

RCSA CODE GUIDELINE

SUPPLIER TRANSITIONS 2019/01

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RCSA CODE GUIDELINE

Title: Supplier Transitions 2019/04

Digest: Absent specific legal obligation, workforce services providers are not required to transition their workforces or workseeker connections as part of a supplier transition. Members who conduct supplier transition dealings in a manner that meets the Standard of professional conduct required by the RCSA Code should conduct their dealings in good faith; in a timely manner in accordance with good industrial practice and reasonable commercial haste; and taking care to avoid making false or misleading statements about their ability to effect a supplier transition.

Date: 5 February 2019

Status: Provisional

Usage: RCSA Code Guidelines are not mandatory.

However, they inform RCSA Members and the public about how the Code is likely to be interpreted and applied in specific situations involving Members.

They also assist Members to conduct themselves consistently with their commitments to develop values of personal professionalism and to embed those values in the conduct of their employment services dealings, by measures appropriate to their size and circumstances.

They may be used to fashion Professional Conduct Recommendations under RCSA's Disciplinary & Dispute Resolution Procedures and its professional Conduct Grievance Intervention Guidelines.

Focus: This Code Guideline relates to the following Code 5 standards:

Diligent & Competent	Trustworthy	Respectful	Knowledgeable	Co-operative		
Confidentiality	Care	Certainty of Engagement	Effective Complaints Handling	Social Sustainability	Ascertain & Assure	Continuous Disclosure
Meet Code Standard	Avoid Unsatisfactory Professional Conduct	Assure Accountability				

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Authority: RCSA Board (date); ACCC Code Authorisation (date) *[insert when obtained]*

Review: *[insert date]*

Interpretative notes

Note 1: Supplier transition -

means the redirection, in whole or in part, of a customer's requirements for the supply of on-hire services from one workforce services provider to another workforce service provider.

Note 2: Supplier transition dealings -

means dealings in respect of any supplier transition that a workforce services provider is in a position to effect, respond to, or materially influence.

Preamble

acknowledging that, in an open and competitive market, circumstances may arise when a customer wishes to change employment service providers;

acknowledging that workforce service providers invest significant effort, money, time and intellectual resources in establishing relationships with customers, developing critical understandings of customers and workseekers' needs, training workseekers in systems of work for customers, and inducting workseekers in preparation to undertake work for customers, all of which contribute to workforce service providers' customer and workseeker connections, goodwill and support significant business capital that is of value and which workforce service providers are entitled to protect by lawful means;

acknowledging that dealings in relation to supplier transitions may impact upon a wide range of stakeholders including workseekers;

affirming that, in the absence of any contractual, industrial or other legal obligation, workforce services providers (including Members) are not required to transition their workforces or workseeker connections as part of a supplier transition;

recognising that Members and their stakeholders seek guidance from RCSA in the form of template benchmarks, outcomes, and indicative behaviours concerning standards for conducting workforce services dealings;

acknowledging concerns about the harm that may be caused to labour market participants by uncertain, unsustainable and exploitative business models and practices;

desiring as a Leader in the World of Work, to articulate personal and operational values and principles:

- to inform and guide the professionalisation of the on-hire, recruitment, contracting and consulting industry across Australia and New Zealand in the interests of its Members and the public; and
- to strengthen public confidence in identifying trusted and ethical professionals amongst the array of service choices, online and artificial intelligence models, and self-proclaimed experts

RCSA PROVIDES THIS GUIDELINE TO ASSIST MEMBERS TO MEET THE STANDARD OF PROFESSIONAL CONDUCT REQUIRED BY THE RCSA CODE IN RELATION TO THEIR INVOLVEMENT IN SUPPLIER TRANSITIONS.

Operating Provisions

1. Members should, in relation to their supplier transition dealings, achieve the following outcomes:

O(1) Good faith in supplier transitions

Members conduct their supplier transition dealings in good faith consistently with the standard of professional conduct required by the RCSA Code.

O(2) Timeliness in supplier transitions

Members conduct their supplier transition dealings in a timely manner in accordance with good industrial practice and reasonable commercial haste.

O(3) Co-operative dispute resolution in supplier transitions

Members co-operate in the handling of complaints or disputes about their supplier transition dealings so as to prevent, or mitigate, any disruption that their supplier transition dealings may cause to arrangements for the supply of workforce services.

O(4) Representations

Members take care to avoid making false or misleading statements about your ability to effect a supplier transition.

2. Members might achieve the outcomes in para. 1 by the following indicative behaviours:

IB(1) Respecting lawful arrangements

Having due regard for the existence of lawful supply arrangements so as to avoid unlawful or unfair interference in them.

IB(2) Responsiveness

Responding appropriately to transition requests.

IB(3) Disruption

Conducting transition dealings in a manner consistent with their contractual and other legal obligations, mitigating the effects of disruption to stakeholders, and providing, so far as is practicable for:

- a. the orderly continuation of business;
- b. the identification of, and giving effect to, any relevant contractual or other legal obligations;
- c. the conduct of supplier transition dealings in accordance with good commercial and industrial practice and with reasonable commercial haste.

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