver information and education services to their target audience. These may include general, tailored and self-help services, including but not limited to, seminars, web-based information, and targeted consultations. Applicants are encouraged to submit innovative applications for the delivery of education and information outcomes.
- To ensure that community, employee, employer and small business organisations reach their goals of providing educative initiatives to target groups, applicants are required to deliver the modules outlined in Section 4.3 above. However, applicants may propose a delivery model that provides an overview of aspects of the modules while applying a greater focus on a specific module to ensure the needs of the target audience/s are met (for example, where the target audience is small business).
- Details of the industry, geographical location (including major employment centres, regional, rural and/or remote areas) and approximate number of employees and employers intended to receive the information and education services.
- Details of the number and frequency of services to be delivered over the duration of the funding agreement.

- A timeline for the delivery of services indicating milestones to be achieved in line with Sections 3 and 4 of these Guidelines.

(b) Quality of Service

- How the applicant intends to ensure maximum attendance/ coverage/ participation by employees, employers and small businesses. Applications for grants may include the cost of in-house training or 'train-the-trainer' sessions to ensure quality of service; and
- How the applicant intends to engage groups such as Indigenous Australians, those from non-English speaking backgrounds, and people with disabilities when delivering the education and information services.

(c) Staffing and Experience

Applicants should:

- where possible, include details of the staff who would undertake the development and delivery of the service (include the qualifications, experience, positions held and location of personnel nominated for this purpose)
- outline the applicant's experience in successfully developing and managing programs aimed at advising and assisting employees, employers, small businesses and/or other defined group/s on specific government policies (include a list of referees whom DEEWR may contact to assist in its evaluation of responses received).

5.1.2 Reporting and Evaluation Proposal

The Reporting and Evaluation Proposal must set out the method for assessing and reporting on the progress of the delivery of services. The progress reports would be required at the times indicated in Section 3.9. DEEWR would expect the progress reports to include the following information:

- where applicable, the details of the number, business size, industry and location of employers who received:
 - general,
 - tailored, and
 - self-help services.
- where applicable, the details of the number, industry and location of employees who received:
 - general,
 - tailored, and
 - self-help services.
- feedback from participating employees, employers, small businesses, and/or other target audience groups.

5.1.3 Risk Management Plan

The Risk Management Plan should set out potential risks in the delivery of education and information services as proposed in the applicants Development Plan and how these are to be managed to ensure continuity of service delivery.

5.1.4 A statement specifying the grant amount which the applicant is applying for

Applicants must specify the total grant amount being applied for. The total amount of funding should be broken down to clearly identify costs associated with each of the deliverables outlined in the applicant's proposal. The total amount should be in Australian currency and be inclusive of any GST payable on taxable supplies to the Commonwealth under the funding agreement.

5.1.5 Draft Funding Agreement

Applicants are required to specify whether they can comply with the terms of the draft funding agreement (Attachment A). Where an applicant does not comply or only partially complies with a section of the draft funding agreement, the extent of non-compliance should be stated in full and applicants should provide specific reasons for the partial or non-compliance.

5.1.6 Financial Viability Questionnaire

Applicants are required to complete and return with their applications a Financial Viability Questionnaire (Attachment B). The purpose of this questionnaire is to obtain information in order to assess, in the opinion of DEEWR, your organisation's credentials and financial viability to meet the program's obligations.

Applicants should note that DEEWR, its contractors and agents are bound by the provisions of the *Privacy Act 1988*, which prevents personal information about individuals from being used or disclosed without their knowledge or consent.

5.1.7 Exclusions

Applicants must confirm in writing their acceptance of the following conditions for participation in the program:

Applicants cannot:

- propose to charge employees, employers and/or small businesses for the education and information services provided under the program;
- propose to require that employees, employers and/or small businesses become members of their organisation prior to receiving the information and education services;
- propose to provide information and education services exclusively to their members at the exclusion of non-members; and/or
- be bankrupt or otherwise subject to insolvency proceedings.

6 Insurance

6.1 The successful applicants will need to maintain:

- Workers' compensation insurance for an amount required by the relevant State or Territory legislation; and
- public liability insurance for \$10,000,000 (ten million dollars) or more per claim; and
- professional indemnity insurance for \$5,000,000 (five million dollars) or more per claim.

Part C – Evaluation

7 Evaluation of applications

- 7.1 The objective of the evaluation process is to identify the applications which best meet the Objectives at Section 2 of these Guidelines. A four (4) person Panel of departmental staff will assess applications and provide recommendations to the Decision Maker.
- 7.2 Applicants will be assessed against the Evaluation Criteria outlined in Section 8. DEEWR's decision on the parameters and methodology for evaluation will be final.
- 7.3 At its discretion, the Panel may seek clarification and further details from applicants on their application, which may include a request that a short presentation be delivered.

8 Evaluation Criteria

- 8.1 Responses will be evaluated by the Panel against the following Evaluation Criteria:
 - 8.1.1 The applicant's ability to deliver all of the required education and information services in accordance with the Objectives identified in Section 2 of the Guidelines and as outlined in the applicant's proposal.
 - 8.1.2 The geographical coverage of the applicant's proposal, with particular reference to the extent to which the applicant proposes to provide services to regional, rural and remote areas as well as to major employment centres.
 - 8.1.3 The extent the services proposed in the Development Plan have the ability to reach a broad and or diverse target audience, including the applicant's ability to engage Indigenous Australians, those from non-English speaking backgrounds and persons with disabilities when delivering the education and information services.
 - 8.1.4 The extent to which the applicant presents innovative ideas for the delivery of the education and information services.
 - 8.1.5 The cost efficiency of the applicant's proposal, having regard to the amount of funding being sought, the scope of services proposed to be provided and the applicant's compliance with the draft funding agreement.

9 Role of the Decision Maker

- 9.1 For the purposes of this program, the Decision Maker is the Group Manager of the Group of the Commonwealth agency responsible for administering the program.
- 9.2 The Decision Maker has absolute discretion to decide all matters relating to applications including eligibility and the amount of any grant provided to successful applicants.
- 9.3 The Decision Maker may seek additional information from applicants but is not under any obligation to do so.

- 9.4 The Decision Maker's decision is final. If an applicant has concerns with the way its application was assessed, the applicant should contact the Contact Officer (Section 12 refers) within 30 days of receiving notification of the decision.

10 Complaints Process

- 10.1 If an applicant is dissatisfied with the way in which their application was handled, they may wish to raise their concerns with the Commonwealth Ombudsman.
- 10.2 Before applicants approach the Commonwealth Ombudsman, they are encouraged to resolve their concerns by notifying the Contact Officer at Section 12.
- 10.3 The Commonwealth Ombudsman will usually not investigate a complaint unless the matter has first been raised with the agency and the agency has been provided with a reasonable opportunity to respond.

The Commonwealth Ombudsman can be contacted on:

Phone: (02) 6276 0111 or 1300 362 072
Email: ombudsman@ombudsman.gov.au
Internet: www.comb.gov.au

Part D – Submission and Contacts

11 Submission of applications

- 11.1 All applications must be posted by registered mail and date stamped by no later than 1 May 2009. The original and three copies of the application must be included and marked Commercial in Confidence. Applications must be sent to:

Post: Fair Work Education and Information Program (LC 10M33) Department of Education, Employment and Workplace Relations GPO Box 9880 CANBERRA ACT 2601
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- 11.2 DEEWR accepts no responsibility for applications not received by the deadline or addressed to the wrong location.

12 Contact Officer

- 12.1 Any queries or concerns in relation to the program should be directed to:

Ms Ilsa Thompson
Director, Private Sector Branch
Workplace Relations Implementation Group
Department of Employment and Workplace Relations
02 6121 5835
or email ilsa.thompson@deewr.gov.au