



HUME CITY COUNCIL

# Hume Business Employment Grants Guidelines 2022

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# TABLE OF CONTENTS

## Contents

<b>BACKGROUND .....</b>	<b>3</b>
OBJECTIVES OF THE HUME BUSINESS EMPLOYMENT GRANTS .....	3
SUMMARY OF THE EMPLOYER APPLICATION PROCESS .....	4
<b>AVAILABLE FUNDING .....</b>	<b>5</b>
<b>ELIGIBILITY CRITERIA.....</b>	<b>6</b>
CRITERION A – APPLICANT ELIGIBILITY.....	7
CRITERION B – EMPLOYEE ELIGIBILITY .....	9
APPLICANT CONDITIONS.....	12
<b>APPLICATION AND ASSESSMENT PROCESS .....</b>	<b>14</b>
SUBMITTING YOUR APPLICATION.....	14
ASSESSING YOUR APPLICATION.....	14
REQUESTS FOR ADDITIONAL INFORMATION .....	14
PROCESSING YOUR APPLICATION .....	15
PAYMENT MILESTONES AND REQUIREMENTS.....	15
<b>EVIDENCE REQUIREMENTS.....</b>	<b>18</b>
<b>OTHER INFORMATION.....</b>	<b>21</b>
GRANT AGREEMENTS.....	21
PRIVACY .....	21
PUBLICITY AND MEDIA.....	22
ABSOLUTE DISCRETION .....	22
EVALUATION .....	23
AUDIT AND COMPLIANCE.....	24
CONFLICT OF INTEREST .....	24
<b>EMPLOYER RESPONSIBILITIES.....</b>	<b>25</b>
EMPLOYMENT STANDARDS FOR EMPLOYERS .....	25
EMPLOYER AND EMPLOYEE HEALTH AND SAFETY .....	26
REQUIREMENTS FOR TRADES JOBS .....	27
<b>CONTACT AND FURTHER INFORMATION.....</b>	<b>27</b>

## BACKGROUND

The \$1 million Hume Business Employment Grants Program provides incentives to local businesses to offer secure employment for up to 100 eligible residents in Hume City.

Offered as part of Council's [COVID-19 Recovery and Reactivation Plan](#), this program provides a strong financial boost for local jobs and local businesses, with a key focus on employment outcomes of twelve months or more at completion of the program.

## OBJECTIVES OF THE HUME BUSINESS EMPLOYMENT GRANTS

For Hume residents who are unemployed (or underemployed), disadvantaged or in insecure employment (traineeship/apprenticeship), the grants facilitate:

- The opportunity for continued employment for trainees or apprentices after the cessation of their apprenticeship/traineeship
- employment opportunities for people most affected by the pandemic including women, disengaged young people, asylum seekers with working rights and persons with a disability
- employment opportunities for people who already face significant barriers to employment
- twelve month employer commitment to steady and secure employment.

For employers, the Fund will:

- support businesses to recover and grow
- address skill shortages
- assist to maintain trainees/apprentices at the end of their training period.

## SUMMARY OF THE EMPLOYER APPLICATION PROCESS

There are five steps to apply to the Fund:

### Step 1: Eligibility

Check with the [Hume Business Employment Grants](#) page online, download the [Eligibility Checklist](#) and read these guidelines to determine whether you can meet all eligibility criteria.

Applicants that meet the eligibility criteria and supply the necessary information will receive funding, subject to the availability.

For any questions on eligibility, please contact the Hume Business Employment Grants team via email [joblink@hume.vic.gov.au](mailto:joblink@hume.vic.gov.au).

### Step 2: Application

Submit an online application on the [Smartygrants](#) 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 3: Outcome

Once the application is assessed, Applicants will be notified of the outcome by the Hume Business Employment Grants team.

If Applicants are successful, they will be sent a Grant Agreement for their signature. Milestone payments will be paid accordingly.

## AVAILABLE FUNDING

Hume Employers can apply for a Hume Business Employment Grant to meet the costs of taking on eligible Hume Employees.

Three Streams of Grants are available with funding of up to \$10,000 per employee.

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**Stream 1: Hume Trainees and Apprentice Incentive Program**

**(\$10,000 per full-time employee, pro rata for part-time)**

Employers who have engaged an apprentice/trainee formally and are receiving Federal Government support,

The grant will support the business to hire the employee for at least 12 months upon completion of the apprenticeship/traineeship.

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**Stream 2: Hume Internship, Cadetship and Industry Training Program**

**(\$10,000 per full-time employee, pro rata for part-time)**

Employers who have a future bulk recruitment need or succession planning requirement. This Stream is available where there is an identified need for a minimum of 5 positions.

Council will support the business with labour market facilitation and identification of local unemployed talent through the Hume Employment and Learning Community network and community service providers. The business must engage with Council and training partners (chosen by employer) to tailor training to suit their requirements.

The grant will offer incentives to businesses to take on Hume interns or cadets as well as pay for any tailored training such as licenses, certifications and pre-employment checks that are not covered by any government funding.

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**Stream 3: Disadvantaged Jobseeker Incentive Program**  
**(up to \$10,000 per full-time employee, pro rata for part-time)**

This Stream will provide for Council to match existing wage subsidies via a grant paid by jobactive and Disability Employment Services (DES) providers, by extending the employment period duration from 6 months to 12 months.

This Stream will be assessed on a case-by-case basis and will assess jobseeker's whose employment is at risk prior to 26 weeks through unforeseeable circumstances.

It can be used to strengthen the employee's individual capacity in the workplace and it will provide the opportunity for employers to further invest in the individual to:

- upskill,
- develop the individual employees, and
- provide additional support such as a mentor.

Funding will also be available to assist in the creation of new jobs for people with a disability.

Note: You must demonstrate that the employee was unemployed prior to the commencement of their existing employment.

Preference will be given to employees who prior to the employment were unemployed and were :

- Women/Parents returning to the workforce.
  - Disengaged young people – not engaged in education or employment.
  - Asylum seekers with working rights.
  - Individuals that have not used or are not connected to the employment service system such as jobactive, Disability Employment Services and JVEN etc.
  - Existing jobseekers that do not have access to the full level of funding.
  - Young people aged 18 -25.
  - Jobseekers from CALD and newly emerging communities in the age group 25-44.
  - Single parents.
  - Mature Age persons over 45.
  - Persons with a disability.
  - Aboriginal and Torres Strait Islanders.
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Applicants must meet all eligibility criteria pertaining to the eligible Stream as 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 Applicant conditions).

## **CRITERION A – APPLICANT ELIGIBILITY**

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### **Direct employment relationship**

Applicant must be the direct employer of the employee and the employee must not be placed with any other organisation during their employment.

### **WorkCover insurance and health and safety**

Applicant must hold current WorkCover insurance for the period of employment and provide the certificate of currency for the financial year in which the application is submitted.

Applicant business must hold all appropriate permits and licenses. This will include but is not restricted to – building and planning permits, liquor license, health and other statutory permits or licenses that are required for the business to be legal.

Council rates must be paid in full and up to date, or a payment plan is in place.

Applicant must also be compliant with applicable workplace health and safety as well as industrial relations legislation.

### **Australian business number (ABN)**

Applicant must have an ABN (and Australian Company Number if applicable).

### **Permits, Rates and Taxation**

Applicants must be compliant with taxation legislation.

### **Eligible businesses**

Business must have a minimum of 1 employee to be eligible to apply.

(See Ineligible Employers below for further details.)

### **Location**

Head office can be outside of Hume, however an office must be in Hume and the main activities for the office situated in Hume must be conducted within the Hume municipality.

### **Employer responsibilities**

Applicants must comply with all employer responsibilities and workplace laws

## Ineligible Employers

- Australian State and Local Government entities, including government owned corporations
- Industry bodies and group training organisations
- Employment service providers and recruitment companies

Community service providers that deliver employment, training and social support services with the exception of Health and Care providers and Social enterprises offering open employment

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## CRITERION B – EMPLOYEE ELIGIBILITY

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### Priority groups

Preference is given to employees from the following priority groups:

- Women/Parents returning to the workforce.
- Disengaged young people – not engaged in education or employment.
- Asylum seekers with working rights.
- Individuals that have not used or are not connected to the employment service system such as jobactive, Disability Employment Services and JVEN etc.
- Existing jobseekers that do not have access to the full level of funding.
- Young people aged 18 -25.
- Jobseekers from CALD and newly emerging communities in the age group 25-44.
- Single parents.
- Mature Age persons over 45.
- Persons with a disability.
- Aboriginal and Torres Strait Islanders.

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### Employers with bulk recruitment needs for five or more employees

Employers are encouraged to apply for the Hume Business Employment Grants as soon as possible after they become aware of a bulk recruitment need.

Employers must engage with Council for support the business with labour market facilitation and identification of local unemployed talent through the Hume Employment and Learning Community network and community service providers.

### Employment Requirements

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#### Employee employment status before starting their eligible job (Stream 3 only)

Employees must have been unemployed prior to current employment and supported by an employment service provider (e.g. DES, JVEN, JVES, Jobactive) or a retrenched worker.

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**The amount of time the employee has been employed by the Applicant**

Stream 1: After completion of the traineeship/apprenticeship the first milestone is due after four weeks of continuous employment.

Stream 2: Not Applicable

Stream 3: First milestone is due after 30 weeks of continuous employment.

First milestone documentation will be accepted as an eligible and successful application.

Employers are encouraged to put in their application for the grants before the employee reaches the first milestone or when they become aware of a bulk recruitment need within their organisation.

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**Residency status**

Eligible employees must be residents of the Hume municipality

Eligible employees must be either an Australian citizen, Australian Permanent Resident, NZ citizen, holder of a Permanent Humanitarian Visa or holder of a Temporary Protection Visa with Australian work rights

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**Employee Statutory Declaration**

An [Employee Statutory Declaration](#) must be completed and signed by each Eligible Employee and included as part of the application

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**Employment Conditions****Length of jobs**

Jobs must be at least 12 months in duration.

If the employee moves from a permanent to a casual position no further grant milestones will be received.

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**Type of employment**

Job must be a permanent or fixed term and employed directly by the business for at least 12 months.

Subcontractors, temporary contracts and casual positions are not eligible.

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**Wages and entitlements**

Employers must pay the national minimum wage or the award rate as specified in the applicable award or enterprise agreement. Wages do not include incentive-based payments, bonuses or overtime.

**Displacement of existing employees**

Jobs must not displace existing employees (i.e. must 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, unless the job is for a person with disability
- Where an employee has transitioned from another job, jobs that are less than 19 hours per week (e.g. casual, contract or sub contract).
- periodic employment, such as engagements that are short term (e.g. weekly hire basis).

## APPLICANT CONDITIONS

Applicants must comply with the following conditions when applying for funding under the Hume Business Employment Grants:

- Applicants should carefully consider how their organisation will perform against the eligibility criteria before hiring employees and developing an application.
- 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 Hume Business Employment Grants team may contact Applicants and employees.
- Applicants are required to declare that all jobs are based in the Hume municipality.
- Where possible, each job supported under the Hume Business Employment Grants should be transitioned to an ongoing job within the organisation beyond the funding period.
- Any adverse findings by a regulator or the organisation becoming deregistered as well as any reputational risk to Hume City Council may be considered as part of the funding decision.
- Council rates must be paid in full and up to date, or a payment plan in place and the business must hold all appropriate permits and licenses required for the business to be legal.
- Hume City Council make no representation that a grant of funds will be made to any Applicant and reserves the right to make no funds available under the Hume Business Employment Grants.
- Hume City Council reserves the right to amend these guidelines at any time it deems appropriate.
- Applicants can apply for and be currently receiving other incentives or payments offered by the Victorian Government, the Commonwealth Government or local government councils. Applicants are required to declare any other funding they are receiving with respect to Eligible Employees.
- Applicants in receipt of or applying for subsidies through other government agencies are advised to check whether the relevant scheme excludes them from receiving a subsidy from another source.
- Hume City Council reserves the right to reject applications where the grant amount exceeds the aggregate of the total cost of wages of an Eligible Employee and, including any other subsidies or funding the employer is receiving in relation to that employee.

- 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.
- Successful Applicants will be entering into a legal agreement with Hume City Council.
- 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.

# APPLICATION AND ASSESSMENT PROCESS

## SUBMITTING YOUR APPLICATION

Once an Applicant has employed an Eligible Employee as outlined in section 3, they can apply for funding through the online application form on the [Smartygrants](#) website.

Before applying, Applicants may check their eligibility by going to the [Hume Business Employment Grants](#) page online 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 Applicant conditions).

For any questions on eligibility, please email the Hume Business Employment Grants team [joblink@hume.vic.gov.au](mailto:joblink@hume.vic.gov.au).

All questions must be answered truthfully. 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 Hume Business Employment Grants team can remain in contact.

## ASSESSING YOUR APPLICATION

Applications will be assessed in the order they are received by the Hume Business Employment Grants team against each of the eligibility criteria. Applicants must satisfy all eligibility criteria to be eligible to receive funding.

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

## REQUESTS FOR ADDITIONAL INFORMATION

The Hume Business Employment Grants team 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 14 business days to allow them to upload the requested documentation.

## PROCESSING YOUR APPLICATION

The Hume Business Employment Grants team will advise each Applicant of the outcome of their application in writing, including the amount of funding to be offered and any conditions attached to the funding offer.

Hume City Council has full discretion and authority to determine which Applicants are eligible to receive funding and the amount of funding offered.

## PAYMENT MILESTONES AND REQUIREMENTS

Payments will be made directly to funding recipients in accordance with a milestone payment schedule outlined in the Grant Agreement. Milestone payments will be based on evidence of actual hours worked and may be adjusted for any changes to hours worked by employees over the term of the Grant Agreement.

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

<b>Stream 1</b>			
<b>Milestone</b>	<b>Timing</b>	<b>Amount</b>	<b>Requirement</b>
1	Execution of the grant agreement and four weeks after continuous employment.	25% of grant amount	<ul style="list-style-type: none"> <li>• Execution of Grant Agreement</li> <li>• Payslips or pay record for Eligible Employee provided at time of application</li> <li>• Proof of completion of Apprenticeship/Traineeship</li> </ul>
2	12 weeks of continuous employment	25% of grant amount	<ul style="list-style-type: none"> <li>• Payslips or pay record for Eligible Employee showing hours worked</li> </ul>
3	26 weeks of continuous employment	25% of grant amount	<ul style="list-style-type: none"> <li>• Payslips or pay record for Eligible Employee showing hours worked</li> </ul>
4	52 weeks of continuous employment	25% of grant amount	<ul style="list-style-type: none"> <li>• Payslips or pay record for Eligible Employee showing hours worked</li> </ul>

<b>Stream 2</b>			
<b>Milestone</b>	<b>Timing</b>	<b>Amount</b>	<b>Requirement</b>
1	Four weeks after continuous employment.	\$2,000 for each employee	<ul style="list-style-type: none"> <li>Execution of Grant Agreement</li> <li>Payslips or pay record for Eligible Employee provided at time of application</li> </ul>
2	26 weeks of continuous employment	\$3,000 for each employee	<ul style="list-style-type: none"> <li>Payslips or pay record for Eligible Employee showing hours worked</li> </ul>
3	52 weeks of continuous employment	\$3,000 for each employee	<ul style="list-style-type: none"> <li>Payslips or pay record for Eligible Employee showing hours worked</li> </ul>
<b>Stream 3*</b>			
<b>Milestone</b>	<b>Timing</b>	<b>Amount</b>	<b>Requirement</b>
1	30 weeks of continuous employment	20% of grant amount	<ul style="list-style-type: none"> <li>Execution of Grant Agreement</li> <li>Payslips or pay record for Eligible Employee provided at time of application</li> <li>If the business is receiving a wage subsidy for the Eligible Employee, proof of wage subsidy provided at time of application</li> </ul>
2	40 weeks of continuous employment	40% of grant amount	<ul style="list-style-type: none"> <li>Payslips or pay record for Eligible Employee showing hours worked</li> </ul>
3	52 weeks of continuous employment	40% of grant amount	<ul style="list-style-type: none"> <li>Payslips or pay record for Eligible Employee showing hours worked</li> </ul>

**Please note:**

Claims cannot be made for second, third or final payments (later payments) unless the previous milestone requirements have been met. Payment is contingent on employers meeting the terms in the grant agreement and providing evidence that the employees remain employed as per the contract agreement.

**For Stream 2 only** - Grant recipients must provide milestone requirements for all employees as their milestone comes due. Recipients must submit these requirements once the employee who started last has completed their period of continuous employment for the relevant milestone.

Payment is contingent on Recipients complying with the terms of the Grant Agreement and providing evidence that the Eligible Employees remain employed by the Recipient organisation.

Employees must be continuously employed for the number of weeks stated in the milestone table above. Each of these minimum tenure requirements (i.e. continuous employment of 26 weeks or 52 weeks) will be treated as a condition for payment, and payment will not be made if these requirements are not met and won't be paid pro rata.

If employee(s) resign from their position or are terminated prior to a milestone date, wage subsidies will only be paid for employees who have met the applicable milestone with evidence to demonstrate this.

## EVIDENCE REQUIREMENTS

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

All documents must be uploaded to the application form and be valid, current, legible and in a standard format (e.g. PDF, JPEG or Word).

Criteria	Evidence requirements
Applicant eligibility	<input type="checkbox"/> Australian Business Number (ABN) and Australian Company Number (ACN) (if applicable) <input type="checkbox"/> Business Office address in Hume <input type="checkbox"/> Date of Establishment/Incorporation <input type="checkbox"/> Will the grant be used to employ staff as part of the social enterprise? ( <i>For Social Enterprise businesses only</i> ) <input type="checkbox"/> Company registered for GST <input type="checkbox"/> ATO Portal Report <input type="checkbox"/> If business has a current tax debt, evidence of ATO payment plan <input type="checkbox"/> Business Operating Permits (building/planning permits, liquor license, health and other statutory permits or licenses that are required for the business to be legal) <input type="checkbox"/> Project Proposal ( <i>for Stream 2 only</i> ) including: <ul style="list-style-type: none"> <li>• a budget outline for consideration by the Hume Business and Jobs Recovery Working Group.</li> <li>• demonstrated recruitment need,</li> <li>• employment plan outlining commitment to sustainable employment of 12 months or more</li> <li>• how the business plans to train new employees e.g. in house training. This training will be funded through existing Government packages, although preference will be given to programs with Hume Multiversity partners.</li> <li>• Impact on the project if funding not granted.</li> </ul> <input type="checkbox"/> Proof of wage subsidy ( <i>for Stream 3 only</i> )
Employee eligibility	<input type="checkbox"/> Employee Statutory Declaration signed by each employee (must be attached to application) confirming: <ul style="list-style-type: none"> <li>• Employee provides permission for personal details to be shared with Hume City Council</li> <li>• If registered with an employment service provider: name of provider, contact number and permission to contact (Please note: application will not be processed)</li> </ul>

<b>Criteria</b>	<b>Evidence requirements</b>
	<p>unless permission is received.</p> <ul style="list-style-type: none"> <li>• Employee was unemployed prior to the commencement of their existing employment (<i>for Stream 3 only</i>)</li> </ul> <p><input type="checkbox"/> Employee proof of identity (must contain current address)</p> <p><input type="checkbox"/> Employee employment contract and/or payslip (including date of commencement)</p> <p><input type="checkbox"/> Proof of Traineeship/Apprenticeship completion (<i>for Stream 1 only</i>)</p>
Job Eligibility	<p><input type="checkbox"/> 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 or contract/sub-contract, and for at least a minimum of 19 hours per week)</p> <p><input type="checkbox"/> Confirmation that the full-time salary or wages is not above \$120,000 per annum excluding superannuation (pro rata for part-time)</p>
Insurance	<p><input type="checkbox"/> WorkCover Employer Number and WorkCover insurance Certificate of Currency (must be attached to application)</p> <p><input type="checkbox"/> Certificates of Currency for relevant insurances including public liability (must be attached to application)</p>
Banking Details	<p><input type="checkbox"/> Business primary bank account</p> <p><input type="checkbox"/> Proof of bank account details (must be attached).</p>
Statutory declaration	<p><input type="checkbox"/> A statutory declaration (must be attached to application) to verify:</p> <ul style="list-style-type: none"> <li>• that the applicant is authorised to act on behalf of the organisation</li> <li>• employee start date, employment conditions and hours of work</li> <li>• that the organisation does not have casual, contract or sub-contractor/labour hire arrangements</li> <li>• that the eligible employee does not displace existing employees</li> <li>• business employs a minimum of one permanent employee excluding the eligible employee</li> <li>• that all employees are paid legal minimum wages and entitlements as specified in the applicable award, enterprise agreement or National Employment Standards</li> <li>• that the eligible employee is entitled to work for the applicant as: Australian citizen; holder of</li> </ul>

Criteria	Evidence requirements
	Australian permanent residence visa with work entitlements; holder of Australian temporary work visa; holder of student visa enrolled in an eligible course of study in Australia; or holder of Australian refugee or humanitarian visa with work entitlements
Applicant Declaration	<input type="checkbox"/> 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: <ul style="list-style-type: none"><li>• Australian or international passport</li><li>• Australian visa</li><li>• Australian driver's licence</li><li>• ImmiCard</li><li>• Medicare card</li><li>• Pensioner concession card</li></ul>

## OTHER INFORMATION

### GRANT AGREEMENTS

Successful Applicants will receive a Letter of Offer and a Grant Agreement describing the conditions (including compliance with relevant government policies), project requirements, milestones and payment schedule, and reporting requirements.

All amounts in the Grant Agreement are exclusive of GST.

### PRIVACY

Any personal information provided by the Applicant or a third party in an application will be collected by Hume City Council for the purpose of program administration. This information may be disclosed to other Victorian or Commonwealth government funded 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.

Hume City Council is committed to protecting the privacy of personal information. Hume City Council's Privacy Policy can be found [online](#). Enquiries about access to information should be directed to Hume City Council by calling 03 9205 2200).

## PUBLICITY AND MEDIA

Recipients must:

- a. Agree to cooperate with Hume City Council 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 Hume City Council 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 Hume City Council.
- d. Comply with any additional requirements as stipulated in the Grant Agreement.
- e. The Hume City Council brand entity should be included on all advertising and promotional material related to any supported employees.

Hume City Council 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 Hume City Council reports and on program websites.

Further information on Hume City Council branding guidelines can be obtained by contacting the [Hume Business Employment Grants team](#).

## ABSOLUTE DISCRETION

Hume City Council and the financial delegate reserve the right to determine, in its absolute discretion, whether to fund applications that do not meet all eligibility criteria in the guidelines.

Hume City Council's decision on all matters pertaining to the award of grant funding under this program is at Hume City Council's absolute discretion.

Hume City Council reserves the right to request the Applicant provide further information should it be deemed necessary. Hume City Council reserves the right to amend these guidelines and the application terms at any time as it deems appropriate.

Hume City Council may at any time remove an Applicant from the application and assessment process if, in Hume City Council's opinion, association with the Applicant may bring Hume City Council, a Counsellor or the State of Victoria into disrepute.

## EVALUATION

Successful Applicants must comply with Hume City Council's performance monitoring and evaluation regime, including cooperating with any evaluation of the Hume Business Employment Grants which may be required for up to twelve months 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 Hume City Council's marketing collateral.

## AUDIT AND COMPLIANCE

Applicants are required to answer any enquiries from Hume City Council and must provide the relevant documents when requested.

## 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 Hume Business Employment Grants team of any real or perceived conflict of interest relating to their funding request.

Applicants must clearly demonstrate how the conflict will be managed. Should the Applicant be unable to satisfy Hume City Council that a conflict has been appropriately managed, Hume City Council will require the Applicant to withdraw its application until the matter has been resolved.

# EMPLOYER RESPONSIBILITIES

## 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 wages and entitlements under Commonwealth and State laws.

Employers have all the usual responsibilities under workplace laws, including those relating to occupational health and safety. These responsibilities include meeting [COVIDSafe workplace requirements](#). Criminal or civil offences may apply to breaches of these laws.

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](#) (PACT) to find which award applies to their business. Employers are also strongly advised to ring the Fair Work Ombudsman on 13 13 94 (Mon. to Fri., 8 am to 5.30 pm) 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 their obligations.

## 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.

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.

## REQUIREMENTS FOR TRADES JOBS

Employers should ensure they hold the relevant registrations or licences, required by the relevant regulatory body or legislation relating to employment of any trades job employees.

It is also the responsibility of the employer to ensure that all its trades job employees hold the relevant qualifications, registrations and licences as required by the relevant regulatory body and under applicable Acts and 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.

## CONTACT AND FURTHER INFORMATION

For more information about Hume Business Employment Grants, or to discuss any specific queries, please contact the Hume Business Employment Grants team.

- Hume Business Employment Grants [website](#)
- Email: [joblink@hume.vic.gov.au](mailto:joblink@hume.vic.gov.au)
- Phone: Megan Kerr on 0416 023 007 or Silvia Sidzimovska on 0458 095 745

Please note that engagement with Hume City Council or the Hume Business Employment Grants team does not constitute endorsement of any application for funding.



## Hume City Council

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