



Australian Government



Job Plan and Setting Mutual Obligation Requirements Guidelines

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Disclaimer

This document is not a stand-alone document and does not contain the entirety of Disability Employment Services Providers' obligations. It should be read in conjunction with the Disability Employment Services Grant Agreement and any relevant guidelines or reference material issued by the Department of Social Services under or in connection with the Disability Employment Services Grant Agreement.

Table of Contents

Job Plan and Setting Mutual Obligation Requirements Guidelines	1
<i>Table of Contents</i>	2
Document Change History	3
Overview	3
Disability Employment Services Grant Agreement Clauses:	4
Reference documents relevant to these Guidelines:	4
Explanatory Note:	4
1. What is a Job Plan?	5
2. Creating and Approving a Participant’s Job Plan	5
3. Reviewing, Updating and Monitoring a Job Plan	13
4. Setting Mutual Obligation Requirements	16
5. Privacy and information sharing	22
6. Summary of required Documentary Evidence	23
Attachment A List of Job Plan codes	24
Attachment B List of Appointment Types	26
Attachment C Job Referral types	27

Job Plan and Setting Mutual Obligation Requirements Guidelines

Document Change History

Version	Effective Date	End Date	Change & Location
1.2	3 December 2018		Updated to reflect Directions No.2 and to reflect changes by the Department of Jobs in their equivalent Guidelines including: -updated the Targeted Compliance Framework Guideline name. -additional text to explain what must happen if a self-reporting Participant does not enter their result by COB of the day of the requirement. - Updates to setting Job Search Requirement to indicate that providers have five business days to review and confirm the quality of job search efforts at the end of each Job Search Period. Removed JS02 code as this is no longer in use.
1.1	10 September 2018	2 December 2018	Additional clarification in various sections.
1.0	01 July 2018	9 September 2018	Original version of document

Overview

Most DES Participants in receipt of an activity-tested income support payment will have Mutual Obligation Requirements or compulsory participation requirements: there are things they must do – like actively looking for work and participating in activities that will help them into employment – in return for Income Support Payments.

A DES Participant’s Mutual Obligation Requirements and any other items agreed to with their Disability Employment Services Provider (DES Provider) are outlined in their Job Plan. DES Providers must ensure that all Participants, including Participants without compulsory Mutual Obligation Requirements, have a Job Plan in place at all times and that the requirements in the Job Plan are tailored to the Participant’s individual circumstances and are appropriate to their capability.

Providers must ensure that Participants have all the information they need to understand the importance of meeting their Mutual Obligation Requirements, and how they can do this. Providers must ensure that Participants are aware of what could happen to their Income Support Payments if they do not meet the requirements set for them in their Job Plan.

Disability Employment Services Grant Agreement Clauses:

Annexure A - Definitions

Clause 41 - Personal and Protected Information

Section 5 F - Program Services

Section 5G - Job Plans

Section 5H - Compliance and the Targeted Compliance Framework

Reference documents relevant to these Guidelines:

Capability Interview Guidelines

Capability Assessment Guidelines

Managing and Monitoring Mutual Obligation Requirements Guidelines

Targeted Compliance Framework: Mutual Obligation Failures Guidelines

Work Refusal and Unemployment Failures Guidelines

Disability Support Pension Recipients (Compulsory Requirements) under 35 years Guidelines

Disability Employment Services Quality Assessment Instructions Measure 3.1 Individualised Job Plans

Documentary Evidence for Claims for Payment Guidelines

Explanatory Note:

All capitalised terms have the same meaning as in Disability Employment Services Grant Agreement. In this document, “must” means that compliance is mandatory and “should” means that compliance represents best practice.

Job Plan and Setting Mutual Obligation Requirements Guidelines

1. What is a Job Plan?

For the purposes of Social Security Law, a 'Job Plan' or a 'Participation Plan' is an 'Employment Pathway Plan'. The Job Plan underpins the provision of services and agreed assistance (the service offer) the Provider must deliver to a Participant. This document is an important way for Participants, and if appropriate for their families, to know what support and assistance they will receive. Providers must ensure that at all times each Participant has a current Job Plan.

For Participants with Mutual Obligation Requirements, the Job Plan details all the requirements the Participant must undertake under Social Security Law. Providers must ensure that a relevant delegate within their organisation complies with the Social Security Law when entering into a Job Plan.

The Provider must ensure that each Job Plan takes into account the Participant's individual circumstances, in particular their assessed work capacity (where relevant), their capacity to comply with requirements and their personal needs.

Providers must ensure that all Participants have a Job Plan in place at all times, except for those Participants who are exempt from their Mutual Obligation Requirements.

2. Creating and Approving a Participant's Job Plan

Providers and the Department of Human Services (DHS) have been delegated certain powers under Social Security Law including the power to require a Participant to enter into a Job Plan and to enter into a Job Plan and to approve or update a Participant's Job Plan. Providers must ensure each Job Plan is in the form approved by the Secretary of the Department of Jobs and Small Business.

Providers must ensure that all Personnel and Subcontractors are aware of, and fully understand, the powers and functions that may be delegated to them to perform under Social Security Law. This includes:

- preparing, approving, reviewing and varying a Participant's Job Plan including specifying Mutual Obligation Requirements in Job Plans,
- setting the date time and manner of participation and recording details in the Participant's Calendar for all the compulsory requirements specified in the Job Plan
- identifying Mutual Obligation Failures, Work Refusal Failures and Unemployment Failures
- determining suspension of Participant's income support payments following a Mutual Obligation or Work Refusal Failure, and
- imposing a reconnection requirement and giving appropriate notice of those requirements and the effect of not complying with them

Providers must ensure that at all times each Participant has a current Job Plan. During the Initial Interview, Providers must prepare and explain the Job Plan with the Participant. At each contact Provider Appointment, Providers must review, and if appropriate, update the terms of each Participant's Job Plan as events occur which result in the need to change Mutual Obligation Requirements. This is to ensure the Participant is capable of meeting the compulsory requirements set out in the Job Plan.

For Participants with Mutual Obligation Requirements under the Social Security Law, a Job Plan must contain the terms that the Participant is required to comply with and that are suitable for the person.

When setting and approving the terms of a Participant's Job Plan (including those without Mutual Obligation Requirements), the DES Provider must consult with the Participant and take into account the following:

- the Participant's individual circumstances, in particular their assessed work capacity (where relevant), their capacity to comply with the requirements and their personal needs;
- the Participant's education, experience, skills and age;
- the impact of any disability, illness, mental condition or physical condition or other non-vocational issue on the person's ability to work, to look for work or to participate in activities;
- the state of the local labour market and the transport options available to the person in accessing that market;
- the participation opportunities available to the person;
- the family and caring responsibilities of the person (including availability of child care);
- the length of travel time required to comply with the requirements (reasonable time is 90 minutes each way or 60 minutes if the Participant is a principal carer parent or has a partial capacity to work);
- the financial costs (such as travel costs) of complying with the requirements, and the person's capacity to pay for such costs; where the activity would result in unreasonable costs to the Participant it should not be included in the Job Plan;
- if the Participant has any vulnerabilities or vulnerability indicators (as identified by DHS) such as homelessness, psychiatric problems or mental illness, severe drug or alcohol dependency, traumatic relationship breakdown, etc.;
- any history of the Participant not complying with their Mutual Obligation Requirements;
- cultural factors;
- where the Participant participated in Time to Work Employment Service, any comments and recommendations in the Time to Work Employment Service Transition Plan. Providers can find the approved Transition Plan in the Department's IT Systems under the Transition Plan tab. Further information on the Time to Work Employment Service program can be found on the Department of Jobs and Small Business's website at www.jobs.gov.au;
- if the person is an Early School Leaver; and
- any other matters the DES provider considers relevant in the circumstances (including if they disclose they are a victim of family violence).

Providers must ensure each Job Plan contains all of the compulsory requirements, including any Activities the Participant must comply, in order to meet their Mutual Obligation Requirements. Providers must enter the details of any specified vocational and non-vocational Activities tailored to address the Participant's individual needs or reduced work capacity (if relevant), and any vocational and non-vocational issues including Employment Services Assessment (ESAt)/Job Capacity Assessment (JCA) identified barriers into the Job Plan. Where the DES Provider determines that the ESAt recommended intervention(s) is not required, for example if the relevant barrier has already been addressed, or another intervention is suitable to address the barrier and is already included in

the Job Plan, then the DES Provider must document these comments in the Department's IT Systems.

Providers must set suitable Activities for Participants according to their Mutual Obligation Requirements and include these in the Participant's Job Plan.

Refer to the [Guide to Social Security 3.2.8.50](#) or the [Managing and Monitoring Mutual Obligation Requirements Guidelines](#) to determine what to include in a Job Plan.

Explaining a Job Plan to the Participant

The Job Plan outlines all the agreed requirements a Participant must meet in order to satisfy their Mutual Obligation Requirements. The Job Plan can also outline what a Participant is doing voluntarily to help them find paid work. Providers must ensure that each Participant fully understands their Mutual Obligation Requirements in relation to attending Appointments and undertaking and completing Job Searches. Providers must ensure that Participants understand the circumstances in which a Mutual Obligation Failure, Work Refusal Failure, Unemployment Failure or failure to meet a Reconnection Requirement can occur. This includes the requirement to give prior notice of an Acceptable Reason prior to failing to meet a compulsory requirement set out in the Job Plan.

Providers must explain to the Participant:

- the purpose of the Job Plan
- if applicable, the Mutual Obligation Requirements the Participant needs to undertake in return for income support payments
- if applicable, the Disability Support Pension Recipient Compulsory Requirements the Participant needs to undertake including their participation in a Program of Support requirement
- if applicable, other Disability Support Pension Recipients identified in the Department's IT Systems their participation in a Program of Support requirement
- the Participant's rights and responsibilities under the Job Plan (including 'think time' to consider the Job Plan before agreeing to it)
- what the Participant needs to do if they have a change in circumstances that affects their ability to meet the requirements in their Job Plan
- to contact the Provider to give prior notice if unable to meet requirements and the consequences of not giving prior notice if the Participant is able to do so
- the consequences of failing to meet the requirements without a Reasonable Excuse, and any impact on the Participant's Income Support Payment
- the consequences of failing to give prior notice (with a Valid Reason) if they cannot attend compulsory Appointments or participate in compulsory Activities
- their right to appeal decisions and where they can find assistance
- how the Provider intends to support the Participant
- the Service Guarantee and the Employment Services Code of Practice
- the section entitled 'Information You Need to Know' in the Job Plan
- how information is protected under privacy legislation and Social Security Law, and

- confirm, at least once every six months, that all relevant contact details are accurately recorded in the Department's IT systems including phone numbers, email address and postal address.

(DES Grant Agreement references: Clause 92, 106, Section 5H, Annexure A)

Interpreters and Support Persons

When a Participant requests, or where the Provider considers it appropriate, the Participant can bring a support person with them to their Job Plan Appointment. Similarly, when a Participant requests or where the Provider considers it appropriate, Providers must use an interpreter to ensure the Participant understands their requirements before the Participant agrees to the Job Plan.

Participants with a Compulsory Job Plan

Participants with Mutual Obligation Requirements must have a compulsory Job Plan. Participants with compulsory participation requirements Disability Support Pension recipients under 35 years of age and Special Benefit recipients (Nominated Visa Holders only) must also have a compulsory Job Plan. Providers will be able to view Participant's requirements in the Department's IT Systems.

There must be at least one compulsory requirement included in the Job Plan for Participants with Mutual Obligation Requirements or compulsory activity requirements. For Participants with Mutual Obligation Requirements, Providers must record the details of the requirement in the Participant's Calendar. No action can be taken under the Targeted Compliance Framework (TCF) if the item is not recorded as compulsory. Similarly, voluntary items are not subject to the TCF.

Disability Support Pension recipients under 35 years of age with compulsory activity requirements are not subject to the TCF. Where these Participants do not comply with compulsory activities in their Job Plan, Providers can report their compliance to the Department of Human Services. *(For further information refer to the Disability Support Pension Recipients (Compulsory Requirements) under 35 years Guidelines).*

Participants who are fully meeting their Mutual Obligation Requirements, but have chosen to access DES on a voluntary basis are Volunteers (Mutual Obligation). These Participants must have a compulsory Job Plan which includes the Activities they are undertaking to fully meet their requirements. Any additional items they agree to must only be included in their Job Plan as a voluntary requirement.

Participants with a Voluntary Job Plan

Participants who are participating in DES without Mutual Obligation Requirements must have a voluntary Job Plan. These Participants are Volunteers (Non-Mutual Obligation).

Voluntary Job Plans can only include voluntary Activities as these Participants do not have compulsory requirements and are not subject to the TCF if they do not participate in these activities. Participants will not be at risk of incurring a penalty if they do not participate in voluntary items.

Participants with Mutual Obligation Requirements who are suspended from their Provider's caseload can choose to volunteer to participate in Activities. Providers must agree on the voluntary Activities the Participant will participate in and update the Participants' Job Plan to include the voluntary Activities. If the Provider becomes aware that a Participant is no longer suspended or not participating in voluntary items listed in the Job Plan, the Provider must update the Job Plan as appropriate.

Note: Job Plan contents are discussed and agreed on - based on each Participant's individual circumstances and reasons for registering for DES. Usually this includes Provider Appointments, Job

Search, education and skills development or other Activities to improve the Participant's employability.

(DES Grant Agreement references: Section 5G, Clause 133, Annexure A)

Participants requiring 'think time' to consider the terms of their Job Plan

Before signing or agreeing to the terms in a Job Plan, all Participants can have up to two Business Days 'think time' to consider the requirements set in the Job Plan. The Participant can use this time to discuss the terms of the Job Plan with a third party if they wish. The 'think time' is available to a Participant each time a Job Plan is created or the terms in the Job Plan are updated.

If a Participant accepts 'think time', Providers are encouraged to arrange and book a Provider Appointment for the Participant to occur in two Business Days for the purpose of agreeing and signing the Job Plan.

Approving a Job Plan

DES Provider staff are delegates of the Secretary of the Department of Jobs and Small Business and have the power to:

- require a Participant with Mutual Obligation Requirements or compulsory activity requirements to enter into a Job Plan
- approve a Job Plan, and
- vary the terms of a Job Plan.



Documentary evidence: Once the terms of the Job Plan have been agreed and the Job Plan created in the Department's IT Systems, the Job Plan must be provided to the Participant for their agreement. Job Plans can be agreed to online or by signing a hard copy.

(DES Grant Agreement references: Section 5G, Annexure A)

Participant agreeing to the Job Plan – online



Documentary evidence: Providers may send a Job Plan to the Job Seeker Dashboard through the jobactive website or Job Seeker App for the Participant to review and agree to online. Before using this option check that the Participant has access to the Job Plan on their Dashboard and knows how to agree to it.



Documentary evidence: Providers must formally notify the Participant (including those with voluntary requirements) that the Job Plan has been sent to their Job Seeker Dashboard for their agreement. This must be done either face to face or over the phone and within two Business Days of sending the Job Plan. The verbal formal Notification script is available on the Department's IT Systems for the Provider to read to the Participant. The script includes a compliance warning that must be given to Participants (with Mutual Obligation Requirements) about what will happen if they do not agree to the Job Plan within two Business Days.

When the Participant agrees to the Job Plan, the Job Plan's status will automatically be set to 'approved' in the Department's IT Systems.

Participant agreeing to the Job Plan – hard copy

The Participant and the Provider may sign a hard copy of the Job Plan. The Provider must provide the Participant with a signed copy and approve the Job Plan in the Department's IT Systems.

When the Job Plan has been approved and entered in the Department's IT Systems, the Participant will be able to access it from their Job Seeker Dashboard.

Participant not agreeing to the Job Plan

Participants who do not enter into a Job Plan without good reason after the two days 'think time' will have their payment suspended until a Job Plan is agreed to and signed by the Participant.

If the Participant refuses to enter into and sign a Job Plan (and does not wish to use their 'think time') the Provider must contact the Participant and discuss the reasons to assess if the Participant has a Valid Reason. The TCF will be utilised and the Participant's payment will be suspended until the Participant agrees to their Job Plan.

If contact is successful on the same day, the Provider must discuss the circumstances and why the Participant is not agreeing to the Job Plan. If the Participant does not have a Valid Reason for not agreeing to the Job Plan the Provider must: submit a Mutual Obligation Failure; impose a re-engagement requirement; schedule the date and time for the re-engagement requirement to occur within two business days; advise the Participant of what they must do to satisfy the re-engagement requirement; and advise the Participant that their income support payment will remain suspended until the re-engagement requirement is met, including the consequences of not meeting the re-engagement requirement. The Provider must record the details and outcomes of the re-engagement requirement in the Department's IT systems and inform the Participant if the failure to enter into a Job Plan without a Reasonable Excuse has resulted in a confirmed Demerit on the Participant's record.

If contact on the same day is not successful and the Participant contacts at a later time the Provider must: discuss the circumstances of the Mutual Obligation Failure with the Participant to assess if the Participant had a Valid Reason; schedule the date and time for the re-engagement requirement to occur within two business days; record all details in the Department's IT systems; and inform the Participant they have a confirmed Demerit on their record.

For further information, see the [Targeted Compliance Framework: Mutual Obligation Failures Guidelines](#).

(DES Grant Agreement references: Section 5G, 5H Annexure A)

Recording a Job Plan



Documentary evidence: The Job Plan must be recorded in the Department's IT Systems as soon as possible, after the Job Plan has been created. The contents of the Job Plan recorded in the Department's IT Systems must be exactly the same as the hard copy.

If the Department's IT Systems is temporarily unavailable or there is no computer access, Providers must use the applicable compulsory or voluntary Job Plan template available on the Provider Portal.

Using Job Plan codes

Providers must use the comprehensive list of Job Plan codes at Attachment A. These codes have been developed to be consistent with legislative requirements and will enable data to be pre-populated and linked through the Department's IT Systems to the Dashboard on the Job Seeker App, the jobactive website and the DHS IT system.

From 1 July 2018 all Job Plans for Participants with Mutual Obligation Requirements will automatically have the Personal Responsibility Code (PA03) added in the first instance. When entering into a Job Plan Providers must assess the Participant's capability to report or record their own attendance against compulsory Mutual Obligation Requirements, except for Provider

Appointments, in their Job Plan. The Personal Responsibility code requires Participants to take responsibility for reporting and/or recording their attendance at compulsory requirements or Activities set out in the Job Plan. This is generally required by close of business on the day of the requirement. Where attendance is not recorded by close of business on the day of the requirement, either by the Provider or the Participant, the Participant's Income Support Payment will be suspended and they will be notified to contact their Provider. On contact with the Participant the Provider is responsible for entering the result on behalf of the Participant.

If the Provider determines that a Participant is not capable of reporting or recording their own attendance, the Provider must remove the PA03 code from the Job Plan in the Department's IT Systems before the Job Plan is finalised and record the reason for removal of the PA03 code in the comments field in the Department's IT Systems. Providers are encouraged to continue to work with Participants to build their capacity and improve their ability to take personal responsibility for reporting their own attendance at requirements.

When setting compulsory Job Search Requirements, Providers must use the Job Search Requirements (JS09) code. Participants can report their Job Search efforts on the Job Seeker App or jobactive website. Providers can view and monitor how Job Search Requirements are set across their caseload. The Department also actively monitors how Job Search Requirements are set.

If applicable, Providers must use the JS05 or JS06 (Job Search with Disability) codes. These codes will trigger the higher rate of Mobility Allowance (where eligible).

Note: The Job Plan can be used as formal Notification if it specifies the full details of the requirement, with information, including the time, date and location that the requirement is to be undertaken in the Calendar. The Job Search Requirement in the Job Plan is considered to be sufficient notice of their Job Search Requirement. If the Provider is unable to include full details of the requirement at the time the Job Plan is created, the Provider must issue the Participant with a separate formal Notification to support the requirements in the Job Plan.

See the [Targeted Compliance Framework: Mutual Obligation Failures Guidelines](#) and [Managing and Monitoring Mutual Obligation Requirements Guidelines](#) for further information on how to issue formal Notification.

DES Provider assistance

DES Providers must include the details of the assistance (not only the assistance code) they will be providing to the Participant in the Job Plan. This may include financial or other assistance. DES Providers must update, at least quarterly, the assistance to be delivered, purchased or organised for the Participant during their Period of Service. For Participants in Ongoing Support the details of the assistance must be updated at least every six months for Participants receiving Moderate Ongoing Support or High Ongoing Support and updated, at least every six months, for Participants receiving Flexible Ongoing Support, except in the circumstances where no instances of Flexible Ongoing Support have occurred.

Linking Job Plan Codes to Activity Placements

Activity placements can be linked to Job Plan codes in Activity Management in the Department's IT Systems. It is best practice that Providers link Activity placements to the appropriate code in the Job Plan. Job Plan codes must be linked to daily requirements set in the Calendar, this will enable the details to be auto-populated into any formal Notification created from the Calendar. Providers will also be able to record attendance results in the Calendar.

Personal Responsibility to record attendance

Where a Provider determines that a Participant is capable of taking personal responsibility for recording their own attendance at Activities, the Participant will be required to record their attendance at:

- Activities
- Third Party Appointments
- Job Interviews.

The Personal Responsibility Code PA03 is included in every Participant's Job Plan for Participants with Mutual Obligation Requirements by default. If the Provider assesses the Participant as not capable of recording their own attendance, the Provider must remove the PA03 code from the Participant's Job Plan.

Providers must inform Participants that they have been assessed as being capable and that they are required to record their own attendance at Mutual Obligation Requirements. Providers must ensure that capable Participants understand the requirement to record their own attendance at requirements by close of business on the day of the requirement and that their payment will be suspended if they do not do so. Where a Participant does not enter their result by close of business of the day of the requirement their income support payment will be suspended and the Participant will be notified to contact their Provider. Upon contact with the Participant the Provider must discuss and enter the result on behalf of the Participant and consider whether the Participant is still capable of recording and reporting their own attendance.

The PA03 code is not added to the Job Plan of Participants with only voluntary activities.

Assessing a Participant's capability to record attendance

To assess the Participant's capability to record their own attendance, Providers must consider if the Participant has:

- the means to record their own attendance:
 - that is, the Participant has daily, reliable access to technology that would allow them to record their attendance, such as a computer or smartphone, or the means to contact their Provider to report their attendance; and
- the ability to record or report their own attendance—that is, the Participant understands:
 - what requirements they need to record attendance for
 - how to record their own attendance
 - that they must record or report attendance by close of business on the day of the requirement
 - what to do and who to contact if they cannot record their own attendance on a given day
 - the consequences of not recording or reporting their own attendance if they are required to do so.

Participant is capable of recording their own attendance

If the Provider assesses that a Participant has both the means and the ability to record and report their own attendance this must be reflected in the Participants Job Plan, including the Job Plan activity code for personal responsibility (PA03).

The Provider must continually monitor the Participant's capability to record their own attendance to ensure the Participant is reporting their attendance accurately, honestly and appropriately. Where a Provider deems that a Participant has not accurately recorded their attendance, Providers can override the result entered by the Participant.

If the Participant contacts the Provider and asks them to record attendance on their behalf, the Provider will assess whether the Participant did attend and, if so, record the Participant's attendance.

See ['Updating the Job Plan'](#) in this document for information on updating a Job Plan.

Participant is not capable of recording their attendance

If the Provider assesses and decides that a Participant is not capable of recording their own attendance, the Provider must remove the Personal Responsibility Job Plan code (PA03) when finalising the Participant's Job Plan and record the reason for removal of the PA03 code in the comments field in the Department's IT Systems.

If a Participant is not capable of physically recording their own attendance (e.g. they live in an area with unreliable connectivity) but is still capable of otherwise recording their own attendance, the Provider must inform the Participant that they are required to report their attendance by contacting their Provider on the day of the requirement. Provider staff must confirm with the Participant that they will be responsible for recording attendance on the Participant's behalf when the Participant reports their attendance.

Including sufficient fortnightly hours in the Job Plan

The Provider must ensure that each Job Plan contains sufficient hours of Activities per fortnight for the Participant to meet their Mutual Obligation Requirements.

The Department's IT Systems will automatically calculate the fortnightly hours under each code included in the Job Plan. Depending on the hours to be set for the Participant to meet their Mutual Obligation Requirements, the system will display messages to guide Providers when setting fortnightly hours to ensure they are appropriate.

The Provider is not able to set more than reasonable hours of activities per fortnight in the Job Plan in any event, and the Department's IT Systems will restrict the Provider from doing so by displaying an error message.

See the ['Setting Daily Requirements'](#) in this document for information on scheduling Daily Requirements (including activities, study or training and paid work).

3. Reviewing, Updating and Monitoring a Job Plan

Providers must set and monitor a Participant's Mutual Obligation Requirements in accordance with the Grant Agreement, this Guideline and Social Security Law.

Providers must regularly review the Job Plan and update it when required so as to ensure that all requirements are up to date and remain relevant. Job Plans must be reviewed (if appropriate) and updated when the Participant:

- has a change in their circumstances

- commences a new Activity
- completes an Activity that was in their Job Plan
- undertakes an ESAt or JCA
- has a Capability Interview or Capability Assessment.

Activities in the Job Plan must not place unreasonable demands on the Participant. The Participant must be capable of doing any Activity and meeting all requirements included in their Job Plan.

Providers must record the Activities and other relevant items in the Participant's Job Plan, including the hours of participation the Participant needs to complete each fortnight and the hours of participation required for each Activity. Where drug or alcohol dependency impacts on the Participant's participation, providers must record refusal for treatment, or lack of treatment available in the local area in the Capability Management Tool.

Providers must include approved Activities in the Participant's Job Plan that will enable the Participant to meet their Mutual Obligation Requirements.

At all times during a Participant's period of servicing the number of Job Searches a Participant is required to undertake each month must be specified in the Participant's Job Plan.

Early School Leavers who are meeting their Mutual Obligation Requirements through full-time education or a combination of part-time study and part-time work of 25 hours per week (15 hours for those with part-time Mutual Obligation Requirements) must not have any Job Search Requirements included in their Job Plan.

Approved courses include the Skills for Education and Employment (SEE) Program and the Adult Migrant English Program (AMEP). Providers must ensure that the Participant has some Job Search Requirement recorded in their Job Plan while participating in these programs.

For DHS managed Participants, DHS will update the Job Plan when required. If the Participant is managed by a Provider, DHS will consult with the relevant Provider before updating the Job Plan or may request that the Provider to update the Job Plan at the Participant's next Appointment. Providers should not remove any updates made to a Job Plan by DHS without consultation.

(DES Grant Agreement references: Section 5G, Annexure A)

Updating the Job Plan

The Provider must ensure that the Participant has a current and up-to-date Job Plan at all times. It is best practice to review the terms of the Job Plan at each Provider Appointment to ensure the Participant is still capable of meeting their Mutual Obligation Requirements. If the outcome of a Capability Interview or Capability Assessment is that the Job Plan needs to be updated, Providers must review and update the contents of the Job Plan within 10 business days. Providers must ensure the contents of each Job Plan is updated to include details of any additional voluntary activities or when the Participant is subject to an Exemption.

DES Providers must update, at least quarterly, the details of the assistance to be delivered, purchased or organised for the Participant throughout their Period of Service.

Without limitation to the requirements set out in the Grant Agreement and this Guideline, for Participants in Ongoing Support DES Providers must:

- update, at least every six months, details of assistance to be provided to Participants receiving Moderate Ongoing Support or High Ongoing Support; and
- update, at least every six months, details of assistance to be provided to Participants receiving Flexible Ongoing Support, except in the circumstances where no instances of Flexible Ongoing Support have occurred.

In consultation with the Participant, the Job Plan can be updated and tailored to individual needs at any time—unless there is action outstanding under the TCF. If compliance action is outstanding, the Department’s IT Systems will not permit the Job Plan to be updated and the Provider will be redirected to the ‘Compliance Screen’ in the Department’s IT Systems.

See the [Targeted Compliance Framework: Mutual Obligation Failures Guidelines](#) for information on using the Targeted Compliance Framework.

Updating Job Plan to include Voluntary activities

If a Participant is Exempt from or is fully meeting their Mutual Obligation Requirements (where relevant), they may wish to voluntarily participate in additional activities, and they can discuss this with the Provider. Voluntary activities should be included in the Job Plan and scheduled in the Calendar, and the Participant should be notified of where and when to attend each Activity.

Updating Job Plan after Participant advises change in circumstances

The Job Plan must be reviewed as soon as practicable after the Provider becomes aware or is informed of a change in the Participant’s circumstances.

Newly disclosed or discovered information may be found on, and should be immediately recorded in, the Capability Management Tool (CMT) in the Department’s IT Systems.

If the Job Plan is to be renegotiated in light of the new information, the Provider will refer to the CMT to ensure the Job Plan requirements are appropriate for the Participant’s capability, and that the Participant will receive enough assistance and support to address the circumstances recorded in the CMT.

See the [Capability Interview Guidelines](#) and [Capability Assessment Guidelines](#) for information on using the Capability Management Tool.

Updating the Job Plan to include (previously removed) requirement to record own attendance

If the Provider is renegotiating a Job Plan and assesses that the Participant is now capable of recording their own attendance (where the requirement was previously removed from the Job Plan), the Provider must re-enter PA03 Job Plan code into the Participant’s Job Plan. The Provider must ensure the Participant understands that they are now responsible for recording their own attendance at requirements as well as the importance of entering results via the App or jobactive website by close of business on the day of the requirement as their payment will be automatically suspended the next day if no result has been entered.

Updating the Job Plan following a Capability Interview or Capability Assessment

See the [Capability Interview Guidelines](#) for information on updating the Job Plan following a Capability Interview.

See the [Capability Assessment Guidelines](#) for processes on updating the Job Plan following a Capability Assessment.

4. Setting Mutual Obligation Requirements

Note: This guideline does not include information on using the Targeted Compliance Framework or information on setting Re-engagement Requirements. See the [Targeted Compliance Framework: Mutual Obligation Failures Guidelines](#), and the [Work Refusal and Unemployment Failures Guidelines](#) for information on using the Targeted Compliance Framework and how to set Re-engagement Requirements.

The Provider must record details of, and schedule each requirement in the Calendar, including:

- Provider Appointments
- Activities
- Job Interviews
- Education and Training
- Drug and/or alcohol treatment, where relevant
- Third Party Appointments
- Workshops, training and other activities delivered by the Provider
- Employment, if the hours are regular and can reasonably be scheduled by the Provider or Participant.

To schedule a requirement in the Calendar, the Job Plan code that corresponds to that requirement must have been included in the Participant's current, signed Job Plan.

Setting Daily Requirements

The Provider must ensure that each day of each Participant requirement is scheduled in the Calendar. Each day of each requirement scheduled in the Calendar must be populated with:

- the name or description of the requirement
- the start time
- break times, where relevant
- the end time
- the location of the requirement, including any special instructions to locate a venue (e.g. located on battle-axe block)

When the Provider schedules the requirement in the Calendar and formally notifies the Participant, the requirement will then appear in the Participant's Calendar.

Issuing Formal Notification to the Participant

Except for any paid work the Participant is undertaking, the Provider must formally notify the Participant of every compulsory requirement they must undertake, or complete, in return for their income support payment. The Provider must explain how to meet each requirement, as well as the consequences of not doing so, including possible financial penalties.

When the Provider schedules requirements in the Calendar, the Department's IT Systems will automatically create and record the selected Notification type issued. If a Participant's requirements are re-scheduled Providers must formally notify the Participant of the new requirement.

Formal Notification always includes:

- the reason for the appointment, if the requirement is an appointment

- whether the requirement is for the purpose of Re-engagement
- the date and start time of the requirement
- the location or address of the requirement
- if the Participant is required to record their own attendance, and if so, the consequences of not doing so
- whether the Participant will require evidence to record their own attendance
- whether the requirement is compulsory or voluntary
- that the Participant must contact their Provider beforehand if they become aware of an Acceptable Reason preventing them from being able to attend or complete the requirement
- the possible consequences for the Participant if they do not meet their requirement
- a statement that the Notification is a notice under Social Security Law
- that the Participant must complete their requirement in return for their Income Support Payment.

Legal authority to formally notify a Participant of their Mutual Obligation Requirements

Employment services provider employees are delegated powers by the Secretary of the Department of Jobs and Small Business under Social Security Law to notify Participants of their Mutual Obligation Requirements.

(Social Security (Administration) Act 1999 (ss: 63); Social Security Act 1991 (ss 501,544,605,731L)).

Notifying Participants within the appropriate timeframe

Providers must issue Participants Formal Notification must be issued within the appropriate timeframe before the requirement is scheduled to occur.

If reasonable notice timeframes are not met, the Calendar will not allow a requirement to be booked unless the Provider is in direct contact with the Participant and they have agreed to attend this requirement and the Provider records this.

Refer to the [Targeted Compliance Framework Reference Guide](#) and the Learning Centre for more supporting materials relating to reasonable notice timeframes and Notification methods.

Scheduling a Provider Appointment

Providers must ensure that the Provider's Electronic Calendar has at all times the capacity to receive an Appointment within the next two business days. When booking a Provider Appointment for a Participant, Providers must select the correct appointment type, schedule the appointment in the Calendar and formally notify the Participant.

Where a Participant has an Appointment with their Provider, the Provider must deliver a Contact on the date and time of the Appointment as recorded in the Participant's Calendar. See Attachment B for a list of appointment types.

Please refer to [Job Aids at the Learning Centre](#) for information on recording results at Provider Appointments.

Scheduling an Activity requirement

Providers source and select Activities appropriate to the Participant's individual circumstances, with a focus on Activities that will assist the Participant to build skills, improve their employability and

give back to the community. Providers should ensure that Participants are placed in meaningful Activities, particularly those that will help them to overcome any Vocational or Non-vocational Barriers to finding and keeping work.

All Activities must be scheduled in the Calendar and the Participant must be formally notified of the requirement to attend. See below for the types of Activities a Provider may schedule for a Participant.

Please refer to [Job Aids at the Learning Centre](#) for information on recording results at Activities.

Formal Activities

A formal activity is an activity that a Provider must use the Activity Management area of ESSWeb to create the activity and place the Participant into the activity. Providers must ensure that attendance requirements at formal activities is scheduled in the Participant's Calendar.

Informal Activities

An informal activity may include things like non-accredited training, Job Search clubs or employer supported sessions run internally by the Provider. Providers are not required to create an informal Activity in the Activity Management area of ESSWeb. Providers must ensure that attendance requirements at informal activities is scheduled in the Participant's Calendar.

One-off Activities

Participants may have a requirement to attend a one-off Activity, such as a day-long workshop or seminar, to gain skills or knowledge to help the Participant find work or overcome barriers. Alternatively, if only one Participant is participating in a specific activity, a One-Off Activity may be the most appropriate way for Providers to record their daily requirements in the Calendar.

Providing evidence of attendance for an Activity

For some Activities, the Participant will need to provide evidence when they are recording their own attendance.

Evidence for attendance will be a QR code or passcode (code) generated by the Department's IT Systems. The Participant will scan the code through their device while at the Activity to record their attendance via the Job Seeker App or by recording a passcode via the jobactive website.

If the duration of the Activity is four hours or more—such as where a full day of Activity is scheduled—two codes will be generated: one for the Participant's arrival at the Activity and one for the end of Activity. The code for the end of Activity should not be made available to the Participant until the close to the finish time.

When creating an Activity that requires evidence of attendance, the Provider must ensure they record the contact details of the relevant person/s who will physically provide the code to Participants, such as an Activity Supervisor. The person providing the code to Participants must be given the code before the Activity session commences. Providers should also ensure that the person providing the code for an afternoon session knows not to make the code available to the Participant until the afternoon session commences.

However, there will be instances where there isn't a supervisor or contact for activities, such as education and training. This is because it would be unreasonable, or not expected due to the relationship and past experience, for evidenced-based recording or to report non-attendance directly to the Provider. In these situations, Participants will record attendance directly on the day. By recording their own attendance, Participants will be acknowledging via a statement on the App or

website that they have attended and the information they are providing is true and correct. No further evidence is required, therefore satisfying documentary evidence requirements. Providers will still be able to record non-attendance if they become aware that Participants have failed to attend or left early at education/training activities.

Scheduling Third Party Appointments

Third Party Appointments are any appointments the Participant must attend that are not appointments with their Provider or DHS. Before scheduling a Third Party Appointment, the Provider must ensure that the requirement is not:

- a Provider Appointment
- an appointment with DHS Services
- a Job Interview
- an Activity of any kind
- study or training of any kind.

All Third Party Appointments must be scheduled in the Calendar and the Participant must be formally notified of the requirement to attend. Participants taking personal responsibility to record their own attendance must do so for Third Party Appointments.

Please refer to [Job Aids at the Learning Centre](#) for information on recording results at Third Party Appointments.

Scheduling Job Interviews

All Job Interviews must be scheduled in the Calendar and the Participant must be formally notified of the requirement to attend. Participants taking personal responsibility to record their own attendance must do so for Job Interviews.

Scheduling drug or alcohol treatment

If the Provider identifies or becomes aware that the Participant's ongoing capability to meet their requirements or search for work is compromised by drug or alcohol dependency, the Provider must discuss this with the Participant to identify treatment options that would assist the Participant to overcome their dependence.

If the Participant chooses to undertake drug and/or alcohol treatment—or is already undertaking drug and/or alcohol treatment when they enter employment services or transfer Providers—the Provider must schedule it in the Calendar and formally notify the Participant.

Setting a Job Search Requirement

Providers must ensure that a delegate specifies the Job Search Requirement for each Participant with Mutual Obligation Requirements in their Job Plan. Providers must ensure that the Job Search Requirement is appropriately recorded in the Participant's Job Plan at all times during the Participant's period of service. The majority of Participants will usually be required to undertake 20 Job Searches per month. Participants are responsible for reporting their Job Search efforts before the end of their Job Search Period (JSP). If the Participant provides job search efforts directly to their Provider (i.e. does not submit online), Providers will need to record the number of job search efforts submitted to them by no later than close of business on that day. Providers also need to review and confirm the quality of job search efforts submitted online or directly to them by no later than five Business Days after the end of each Job Search Period.

See the [Managing and Monitoring Mutual Obligation Requirements Guidelines](#) for information to assist in deciding the number of Job Searches that should be included in a Job Plan.

Providers will use Job Plan code JS09 to include and record a Job Search Requirement in the Job Plan.

Providers must ensure that the Participant is aware at all times of:

- their Job Search Requirement
- when their Job Searches must be reported by
- how to report their Job Search efforts using the jobactive website, or directly to the Provider.

All Participants can report their Job Search efforts through the Job Seeker App or jobactive website. Participants should be given instructions on how to upload/record their Job Search efforts and related details, even if they indicate they will report their Job Search efforts directly to their Provider. To further support personal responsibility, the number of Job Search efforts undertaken, and the number yet to be undertaken by the Participant in each JSP, are visible on the Job Seeker App or jobactive website.

Participants may also report their Job Searches directly to their Provider by:

- email, if both the Participant and Provider agree to this method, or
- filling out a Job Search record and giving it directly to the Provider.

Please refer to [Job Aids at the Learning Centre](#) for information on recording results for Job Search.

Setting a Job Referral requirement

Providers can compel Participants to follow-up on a referral to a job. The requirement to follow up on a Job Referral may include a single task or a combination of tasks e.g. the Participant may be required to update their résumé AND apply for a specific job, and this would constitute a single Job Referral. The Provider must explain to the Participant exactly what they have to do to meet the requirement and the timeframes for doing so. For a list of single and combination job referral types refer to Attachment C.

For further information on types of Job Referral combinations that Providers may refer their Participants to refer to the [Targeted Compliance Framework Reference Guide](#).

Applying for a specific job

A Provider may identify a specific job for a Participant that matches the Participant's skills and capability and refer the Participant to apply for it. The Provider must advise them of the timeframe in which they must apply for the specific job.

Contacting an employer regarding a job

A Provider may identify a job that may be suitable for the Participant and may refer them to the prospective employer to discuss the job. The Provider should give the Participant clear instruction on what is to be discussed with the prospective employer and the timeframe for doing so. Contact with the prospective employer may include (but is not limited to) discussion on:

- the likelihood of work becoming available with the employer
- the Participants' skills and/or qualifications
- whether the Participant could readily obtain the skills or qualifications necessary for the employer's business
- whether the Participant has experience in a particular field of work or transferable skills

- the offer of a work trial or Job Interview based on the outcome of the contact.

Accepting a Job Interview

If a Provider refers a Participant to accept a Job Interview for suitable employment, the Participant must accept the Job Interview. When scheduling the Job Interview the Provider must record the details of the Job Interview and notify the Participant of the date and time of the interview, and that the Participant has accepted the interview.

Please refer to [Targeted Compliance Framework: Mutual Obligation Failures Guidelines](#) for further information on what to do if a Participant fails to follow up on a Job Referral.

Appropriately updating a résumé

The Provider can require a Participant to update their résumé to better reflect their current skills, qualifications and experience to assist them in finding work. The Provider must outline exactly what elements in the Participant's résumé must be updated and the timeframe in which to do so. The Provider should provide reasonable assistance to the Participant, in line with their Service Guarantee or other contractual documents, to appropriately update their résumé.

Please refer to [Targeted Compliance Framework Guidelines](#) for further information on what to do if a Participant fails to follow up on a Job Referral.

Providing or making details available to support an application or offer of work

The Provider can require a Participant to make their details available to support an offer of work. This may include things like the Participant's contact details, or advising of their availability to attend interviews, work trials, shift work, etc. The Provider must advise the Participant exactly what they need to do and the timeframe in which they need to do it.

Please refer to [Job Aids at the Learning Centre](#) for information on recording results of Job Referrals.

Scheduling Study or Training

Providers are responsible for identifying any appropriate study and/or training opportunities that will assist the Participant to gain skills or qualifications that will assist them to find work. Where practical, the Provider must ensure all study and training is scheduled in the Calendar.

Scheduling hours of employment where reasonable to do so

If the Participant is employed for regular hours, the Provider must ensure they schedule the hours of employment in the Calendar when they can reasonably do so.

The Provider should encourage the Participant to take personal responsibility by scheduling their own hours of employment, and they should either provide assistance to the Participant to do so or tell them where they can find assistance to help them with this. If the Participant does not schedule their own regular hours of employment by creating Personal Events, the Provider must do so.

The Provider will create a Personal Event in the Participant's Calendar for each day of employment the Participant is undertaking. The Participant does not need to be formally notified of scheduled Personal Events, including paid work, and the TCF cannot be used to report non-compliance for failing to attend work.

For further information on Personal Events refer to the [Targeted Compliance Framework Guidelines](#).

Participant may create Personal Events

Participants can record Personal Events in their Calendar to record commitments not related to their employment service, such as medical appointments or school pick up. These Personal Events will assist Providers when setting requirements.

Participants may create their own Personal Events in their Calendar to occur between 6am and 9pm. Participants may only create Personal Events where a Mutual Obligation Requirement is not already scheduled at that time.

The Provider is able to create Personal Events on behalf of the Participant to assist the Participant in having full visibility of their schedule and their requirements. Providers must create Personal Events on behalf of the Participant to schedule regular hours of paid work if the Participant does not do so. Providers must advise the Participant that even though they have created a Personal Event, Mutual Obligation Requirements may still be scheduled.

Confirmed Participant Personal Events

Providers are responsible for confirming Participant Personal Events and are encouraged to review and consider Personal Events created by the Participant. Providers should use their judgement and their knowledge of the individual Participant to decide whether the Participant's Personal Event is appropriate before confirming it. When deciding to confirm a Personal Event, the Provider should also consider the nature of the Personal Event and the Participant's personal situation. A Personal Event is considered to be Prior Notice of a Participant being unable to attend a requirement at that time. By confirming the event, the system will not allow a conflicting requirement to then be set. If the Provider confirms a Personal Event that should not have been confirmed, they cannot 'un-confirm' the event. The Provider must cancel the Personal Event in the Calendar, after discussing the reasons why the Personal Event was cancelled. This will notify the Participant via an inbox message.

Unconfirmed Participant Personal Events

If a Provider considers that a Personal Event entered by a Participant is not appropriate, the Provider can choose to leave it unconfirmed. If a Personal Event is not confirmed, the Provider can override the unconfirmed Personal Event and schedule a requirement at that time. The Provider must record the reason in the Department's IT Systems and must formally notify the Participant of the requirement and ensuring they can make other arrangements for the Personal Event that they had created.

Scheduling a requirement over a confirmed Participant Personal Event

If the Provider needs to schedule a requirement for the same time as a Participant's confirmed Personal Event, the Provider will need to discuss this with the Participant. After confirming with the Participant that they are available to attend the requirement at the scheduled time, the Provider must record the reason in the Department's IT Systems and formally notify the Participant of their requirement. Providers must manage the conflicting requirement in the Calendar and record the reason they are scheduling the requirement at this day/time in the Department's IT Systems.

5. Privacy and information sharing

Providers must comply with Social Security Law and Australian privacy legislation. A Participant's Personal Information must only be used or disclosed for the purpose it was collected, except in limited circumstances such as where the Participant gives permission or where Commonwealth laws allow or other special circumstances.

Providers should seek independent legal advice if they have any concerns regarding their obligations under any privacy or other legislation.

(DES Grant Agreement references: Clauses 41, 106)

6. Summary of required Documentary Evidence

- Once the terms of the Job Plan have been agreed and the Job Plan created in the Department's IT Systems, the Job Plan must be provided to the Participant for their agreement. Job Plans can be agreed to online or by signing a hard copy.
- Providers may send a Job Plan to the Job Seeker Dashboard through the jobactive website or Job Seeker App for the Participant to review and agree to online.
- Providers must formally notify the Participant (including those with voluntary requirements) that the Job Plan has been sent to their Job Seeker Dashboard for their agreement. This must be done either face to face or over the phone and within two Business Days of sending the Job Plan.
- The Job Plan must be recorded in the Department's IT Systems as soon as possible, after the Job Plan has been created. The contents of the Job Plan recorded in the Department's IT Systems must be exactly the same as the hard copy.
- If the Department's IT Systems is temporarily unavailable or there is no computer access, Providers must use the applicable compulsory or voluntary Job Plan template available on the Provider Portal.

Attachment A List of Job Plan codes

Refer to ESSWeb Job Plan Activity Codes list for a full list of Job Plan codes:

Job Plan Codes	
Appointment Codes	
AI09 - Attend DES Appointments	C,V
AI13—Attend DES Ongoing Support Appointments	C,V
AI15—Third Party Appointment	C,V
DHS Only Codes	
A102—Attend Quarterly Appointment	C,V
A108—Reduced Capacity Requirements	C,V
ET63—Youth Activities	C
WE16—Community Services Order	C,V
EM51—Disability Supported Employment	C,V
Personal Responsibility Codes	
PA03 – Report and record attendance at requirements	C
PA04 – Act or follow up on Job Referral	C,V
Non-Vocational Codes	
NV02—Counselling	V
NV04—Non-Vocational Training	C,V
NV05—Parenting Skills Program	V
NV07—Drug and Alcohol Rehabilitation	V
NV09—Self-help Group or Support Group	C,V
NV10—Undertake an Assessment	C,V
NV12—Child Care	C,V
NV13—Intervention – Non Specific	C,V
NV14—Health Maintenance Program	V
Job Search Codes	
JS04—Job Search Contacts Voluntary	V
JS05—Job Search with Disability - Activity Tested	C
JS06—Job Search with Disability - Non Activity tested	V
JS07—Research and Prepare Applications	C,V
JS09—Job Search monthly	C,V
JS10—Job Search referrals	C,V
Employment Codes	
EM52—NEIS	C,V
EM54—Self Employment	C,V
EM56—Paid Work	C,V
Participation Activity Codes	
ET52—Adult Migrant English	C,V
ET53—Apprenticeship/Traineeship	C,V
ET56—SEE or ESL course	C,V
ET57—SEE and/or ESL assessment	C,V

Job Plan Codes	
ET58— NEIS Training	C,V
ET59— Study - Part-Time or Full-Time	C,V
ET60— Updating work related licences/quals/m-ships	C,V
ET64— Work preparation	C,V
ET67— PaTH Internship	V
WE12— Work for the Dole	C,V
WE18— National Work Experience Programme	V
WE10 – Unpaid Work Experience (for Work Experience (Other))	V
WE11— Voluntary Work	C,V
WE09— Temporary Relocation to Undertake an Activity	V
WE15 – Defence Force Reserves	C,V

Provider assistance codes

DES Providers must include the details of the assistance (not only the assistance code) they will be providing to the Participant in the Job Plan.

DES Provider assistance descriptor	Code
Directly contacting employers for suitable jobs on the Participant's behalf	AS21
Health and Allied Services Assistance	AS02
Psychological Assistance	AS19
On the job assistance	AS18
Ongoing Support Assistance	AS20
Interpreter Services Assistance	AS03
Non-Vocational Assistance	AS04
Provider Services Assistance	AS05
Relocation Assistance	AS06
Self-Employment Assistance	AS07
Short Term Child Care Assistance	AS08
Provided JET CCFA information and Assistance	AS09
Training – Books and Equipment Assistance	AS10
Training – Courses Assistance	AS11
Transport and Licensing Assistance	AS12
Wage Subsidy Assistance	AS13
Work Experience Activities Assistance	AS14
Work Related Clothing and Presentation Assistance	AS15
Work Related Tools and Equipment	AS16
Other Assistance	AS17

Attachment B List of Appointment Types

Initial Appointment
Contact Appointment
Re-engagement Appointment
Capability Interview Appointment

Attachment C Job Referral types

The table below list of single and combination Job Referrals types that Providers may refer their Participants to:

Single referrals
Apply for a specific job
Accept a Job Interview
Contact an employer to arrange and accept a Job Interview
Update a resume appropriately
Provide personal details to support a job opportunity
Combination referrals
Update a resume appropriately AND provide personal details to support a job opportunity
Update a resume appropriately AND apply for a specific job
Provide personal details to support a job opportunity AND contact an employer to arrange and accept a Job Interview
Provide personal details to support a job opportunity AND accept a Job Interview