



MEMBER UPDATE

AFPA Industrial Dispatch #21

14 November 2017

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

CURRENT SIGNIFICANT ISSUES

Sergeants/Team Leader Promotion Process

Over the last few weeks the Legal Industrial Team has received a large number of queries from members about the Sergeants promotion process (VRN 039/17). Those we have spoken to are, for the most part, unhappy with how the process has unfolded. The themes across these queries relates to equity, parity and consistency.

The AFP does have a framework in place to review perceived deficiencies in the recruitment process once that process is completed. Commissioner's Order 7 (CO7) provides circumstances in which a review of the process can be initiated. These are:

- there has been a breach of the application of Regulation 3 of the AFP Regulations; or
- there has been a material and significant departure from the selection processes as set out in CO7 or the National Guideline.

Regulation 3 states that employment decisions in the AFP must be based on the following values:

- a) impartiality and professionalism;
- b) merit;
- c) freedom from discrimination;
- d) openness and accountability;
- e) fairness;
- f) equity in employment;
- g) effectiveness.

Our advice to members seeking a review of the recruitment process is to:

1. Decide if you would like to submit a review individually or seek our assistance;
2. If you would like our help, notify the Team as soon as the 7-day review period commences (all applicants will receive an email notification); and
3. Ensure that the deficiencies you have identified are within the grounds of review under CO7.

If you would like to seek a review or would like to speak to the AFPA about the process, please contact Industrial Officer Anish Prasad (anish.prasad@afpa.org.au).

Awards and recognition

We have received a number of queries from members relating to the issuing of awards and medals. Members are generally concerned that they may have been overlooked for an award and an ongoing PRS investigation will put them at jeopardy of not receiving an award.

The AFP Internal Awards Framework and the related eligibility requirements are not always straight forward. If you genuinely believe that you were eligible for an award however did not receive one, please contact Honours and Awards at honours-awards@afp.gov.au for advice. There could be a number of reasons why you did not receive an award and Honours and Awards are happy to explain these to you.

We are also advised that a PRS investigation will not necessarily permanently rule someone out from receiving an award.

It is important to remember that meritorious awards and recognition are not simply service awards and are for those who have gone 'above and beyond' in the performance of their duties rather than for business as usual.

AFPA Support during meetings and interviews

The AFPA's Legal and Industrial Team can help with many different types of matters relating to employment relationship. Increasingly, the AFPA has been contacted to support members attending PRS interviews as 'witnesses'. We can also assist with employment negotiations and both informal and formal discussions between you and AFP management including relating to performance issues, medical and other types of personal leave, workplace investigations and issues relating to bullying and harassment.

The AFPA can also support members who require fitness for duty assessments and other medical appointments. The AFPA will offer confidential support and provide advice where appropriate.

If you require assistance with any type of employment matter, it is worth giving us a call.

Use of AFP letterhead and work email

Using your work email address or AFP letterhead impliedly or expressly ties the AFP into the contents of that communication.

Employees may not realise, but when using your work email, you are representing yourself as an employee of the AFP and the AFP, as a third party, could be held liable for any representations contained in your correspondence.

Further, when putting communication, such as a letter, on AFP letterhead you are expressly representing the AFP as an active party to the communication. Caution should be exercised, and all correspondence

of this nature should be cleared by the appropriate AFP line area. Frequently, what appears as a generic or inane comment, can cause an issue and give rise to a dispute.

The notion of employers' liability, or vicarious liability, has long been recognised by courts. That is, an employer is responsible for the actions and conduct of its employees for wrongdoing to a third party in the course of employment. This could well include wrong-doing not linked to an employee's duties, but conveyed through a work-related resource. Please be careful when using the AFP's resources to convey messages that could potentially be contentious.

INDUSTRIAL QUERIES

If you have any industrial queries or queries about issues raised in this Dispatch, please contact sharon.wright@afpa.org.au or anish.prasad@afpa.org.au.



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