



MEMBER UPDATE

AFPA Industrial Dispatch #15

8 August 2017

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

CURRENT SIGNIFICANT ISSUES

Income Protection Insurance

In the course of our work here, we speak with many members who are unfortunately suffering from injury or illness. In many cases, members do not realise that they may qualify for varying levels of income protection as a benefit of having paid into Commonwealth Superannuation.

This cover can potentially help members with non-compensable injuries and illnesses that they may have suffered away from work. It can also (in certain circumstances) operate in parallel to workers' compensation processes if a worker was injured at work. It depends on your individual circumstances and the particulars of your policy.

The AFPA encourages all members, regardless of whether you are currently injured or ill, to check with your superannuation provider whether a) you have income protection cover and b) the details of your policy.

Investigative Assistants (IA) Survey

Due to a number of queries we have received from members, we have decided to carry out a survey of IAs to collect data relating to your working patterns and composites.

We are hoping to ensure that a consistent approach to remuneration is being taken by the AFP. If the information collected indicates the current structure to remuneration is not fair, equitable and consistent in relation to the duties IAs are performing, we will be seeking a formal review of the IA roles by the AFP.

Members and non-members are welcome to participate in our survey, your names will not be published in any results. If you would like to participate in the survey please contact Sharon.wright@afpa.org.au

A link to the survey will be sent to all participants in the coming weeks.

Members Charged with Criminal Offences

If you are a member that has been charged with a criminal offence, you need to self-report to PRS as soon as possible. After self-reporting, it is likely that the AFP will initiate administrative action against you including considering suspending you with or without pay.

You should seek AFPA advice immediately if this is the case. The AFPA will be able to assist you to respond to any PRS processes that arise from these charges, however can only provide you with limited advice in relation to the criminal processes that may follow. We will likely advise you to seek such advice from a criminal lawyer.

Please contact us if you are unsure of your rights and responsibilities.

Ombudsman as an Avenue for Complaint

The Commonwealth Ombudsman is also the Law Enforcement Ombudsman and “can investigate complaints about actions and decisions of Australian Government agencies to see if they are wrong, unjust, unlawful, discriminatory or just plain unfair. The Ombudsman also seeks remedies for those affected by administrative deficiency, and acts to improve public administration generally.”

It is important to note that the Ombudsman only has recommendatory powers, which means they can make recommendations to the AFP but the AFP is not compelled to take these on board.

In recent discussions between the Team and the Ombudsman, they have also advised that they will not investigate matters where there is an opportunity for internal review.

For example, section 24 of the AFP National Guideline on Complaint Management provides that an AFP appointee who is subject to a Category 1 or 2 complaint can seek an internal review of the final outcome in writing to Manager Professional Standards (by email to prsomc@afp.gov.au).

If you have any queries about the role of the Ombudsman, give us a call.

Maternity Leave – Application to the Fair Work Commission

The AFPA has made an application to the Fair Work Commission on behalf of a member relating to discrimination on the grounds of sex and pregnancy, which is unlawful under the *Sex Discrimination Act 1984*.

Section 47(3) of the Enterprise Agreement (EA) provides that:

“An Employee may apply to spread the payment of paid maternity leave over a maximum period of 32 weeks by taking all or part of the leave at half Base Salary, including Core Composite (if applicable). Any paid maternity leave beyond the first 16 weeks *does not count as service for any purpose.*”

AFPA members who have taken maternity leave at half pay for over 16 weeks have had their advancement delayed due to the application of this provision. This results in adverse action taken by the employer as it has a negative impact on them financially and unfairly delays their career progression. Delayed advancement in these cases only relates to maternity leave provisions, which means it is only women that are affected.

Watch this space for further updates relating to our application.

INDUSTRIAL QUERIES

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



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