



# MEMBER UPDATE

## AFPA Industrial Dispatch #14

25 July 2017

Welcome to the AFPA Industrial Dispatch, a regular bulletin to keep our members up to date with significant industrial issues.

### CURRENT SIGNIFICANT ISSUES

#### Direct Assignment of roles and positions

Under the *AFP Act*, a delegate may directly assign an AFP employee to an alternative role without having engaged an Expression of Interest or Vacancy Reference Number process. This only applies to positions at-level as opposed to promotion or higher duties and is generally only used to facilitate transfers where operational requirements demand the position be filled quickly, or there are extraordinary circumstances.

We acknowledge the frustration of members when positions are not advertised. However, we also encourage members to be aware that employees who are assigned another role directly may be subject to extreme personal circumstances or hardship, or may have been declared excess in another function, or may be subject to a number of other circumstances beyond their control which has resulted in their transfer.

#### Performance Development Agreements (PDAs)

It is in the best interests of all members to have a PDA in place and it is your obligation to actively participate in the process with your supervisor. The member and their supervisor must both remember that there needs to be *clear agreement* on the *measurable objectives* within the document.

Both parties are entitled to identify strengths and areas of weaknesses for development and it is not unreasonable for a manager to provide critical reflection of the cycle to inform the next cycle. You will also have an opportunity to respond to your supervisor's comments before your PDA is closed for the relevant period.

As per section 60(3) of the Enterprise Agreement:

An Employee will be ineligible to receive salary increases, incremental progression and progression through a broadband if they have not participated in the PDA process and have not attained the minimum rating of PDA fulfilled.

If you have concerns about your PDA or the PDA process, please contact the Team.

#### Security access for employees on parental leave

Many members have raised with us the feeling of isolation and exclusion by being effectively 'locked out' of AFP

premises when they take maternity or paternity leave. So a shout-out to the AFP for their decision to amend the AFP National Guideline on identity documents and access control to allow employees on maternity or paternity leave for a period of up to 12 months to retain access to AFP premises.

This is a good start to reintegration of employees on long-term leave to the work force and we hope that this will also soon extend to those on extended personal or other leave.

## Composites

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Composite allowances attach to roles in the operations and rostered operations (including high volume) working patterns. Section 13 of the AFP Enterprise Agreement sets out the rate of composites attached to these working patterns.

Attachment C of the EA designates roles in each functional area to an Operation, Rostered Operations or High Operations working pattern. Roles not included in this Attachment are designated Support working pattern which do not attract a composite.

The AFPA do not have the ability to argue for composite payments for individuals outside these identified working patterns, however we can assist members to make a claim for additional remuneration under section 41 of the EA in certain circumstances. Please let us know if you would like further advice on this option.

## Stop bullying orders

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The Fair Work Commission has powers to make orders to prevent bullying at work. A person may make an application to the Commission, which will be considered through mediation, conciliation or ultimately a hearing. The Commission's website states that:

In cases where positive measures have already been put in place to resolve complaints of bullying, the Commission may find that orders to stop bullying are not required.

In cases where a risk remains, the Commission can make orders to prevent future bullying behaviour from occurring in the workplace concerned.

*The Fair Work Act 2009* specifies that bullying occurs when two criteria are met:

- a person or a group of people **repeatedly** behaves unreasonably towards a worker or a group of workers **at work; and**
- the behaviour creates a risk to health and safety.

Bullying behaviour may involve any of the following types of unreasonable behaviour:

- aggressive or intimidating conduct
- belittling or humiliating comments
- spreading malicious rumours
- teasing, practical jokes or 'initiation ceremonies'
- exclusion from work-related events
- unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- displaying offensive material
- pressure to behave in an inappropriate manner

It is important to note, however that bullying does not include reasonable management action carried out in a reasonable manner. This includes:

- performance management processes
- disciplinary action for misconduct
- informing a worker about unsatisfactory work performance or inappropriate work behaviour

- directing a worker to perform duties in keeping with their job
- maintaining reasonable workplace goals and standards

If you feel you are being bullied at work in accordance with the definition above, please get in touch with the Team.

## INDUSTRIAL QUERIES

If you have any industrial queries or queries about issues raised in this Dispatch, please contact [vicki.linabury@afpa.org.au](mailto:vicki.linabury@afpa.org.au) or [sara.gorman@afpa.org.au](mailto:sara.gorman@afpa.org.au). Look out for the next AFPA Industrial Dispatch in two weeks.



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