



Office of the
**Public Sector
Standards**
Commissioner

Public Sector Standards in Human Resource Management

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INTRODUCTION

The *Public Sector Management Act 1994* (the Act) established an independent statutory Office of the Commissioner for Public Sector Standards (OPSSC). The Commissioner has responsibility to establish minimum standards of merit, equity and probity for specified human resource management activities.

The Public Sector Standards in Human Resource Management (the Standards) set out the minimum standards required of all Western Australian public sector bodies and employees.

The revised Standards operate from 1 July 2001.

This document includes:

- The Standards.
- Explanatory Notes for each Standard (these are not part of the Standards).
- Terminology applicable to the Standards.

COVERAGE

Throughout this document, public sector bodies are referred to as employing authorities.

All employing authorities and employees must comply with the Standards.

Schedule 1 of the Act lists entities not covered by the Standards, including:

- Elected officials (eg. members of parliament and local government council representatives).
- Local governments.
- Sworn members of the Western Australia Police Service (police officers).
- Universities.
- Any court or tribunal established under a written law.
- Some corporatised bodies such as the port authorities, Western Power and the Water Corporation.

These bodies and their employees are covered by other legislation.

IMPLEMENTATION

Employing authorities are responsible for the development and implementation of human

resource management policies and procedures that are consistent with the Standards.

Employing authorities should:

- Raise awareness about the Standards.
- Ensure that human resource policies and practices comply with the Standards.
- Report annually on compliance with the Standards (s.31 of the Act).

The Commissioner monitors compliance with the Standards and reports to Parliament at least annually.

BREACH OF STANDARDS

The *Public Sector Management (Breaches of Public Sector Standards) Regulations 2005* provide an opportunity for employees and other persons to obtain relief in respect of a breach of Standard.

They prescribe how an aggrieved person can lodge a breach of Standard claim with the relevant employing authority and how that claim is managed.

LODGING A CLAIM AGAINST THE CORRECT STANDARD

The Standard applicable to the placement of a person into a job can be confusing. The intent of the human resource process guides which Standard applies.

For example, if an agency states in its advertisement that it intends to offer a three-year fixed-term contract of service, and subsequently seconds a permanent officer into the position, the Recruitment, Selection and Appointment Standard applies.

In this case, the applicable Standard is determined by the intent stated in the advertisement to appoint (using a recruitment and selection process) not by the method of appointment (secondment).

More information about the application of the Standards is provided in the Explanatory Notes for each Standard.

If you are unsure which Standard applies, or require more information about the Regulations, contact your Human Resources Branch or visit the OPSSC web site at www.opssc.wa.gov.au

A Guide for Applying the Appropriate Standard

Type of Movement	Description	Conditions	Applicable Standard
Appointment/ promotion	The appointment of a person from outside or within the public sector to fill a fixed-term or permanent vacancy	<ul style="list-style-type: none"> No right to lodge a breach of Standard claim for vacancies of less than six months, unless the vacancy was advertised on the basis that it could be extended or the person appointed could later become a permanent officer. 	<ul style="list-style-type: none"> Recruitment, Selection and Appointment (RSA)
Transfer	Permanent movement at the same classification level	<ul style="list-style-type: none"> Vacate a job to move to another job, with no right of return Not available to fixed-term contract employees 	<ul style="list-style-type: none"> Transfer, or RSA where the intent was to appoint
Secondment	Temporary movement to a different employing authority or outside the public sector	<ul style="list-style-type: none"> Defined period Voluntary All parties must agree to terms May be at same or higher classification level May include a merit selection process Right of return to previous job or similar 	<ul style="list-style-type: none"> Secondment or RSA where the intent was to appoint
Temporary Deployment (Acting)	<p>Acting is a temporary movement of an employee to a higher classification level within the same employing authority.</p> <p>Temporary deployment is a temporary movement of an employee to another position at the same level within the same employing authority.</p>	<ul style="list-style-type: none"> Defined period May be directed though usually voluntary May include an assessment of merit Covers persons applying for an acting opportunity whether at the same or higher level. Does not cover temporary deployment as directed by the employer to meet organisational requirements. 	<ul style="list-style-type: none"> Temporary Deployment (Acting), or RSA where the intent was to appoint

Recruitment, Selection and Appointment Standard

Outcome

The most suitable and available people are selected and appointed.

The Standard

The minimum standard of merit, equity and probity is met for recruitment, selection and appointment if:

- A proper assessment matches a candidate's skills, knowledge and abilities with the work-related requirements of the job and the outcomes sought by the public sector body, which may include diversity.
- The process is open, competitive and free of bias, unlawful discrimination, nepotism or patronage.
- Decisions are transparent and capable of review.

RECRUITMENT, SELECTION AND APPOINTMENT STANDARD EXPLANATORY NOTES

The Explanatory Notes are a guide and are not part of the Recruitment, Selection and Appointment Standard.

Application

The Standard applies to all recruitment, selection and appointment transactions in the public sector, including entry-level and contracts of service.

The Standard does not apply to the filling of a vacant job by transfer, redeployment, secondment or temporary deployment (acting).

Work-Related Requirements of the Job

The work-related requirements are often referred to as selection criteria. Whatever they are called, the Standard does not limit the number or type. Preferably, they should be kept to a minimum, be relevant and avoid jargon. The aim is to increase the quality and range of applicants according to the employing authority's business needs.

Diversity

The outcome sought is a workforce able to deliver appropriate services to diverse customers. Employing authorities are encouraged to use recruitment approaches that achieve this.

Advertising

The Standard requires an open and competitive selection process. The purpose of advertising is to encourage the most appropriate people to apply. It should not be used to discourage potentially suitable candidates.

The Standard does not impose restrictions about where and how positions are advertised. Decisions about advertising must be transparent and capable of being judged reasonable.

Selection Methods

Employing authorities can use a variety of selection methods provided they comply with the Standard.

The selection techniques used depend upon the work-related requirements and the range of applicants.

Shortlisting

The Standard does not require applicants to include in their application specific headings for each of the work-related requirements of the job. Applicants need to provide sufficient information for the employing authority to easily assess their suitability.

Confidentiality

Information produced during the recruitment, selection and appointment process is kept in trust and divulged only to those with a need to know, with due regard to the requirements of the *Freedom of Information Act 1992*.

Review

Long descriptions or verbatim transcripts of a process are not necessary, provided an independent person can follow what took place.

Public Sector Management (Breaches of Public Sector Standards Regulations) 2005

Once a reviewable selection decision is made, the Regulations require employing authorities to notify unsuccessful applicants that they may make a breach of Standard claim, and how that claim may be made. Claims cannot be lodged for vacancies of less than six months, unless the vacancy was advertised on the basis that it could be extended, or the person appointed could later become a permanent officer.

Once a breach claim has been lodged against the Recruitment, Selection and Appointment Standard, an **appointment to a position cannot be made unless:**

- That vacancy relates to selecting a person to form part of an appointment pool and the **conditions for being able to appoint from a pool have been met;** or
- Until the claim is finalised in accordance with the regulations.

Refer to the OPSSC website for the Agency Guide, Claimant's Guides and the link to the Regulations at www.opssc.wa.gov.au

Obligations

The Standard does not override specific requirements applicable to the recruitment, selection and appointment process in the public sector, which may include:

- Clearance requirements of the *Public Sector Management (Redeployment and Redundancy) Regulations 1994*.
- Approved procedures under the *Public Sector Management Act 1994*.
- Record retention eg as specified by the State Records Office in the General Disposal Authority for Human Resource Management Records see www.sro.wa.gov.au
- Section 64(4) of the *Public Sector Management Act 1994*.

Transfer Standard

Outcome

Transfer decisions are equitable and take into account the participating organisation's work-related requirements and employee interests.

The Standard

The minimum standard of merit, equity and probity is met for transfer if:

- Decisions are based on a proper assessment of the work-related requirements of the public sector bodies involved and identified employee interests.
- Employment conditions are comparable.
- Decisions are impartial, transparent and capable of review.

TRANSFER STANDARD EXPLANATORY NOTES

The Explanatory Notes are a guide and are not part of the Transfer Standard.

Application

The Standard applies to an employee vacating a job to move substantively to another job with comparable employment conditions.

The Standard does not apply to temporarily filling a job.

Authority to Transfer

A transfer may occur both within and between employing authorities where the power to transfer exists. This is usually found in enabling legislation, awards, employment contracts or industrial agreements.

Employment Conditions

Comparable employment conditions include:

- Comparable or equivalent classification level based on salary/wage (excluding allowances, penalty rates etc).
- No change to employment tenure.
- No loss of service continuity.

Work-Related Requirements

Work-related requirements refer to the skills, knowledge and abilities required for the job, including consideration of the diversity and business needs of the relevant employing authority.

Employee Interests

The Standard requires that employee interests are fairly assessed and considered.

Identifying employee interests does not oblige the employing authority to assent to them. They assist the employing authority to make informed decisions about the efficient and effective deployment of human resources.

Employee interests could include:

- Career considerations.
- Personal circumstances
- Workplace location (eg metropolitan to country location).

Consultation

Where an employing authority considers it be in the best interests of the organisation to transfer an employee, that employee should be given the opportunity to comment on the proposal. The employing authority should consider such comments.

Assessment

A comparative assessment should be undertaken where more than one employee is being considered for transfer to the same job.

The Standard does not necessarily require written applications addressing work-related requirements, or the establishment of a selection panel as part of the process. The assessments should be documented.

Confidentiality

Information produced during the transfer process is kept in trust and divulged only to those with a need to know, with due regard to the requirements of the *Freedom of Information Act 1992*.

Review

Documentation about the transfer decision should describe clearly and concisely the grounds upon which the decision was made.

Public Sector Management (Breaches of Public Sector Standards) Regulations 2005

Once a reviewable decision is made either to transfer an employee, or reject an employee's request for transfer, the process is subject to the breach of Standard procedures. Employees have up to 10 working days to lodge a breach claim from first becoming aware of the decision, or 30 days after the decision was made, whichever period expires first.

Once a claim is lodged, the proposed **transfer cannot proceed** until the claim has been finalised in accordance with the Regulations.

Refer to the OPSSC website for the Agency Guide, Claimant's Guides and the link to the Regulations at www.opssc.wa.gov.au

Obligations

The Standard does not override specific requirements applicable to transfers in the public sector, which may include:

- Clearance requirements of the *Public Sector Management (Redeployment and Redundancy) Regulations 1994*.
- Approved procedures under the *Public Sector Management Act 1994*.
- Transfer provisions in legislation, awards or industrial agreements applicable to relevant occupational groups.

Secondment Standard

Outcome

Secondment decisions are equitable and take into account the participating organisation's work-related requirements and employee interests.

The Standard

The minimum standard of merit, equity and probity is met for secondment if:

- Decisions are based on a proper assessment of the work-related requirements of the public sector bodies involved and identified employee interests.
- The employee consents to the secondment.
- Decisions are impartial, transparent and capable of review.

SECONDMENT STANDARD EXPLANATORY NOTES

The Explanatory Notes are a guide and are not part of the Secondment Standard.

Application

The secondment Standard applies to:

- The voluntary and temporary movement of an employee from their existing employing authority to another employing authority for an agreed period.
- All secondments, regardless of duration.

Movement is usually at the same, or a higher classification level.

The Standard does not apply to movement within the same employing authority. Other Standards, such as the Temporary Deployment (Acting) and Transfer Standards apply.

Work-Related Requirements

Work-related requirements refer to the skills, knowledge and abilities required for the job, including consideration of the diversity and business needs of both employing authorities.

Employee Interests

The Standard requires that employee interests are fairly assessed and considered.

Identifying employee interests does not oblige the employing authority to assent to them. They assist the employing authority to make informed decisions about the efficient and effective deployment of human resources.

Employee interests could include:

- Career considerations
- Opportunity for development
- Workplace location (eg. metropolitan to country location etc)

Conditions of the Secondment

Prior to a secondment, there needs to be agreement about:

- The period of the secondment and remuneration.
- The employee's placement at the completion of the secondment.

Service continuity and tenure of employment are not affected by a secondment.

Assessment

A comparative assessment should be undertaken where more than one employee is being considered for a secondment to the same job.

The Standard does not necessarily require written applications addressing work-related requirements, or the establishment of a selection panel as part of the process. The assessments should be documented.

Period

Prolonged secondments may call into question whether a proper assessment of work-related requirements was carried out. Employing authorities may determine when to advertise. However, advertising and conducting an assessment of merit for prolonged secondments, particularly those likely to exceed six months, may reduce the risk of breach of Standard claims.

Decisions to offer or terminate a secondment must be capable of being judged as reasonable.

Confidentiality

Information produced during the secondment process is kept in trust and divulged only to those with a need to know, with due regard to the requirements of the *Freedom of Information Act 1992*.

Review

Documentation about the secondment decision should describe clearly and concisely the grounds upon which the decision was made.

Public Sector Management (Breaches of Public Sector Standards) Regulations 2005

Once a reviewable decision is made either to second an employee, or reject an employee's request for secondment, the process is subject to the breach of Standard procedures. Employees have up to 10 working days to lodge a breach claim from first becoming aware of the decision, or 30 days after the decision was made, whichever period expires first.

Refer to the OPSSC website for the Agency Guide, Claimant's Guides and the link to the Regulations at www.opssc.wa.gov.au

Obligations

The Standard does not override specific requirements applicable to secondments in the public sector, which may include:

- Clearance requirements of the *Public Sector Management (Redeployment and Redundancy) Regulations 1994*.
- Approved Procedures under the *Public Sector Management Act 1994*

Performance Management Standard

Outcome

The performance of all employees is fairly assessed to achieve the work-related requirements of the public sector body while paying proper regard to employee interests.

The Standard

The minimum standard of merit, equity and probity is met for performance management if:

- An employee is informed about how their performance will be managed and the results of their performance assessment.
- A proper assessment of the employee's performance takes into account both the work-related requirements of the job and identified employee interests.
- Processes, decisions and actions are impartial, transparent and capable of review.

PERFORMANCE MANAGEMENT STANDARD EXPLANATORY NOTES

The Explanatory Notes are a guide and are not part of the Performance Management Standard.

Application

The Standard applies to the performance management of all employees in the public sector, irrespective of level. It assists public sector bodies to establish processes by which employees can achieve their potential and the employing authority's business needs.

The Standard does not apply to sub-standard performance or disciplinary action. While performance management processes may identify performance deemed below the level required, and could result in disciplinary action, specific legislative or common law provisions apply to sub-standard performance and discipline.

Work-Related Requirements

Work-related requirements are the skills, knowledge and abilities required for the job, which may include diversity and business needs sought by the employing authority.

Employee Interests

Although the Standard requires the employing authority to identify employee interests, it does not oblige the employer to assent to them. They assist the employing authority to make an informed assessment about employee performance by taking such interests into consideration.

Employee interests could include:

- Career considerations
- Professional development needs
- Personal circumstances

Method

An employing authority may use several methods to assess and manage performance, depending on the specific needs of employees or occupational groups. Whatever methods are used, they should be capable of identifying various levels of performance ranging from excellent to unacceptable.

Employees must be informed about how their performance will be assessed and recorded. Once a method is adopted, it must be applied consistently to that employee or occupational group.

Confidentiality

Information produced during the performance management process is kept in trust and divulged only to those with a need to know, with due regard to the requirements of the *Freedom of Information Act 1992*.

Review

Documentation about an employee's performance should describe clearly and concisely the grounds upon which the assessment is made.

Public Sector Management (Breaches of Public Sector Standards) Regulations 2005

The process used to manage an employee's performance is subject to the breach of Standard procedures. Employees have up to 10 working days from first becoming aware of the reviewable decision to lodge a breach claim, or 30 days after the decision was made, whichever period expires first.

Refer to the OPSSC website for the Agency Guide, Claimant's Guides and the link to the Regulations at www.opssc.wa.gov.au

Obligations

The Standard does not override specific requirements applicable to performance management in the public sector, which may include:

- Approved procedures under the *Public Sector Management Act 1994*
- Sub-standard performance procedures, as specified in Part 5, Division 2 of the Act.
- Any other sub-standard performance process specified in an applicable award or industrial agreement.

Redeployment Standard

Outcome

Redeployment decisions are equitable and take into account the organisation's work-related requirements and employee interests.

The Standard

The minimum standard of merit, equity and probity is met for redeployment if:

- Decisions are based on a proper assessment of the work-related requirements of the public sector bodies involved and identified employee interests.
- Redeployees are informed about their future options and how the process is to be managed.
- Decisions are impartial, transparent and capable of review.

REDEPLOYMENT STANDARD EXPLANATORY NOTES

The Explanatory Notes are a guide and are not part of the Redeployment Standard.

Application

The Standard applies to the process used by an employing authority to make decisions about the treatment and management of affected employees.

The Standard is effective between the time the job is abolished or the person is deemed surplus, until the action on their future is completed. This may include transfer, registered employee status or severance.

The Standard does not apply to:

- Action taken about a 'registered employee', as provided for in the Public Sector Management (Redeployment and Redundancy) Regulations 1994.
- Sub-standard performance or disciplinary action. Redeployment must not be used to identify or relocate employees when performance is considered unsuitable.
- Decisions by employing authorities to abolish jobs.

Decision to Abolish a Job

While an employing authority's decision to identify a job as surplus is not covered by the Standard, its actions must be consistent with the general principles in ss 8 and 9 of the Act. It remains open to an employee aggrieved by such a decision to lodge a grievance with the employing authority.

The Commissioner monitors and reports on the extent to which employing authorities properly examine such complaints.

Work-Related Requirements

Work-related requirements refer to the skills, knowledge and abilities required of the job, including consideration of the business needs of the relevant employing authorities.

Employee Interests

Identifying employee interests does not oblige the employing authority to assent to them. They assist the employing authority to make informed decisions about the efficient and effective deployment of human resources. However, the Standard requires that employee interests are fairly assessed and considered in the decision-making process.

Employee interests could include:

- Career considerations.
- Personal circumstances
- Workplace location (eg. metropolitan to country location etc).

Management

The redeployee remains the responsibility of the employing authority throughout the process.

Employees who have been identified as surplus must be advised about access to appropriate support services and informed about their rights and responsibilities. Decisions to relocate an employee must not result in a loss of service continuity or employment tenure.

If an employing authority is unable to find alternative employment for the redeployee, he or she may become a 'registered employee', as provided for in the *Public Sector Management (Redeployment and Redundancy) Regulations 1994*.

Confidentiality

Information produced during the redeployment process is kept in trust and divulged only to those with a need to know, with due regard to the requirements of the *Freedom of Information Act 1992*.

Review

Documentation about a redeployment decision should describe clearly and concisely the grounds upon which the decision was made.

Public Sector Management (Breaches of Public Sector Standards) Regulations 2005

Once a reviewable decision is made about the treatment and management of an employee whose job has been abolished or who is deemed surplus, the process is subject to the breach of Standard procedures. Employees have up to 10 working days to lodge a breach claim from first becoming aware of the decision, or 30 days after the decision was made, whichever period expires first.

Refer to the OPSSC website for the Agency Guide, Claimant's Guides and the link to the Regulations at www.opssc.wa.gov.au

Obligations

The Standard does not override specific requirements applicable to redeployment in the public sector, which may include:

- The *Public Sector Management (Redeployment and Redundancy) Regulations 1994*.
- Redeployment and redundancy provisions of Part 6 of the Act.
- Approved procedures under the *Public Sector Management Act 1994*.

Termination Standard

Outcome

Termination decisions are fair and all entitlements are provided.

The Standard

The minimum standard of merit, equity and probity is met for termination if:

- Decisions are based on a proper assessment of the public sector body's requirements and employee's circumstances.
- Employees are informed of their rights, entitlements and responsibilities about the termination process.
- Decisions are impartial, transparent and capable of review.

TERMINATION STANDARD EXPLANATORY NOTES

The Explanatory Notes are a guide and are not part of the Termination Standard.

Application

The Standard applies to the process used by an employing authority to reach decisions about termination of an employee's employment and/or to respond to an employee's request for cessation of employment.

Cessation of employment includes:

- Resignation.
- Retirement.
- Retirement on the grounds of ill-health.
- Completion of a fixed term contract of service.
- Severance (i.e. redundancy, voluntary severance).

The Standard does not apply to the cessation of employment as a consequence of sub-standard performance or disciplinary action. Other legislation applies.

Rights and Entitlements

Employees should be informed about their entitlements prior to the cessation of employment.

Employee rights and entitlements are mentioned in the enabling legislation, awards, employment contracts or industrial agreements. Employing authorities must act in accordance with these terms and conditions.

Confidentiality

Information produced during the termination process is kept in trust and divulged only to those with a need to know, with due regard to the requirements of the *Freedom of Information Act 1992*.

Review

Documentation about the termination decision should describe clearly and concisely the grounds upon which the decision was made.

Public Sector Management (Breaches of Public Sector Standards) Regulations 2005

Once a reviewable decision is made about the cessation of an employment contract, the process is subject to the breach of Standard procedures. Employees have up to 10 working days to lodge a breach claim from first becoming aware of the decision, or 30 days after the decision was made, whichever period expires first.

Refer to the OPSSC website for the Agency Guide, Claimant's Guides and the link to the Regulations at www.opssc.wa.gov.au

Obligations

The Standard does not override specific requirements applicable to termination in the public sector, which may include:

- Approved procedures under the *Public Sector Management Act 1994*.
- Unfair dismissal legislation administered by the Industrial Relations Commission.
- Any dispute resolution process specified in an applicable award or industrial agreement.

Discipline Standard

Outcome

The discipline process observes procedural fairness.

The Standard

The minimum standard of merit, equity and probity is met for discipline if:

- Decisions are based on a proper assessment of the facts and circumstances prevailing at the time of the suspected breach of discipline.
- The employing authority ensures procedural fairness is applied to all parties.
- Decisions are impartial, transparent and capable of review.

DISCIPLINE STANDARD EXPLANATORY NOTES

The Explanatory Notes are a guide and are not part of the Discipline Standard.

Application

The Standard applies to the disciplinary process used by an employing authority following a suspected breach of the employment contract by an employee.

The Standard does not apply to:

- Judging the merits of the facts and circumstances of the particular case.
- Sub-standard performance.
- The appropriateness of any sanction imposed by the employing authority at the conclusion of a disciplinary process.

Rights and Obligations

Employing authorities should inform employees about their rights and responsibilities and advise about access to appropriate support services. Employing authorities may find it useful to obtain appropriate advice about the conduct of a disciplinary procedure, before proceeding.

Decisions by an employing authority following a disciplinary process may be invalid if the common law requirements of procedural fairness are not observed.

These include bringing the employee's attention to the reasons for the inquiry, the subject matter, and the rules applicable throughout the process. Procedural fairness also involves paying due regard to the interests of all parties involved, including those of the employee suspected of the breach of discipline.

Period

The Standard does not impose a time period to complete a disciplinary process.

All parties should attempt to complete a disciplinary process as quickly as possible. If it cannot be completed within a reasonable time, the parties should be informed about the delay and the reasons for it.

It is open to an employee to seek relief about an alleged undue delay of a disciplinary process. This may include the Industrial Relations Commission, or the dispute resolution process specified in the applicable award or industrial agreement.

Confidentiality

Information produced during the discipline process is kept in trust and divulged only to those with a need to know, with due regard to the requirements of the *Freedom of Information Act 1992*.

Review

Documentation about a discipline decision should describe clearly and concisely the grounds upon which the decision was made.

Public Sector Management (Breaches of Public Sector Standards) Regulations 2005

In accordance with s.96 of the *Public Sector Management Act 1994* the breach of Standard procedures do not apply to the Discipline Standard.

Refer to the OPSSC website for the Agency Guide, Claimant's Guides and the link to the Regulations at www.opssc.wa.gov.au

Obligations

The Standard does not override specific requirements applicable to discipline in the public sector, which may include:

- Discipline procedures specified in Part 5, Division 3 of the *Public Sector Management Act 1994*.
- Approved procedures under the *Public Sector Management Act 1994*.
- Unfair dismissal legislation administered by the Industrial Relations Commission.
- Any dispute resolution process specified in an applicable award or industrial agreement.

Temporary Deployment (Acting) Standard

Outcome

Temporary deployment (acting) decisions are equitable and take into account the organisation's work-related requirements and employee interests.

The Standard

The minimum standard of merit, equity and probity is met for temporary deployment (acting) if:

- The decision to offer an employee the temporary deployment (acting) opportunity is based on a proper assessment of the work-related requirements of the job and identified employee interests.
- The process is open and free from bias, unlawful discrimination, nepotism or patronage.
- Decisions are transparent and capable of review.

TEMPORARY DEPLOYMENT (ACTING) STANDARD EXPLANATORY NOTES

The Explanatory Notes are a guide and are not part of the Temporary Deployment (Acting) Standard.

Application

The Standard applies to any temporary movement from one job to another at a higher classification level within the same employing authority for an agreed period.

The Standard also applies where an acting opportunity has been offered within the organisation and a person at the same level has expressed an interest.

The Standard does not apply to:

- A direction by an employing authority to undertake temporary duties at the same level to meet work related requirements
- Transfer or secondment.

Employee Status

An employee does not vacate his or her substantive job.

Work-Related Requirements

Work-related requirements refer to the skills, knowledge and abilities required for the job, including consideration of the diversity and business needs of the employing authority.

Employee Interests

The Standard requires that employee interests are properly assessed and considered.

Identifying employee interests does not oblige the employing authority to assent to them. They assist the employing authority to make informed decisions about the efficient and effective deployment of human resources.

Employee interests could include:

- Career considerations.
- Opportunity for development
- Workplace location (eg metropolitan to country location etc).

Assessment

A comparative assessment should be undertaken where more than one employee is being considered for a temporary deployment (acting) opportunity.

The Standard does not necessarily require written applications addressing work-related requirements, or the establishment of a selection panel as part of the process. The assessment should be documented.

Period

Prolonged temporary deployment (acting) opportunities may call into question whether a proper assessment of work-related requirements were carried out. Employing authorities may determine when to advertise. However, advertising and conducting an assessment of merit for prolonged opportunities, particularly those likely to exceed six months, may reduce the risk of breach of Standard claims.

Decisions to offer or terminate a temporary deployment (acting) opportunity must be capable of being judged as reasonable.

Confidentiality

Information produced during the temporary deployment (acting) process is kept in trust and divulged only to those with a need to know, with due regard to the requirements of the *Freedom of Information Act 1992*.

Review

Documentation about the temporary deployment (acting) opportunity should describe clearly and concisely the grounds upon which the decision was made.

Public Sector Management (Breaches of Public Sector Standards) Regulations 2005

Once a reviewable decision is made to offer or reject an acting opportunity, the process is subject to the breach of Standard procedures. Employees have up to 10 working days to lodge a breach claim from first becoming aware of the decision, or 30 days after the decision was made, whichever period expires first.

Refer to the OPSSC website for the Agency Guide, Claimant's Guides and the link to the Regulations at www.opssc.wa.gov.au

Obligations

The Standard does not override specific requirements applicable to acting opportunities in the public sector, which may include:

- Clearance requirements of the *Public Sector Management (Redeployment and Redundancy) Regulations 1994*.
- Approved procedures under the *Public Sector Management Act 1994*.

Grievance Resolution Standard

Outcome

The process used by an employing authority to resolve or redress employee grievances is fair.

The Standard

The minimum standard of merit, equity and probity is met for grievance resolution if:

- Employees are informed of their rights and responsibilities in the grievance resolution process.
- The process is based on a proper consideration of the facts and circumstances prevailing at the time of the grievance.
- Decisions are impartial, transparent and capable of review.

GRIEVANCE RESOLUTION STANDARD EXPLANATORY NOTES

The Explanatory Notes are a guide and are not part of the Grievance Resolution Standard.

Application

The Standard applies to the process used by an employing authority to resolve or redress an employee's grievance.

The Standard does not apply to:

- Judging the merits of the grievance.
- Sub-standard performance or disciplinary action.
- Allegations of victimisation following the lodgement of a grievance.

While allegations of victimisation as a consequence of lodging a grievance cannot be dealt with under the Standard, a complaint could be lodged with the employing authority. The Commissioner monitors and reports on the extent to which employing authorities properly examine such complaints.

Methods

An employing authority may use several methods to resolve or redress employee grievances. Once a method is adopted, it must be applied consistently.

Lodging a Grievance

The Standard does not require employees to lodge a grievance with their employing authority, in any particular way (eg. in writing).

It is the responsibility of employing authorities to inform employees about their rights, how to lodge a grievance, and how grievances will be managed. Employing authorities must ensure that when a grievance is brought to their attention, that a genuine attempt is made to resolve or redress it.

The employee bearing the grievance has a responsibility to:

- Ensure the relevant person is appropriately made aware of the grievance, and
- Provide sufficient information to enable the employing authority to assess the grievance.

Period

The Standard does not impose a time period to complete a grievance resolution process.

All parties should attempt to complete a grievance resolution process as quickly as possible. If it cannot be completed within a reasonable time, the parties should be informed about the delay and the reasons for it.

Confidentiality

Information produced during the grievance resolution process is kept in trust and divulged only to those with a need to know, with due regard to the requirements of the *Freedom of Information Act 1992*.

Review

Documentation about the grievance resolution decision should describe clearly and concisely the grounds upon which the decision was made.

Public Sector Management (Breaches of Public Sector Standards) Regulations 2005

Once the final reviewable decision is made, the Regulations require employing authorities to notify the employee who made the grievance and any employee that was the subject of the grievance that they may make a breach of Standard claim, and how that claim may be made.

Refer to the OPSSC website for the Agency Guide, Claimant's Guides and the link to the Regulations at www.opssc.wa.gov.au

Obligations

The Standard does not override specific requirements applicable to grievance resolution in the public sector, which may include:

- Approved procedures under the *Public Sector Management Act 1994*.
- Any dispute resolution process specified in an applicable award or industrial agreement.

TERMS

For the purpose of the Public Sector Standards in Human Resource Management terms are defined as follows:

Reviewable Decision

Means a decision made by a public sector body as a result of the completion of a process to which a Public Sector Standard applies.

Procedural Fairness (Natural Justice)

For the purposes of the Standards, impartiality includes procedural fairness principles such as:

- Decision-makers must act fairly and without bias.
- A person should not be judge in his or her own cause.
- A person should be informed about allegations made against them, when that allegation affects them.

- All parties to the matter should have the opportunity to put their case and all relevant arguments be considered before a decision is made.
- All persons need to be informed of the basis of a decision, where that decision affects them.

Registered Employee

As provided for by the *Public Sector Management (Redeployment and Redundancy) Regulations 1994*.

Job

Reference to job in the Standards refers to an office, post, position, item or function in a public sector body, department or organisation.

Proper Assessment

A genuine and thorough examination that takes into account all relevant facts and circumstances that are reasonably available and known at the time of the decision.