

PS401*

**PUBLIC SECTOR MANAGEMENT ACT 1994
EMPLOYMENT STANDARD**

Commissioner's instruction issued under section 21(1)(a)(i) and (ii) of the *Public Sector Management Act 1994* establishing public sector standards in respect of recruitment, selection, appointment, transfer, secondment and temporary deployment (acting) of employees.

Signed—

M. C. WAUCHOPE, Public Sector Commissioner.

1 February 2011.

Title
EMPLOYMENT STANDARD

Statement of Intent

This Commissioner's instruction (CI) establishes the minimum standards of merit, equity and probity to be complied with by the employing authority of each public sector body when filling a vacancy.

Scope and application

This CI applies to public service officers appointed under Part 3 of the *Public Sector Management Act 1994* (PSMA) and to employees otherwise employed by employing authorities of public sector bodies, as defined in the PSMA.

This CI repeals under section 21(2) of the PSMA (and replaces)—

- (a) Public Sector Standards in Human Resource Management 2001—Recruitment, Selection and Appointment Standard;
- (b) Public Sector Standards in Human Resource Management 2001—Transfer Standard;
- (c) Public Sector Standards in Human Resource Management 2001—Secondment Standard; and
- (d) Public Sector Standards in Human Resource Management 2001—Temporary Deployment (Acting) Standard.

Reference

When making employment decisions and exercising employment powers and functions the employing authority of each public sector body and its employees must comply with the minimum standards of merit, equity and probity established by the Commissioner under the Employment Standard, set out below, and the CI on Filling a Public Sector Vacancy. This requirement is in addition to compliance with the *Public Sector Management Act 1994* (particularly section 8(1)(a), (b) and (c), section 8(3) and section 9), the *Western Australian Public Sector Code of Ethics* and other relevant legislation.

Supporting information produced by the Public Sector Commission may assist the employing authorities of public sector bodies fill vacancies. Such material is explanatory and does not form part of the legislative framework. A list of products is available at the end of this CI.

Effect

This CI is effective on and from: 21 February 2011.

**THE EMPLOYMENT STANDARD
(EFFECTIVE ON AND FROM 21 FEBRUARY 2011)**

The Employment Standard applies when filling a vacancy (by way of recruitment, selection, appointment, secondment, transfer and temporary deployment (acting)) in the Western Australian Public Sector.

The Employment Standard requires four principles to be complied with when filling a vacancy:

Merit Principle

The Western Australia public sector makes employment decisions based on merit. Merit usually involves the establishment of a competitive field.

In applying the merit principle a proper assessment must take into account—

- (a) the extent to which the person has the skills, knowledge and abilities relevant to the work related requirements and outcomes sought by the public sector body; and
- (b) if relevant, the way in which the person carried out any previous employment or occupational duties.

Equity Principle

Employment decisions are to be impartial and free from bias, nepotism and patronage.

For secondment the employee consents.

For transfer employment conditions are comparable.

Interest Principle (applies to secondments, transfers and acting)

Decisions about an employee's secondment, transfer or acting take account of the employee's interests and the work related requirements of the relevant public sector body.

Transparency Principle

Decisions are to be transparent and capable of review.

Terminology

Acting—

The temporary movement of an employee to the same or a higher classification level within the same public sector body.

Competitive Field—

A field which includes more than one person who meets the requirements of the vacant position; competitive fields are generally achieved through the advertising of a vacancy.

Employee—

Includes an officer, in which case “employment” is to be taken to include “appointment”.

Employment decision—

A decision to recruit, select, appoint, transfer, second or act an employee.

Employment Standard—

Sets out the minimum standards of merit, equity and probity to be complied with by the employing authority of each public sector body when filling a vacancy by recruitment, selection, appointment, transfer, secondment and temporary deployment (acting) activities.

Public sector body—

As defined in s.3 in the PSMA.

Public Sector Standards—

The Commissioner's functions include the issuing of CIs that establish Public Sector Standards in Human Resource Management. The standards set out minimum standards of merit, equity and probity to be complied with in the public sector.

As at 21 February 2011, there are five other established standards (in addition to the Employment Standard)—

- i. Redeployment Standard;**
- ii. Discipline Standard;**
- iii. Grievance Resolution Standard;**
- iv. Performance Management Standard; and**
- v. Termination Standard.**

Recruitment—

The process used by an agency to attract, assess and select applicants to fill a vacancy.

Secondment—

The temporary movement of an employee to a different employing authority or outside of the public sector.

Transfer—

The permanent movement at the same classification level. Transfers occur in accordance with the employment standard, industrial awards and agreements or other applicable legislation.

Vacancy—

A vacant post, office or position within the public sector. A vacancy can result from the creation of a new office, post or position or by the temporary or permanent movement of another employee.

For redeployment purposes a vacancy is defined as all offices, posts or positions, newly created, recently vacated or to be filled on a temporary basis in excess of six months.

Work related requirements—

The requirements determined and documented by the CEO or the employing authority to undertake the functions of a role.

Guidelines

The Public Sector Commission's *Filling a Vacancy Manual* discusses the key elements of managing a vacancy.

***Your Questions Answered* is an interactive tool that provides answers to issues public sector bodies may encounter when managing vacancies.**

***Managing the Breach of Standard Claim Process: An Agency Guide* assists public sector bodies manage their own breach processes.**

Contact for Further Information

For further information on the Employment Standard, please contact the Public Sector Commission's Assistance Line on 1800 676 607.