

# STANDARDS

FOR APPLICATION OF THE  
VICTORIAN PUBLIC SECTOR  
EMPLOYMENT PRINCIPLES

---

VPSC

Victorian Public Sector Commission

---





# STANDARDS

FOR APPLICATION OF THE  
VICTORIAN PUBLIC SECTOR  
EMPLOYMENT PRINCIPLES

The Victorian Government has vested the Victorian Public Sector Commission with functions designed to enhance the performance of the public sector – fostering the development of an efficient, integrated and responsive public sector which is highly ethical, accountable and professional in the ways it delivers services to the Victorian community.

The key functions of the Commission are to:

- > strengthen the efficiency, effectiveness and capability of the public sector in order to meet existing and emerging needs and deliver high quality services; and
- > maintain and advocate for public sector professionalism and integrity.

ISBN 978-1-925551-21-1

© State of Victoria (Victorian Public Sector Commission) 2017



This work is licensed under a Creative Commons Attribution 4.0 licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria (Victorian Public Sector Commission) as author, indicate if changes were made and comply with the other licence terms. The licence does not apply to any branding, including the Victorian Government logo and the Victorian Public Sector Commission logo.

Copyright queries may be directed to [info@vpsc.vic.gov.au](mailto:info@vpsc.vic.gov.au)

## **Currency**

This is Standards for application of the Victorian Public Sector Employment Principles, version 1.0 published in February 2017.

Subsequent versions may be published from time to time.

Always check for updates at:

<http://vpsc.vic.gov.au/employment-principles-and-standards/>

## **Inquiries**

3 Treasury Place  
Melbourne 3002

Email: [info@vpsc.vic.gov.au](mailto:info@vpsc.vic.gov.au)

Phone: (03) 9651 1321

[www.vpsc.vic.gov.au](http://www.vpsc.vic.gov.au)

# Standards for Application of the Public Sector Employment Principles 2017

## ***Public Administration Act 2004***

### **Section 62**

#### **Standards Issued by the Victorian Public Sector Commissioner**

I, Belinda Clark, Victorian Public Sector Commissioner, under section 62 of the *Public Administration Act 2004* (“the Act”), issue the Standards for Application of the Public Sector Employment Principles 2017 (“2017 Standards”) as attached, in substitution of the Standards previously issued on 31 August 2006.

I determine that the 2017 Standards apply to and are binding on all public sector bodies and the persons they employ unless excluded by a specific declaration issued by the Victorian Public Sector Commissioner.

The 2017 Standards take effect on 1 February 2017.



**Belinda Clark QSO**

Victorian Public Sector Commissioner

**Date:** 11 January 2017

# Foreword

A positive workplace culture has many benefits. The organisation is seen as a good place to work and can therefore attract the best candidates. Good staff remain with the organisation, become its best ambassadors and work together effectively to achieve the organisation's objectives.

One of the foundations of a positive workplace culture is the organisation's written employment policies. These define the relationship between the employer and employees. They cover all aspects of the employee life cycle from attraction to separation. They ensure that employees are treated fairly and consistently.

In Victoria, public sector employers must have employment processes that are consistent with the public sector employment principles. The Victorian Public Sector Commission has issued standards to help guide employers when they are reviewing or developing their employment processes.

# Contents

Foreword	iv
Introduction	1
Standards	3
Applying the principles to specific employment processes	8
The principles are inter-related	11
Definitions	13





# Introduction

## What are the public sector employment principles?

The principles underpin employment processes within the Victorian public sector. Section 8 of the *Public Administration Act 2004* (the Act) requires Victorian public sector employers to establish employment processes that will ensure that:

- > Public sector employees are treated fairly and reasonably.
- > Employment decisions are based on merit.
- > Equal employment opportunity is provided.
- > Human rights as set out in the Charter of Human Rights and Responsibilities are upheld.
- > Public sector employees have a reasonable avenue of redress against unfair or unreasonable treatment.
- > In the case of public service bodies, the development of a career public service is fostered.

## **What are the standards?**

The standards guide the development of employment processes. Section 62 of the Act requires the Victorian Public Sector Commission to issue binding standards concerning application of the public sector employment principles.

The standards identify the essential concepts that must be incorporated in an organisation's employment processes to ensure that the principles apply at work.

## **What else do public sector employers need to consider?**

The principles and standards are to be considered in conjunction with any integrity regulations, award, enterprise agreement or national employment standard that also applies to the Victorian public sector organisation. Additionally any privacy or occupational health and safety legislation will also apply.

# Standards

## **General considerations for public sector employers applying the principles**

Public sector employers must ensure:

- > They comply with the principles and standards.
- > Their employees are aware of the requirements of the principles and standards, how they apply to decisions and actions in which they are involved, and the manner in which those decisions and actions may be reviewed.
- > All managers are provided with adequate information, guidance, training and support in applying the principles and standards.
- > Relevant processes are regularly reviewed for effectiveness.
- > The quality of decision making is monitored against the requirements of these standards.

- > Workplaces are harassment-free.
- > No person is subject to threats or other detriment as a result of bringing a complaint regarding a possible breach of the values, code, principles or these standards.

## **Fair and Reasonable Treatment**

Employees are treated fairly and reasonably when:

- > Processes are fair, clear, and applied consistently in comparable circumstances.
- > Criteria are relevant, objective and readily available to the people subject to the decision.
- > Decisions and actions are free of bias and unlawful discrimination.
- > Documentation is sufficiently clear and comprehensive to make decisions transparent and capable of effective review.
- > There are no other grounds which contribute to unfair and unreasonable treatment.

## **Merit in Employment**

Employment decisions are based on merit when:

- > Individuals' work-related qualities, abilities and potential are assessed against the genuine requirements of the employment opportunity.
- > Employees are appointed or promoted on the basis of relative ability.

- > Processes are transparent and designed to identify a suitable field of qualified candidates.
- > Employees are appointed or promoted from a limited field of candidates only where candidates are identified based on objective criteria.
- > Employees are assigned duties or transferred to roles at an equivalent level based on a proper assessment of the employee against the genuine requirements of the duties or role.

## **Equal Employment Opportunity**

Equal employment opportunity (EEO) is provided when:

- > An EEO policy statement is in place, available and reflected in all relevant processes.
- > Policies comply with applicable equal opportunity laws and support diversity across the workforce.
- > EEO strategies are incorporated into workforce plans and promoted throughout the workplace.
- > Decisions and actions affecting employees are not influenced by irrelevant personal characteristics.
- > Employers are notified of any discrimination or sexual harassment complaints in their organisation and the findings of associated investigations.
- > EEO data is monitored and evaluated on a regular basis.

## Human Rights

Human rights as set out in the Victorian Charter of Human Rights and Responsibilities are upheld when:

- > Decisions give proper consideration to relevant human rights.
- > Decisions and actions are compatible with human rights.
- > Any limits put on a right are reasonable, necessary, justified and proportionate.

## Reasonable Avenue of Redress

Employees have a reasonable avenue of redress against unfair or unreasonable treatment when:

- > Employee workplace issues are addressed in an effective and timely manner.
- > A written procedure, detailing the review process and the rights and responsibilities of participants, is available and communicated to all employees.
- > Procedures encourage parties to resolve workplace issues locally and informally, before applying more formal local or external processes.
- > Reviews are based on a consideration of all relevant facts and evidence.

- > Appropriate delegation and accountability is assigned to enable a workplace issue to be effectively considered.
- > The principles of natural justice and procedural fairness are applied throughout a review process.

## **Career Public Service**

In public service bodies, the development of a career public service is fostered when:

- > Career information is readily accessible in ways, in locations and at times that reflect the diverse needs of current and potential employees.
- > Career information is relevant to people of all ages and at different points of their life but particularly during transitions such as entry to the workforce, return from parental leave or planning for retirement.
- > Performance management conversations are used to develop employees' career-management skills by encouraging them to reflect on their ambitions, interests, qualifications and abilities in relation to possible learning and work opportunities.
- > The focus is on life-long learning and sustained employability so that employees can more readily move across occupational boundaries or change careers.

# Applying the principles to specific employment processes

This chart gives examples of how the principles apply throughout the employee life cycle from attraction to separation. Managers will generally need to consider the application of each principle, and when they compete, decide which takes precedence. For example the aim of attracting a competitive field of candidates may be balanced against the aim of advancing a disadvantaged group. In this situation, applications might only be sought from the disadvantaged group, if that aim took precedence. These examples are not exhaustive.



Principle	Attract	Select	Induct	Manage	Develop	Reward	Separate
Fair and Reasonable Treatment	Any limits on advertising are justified	Candidates are rated against clear criteria in a written selection report	Employees are provided with relevant information and resources	Workload is manageable and consistent with classification	Employees have an opportunity to develop their skills in formal or on-the-job training	Rewards are applied consistently and fairly	Decisions to terminate employment are based on operational needs
Merit in Employment	Advertisements attract a competitive field of candidates	The best available candidate is selected	Induction reinforces that all employment decisions are based on merit	Work is assigned based on interests and capability	Development opportunities are fairly contested	Good performance is recognised	Surplus employees are redeployed to jobs that match their skills where possible
Equal Employment Opportunity	Advertisements are inclusive and based on inherent requirements	Reasonable adjustments are made to the selection process when necessary	Reasonable adjustments are made to the workplace when necessary	Requests for flexible work arrangements are accommodated whenever possible	Age, gender and other protected attributes are no barrier to development or advancement		Particular groups are not targeted in efforts to reduce the workforce

Principle	Attract	Select	Induct	Manage	Develop	Reward	Separate
Human Rights	Measures may be taken to advance disadvantaged groups	Selection processes do not unnecessarily interfere with candidates' right to privacy	Employees have the right to practice their religious customs at work	Employee views are sought on matters that affect them			Employees are protected from discrimination
Avenues of Redress	Candidates may seek feedback on their application	Unsuccessful candidates may appeal an unfair selection process	Induction encourages employees to raise concerns at any time	Employees may appeal a decision that adversely affects them		Employees may appeal an unfair performance management decision	Employees may appeal an unfair dismissal
Career Public Service	Advertisements promote the advantages of a career in the public service	Successful candidate is committed to a public service career	Induction covers the Westminster system of government, the public service and local arrangements	Mobility within the broader public service is encouraged	Life-long learning and development are encouraged	Rewards include interesting assignments, career progression and development	Separation interviews provide data to improve the workplace

# The principles are inter-related

In many cases, the principles complement one another. For example when a selection panel focuses only on factors that are relevant to a person's ability to perform a job, they avoid unlawful discrimination and can more readily select the best candidate.

These examples are not exhaustive

<b>Fair and Reasonable Treatment</b>	Decisions to select someone can be justified					
<b>Equal Employment Opportunity</b>	Irrelevant factors are ignored	The workplace is free of discrimination				
<b>Human Rights</b>	Processes do not interfere arbitrarily with candidates' privacy or reputation	Decisions are compatible with human rights	Employees are equal before the law			
<b>Redress</b>	Employees can complain about a flawed selection process	Unfair situations are remedied	Employees can complain about discrimination	Employees have a right to a fair hearing		
<b>Career Public Service</b>	Employees have opportunities to progress in their career	Working conditions are fair	The workforce is diverse	Employees are free to join a union or other group	Employees can raise any workplace concerns	
	<b>Merit</b>	<b>Fair and Reasonable Treatment</b>	<b>Equal Employment Opportunity</b>	<b>Human Rights</b>	<b>Redress</b>	

# Definitions

The standards and principles use terms that are in common usage:

**Career:** An occupation undertaken for a significant period of a person's life and with opportunities for progress

**Equal:** Having the same status, rights, or opportunities

**Fair:** Treating people equally without favouritism or discrimination

**Human rights<sup>1</sup>:** A right which is believed to belong to every person

**Merit:** The quality of being particularly good or worthy, especially so as to deserve praise or reward

**Reasonable:** Having sound judgement; fair and sensible

**Redress:** Remedy or set right (an undesirable or unfair situation)

*Source: Oxford Dictionary*

1 Human rights are defined in the *Charter of Human Rights and Responsibilities Act 2006*





