



The Building Contractor's role in complying with the BCI Code

Western Australian Building and Construction Industry Code of Conduct 2016 (BCI Code)

Role of Building Contractors

From 1 January 2017, Building Contractors that tender for WA State Building Work must comply with the BCI Code for the duration of the tender process and, if successful, for the duration of the term of the relevant Covered Contract.

Building Contractors will also be required to comply with the BCI Code on any Private Covered Building Work procured by way of a tender process or signed contract at a time when the Building Contractor was subject to the BCI Code. Building Contractors must advise the Building and Construction Code Monitoring Unit (BCCMU) in writing of any signed contract with a value exceeding \$2 million for Private Covered Building Work. Please see the fact sheet 'BCI Code – When Am I Covered' for further information.

A Building Contractor who enters into a contract exceeding \$10 million in value for State Building Work must have a BCI Code compliant Workplace Relations Management Plan (WRMP) in place prior to commencing work. This requirement applies to the head contractor, not Subcontractors.

Project stage

When working on a BCI Code covered project, Building Contractors must:

- comply with the BCI Code;
- make compliance with the BCI Code a condition of all tender documentation and contracts with Subcontractors;
- proactively ensure compliance with the BCI Code and WRMP (if applicable) by Subcontractors and building industry participants;
- allow the BCCMU access to the project and other covered sites and to take copies of any record, document or evidence to confirm compliance with the BCI Code; and

- respond to requests for information from the BCCMU concerning the Building Contractor's compliance with the BCI Code.

Building Contractors must take all reasonable steps to ensure that their onsite Subcontractors allow the BCCMU to inspect and make copies of any record, document or evidence to confirm compliance with the BCI Code.

Reporting obligations

The BCI Code requires Building Contractors to comply with the following reporting obligations to the BCCMU:

Tendering

A Building Contractor must, within 24 hours of submitting a Tender Response for State Building Work, advise the BCCMU in writing if any aspect of its preparation of the Tender Response was inconsistent with the obligations outlined in paragraph 25 of the BCI Code (relating to Collusive Tendering).

Industrial Action

State Building Work – a Building Contractor must report actual or threatened Industrial Action (whether Protected Industrial Action or Industrial Action that is not Protected Industrial Action) to the BCCMU as soon as practicable but no later than 24 hours after becoming aware of the threat or action.

Private Covered Building Work – a Building Contractor must report actual or threatened Industrial Action by employees of the Building Contractor to the BCCMU as soon as practicable but no later than 24 hours after becoming aware of the threat or action.

A Building Contractor must take reasonably practicable steps to prevent or bring an end to all Industrial Action that is not Protected Industrial Action.

Private Covered Building Work

A Building Contractor must advise the BCCMU in writing when any contract having a value in excess of \$2 million is executed in respect of Private Covered Building Work.



Breach/Suspected Breach

A Building Contractor must notify the BCCMU of a breach or a suspected breach of the BCI Code as soon as practicable, but no later than 48 hours after becoming aware of the breach or suspected breach.

Compliance with the BCI Code will:

- Promote fair, efficient and productive workplace relations in the building and construction industry
- Promote safe practices in the building and construction industry
- Promote fair subcontracting practices and timely payment of Subcontractors across Western Australia.



This fact sheet should be read in conjunction with the BCI Code and information provided in the Implementation Guidelines.

For further information please visit the Building and Construction Code Monitoring Unit website at:
www.commerce.wa.gov.au/bccmu

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