



23rd December 2015

Ms Melissa Watson
A/Deputy Director Public Sector Practice
Public Sector Commission
Locked Bag 3002
WEST PERTH WA 6872

Dear Ms Watson

Re: Public sector external recruitment freeze and conversion to permanency.

The Civil Service Association, [the Union], represents over 35,000 WA public sector employees. Many are now impacted by the external recruitment freeze in general government sector. I write to raise a specific matter concerning the consequences for current fixed term contract [FTC] employees seeking to convert the status of contract of employment to that of permanent. We refer here to the process at *s7 of Commissioner's Instruction No 2, filling a public sector vacancy*.

I have become aware that Public Sector Commission [PSC] may have formed the view that the "conversion to permanency process" is effectively ceased for the duration of the external recruitment freeze. We respectfully submit a contrary interpretation of the policy as set out in the following documents:

- 2015-16 mid-year review, additional corrective measure, external recruitment freeze.
- Public Sector Commissioner's Circular, 2015-16 budget, additional corrective measures.
- Department of Treasury, recruitment freeze, exemption requests.

We note that the documents refer to "an external recruitment freeze" and the final document refers the reader to the document at dot point one for advice on the freeze. We make an obvious point, FTC employees are internal to the sector, and are not encompassed within the phrase "external recruitment". The conversion to permanency process is an internal administrative power, facilitating the conversion of the status of fixed term employment contracts to that of permanent, subject to relevant criteria being met¹. There is no external recruitment involved.

That current FTC employees are internal to the sector is further confirmed by the permission to offer existing FTC employees' further contracts in the document at dot point one.

¹ *CSA v Director General Department of Justice*, 2002 WAIRC, at para 52

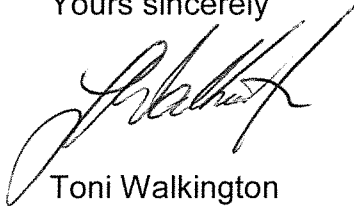
The Union notes that the objectives of the external recruitment freeze include:

- containing the growth in salary expenditure; and
- utilising existing employees to meet service demands.

We find no reason why the continuation of the conversion to permanency process would undermine such objectives. The salary costs of employing a level five public servant on an FTC effectively mirror those for engaging that officer on a permanent basis. In the past, employing authorities may have contended that long service and severance entitlements differentiate the cohorts, however, FTC employees now have access to those entitlements. As for the second objective, the conversion to permanency process facilitates the deployment of existing employees to meet service demands. Further, these employees constitute tried and trusted staff, with proven experience in their specific roles.

In the circumstance, the Union contends that the conversion to permanency process should continue during the external recruitment freeze.

Yours sincerely



Toni Walkington
Branch Secretary