

Circular 2020-16 | How to hire when working remotely guidance



**Victorian
Public Sector
Commission**

Circular Number	2020-16
Issue date:	29 April 2020
Application:	All Victorian public entities
Resources	How to hire when working remotely guide Quick guide on how to hire when working remotely
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Key points

The Public Administration Act 2004 (the Act) has an established purpose to: 'provide a framework for good governance in the Victorian public sector and in public administration generally in Victoria'

This purpose creates an objective that requires that employment decisions are based on merit, as per section 3 of the Act.

In furtherance of the objectives and purpose of the Act, section 8 of the Act establishes the Public Sector Employment Principles (the Principles), which underpin employment processes within the Victorian public sector. The Principles require Victorian public sector employers to establish employment processes that will ensure that:

- Employment decisions are based on merit;

- Public sector employees are treated fairly and reasonably;
- 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; and
- In the case of public service bodies, the development of a career public service is fostered.

Public sector employers must have processes in place that are consistent with the public sector employment principles and the binding Standards for the Application of the Victorian Public Sector Employment Principles (the Standards).

The VPSC has issued six standards that define essential elements of the employment principles:

1. Fair and Reasonable Treatment
2. Merit in Employment
3. Equal Employment Opportunity
4. Human Rights
5. Reasonable Avenue of redress
6. Career Public Service

Read more about [employment principles and standards](#)

Updates

- The VPSC has created a guide titled How to hire when working remotely – practical tips and a guide to complying with the law.
- This guide assists Victorian public sector employees adapt their recruitment processes and comply with the employment principles and standards in the [Public Administration Act 2004](#).



Requirements

Requirements of the Principles and Standards

The Principles and Standards guide the development of public sector employment processes. Public sector employers are guided and bound by the recruitment policies and processes that they establish to give effect to the Act and Standards. The Act and Standards do not prescribe specific processes.

However, any recruitment process needs to satisfy their requirements in addition to being consistent with an employer's established recruitment policies and processes.

The merit principle requires that employment decisions are based on a proper assessment of an individual's work-related qualities, abilities and potential against the inherent requirements of the role. There is a risk that a recruitment process that materially deviates from a department's established recruitment policies and processes, will give rise to a claim that the process failed to enable a 'proper' assessment of an individual's work-related qualities, abilities and potential. Accordingly, where specific processes such as in-person panel interviews are not appropriate, alternative methods should be explored by the selection panel. Should a hiring panel consider deviating from the department's typical processes in the absence of specific policy guidance or precedent, advice should be sought from HR or the VPSC.

Further, the merit principle requires that decisions to appoint employees are made on the basis of relative ability, and that processes are transparent and designed to identify a suitable field of qualified candidates. Recruitment processes need to be clear in their documentation as to how the relative ability of the applicants was determined by the selection panel.

Transparency is an essential requirement of the merit principle. Transparency is also necessary to ensure that applicants have been treated fairly and reasonably. Recruitment processes must be conducted in a fair, clear, and consistently applied manner. Applicants should be informed how and on what criteria they will be assessed and should be advised about what to expect as part of the recruitment process from the point at which they apply. Failure to do so could risk claims being made that the recruitment process did not comply with the 'Fair and Reasonable Treatment' employment principle.

Finally, whatever process a selection panel determines to use, they must ensure documentation is completed that clearly articulates the basis for scoring of applicants. That documentation must be transparent and capable of effective review.

Right of Redress

Selection based grievances for employees of a public service body are reviewable under section 64 of the Act, provided an applicant can establish a significant deficiency in the recruitment process. In order to have a review accepted under the Public Administration (Review of Action) Regulations 2015 it is enough that an applicant for review raises an issue with the process that, if substantiated, would be a significant deficiency.

Significant deficiencies in process extend to circumstances where a Departmental recruitment policy is not adhered to, in addition to circumstances where a recruitment process did not comply with the Act and Standards.

If an application for review is substantiated, the reviewer can issue a recommendation under section 65 of the Act that the panel be reconstituted, or that the decision be remade.

Background

The VPSC has received enquiries about how to manage recruitment activities in accordance with physical distancing requirements while complying with the Principles and Standards, as well as other applicable legislative requirements and policies.

It is important that recruitment continues within the public sector, including while people are working remotely, so that the sector maintains its ability to support service delivery.

In response to this need, the VPSC has developed the How to hire when working remotely guide and the accompanying Quick guide on how to hire when working remotely.

Scope

The Guide applies to Victorian public sector employees and public sector bodies. It



contains practical and user-friendly advice to assist HR teams and hiring managers in the VPS and public sector to design recruitment processes that are effective and compliant in a scenario of widespread remote working.

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