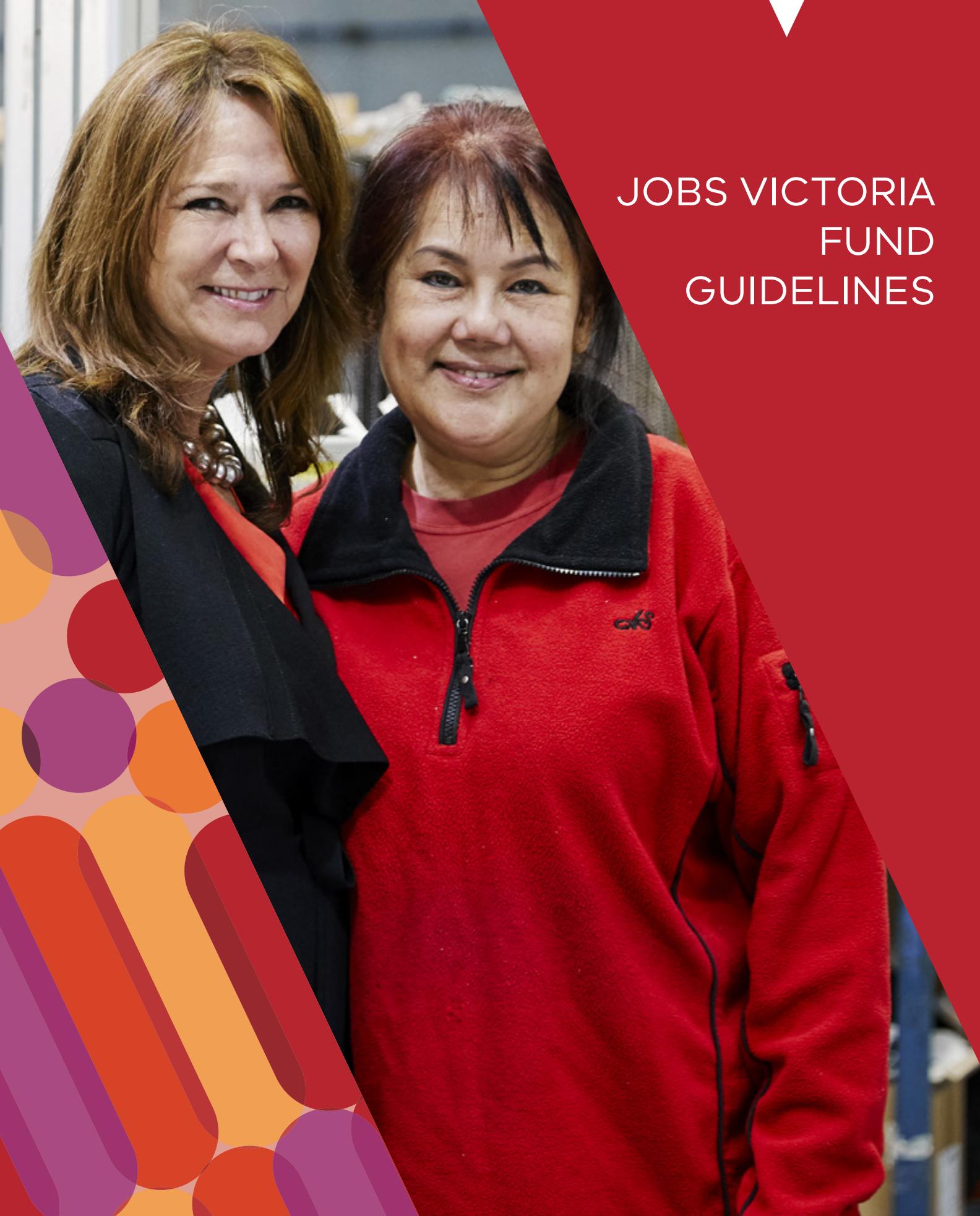




JOBS VICTORIA FUND GUIDELINES



CONTENTS

| | | |
|--|---|-----------|
| 1 | Background | 1 |
| 1.1 | Objectives of the Jobs Victoria Fund | 1 |
| 1.2 | Summary of the employer application process | 2 |
| 1.3 | Audit and compliance | 2 |
| 2 | Available funding | 3 |
| 3 | Eligibility criteria | 4 |
| 3.1 | Criterion A – Applicant eligibility | 4 |
| 3.2 | Criterion B – Employee eligibility | 5 |
| 3.3 | Criterion C – Job eligibility | 6 |
| 3.4 | Applicant conditions | 7 |
| 4 | Application and assessment process | 9 |
| 4.1 | Submitting your application | 9 |
| 4.2 | Assessing your application | 9 |
| 4.3 | Requests for additional information | 9 |
| 4.4 | Processing your application | 10 |
| 4.5 | Payment milestones | 10 |
| 5 | Evidence requirements | 12 |
| 6 | Grant agreements | 15 |
| 6.1 | Privacy | 15 |
| 6.2 | Publicity and media | 16 |
| 6.3 | Evaluation | 16 |
| 6.4 | Audit and compliance | 16 |
| 6.5 | Conflict of interest | 17 |
| 6.6 | Competitive neutrality | 17 |
| 7 | Employer responsibilities | 18 |
| 7.1 | Employment standards for employers | 18 |
| 7.2 | Long service laws | 19 |
| 7.3 | Employer and employee health and safety | 19 |
| 7.4 | Requirements for trades jobs funded by the Department | 20 |
| 8 | Contact and further information | 21 |
| Appendix A – Recruitment supports | | 22 |
| 1. | Jobs Victoria Online Hub | 22 |
| 2. | Jobs Victoria Partners | 22 |
| 3. | Aboriginal employment | 23 |
| Appendix B – Definitions | | 24 |

1 BACKGROUND

The Job Victoria Fund provides eligible employers with access to wage subsidies of up to \$20,000 over 12-months to meet the costs of taking on new, eligible employees. At least \$150 million of the Fund will go to women. \$50 million will support women aged over 45 years into employment.

The Department of Jobs, Precincts and Regions (“the Department”) administers the Fund.

1.1 OBJECTIVES OF THE JOBS VICTORIA FUND

For unemployed Victorians, the Fund facilitates:

- employment opportunities for people most affected by the pandemic, particularly women
- employment opportunities for people who already face significant barriers to employment
- steady and secure employment pathways.

For employers, the Fund will:

- support businesses to recover and grow
- address skill shortages
- contribute to corporate social responsibility goals.



1.2 SUMMARY OF THE EMPLOYER APPLICATION PROCESS

There are five steps to apply to the Fund:

Step 1: Eligibility

Complete the Questionnaire – **'Is my business eligible?'** and read these guidelines to determine whether all eligibility criteria can be met.

If the applicant meets the eligibility criteria and supplies the necessary information, they will receive funding, subject to the availability of funds and **3.4 Applicant conditions**.

For any questions on eligibility, please contact the Jobs Victoria hotline on 1300 208 575 or email info@jobs.vic.gov.au.

Step 2: Recruitment

Recruit and employ a Victorian from at least one of the priority groups outlined in these guidelines. Each role must be for a minimum of 12 months, offer employment on a fixed-term or permanent basis (i.e. part-time or full-time, not casual) and provide employees with at least 19 hours of work per week.

There is a range of supports available to assist applicants with recruitment (see **Appendix A – Recruitment supports**).

Step 3: Application

Submit an online application on the **Jobs Victoria** website.

Employers must provide information and supporting documentation against all eligibility criteria. This includes an Employee Consent Form to be completed by each employee.

Step 4: Outcome

Once the application is assessed, applicants will be notified of the outcome by the Department.

If applicants are successful, they will be sent a letter of offer and a Grant Agreement for their signature.

Step 5: Reporting and payment

Successful applicants will receive funding in line with the payment schedule in the executed Grant Agreement, provided all the conditions in the Grant Agreement are met.

1.3 AUDIT AND COMPLIANCE

Funding recipients may be subject to a range of compliance and probity processes, including an independent audit. As part of this process, recipients are required to answer any enquiries from the Department and/or an independent auditor, and to permit inspections and access to project accounts, employment records, project assets and project sites.

Any applicant or recipient found to have used false or misleading information may be referred to the relevant law enforcement authority.

2 AVAILABLE FUNDING

Employers can apply to the Jobs Victoria Fund for 12-month wage subsidies to meet the costs of taking on new, eligible employees.

Two levels of wage subsidies are available. A level 1 wage subsidy of up to \$20,000 per employee and a level 2 wage subsidy of up to \$10,000 per employee (all wage subsidies are exclusive of GST).

The wage subsidy amount available depends on each employee and whether the job is full-time or part-time (see below).

If the employee identifies with multiple groups, the higher wage subsidy applies.

Employers seeking a wage subsidy for more than three employees must provide at least 60 per cent of the roles for which subsidies are being sought to women.

Level 1 wage subsidies

**(\$20,000
per 1.0 full time
equivalent (FTE)
pro rata)**

Employers who employ people from the following groups may be eligible for up to \$20,000 per employee:

- women over 45 years
- long-term unemployed people (unemployed for six months or more)
- jobseekers registered with a Jobs Victoria Partner (see **Appendix A**)
- Aboriginal and/or Torres Strait Islander people¹
- people with disability
- people seeking asylum/refugees
- newly arrived migrants from non-English speaking backgrounds.

Level 2 wage subsidies

**(\$10,000
per 1.0 FTE
pro rata)**

Employers who employ people from the following groups may be eligible for up to \$10,000 per employee:

- young people aged under 25
- people over 45 years
- veterans
- people previously employed under the Working for Victoria initiative (see 3.4 Applicant conditions).

Full-time or part-time employment

The level of the wage subsidy available is calculated pro rata based on whether the job is full- or part-time. For the purposes of this Fund, full-time employment is 38 hours per week and any part-time jobs must be for a minimum of 19 hours per week.

1. Throughout this document the term "Aboriginal" is used to refer to Aboriginal and/or Torres Strait Islander people.

3 ELIGIBILITY CRITERIA

Applicants must meet **all** eligibility criteria detailed in this section to receive funding.

If the applicant meets all eligibility criteria and supplies the necessary information, they will receive funding (subject to the availability of funds and **3.4 Applicant conditions**).

3.1 CRITERION A – APPLICANT ELIGIBILITY

Eligible employers

| | |
|--|---|
| Applicant must be the employer | Applicant must be the direct employer of the employee (i.e. an agent cannot act on behalf of an employer). |
| WorkCover insurance | Applicant must hold current WorkCover insurance from the time that the employee was employed. |
| Australian business number (ABN) | Applicant must have an ABN (and Australian Company Number if applicable). |
| Payroll | For private sector businesses, sole traders, social enterprises and/or Aboriginal businesses, applicants must have a payroll of less than \$20 million in the financial year immediately preceding the date when the application is made. |
| Labour hire providers | Labour hire providers must be licenced by the Labour Hire Authority. |
| Charitable and not-for-profit organisations | Charitable and not-for-profit organisations must be registered with the Australian Charities and Not-for-profits Commission (ACNC). |
| Aboriginal businesses | Aboriginal businesses must be certified by Kinaway Chamber of Commerce. |
| Location | Applicants must be operating in Victoria. |
| Employer responsibilities | Applicants must comply with all employer responsibilities and workplace laws (see section 7). |

Ineligible employers

Ineligible employers include:

- a. the Victorian Public Service and Victorian public sector entities
- b. the Australian Public Service and Commonwealth public sector entities

3.2 CRITERION B – EMPLOYEE ELIGIBILITY

Priority groups

All eligible employees must be from one or more of the following priority groups and must be hired by the applicant BEFORE applying to the Fund:

- a. women aged over 45 years
- b. long-term unemployed people (unemployed for six months or more)
- c. jobseekers registered with a Jobs Victoria Partner (see **Appendix A**)
- d. Aboriginal people and/or Torres Strait Islander people
- e. people with disability
- f. people seeking asylum/refugees
- g. newly arrived migrants from non-English speaking backgrounds
- h. young people aged under 25
- i. people over 45 years
- j. veterans
- k. people previously employed under the Working for Victoria initiative (see **3.4 Applicant conditions**).

Employers seeking a wage subsidy for more than three employees must provide at least 60 per cent of the roles to women.

Government supports are available to assist with recruitment (see **Appendix A**).

Employment requirements

Employment status of employee

To be eligible, employees must have been unemployed or underemployed* at the time they commenced work with the applicant, unless they were employed:

- a. previously under the Working for Victoria initiative (see **3.4 Applicant conditions**), or
- b. by the applicant for no more than 16 hours per fortnight under casual employment arrangements and have transitioned to a permanent or fixed-term job of at least 19 hours per week with the applicant.

*For the purposes of these guidelines, underemployed is defined as working no more than 16 hours per fortnight in total under casual employment arrangements.

The amount of time the employee has been employed by the applicant

New employees must have commenced work with the applicant on or after 16 March 2021.

At the time the application is made, employees must have been employed by the applicant for no more than 12 weeks, unless they were employed:

- a) previously under the Working for Victoria initiative (see **3.4 Applicant conditions**), or
- b) under casual arrangements for no more than 16 hours per fortnight.

Residency status

Employees must be:

- a) a resident of Victoria
- b) entitled to work for the Applicant as: Australian citizens; holders of Australian permanent residence visas with work entitlements; holders of Australian temporary work visas; holders of student visas who are enrolled in an eligible course of study in Australia; or holders of Australian refugee and humanitarian visas with work entitlements.

Employee Consent Form

An **Employee Consent Form** must be completed and signed by each eligible employee and included as part of the application.

3.3 CRITERION C – JOB ELIGIBILITY

Employment conditions

Length of jobs

Jobs must be for at least 12 months in duration.

Number of jobs

Applicants can apply for wage subsidies to increase current staff numbers by up to 20 per cent. For example, if the applicant employs 60 full time equivalent (FTE) employees (excluding the eligible employees), they may apply for a wage subsidy for up to 12 additional FTE.

Wage subsidies can be provided to a maximum of 20 FTE employees per applicant over the life of the Fund.

Type of employment

All jobs must be permanent or fixed term positions (i.e. full- or part-time) for a minimum of 19 hours per week. Casual jobs will not be supported.

Wages and entitlements

Employers must provide at least legal minimum wages and entitlements as specified in the applicable award, enterprise agreement or National Employment Standards.

Displacement of existing employees

Jobs must not displace existing employees (i.e. do not result in any existing employees being stood down or experiencing a reduction in work hours).

Ineligible jobs

Ineligible jobs include:

- casual jobs (no guaranteed hours of work; usually works irregular hours; do not get paid sick or annual leave; can end employment without notice, unless notice is required by a registered agreement, award or employment contract. Further information can be found at the [Fair Work website](#)).
- permanent or fixed-term jobs for less than 19 hours per week.
- periodic employment such as engagements that are short term in nature (e.g. weekly hire basis).
- jobs that offer full-time salary or wages above \$120,000 per annum excluding superannuation (or pro-rata for part-time).

Organisations that can create 12-month jobs for priority jobseekers at a larger scale than the above eligibility criteria allow should contact the Department by emailing info@jobs.vic.gov.au.

3.4 APPLICANT CONDITIONS

Applicants must consider the following conditions when applying for wage subsidies under the Fund:

- These guidelines are for information only, and do not constitute advice. Applicants should seek independent advice before making an application or entering into a Grant Agreement.
- Carefully consider how the applicant organisation will perform against the eligibility criteria before developing an application and hiring employee(s).
- The Department reserves the right to amend these guidelines at any time it deems appropriate.
- Applicants can apply for and be currently receiving other incentives and/or payments offered by the Victorian and Commonwealth Governments. Applicants are required to declare any Commonwealth wage subsidies (including the JobMaker Hiring Credit) they are receiving with respect to eligible employees.
- Applicants must declare that funding under the Jobs Victoria Fund will not be used to meet existing commitments under the Social Procurement Framework.
- Applicants must address the eligibility criteria in full, and substantiate all claims, including providing details about underlying risks and assumptions. Failure to do so may result in the application being rejected.
- The Department may contact applicants to clarify or seek further information.
- The Department reserves the right to only support a portion of jobs for which the applicant has applied.
- The Department makes no representation that a grant of funds will be made to any applicant and reserves the right to make no funds available under the Fund.
- Applicants are required to declare that all jobs are based in and undertaken in Victoria.

- Applicants that provide services to children are required to be incorporated as separate legal entities, appropriately insured against child abuse and comply with relevant legislation and codes of conduct. For further information, please see the **Victorian funding requirements for service to children fact sheet**.
- Applicants that provide services to people with disability will need to have appropriate insurance and comply with relevant legislation and codes of conduct.
- Where possible, each job supported under the Jobs Victoria Fund should be transitioned to an ongoing job within the organisation beyond the funding period.
- Applicants must be aware that it is a requirement of this grant that, if an institution has been named in an application or receives a Notice of Redress Liability, they must join or intend to join the National Redress Scheme (the Scheme). Further information can be found at **National Redress Scheme**. Funding will not be provided to an organisation that has been notified by the National Redress Scheme Operator that it was named in an application and does not join or intend to join the Scheme within six months immediately following the date of that notification.
- Any adverse findings by a regulator or the organisation becoming deregistered as well as any reputational risk to government may be considered as part of the funding decision.
- Applicants who previously received funding under the Working for Victoria initiative can only access wage subsidies for eligible employees from the Jobs Victoria Fund once all Working for Victoria support for the eligible employees has been exhausted.
- Performance as an employer under the Working for Victoria initiative may be considered as part of the funding decision.
- Successful applicants will be entering into a legal agreement with the Victorian Government.

4 APPLICATION AND ASSESSMENT PROCESS

4.1 SUBMITTING YOUR APPLICATION

Applicants can apply for funding through the online application form on the **Jobs Victoria website** once they have employed an eligible employee as outlined in section 3.

Before applying applicants may check whether they may be eligible for the Fund by completing the *Questionnaire – ‘Is my business eligible?’* and reading these guidelines. If they meet all eligibility criteria and supply the necessary information, they will receive funding (subject to the availability of funds and **3.4 Applicant conditions**).

For any questions on eligibility, please contact the Jobs Victoria hotline on 1300 208 575 or email info@jobs.vic.gov.au.

All questions must be answered truthfully on the application form. Applications found to include false or misleading information will be rejected and may be referred to the relevant law enforcement authority.

The online application system requires important information to be supplied including applicant contact information. It is the responsibility of the applicant to ensure information is kept up to date so that the Department can remain in contact.

4.2 ASSESSING YOUR APPLICATION

Applications will be assessed against each of the eligibility criteria. Applicants must satisfy all eligibility criteria to receive funding.

Assessments will commence in the order applications are received.

Consultation with other Victorian Government departments will be undertaken as required.

4.3 REQUESTS FOR ADDITIONAL INFORMATION

The Department may request additional information to determine whether the eligibility criteria have been met.

If an applicant has been requested to provide more information, their application will remain open for 30 business days to allow them to upload the requested documentation.

4.4 PROCESSING YOUR APPLICATION

The Department will advise each applicant in writing of the outcome of their application, including the amount of funding to be offered and any conditions attached to the funding offer.

The Department has full discretion and authority to determine which employers are eligible to receive funding and the amount of funding offered. The State of Victoria also reserves the right to withdraw the offer of funding if the Grant Agreement is not finalised.

4.5 PAYMENT MILESTONES

Following execution of the Grant Agreement, payments will be made in line with a payment schedule specified by the Department.

| Level 1 wage subsidy (\$20,000 based on 1.0 FTE) | Level 2 wage subsidy (\$10,000 based on 1.0 FTE) |
|---|---|
| <p>Payments are made directly to the eligible employer, in three parts:</p> <ul style="list-style-type: none">• On submission of initial payslips: payment of \$6,000.• 26 weeks after the date of employment (in the case of employment of more than one employee, 26 weeks after the most recent date of employment): second payment of \$6,000.• 52 weeks after the date of employment (in the case of employment of more than one employee, 52 weeks after the most recent date of employment): Final payment of \$8,000. | <p>Payments are made directly to the eligible employer, in three parts:</p> <ul style="list-style-type: none">• On submission of initial payslips: payment of \$3,000.• 26 weeks after the date of employment (in the case of employment of more than one employee, 26 weeks after the most recent date of employment): second payment of \$3,000.• 52 weeks after the date of employment (in the case of employment of more than one employee, 52 weeks after the most recent date of employment): final payment of \$4,000. |

N.B. Claims cannot be made for second or final payments (later payments) unless the previous milestone requirements have been met.

Employers are only eligible to receive one payment type (i.e. level 1 or level 2 wage subsidy) per eligible employee.

Payment is contingent on employers meeting the terms in the Grant Agreement and providing evidence that the employees for which wage subsidies are being sought remain employed by the organisation.

Milestone requirements

A summary of the requirements for each milestone is provided below.

| Milestone | Timing | Amount | Requirement |
|-----------|--|--|--|
| 1 | Submission of initial payslips | Level 1 wage subsidy: \$6,000 per FTE Level 2 wage subsidy: \$3,000 per FTE | <ul style="list-style-type: none"> Payslips for all employees Statutory declaration* |
| 2 | At least 26 weeks of continuous employment | Level 1 wage subsidy: \$6,000 per FTE Level 2 wage subsidy: \$3,000 per FTE | <ul style="list-style-type: none"> Payslips for all employees demonstrating 26 weeks of continuous employment Statutory declaration* |
| 3 | At least 52 weeks of continuous employment | Level 1 wage subsidy: \$8,000 per FTE Level 2 wage subsidy: \$4,000 per FTE | <ul style="list-style-type: none"> Payslips for all employees demonstrating 52 weeks of continuous employment Statutory declaration* Accounts showing acquittal of funds as per agreement Final project outcome report Audit opinion (where the value of the grant exceeds \$100,000) |

* Statutory declarations will attest to the employment of staff, occupational health and safety inductions, and compliance with relevant legislation and codes of conduct.

Audit opinions will be required as part of the final milestone only where the value of the grant exceeds \$100,000. The audit opinion must be provided in the Department's template with no alterations. This template will form part of the Grant Agreement.

The cost of acquiring an audit opinion for the acquittal of the funds is an acceptable use of the funding provided as part of the Grant Agreement.

Employees must be continuously employed for 26 weeks by the time they reach Milestone 2 and 52 weeks by the time they reach Milestone 3. This will be treated as a hurdle requirement, and payment will not be made if this requirement is not met.

If employees resign from their position or are terminated prior to a milestone date, wage subsidies will only be paid for employees who have met the minimum tenure requirements (i.e. continuous employment of 26 weeks or 52 weeks) with evidence to demonstrate this. Pro rata payments will not be available.

5 EVIDENCE REQUIREMENTS

Applicants are required to complete an online application form and provide evidence to substantiate their claims against the eligibility criteria as outlined below.

All documents must be scanned online and be valid, current, legible and in a standard format (e.g. PDF, JPEG or Word). Some documentation is required to be certified.

| Criteria | Guideline reference | Evidence requirements |
|-----------------------|---------------------|--|
| Applicant eligibility | Section 3.1 | <p>WorkCover Employer Number and WorkCover insurance Certificate of Currency (must be attached to application)</p> <p>Australian Business Number (ABN) and Australian Company Number (ACN) (if applicable)</p> <p>Organisation's address in Victoria</p> <p><i>For labour hire providers only:</i> confirmation that you have a Victorian Labour Hire Authority licence</p> <p><i>For charitable and not-for-profit organisations only:</i> confirmation your organisation is registered with the ACNC</p> <p><i>For Aboriginal businesses only:</i> confirmation your business is registered with the Kinaway Chamber of Commerce</p> <p>Certificates of Currency for relevant insurances including public liability (must be attached to application)</p> <p>Confirmation the applicant is aware of its responsibilities as an employer</p> <p>The Authorised Representative completing the application must provide a certified copy of an approved identification document. An approved identification document is one of the following:</p> <ul style="list-style-type: none"> • Australian or international passport • Australian visa • Australian driver licence • ImmiCard • Medicare card • Pensioner concession card |
| Employee eligibility | Section 3.2 | <p>Employee Consent Form signed by each employee (must be attached to application) confirming:</p> <ul style="list-style-type: none"> • the employee's identity (supporting evidence must be attached) • the employee's working arrangements (i.e. number of hours per week) • the priority group(s) and gender identity • the employment commencement date • employment status at the time of commencing work • the employee's residency status <p>Employment contract (if available) and employee payslip (must be attached to application)</p> |

| Criteria | Guideline reference | Evidence requirements |
|------------------------------|----------------------------|--|
| Job eligibility | Section 3.3 | <p>Confirmation that each job is for a minimum of 12-months and provided on a permanent or fixed-term basis (i.e. part-time or full-time, not casual, and for at least a minimum of 19 hours per week)</p> <p>Confirmation that the full-time salary or wages is not above \$120,000 per annum excluding superannuation (pro rata for part-time)</p> |
| Statutory declaration | N/A | <p>A statutory declaration (must be attached to application) to verify:</p> <ul style="list-style-type: none"> a. that the applicant is authorised to act on behalf of the organisation b. that the eligible employee(s) do not displace existing employees c. the number of full-time equivalent (FTE) employees excluding the eligible employee(s) d. that all employees are paid at least legal minimum wages and entitlements as specified in the applicable award, enterprise agreement or National Employment Standards e. that the eligible employee(s) are entitled to work for the applicant as: Australian citizens; holders of Australian permanent residence visas with work entitlements; holders of Australian temporary work visas; holders of student visas who are enrolled in an eligible course of study in Australia; or holders of Australian refugee and humanitarian visas with work entitlements f. that the eligible employee(s) commenced employment with the applicant within 12 weeks of the date of application (unless the employee(s) were previously employed under the Working for Victoria initiative or were employed by the applicant under casual employment arrangements and have transitioned to a permanent or fixed-term job of at least 19 hours per week with the applicant) g. (for private sector, Aboriginal businesses, social enterprises, sole traders only) a payroll of less than \$20 million in the financial year immediately preceding the date of application h. (for applicants seeking wage subsidies for more than three employees only) that at least 60 per cent of the roles for which wage subsidies are being sought are provided to women i. (for applicants applying in respect of employee(s) who have transitioned from casual employment to a fixed-term or permanent position) that the applicant employed the employee(s) for 16 hours or less per fortnight prior to the employee(s) transitioning to fixed-term or permanent position(s) with the applicant on or after 16 March 2021 |

| Criteria | Guideline reference | Evidence requirements |
|---|----------------------------|---|
| <p>Financial information (if applicable)</p> | <p>N/A</p> | <p>Applicants seeking funding of \$200,001 or more will be subject to a financial risk assessment (FRA) and required to provide financial documents to the Department to facilitate this check (must be attached to application)</p> <p>Applicants will be required to provide audited financial reports for the last two financial years. This should be the 'final accounts' with Directors' Report & Declaration and should include:</p> <ul style="list-style-type: none"> - Profit & Loss Statement - Balance Sheet - Cashflow Statement - Notes to the Accounts <p>Where the latest financial report is more than six months old, the following will be required:</p> <ul style="list-style-type: none"> - up-to-date management or interim financial statements (Profit & Loss Statement and Balance Sheet); or - in case of public listed corporations, half yearly financial report <p>If the applicants' accounts are not audited, unaudited accounts which have been prepared by an accountant will be accepted</p> <p>Note that local governments and publicly funded universities and educational institutes are exempt from the FRA process and are not required to provide these documents</p> <p>For organisations that have been registered for less than two years, or have no trading history, the following documents will be required:</p> <ul style="list-style-type: none"> - Any Audited Final Accounts or Final Accounts prepared by an accountant - Up-to-date management or interim financial statements (Profit & Loss Statement and Balance Sheet). - In the case of public listed corporations, half yearly financial reports. These could be Internal Accounts or Accounts prepared by an accountant <p>Applicants with less than two years of trading history will also need to submit Profit & Loss and Cashflow Projections for:</p> <ul style="list-style-type: none"> - 1 July 2021 – 30 June 2022 - 1 July 2022 – 30 June 2023 - 1 July 2023 – 30 June 2024 |

6 GRANT AGREEMENTS

Successful applicants will receive a Letter of Offer and a legally binding Grant Agreement describing the conditions (including compliance with relevant government policies), services to be delivered, milestones and payment schedule and reporting requirements. The approval and allocation of funding will comply with the *Financial Management Act 2004*.

For funding amounts equal to or less than \$50,000, the Grant Agreement must be signed and returned to the Department within 30 days of the Letter of Offer. The offer may be withdrawn, at the Department's absolute discretion, if the Grant Agreement is not executed within the 30-day timeframe, or if the project has not commenced within a specified timeframe.

For funding amounts greater than \$50,000, applicants will have 30 calendar days from the date of the Letter of Offer to accept the offer in writing and 60 calendar days from the date of acceptance to execute the Grant Agreement with the Department. The offer may be withdrawn, at the Department's absolute discretion if the Grant Agreement is not executed within the 60-day timeframe.

All amounts in the Grant Agreement are exclusive of GST.

6.1 PRIVACY

Any personal information provided by the applicant or a third party in an application will be collected by the Department for the purpose of program administration. This information may be disclosed to other Victorian or Commonwealth government bodies for the purposes of assessing applications. If confidential personal information about third parties is included in an application, applicants are required to ensure that the third party is aware of the contents of this Privacy Statement.

Any personal or health information collected, held, managed, used, disclosed or transferred will be held in accordance with the *Privacy and Data Protection Act 2014 (Vic)*, the *Health Records Act 2001 (Vic)* and other applicable laws.

The Department is committed to protecting the privacy of personal information. The Department's Privacy Policy can be found [online](#). Enquiries about access to information should be directed to the Department's Privacy Unit (privacy@ecodev.vic.gov.au).

6.2 PUBLICITY AND MEDIA

Recipients must:

- a. Agree to cooperate with the Department in the preparation of materials used to promote the benefits of the program, such as a media release, promotion publication or case study.
- b. Provide any project promotion materials in draft to the Department prior to the publication.
- c. Not make any public announcement or issue any press release regarding the receipt of a Grant without prior approval by the Department.
- d. Comply with any additional requirements as stipulated in the Grant Agreement.
- e. The Jobs Victoria brand entity should be included on all advertising and promotional material related to any supported employees.

The Department may request recipients to fact check any text and seek approval to use any owned imagery associated with the activity prior to the publication of any such promotional materials

All recipients may be publicly listed in the Department's annual reports and on program websites.

Further information on the Victorian Government branding guidelines can be obtained at the **Department of Premier and Cabinet website**.

6.3 EVALUATION

Successful applicants must comply with the Department's performance monitoring and evaluation regime, including cooperating with any evaluation of the Jobs Victoria Fund which may be required for up to three years following completion of the grant. Reporting may include the identity of successful applicants and projects and, where applicable, deviations from or exceptions to the assessment and approvals processes set out in these guidelines.

Successful program outcomes may be used in program evaluation reviews and the Department's marketing collateral.

6.4 AUDIT AND COMPLIANCE

All successful applicants may be subject to a range of compliance and probity processes, including an independent audit to confirm the requirements of the grant have been met. As part of this process, applicants are required to answer any enquiries from the Department and/or an independent auditor, and to permit inspections and access to project accounts, employment records, project assets and the project site.

Applicants found to include false or misleading information may be referred to the relevant law enforcement authority.

6.5 CONFLICT OF INTEREST

A conflict of interest is a situation in which someone in a position of trust or influence has competing professional or personal interests.

Applicants must advise the Department of any real or perceived conflict of interest relating to their funding request under the Jobs Victoria Fund. Applicants must clearly demonstrate how the conflict will be managed. Should the applicant be unable to satisfy the Department that a conflict has been appropriately managed, the Department will require the applicant to withdraw its application until the matter has been resolved.

6.6 COMPETITIVE NEUTRALITY

If successful, local government authorities will be required to comply with the Competitive Neutrality Policy Victoria, in respect of any commercial goods or services offered by the body as a result of the grant.

7 EMPLOYER RESPONSIBILITIES

7.1 EMPLOYMENT STANDARDS FOR EMPLOYERS

Funding recipients must be aware of their workplace rights and obligations as the employer. This is because the employer is legally responsible for paying employees their correct entitlements under Commonwealth and state laws. Employers have all the usual responsibilities under workplace laws such as those relating to occupational health and safety. These responsibilities include meeting **COVIDSafe workplace requirements**. Criminal and/or civil offences may apply to breaches of these laws.

The employer has a legal responsibility to pay all employees the correct wages and entitlements.

As a minimum, all employees are entitled to 10 minimum employment standards called the **National Employment Standards (NES)** which are prescribed by law (the *Fair Work Act 2009*), as well as the national minimum wage.

In addition, it is likely that the employee is covered by an industrial award. Awards create other workplace rights and obligations additional to the NES.

Modern awards are made under the Fair Work Act 2009 and apply to most industries, most occupations and most employees. All Victorian businesses are covered by at least one award.

Employers can use the Fair Work Ombudsman's **Pay and Conditions Tool** (P.A.C.T) to find which award applies to their business. Employers are also strongly advised to ring the Fair Work Ombudsman on 13 13 94 (M-F, 8am-5.30pm) to ensure they are using the correct award, and classification within that award, to pay their employee. See also the Fair Work [website](#).

Alternatively, the employee might be covered by an enterprise agreement that applies to the employer's workplace. Again, the Fair Work Ombudsman can give advice on this.

Employers may also enter into a common law contract with their employee that provides other entitlements or imposes other conditions on the employee. Many businesses do this in the letter of offer to the employee. It is important to note that by law, employers cannot include any conditions in an employment contract that:

- a. provide a pay rate that is lower than the rate in the applicable award or enterprise agreement, or;
- b. is less than the national minimum wage or the NES, or;
- c. excludes the award, enterprise agreement or NES altogether.

If in any doubt, applicants should contact the Fair Work Ombudsman and obtain legal advice about your obligations.

7.2 LONG SERVICE LAWS

In addition to your responsibilities under the *Fair Work Act 2009*, you also have an obligation to your employees under long service laws. The Victorian *Long Service Leave Act 2018* applies as a default scheme for all Victorian workplaces. If you are an employer in the construction, community services, security or cleaning sectors, there are also portable long service benefits schemes that apply to your **workplace**. Some workers also have entitlements under enterprise agreements made under the Fair Work Act, or under federal awards. For more information about long service schemes generally, or about the Victorian Long Service Leave Act, contact the Wage Inspectorate Victoria on 1800 287 287 or go to the **website**.

For more information contact the:

- **Wage Inspectorate Victoria** Ph 1800 287 287
- **coinvest.com.au**
- Contract cleaning, community services, and security portable long service benefits scheme at the Portable Long Service Authority **website**.

7.3 EMPLOYER AND EMPLOYEE HEALTH AND SAFETY

All funding recipients must ensure that the individuals employed have a safe working environment without risks to health, and that as an employer, they will comply with all occupational health and safety requirements. Successful applicants will be subject to random checks.

As the employer, funding recipients must ensure compliance with all applicable Victorian and Commonwealth occupational health and safety, equal opportunity, anti-discrimination, affirmative action and privacy legislation.

Given the coronavirus (COVID-19) pandemic, it is critical that all employers are aware of and complying with current restrictions. If funding recipients or their employees need further information on current restrictions, information and advice for businesses (including preventing infections in the workplace) or essential information on staying safe, please visit the Department of Health and Human Services **website**.

As the employer you're responsible for health and safety in your workplace. Under workplace health and safety laws (*Occupational Health and Safety Act 2004*), you are required by law to provide:

- a. safe premises
- b. safe machinery and materials
- c. safe systems of work
- d. information, instruction, training and supervision
- e. a suitable working environment and facilities.

For advice on your work health and safety obligations you can visit the WorkSafe **website** or contact WorkSafe on 1800 136 089.

7.4 REQUIREMENTS FOR TRADES JOBS FUNDED BY THE DEPARTMENT

Employers should ensure they hold the relevant registration(s) and/or licence(s), if any, required by the relevant regulatory body and/or legislation, as relating to employment of any trades job employees through the Jobs Victoria Fund.

It is also the responsibility of the employer to ensure that all of its trades job employees employed in connection with projects funded through the Jobs Victoria Fund hold the relevant qualification(s), registration(s) and/or licence(s) as required by the relevant regulatory body and under applicable Acts and/or Regulations.

For further advice or assistance regarding trades job requirements for the employer organisation or project employee, please refer to the relevant trade regulatory body for more information.

8 CONTACT AND FURTHER INFORMATION

For more information about the Jobs Victoria Fund, or to discuss any specific queries, please contact the Department.

- Jobs Victoria **website**
- Email: **info@jobs.vic.gov.au**
- Phone: 1300 208 575

Please note that engagement with the Department or any Victorian Government representative does not constitute endorsement of any application for funding.

APPENDIX A – RECRUITMENT SUPPORTS

A range of supports are available to employers to help them recruit eligible employees. These are detailed below.

Use of the sources outlined below is at the discretion of the applicant.

1. JOBS VICTORIA ONLINE HUB

The Jobs Victoria online hub matches people looking for work with employers seeking a local, jobready workforce. With a large number of people seeking employment on the platform across Victoria, employers can register to advertise jobs. Once your registration has been processed:

- Jobs Victoria will contact you to help you set up your account.
- You can create your company profile with logo, overview and links to your website.
- You can then start posting jobs on the online platform.

To register, please visit **Jobs Victoria**.

2. JOBS VICTORIA PARTNERS

Jobs Victoria Partners are organisations that have received funding through Jobs Victoria to deliver employment related services on behalf of the Victorian Government.

Jobs Victoria Partners deliver pre-employment support to jobseekers and place them in work with suitable employers. They work closely with employers to assist them in meeting their recruitment needs. Post-placement support is provided to both the employer and the jobseeker to help each job stick. All engagement between Jobs Victoria Partners, jobseekers and employers are voluntary.

Employers can search for their local **Jobs Victoria Partner** and contact them directly or contact the Jobs Victoria hotline on 1300 208 575.

3. ABORIGINAL EMPLOYMENT

The Victorian Government has a commitment to Aboriginal self-determination and welcomes applications from Aboriginal Community Controlled Organisations, Traditional Owner groups and Aboriginal businesses. The Department recognises that more Aboriginal led employment service providers supports better employment outcomes through addressing local challenges and opportunities, particularly for young Aboriginal people.

Non-Aboriginal organisations are also encouraged to apply and partner with the Aboriginal community to facilitate employment outcomes for Aboriginal jobseekers.

Employers that provide a culturally safe workplace for Aboriginal employees are encouraged to apply to the Fund. A culturally safe workplace will be able to demonstrate that:

- their organisation is culturally safe for Aboriginal workers and community.
- they are well connected to their local Aboriginal community.
- they respond to the identified needs of Aboriginal people.
- they are accessible to Aboriginal people and communities.
- they work in a culturally safe and appropriate manner.

A staff member from the Department is available to assist you with enquiries in the area of recruitment, training, induction, onboarding and Aboriginal community stakeholder engagement if needed. Please contact info@jobs.vic.gov.au.



APPENDIX B – DEFINITIONS

| Term | Definition |
|---|--|
| Australian Charities and Not-for-profits Commission (ACNC) | The national regulator of charities. The ACNC: <ul style="list-style-type: none">• registers organisations as charities• helps charities understand and meet their obligations• helps the public understand the work of the not-for profit sector. |
| Applicant | An employer that applies to the Jobs Victoria Fund for wage subsidies. |
| Audit (Independent audit) | An official examination of the financial accounts of a business done by an independent body. |
| Audited financial records | Every business keeps records of its operations and transactions and accountants take this information to produce four basic financial statements: a profit and loss statement, balance sheet, statement of cash flows and statement of changes in owners' equity. These are known as audited financial records. |
| Australian Business Number (ABN) | A unique 11-digit number that identifies a business to the government and community. To get one you need to be running a business or enterprise and need to apply via the Australian Business Register (ABR) website. |
| Australian Company Number (ACN) | A unique nine-digit number that identifies a company in Australia. ACNs must be displayed on all company documents. |
| Award rate | Awards (award rates) are legal documents that outline the minimum pay rates and conditions for workers in Australia. |
| Casual employment | An employee in casual employment: <ul style="list-style-type: none">• has no guaranteed hours of work• usually works irregular hours• does not get paid sick or annual leave• can end employment without notice, unless notice is required by a registered agreement, award or employment contract. |
| Certificate of currency | Confirms that a business is currently registered for a particular kind of insurance. A business can request a certificate as evidence that the business has current insurance. |
| Commonwealth JobMaker Hiring Credit | A Commonwealth Government initiative that provides funding for certain businesses if they employ additional young job seekers aged 16–35 years. |
| Corporate social responsibility goals | A set of ethical standards that guide an organisation's commitment to responsibly and sustainably manage the social, environmental and economic effects of their work. |
| Employee Consent Form | Contains key information about the employee(s) and is completed by the employee. The applicant is required to submit a copy of this form for each eligible employee. |

| Term | Definition |
|--|--|
| Employer | An organisation or business that directly employs people. |
| Employment contract | An agreement between an employer and employee that sets out the terms and conditions of employment. For the purposes of the Fund, an employment contract is in writing. |
| Enterprise agreement | An enterprise agreement is between one or more national system employers and their employees, as specified in the agreement. Enterprise agreements are negotiated by the parties through collective bargaining in good faith, primarily at the enterprise level. Under the Fair Work Act 2009, an enterprise can mean any kind of business, activity, project or undertaking. |
| Financial risk assessment (FRA) | A process of analysing potential events that may result in the loss of an asset, loan or investment conducted by the Department. |
| Full-time equivalent (FTE) | 1 FTE is equivalent to a full-time worker (38 hours a week), while 0.5 FTE is equivalent to a part-time worker (19 hours a week). All other work arrangements are calculated in reference to 1 FTE. |
| Goods and services tax (GST) | Goods and services tax (GST) is a broad-based tax of 10% on most goods, services and other items sold or consumed in Australia. |
| Government bodies | Entities established by an Act of Parliament or by government. |
| Grant Agreement | A written document containing the terms and conditions of a Grant. |
| Incorporated (organisation) | A registered legal entity established for recreational, cultural or charitable purposes. It must have at least five members and put all profits into the organisation's activities. |
| Ineligible employee | A person who does not meet the eligibility requirements under the Jobs Victoria Fund. |
| Jobseeker | An individual who is actively looking for a job. |
| Jobs Victoria Online Hub | Helps employers find people ready to work with the skills and experience to meet their needs. Also connects workers with new job opportunities and access to online training. |
| Jobs Victoria participant | A Victorian jobseeker who has met the eligibility criteria to receive assistance through a Jobs Victoria Partner. |
| Jobs Victoria Partner | Organisations that have received funding through Jobs Victoria to deliver employment related services on behalf of the Victorian Government. Jobs Victoria Partners: <ul style="list-style-type: none">• deliver pre-employment training to jobseekers and assist in sourcing employment placements with suitable employers• actively engage with employers to assist them in meeting their recruitment needs. Post-placement support is provided to both the employer and the jobseeker to help each job stick. |
| Labour hire providers | Licenced by the State or a sub-contractor that undertakes recruitment and employs the supported employees. |
| Labour hire authority | An independent statutory authority responsible for licencing and regulating labour hire services. |

| Term | Definition |
|--|--|
| Legal entity | An individual, company, or organization that has legal rights and obligations. |
| Long-term unemployed | People who have been unemployed for more than six months. |
| National Redress Scheme | <p>The National Redress Scheme:</p> <ul style="list-style-type: none"> • acknowledges that many children were sexually abused in Australian institutions • recognises the suffering they endured because of this abuse • holds institutions accountable for this abuse, and helps people who have experienced institutional child sexual abuse gain access to counselling, a direct personal response, and a Redress payment <p>Further information at the website.</p> |
| New migrants from non-English speaking backgrounds. | People who have arrived in Australia during the past four years from a non-English speaking background and who also meet the Jobs Victoria Fund residency eligibility criteria (i.e. entitled to work for the Applicant as: Australian citizens; holders of Australian permanent residence visas with work entitlements; holders of Australian temporary work visas; holders of student visas who are enrolled in an eligible course of study in Australia; or holders of Australian refugee and humanitarian visas with work entitlements). |
| Part-time employee | <p>For the purposes of these guidelines, a part-time employee:</p> <ul style="list-style-type: none"> • works a minimum of 19 hours per week • usually works regular hours each week • can be a permanent employee or on a fixed-term contract for a minimum of 12 months • is entitled to paid leave including annual leave and sick & carer's leave • is usually entitled to written notice, or payment instead of notice, if their employer terminates their employment. |
| Pay slip | <p>Pay slips is a document which has to be given to an employee within 1 working day of pay day, even if an employee is on leave. Pay slips have to be in either electronic form or hard copy. Electronic pay slips must have the same information as paper pay slips.</p> <p>Pay slips must meet the requirements outlined by Fair Work Australia.</p> |
| Payment schedule | Sets out the timing of payments and payment amounts by the Department to the successful applicant as outlined in the Grant Agreement. |
| Periodic employment | An employee who has worked continuously for an employer for at least 4 months but less than 12 months per year. The employee provides the service/s in intervals. |
| Portable long service benefits scheme | Ensures that Victorian workers in community services, contract cleaning and security can take their long service leave entitlement with them if they change jobs but stay in the industry. |

| Term | Definition |
|-------------------------------------|--|
| Priority groups | <p>Priority groups for the Jobs Victoria Fund are:</p> <ul style="list-style-type: none"> a. women aged over 45 years b. long-term unemployed people (unemployed for six months or more) c. jobseekers registered with a Jobs Victoria Partner d. Aboriginal and/or Torres Strait Islander people e. people with disability f. people seeking asylum/refugees g. newly arrived migrants from non-English speaking backgrounds. h. young people aged under 25 i. people over 45 years j. veterans k. people previously employed under the Working for Victoria initiative. |
| Private sector business | An organisation that is run by individuals for profit and is not controlled by the State. |
| Project site | The location in Victoria where the eligible employees work. |
| Recipient | An applicant that has secured grant funding. |
| Recruitment | The process of actively seeking out, finding and hiring individuals for a specific job. |
| Residency status | Refers to an individual's legal status in Australia (e.g. Australian citizens; holders of Australian permanent residence visas with work entitlements; holders of Australian temporary work visas; holders of student visas who are enrolled in an eligible course of study in Australia; or holders of Australian refugee and humanitarian visas with work entitlements). |
| Social Procurement Framework | A whole-of-government framework that requires government buyers and suppliers to deliver social, economic and environmental outcomes that benefit the Victorian community through both direct and indirect methods. Direct methods are purchasing goods, services or construction (by government) from Victorian social enterprises, Victorian Aboriginal businesses and other social benefit suppliers, including Victorian based Australian Disability Enterprises. Indirect methods use the invitation to supply process and clauses in contracts with the private sector to seek social and sustainable outcomes for Victorians. |
| Social enterprises | <p>Social enterprises are organisations which are:</p> <ul style="list-style-type: none"> • led by an economic, social, cultural, or environmental mission consistent with a public or community benefit • derive a substantial portion of their income from trade • reinvest the majority of their profit/surplus in the fulfilment of their mission. |
| Statutory declaration | A legal document that contains a signed written statement declaring something to be true. It must be witnessed by an authorised statutory declaration witness. |
| Sole trader | An individual who is the exclusive/only owner of a business. A sole trader is entitled to keep all the profits after tax has been paid and is accountable for all losses. |

| Term | Definition |
|-----------------------------|--|
| Training | <p>Training includes employees completing one or more of the following activities which must be relevant to their job:</p> <ul style="list-style-type: none"> • Informal upskilling e.g. on-the-job training • Micro-credentialing i.e. a short competency-based recognition for the enterprise (soft) skills employees currently use in the workplace. • Formal qualifications e.g. TAFE certificate, diploma, graduate certificate or degree. |
| Underemployed | For the purposes of these guidelines, a person who works no more than 16 hours per fortnight in total under casual employment arrangements. |
| Unemployed | A person who is unemployed, is not working for one hour or more, is actively seeking work and is currently available for work. |
| Wages | Base rates of pay payable to employees for their ordinary hours of work (and related on-costs such as superannuation, annual leave and personal leave, payroll tax or WorkCover Insurance costs) and including loadings, penalties and monetary allowances (e.g. dirty-work allowance, first aid allowance, adverse working conditions allowance). Wages do not include incentive-based payments, bonuses or overtime. |
| WorkCover insurance | Covers employers for the cost of benefits if employees are injured or become sick because of their work. It is compulsory for Victorian employers and is funded by their contributions. |
| Working for Victoria | The \$500 million Working for Victoria initiative helped Victorian jobseekers find work and employers find workers. This included people who had lost their jobs and businesses who need workers due to the impacts of coronavirus (COVID-19) pandemic. |

