

2015-16 MID-YEAR REVIEW: ADDITIONAL CORRECTIVE MEASURE

EXTERNAL RECRUITMENT FREEZE

PROCEDURES FOR AGENCIES

BACKGROUND

The Under Treasurer has written to general government sector agencies to advise that Cabinet has endorsed an immediate freeze on external recruitment by general government sector agencies until 30 June 2016.

The advice confirms the application of an immediate sector wide 'external recruitment freeze' that is to apply to all agencies and positions across the general government sector. A list of general government sector agencies the freeze applies to is at **Attachment A**.

Government Trading Enterprises and other public corporations, as listed in **Attachment B**, are strongly encouraged to comply with this external recruitment freeze.

Vacant positions may only be filled by existing employees within the general government public sector or, where an exemption exists, in accordance with these procedures.

The objectives of the external recruitment freeze are to:

- contain the growth in salary expenditure (and assist in achieving savings measures already built into the forward estimates); and
- utilise existing employees to meet demand for services, as and when required (rather than recruiting new public sector employees).

The 2015-16 Mid-year Review estimates are predicated on salaries expense growth of **2.9%** in 2015-16. Yet in the first quarter of 2015-16, salaries expenditure across the general government sector grew by **4.8%** or \$130 million (compared to the same quarter last year). In response to this trend, the Government has taking immediate and sector-wide corrective action to control salary expense growth for the remainder of 2015-16. To meet demand for services, agencies will need to actively manage their workforce and, where appropriate, provide opportunities for existing employees in the general government sector, including registered and registrable employees.

The Government has approved the following standing exemptions from the freeze:

- fixed term project-based positions that are capitalised against the project (and do not impact general government operating expenditure)
- teachers, who are to be recruited for the 2016 school year
- police officers, who are to be recruited as part of the election commitment to deliver an extra 550 officers by July 2017.

On a case by case basis, and after exhausting all alternative workforce management strategies, Ministers may also seek the Treasurer's approval for an exemption from the external recruitment freeze.

GENERAL PRINCIPLES

Affected agencies are not to advertise vacancies outside of the parameters set out in the Under Treasurer's letter and the advice to agencies provided in these procedures. This applies to all job vacancies including appointment pools, regional vacancies, fixed term, casual or permanent.

The freeze on external recruitment will ensure no recruitment of new employees, permanent, fixed term or casual, into the sector before 1 July 2016 (unless an exemption is granted).

Agencies can continue to fill vacancies through the established processes of acting, secondment and transfer, or the appointment of a registered employee under the *Public Sector Management (Redeployment and Redundancy) Regulations 2014*. The filling of these vacancies is subject to the costs associated with these arrangements being met from within agencies' approved expense limits (including the salary expense cap).

Where affected agencies are seeking to fill a vacancy they can do so by posting their vacancy on RAMS **as a transfer, secondment or acting opportunity**. These vacancies are then able to be posted on Jobs WA provided it is clearly specified that the opportunity is for **current permanent (general government) public sector employees only**. Permanent appointments can only occur **at level, not by promotion**, through established transfer mechanisms for existing permanent employees. Non-permanent opportunities can occur at level or at a higher level through acting or secondment for existing permanent employees in the general government sector. Where affected agencies are advertising a vacancy as a secondment or acting opportunity, there is to be **no possibility of permanent appointment to the position included in the advertisement**.

Consistent with the objective to utilise existing employees in the general government sector, the Government has a strong commitment to giving priority to the placement of registered and registrable employees.

Registered employees continue to have priority access to vacancies. If there are no suitable registered employees for a vacancy, it is expected that registrable employees are given serious consideration prior to commencing any other process to fill that vacancy. The placement of registrable employees can be facilitated through existing transfer mechanisms. Case management processes will continue to be paramount during this period.

Contracts for services (e.g. the use of labour hire agencies) are not to be used to fill vacant positions in an attempt to circumvent the external recruitment freeze. However, if the service contract was already in place when the freeze was announced the arrangement may continue, subject to the expenditure being met from within the agency's approved expense limits. The requirements of *Approved Procedure 5 – Approved Contracts for Services Procedures* must still be met during this period.

Action has been taken to issue a Commissioner's Circular to give effect to this recruitment freeze. Employing authorities remain empowered to make decisions under *Commissioner's Instruction No. 2 – Filling a public sector vacancy*, but they must do so within the parameters of Government policy and such decisions are limited by the Circular. Agencies are to continue to comply with the general principles under sections 8 and 9 of the *Public Sector Management Act 1994* as well as the public sector standards in human resource management, the public sector code of ethics and relevant codes of conduct.

EXISTING RECRUITMENT PROCESSES

Existing recruitment processes in which a formal (written) employment offer was made **prior** to 21 December 2015 may continue to enable an appointment to be made.

Existing recruitment processes where no formal (written) employment offer was made **prior** to 21 December 2015 can continue to the point where a decision is made, but no appointments can be offered prior to 1 July 2016.

FIXED TERM CONTRACT EMPLOYEES

The use of fixed term contracts is to be consistent with relevant awards, industrial agreements and legislation.

Existing fixed term contract employees may be issued with a further fixed term appointment in the same position, or in another position at the same or lower level within an employing authority, following an individual assessment of merit, and subject to the costs being able to be met from within the agency's existing expense limits.

These appointments should be used as temporary measures, and only where consistent with applicable industrial instruments. Agencies should not be issuing further fixed term contracts for excessive periods during the recruitment freeze.

Existing SES employees can be subject to reappointment in accordance with the requirements of section 53(4) of the *Public Sector Management Act 1994* and *Approved Procedure 2 – Senior Executive Service*.

EXEMPTIONS

Information regarding requests for an exemption from the recruitment freeze can be found in the *Recruitment Freeze – Exemption Requests Guide*.

FURTHER INFORMATION

Enquiries specific to funding, expense limits and general financial management matters should be referred to your agency's Treasury Analyst.

The Public Sector Commission is available to provide general advice and assistance on matters relevant to recruitment operating principles and applications. Contacts for the Commission are as follows:

General enquiries (including Commissioner's Instruction No. 2 – Filling a public sector vacancy)

Commission's advisory line – (08) 6552 8888, email ethicshr@psc.wa.gov.au

Redeployment and redundancy enquiries

Ms Rachel Mayhew – (08) 6552 8719

Mr Bartek Urbanowicz – (08) 6552 8626

RAMS system enquiries

Mr Chris Rusden – (08) 6552 8835

CEO and SES matters

Mr Craig Saleeba – (08) 6552 8725

Mr Carlo Tognolini – (08) 6552 8740

**FILLING OF GENERAL GOVERNMENT VACANT POSITIONS DURING EXTERNAL
RECRUITMENT FREEZE (21 DECEMBER 2015 TO 30 JUNE 2016)**

APPOINTMENT TYPE	ALLOWED DURING FREEZE?	COMMENTS ABOUT APPOINTMENTS
Redeployment	Yes	<p>Appointments, including permanent appointments, can continue to be made where the person is a registered employee and the appointment is in accordance with the <i>Public Sector Management (Redeployment and Redundancy) Regulations 2014</i>, and the <i>Commissioner's Instruction No.12 – Redeployment and Redundancy</i>.</p> <p>The placement of registrable employees can occur subject to an applicable transfer authority.</p> <p>Refer to the definitions of registered and registrable employee in the <i>Public Sector Management Act 1994</i> section 94 (1A)).</p> <p>The receiving agency needs to be able to meet the costs associated with the employee from within existing expense limits (including the salary cap).</p>
Permanent	No	<p>Not permitted, unless the employing authority has sent a formal (written) offer of employment prior to 21 December 2015.</p> <p>The appointment of a registered employee, or transfer of a permanent employee (including a registrable employee) at level through existing mechanisms, is permitted.</p>
Fixed Term: New employees (including casual and/or seasonal)	No	<p>Not permitted, unless the employing authority has sent a formal (written) offer of employment prior to 21 December 2015.</p>
Fixed Term: Existing employees (including casual and/or seasonal)	Yes	<p>Existing fixed term contract employees may:</p> <ul style="list-style-type: none"> • have a further appointment in the same position, subject to an individual assessment of merit and the provisions of applicable industrial instruments. • be appointed on a new fixed term contract in another vacant position within the same employing authority at the same or lower level, subject to an individual assessment of merit and the provisions of applicable industrial instruments. <p>Redeployment clearance must be obtained where the fixed term contract extends beyond six months.</p> <p>These appointments should be used as temporary measures, and only where consistent with applicable industrial instruments and legislation. Agencies should not be issuing further fixed term contracts for excessive periods during the recruitment freeze.</p> <p>Senior Executive Service (SES) employees can continue be reappointed in accordance section 53(4) of the Public Sector Management Act 1994 and Approved Procedure 2 – Senior Executive Service.</p> <p>Existing casual arrangements may continue where arrangements were formally in place as at 21 December 2015.</p> <p>Agencies need to be able to meet the costs associated with these arrangements from within existing expense limits (including the salary cap).</p>

APPOINTMENT TYPE	ALLOWED DURING FREEZE?	COMMENTS ABOUT APPOINTMENTS
Acting	Yes	<p>Can occur, but redeployment clearance must be obtained where the acting extends beyond six months.</p> <p>Agencies need to be able to meet the costs associated with these arrangements from within existing expense limits (including the salary cap).</p>
Secondments	Yes	<p>Can occur or be extended by agreement between agencies, but redeployment clearance must be obtained where the secondment extends beyond six months.</p> <p>Agencies need to be able to meet the costs associated with these arrangements from within existing expense limits (including the salary cap).</p>
Transfers	Yes	<p>Can occur by agreement within or between agencies through existing mechanisms subject to an authority to transfer being provided for in applicable legislation or industrial instruments. This includes the transfer of registrable employees.</p> <p>Agencies need to be able to meet the costs associated with these arrangements from within existing expense limits (including the salary cap).</p>

EXTERNAL RECRUITMENT FREEZE – QUESTIONS AND ANSWERS

1. *How do I find registered and registrable employees for vacancies within my agency?*

Public sector agencies' case managers review the daily postings of vacancies on RAMS and can refer their registered and registrable employees to the vacancies. Permanent appointments can still occur where the employee is a registered or registrable employee in the general government sector, and the *Public Sector Management (Redeployment and Redundancy) Regulations 2014 and Commissioner's Instruction No.12 - Redeployment and Redundancy* provide for a permanent appointment to be made. Refer also to the definitions of registered and registrable employee in the *Public Sector Management Act 1994* section 94 (1A).

Registered employees continue to have priority access to vacancies, and agencies should only seek to appoint a registrable employee once they have determined that no suitable registered employees are available. As is currently the case agencies are required under the *Commissioner's Instruction No.12 - Redeployment and Redundancy* to complete an assessment report for a registered employee (refer clause 5.2).

2. *I notified a person before 21 December 2015 that they are the recommended applicant following a recruitment process. Can I now permanently appoint them to that vacant position?*

No. Unless a formal (written) offer was made prior to 21 December 2015 no appointments can be offered before 1 July 2016.

3. *Do I have to progress existing recruitment processes?*

No. Agencies are to decide whether or not they wish to progress existing recruitment processes during the recruitment freeze, or if they wish to suspend or discontinue these processes. Agencies may wish to give regard to the costs and benefits of continuing each process when making such decisions. Agencies should notify applicants in recruitment processes if they decide to suspend or discontinue that process.

Where an agency decides to progress a recruitment process during the recruitment freeze, no appointments can be offered before 1 July 2016.

4. *If I wish to advertise a vacancy on Jobs WA to be filled by an existing permanent general government public sector employee, what do I need to include in the advertisement?*

The following paragraph should be included in a prominent position in all advertisements:

In accordance with the external recruitment freeze announced on 21 December 2015, this vacancy is only open to current permanent (general government) public sector employees as a transfer/secondment/acting opportunity. Queries regarding eligibility to apply for this vacancy are to be directed to the nominated contact person.

5. *After the end of the recruitment freeze can I make appointments from the existing recruitment processes, or do I have to advertise the position/s again?*

After the recruitment freeze has ended, agencies will need to consider whether they wish to make appointments from existing recruitment processes, or whether it is more appropriate to re-advertise vacant positions.

6. *Will I need to obtain redeployment clearance again if I want to make appointments after the recruitment freeze has ended?*

Vacancies that were cleared prior to the recruitment freeze will only need to be submitted for redeployment clearance again if actions to advertise or fill the vacancy had not commenced when the freeze was implemented.

7. *Can I advertise vacant positions and progress current recruitment processes during the recruitment freeze and simply wait until after the freeze has ended to make appointments?*

Affected agencies cannot advertise vacant positions externally during the recruitment freeze. Vacancies can be advertised as a transfer, secondment or acting opportunity for current permanent (general government) public sector employees only. Permanent appointments can only occur at level, not by promotion, through established transfer mechanisms for existing permanent employees.

Existing recruitment processes can continue to the point where a decision is made, but no appointments can be offered prior to 1 July 2016.

8. *Are SES positions included in the recruitment freeze?*

SES positions are included in the recruitment freeze to the extent that new appointments cannot be made. Existing SES employees can, however, continue to be reappointed in accordance with s.53(4) of the *Public Sector Management Act 1994* and *Approved Procedure 2 – Senior Executive Service*, subject to the agency being able to meet the cost of the re-appointment from within its existing expense limits (including the salary cap).

9. *Are positions that are externally funded, funded from own-source revenue, or funded from Special Acts etc. still able to be advertised and filled?*

No. The recruitment freeze applies to all positions – irrespective of how the position is funded. If filling the position impacts general government salary expenses (i.e. an increase in operating expenditure), and the position is not subject to a standard exemption, the position is impacted by the recruitment freeze and cannot be advertised until 1 July 2016.

10. *Will savings be harvested from agencies' budgets as a result of the recruitment freeze?*

No. The recruitment freeze is a tool to assist agencies in delivering salary savings measures that are already incorporated in the approved budget settings.

11. *How can agencies be expected to achieve the workforce renewal savings, when fewer employees will separate as a result of the recruitment freeze?*

Savings in relation to workforce renewal were harvested from agencies in the 2015-16 Budget and are not being revised. Furthermore, no additional savings will be harvested from agencies' budgets for the recruitment freeze.

The recruitment freeze does not prevent agencies from achieving workforce renewal savings. Employees can still separate from agencies through retirement or resignation, or by taking up employment outside the general government sector. Except for promotions, existing employees can still take up opportunities within the sector through transfers, acting arrangements and secondments.

The reduction in salary expenditure resulting from the freeze on promotions and appointments from outside the sector is expected to be far greater than any increase in salary expenses due to existing employees not gaining within-sector promotions.

12. *Can I promote existing employees during the recruitment freeze?*

Promotions cannot occur during the recruitment freeze. However, existing general government public sector employees may be offered acting opportunities, secondments, or be transferred at level by agreement between agencies, subject to an authority to transfer being provided for in applicable legislation or industrial instruments and the costs associated with these arrangements being met from within agencies' approved expense limits (including the salary expense cap).

Redeployment clearance must be obtained where arrangements extend beyond 6 months.

13. *Can I re-classify positions within my agency during the recruitment freeze?*

Re-classifications are not to be used to circumvent the recruitment freeze.

ATTACHMENT A
GENERAL GOVERNMENT AGENCIES

As classified under the *Financial Management Act 2006* and the
 Government Finance Statistics Framework.

Agricultural Produce Commission	Law Reform Commission of Western Australia
Botanic Gardens and Parks Authority	Legal Aid Commission of Western Australia
Building and Construction Industry Training Board	Legal Costs Committee
Central Institute of Technology	Local Health Authorities Analytical Committee
Challenger Institute of Technology	Mental Health Commission
Chemistry Centre (WA)	Mid West Development Commission
Combat Sports Commission	Minerals Research Institute of Western Australia
Commissioner for Children and Young People	Office of the Auditor General
Commissioner for Equal Opportunity	Office of the Commissioner of Road Safety
Commissioner of Main Roads	Office of the Director of Public Prosecutions
Corruption and Crime Commission	Office of the Environmental Protection Authority
Country High School Hostels Authority	Office of the Government Chief Information Officer
C.Y. O'Connor Institute	Office of the Information Commissioner
Department of Aboriginal Affairs	Office of the Inspector of Custodial Services
Department of Agriculture and Food	Office of the Parliamentary Inspector of the Corruption and Crime Commission
Department for Child Protection and Family Support	Parliamentary Commissioner for Administrative Investigations
Department of Commerce	Parliamentary Services Department
Department of Corrective Services	Peel Development Commission
Department of Culture and the Arts	Perth Theatre Trust
Department of Education	Pilbara Development Commission
Department of Education Services	Pilbara Institute
Department of Environment Regulation	Polytechnic West
Department of Finance	Professional Standards Council
Department of Fire and Emergency Services	Public Sector Commission
Department of Fisheries	Racing Penalties Appeal Tribunal of Western Australia
Department of Health (including public hospitals)	Rural Business Development Corporation
Department of Lands	Salaries and Allowances Tribunal
Department of Local Government and Communities	School Curriculum and Standards Authority
Department of Mines and Petroleum	Screen West Inc.
Department of Planning	Small Business Development Corporation
Department of Parks and Wildlife	South West Development Commission
Department of Racing, Gaming and Liquor	South West Institute of Technology
Department of Regional Development	State Emergency Management Committee Secretariat
Department of Sport and Recreation	Swan River Trust
Department of State Development	The Aboriginal Affairs Planning Authority
Department of State Heritage Office	The ANZAC Day Trust
Department of Training and Workforce Development	The Board of the Art Gallery of Western Australia
Department of Transport	The Burswood Park Board
Department of Treasury	The Coal Miners' Welfare Board of Western Australia
Department of the Attorney General	The Library Board of Western Australia
Department of the Legislative Assembly	The National Trust of Australia (W.A.)
Department of the Legislative Council	The Queen Elizabeth II Medical Centre Trust
Department of the Premier and Cabinet	The Western Australia Museum
Department of the Registrar, Western Australian Industrial Relations Commission	Trustees of the Public Education Endowment
Department of Water	West Coast Institute of Training
Disability Services Commission	Western Australia Police
Durack Institute of Technology	Western Australian Alcohol and Drug Authority
Economic Regulation Authority	Western Australian Building Management Authority
Gaming and Wagering Commission of Western Australia	Western Australian Electoral Commission
Gascoyne Development Commission	Western Australian Energy Disputes Arbitrator
Goldfields Esperance Development Commission	Western Australian Greyhound Racing Association
Goldfields Institute of Technology	Western Australian Health Promotion Foundation
Governor's Establishment	Western Australian Institute of Sport
Great Southern Development Commission	Western Australian Land Information Authority
Great Southern Institute of Technology	Western Australian Meat Industry Authority
Health and Disability Services Complaints Office	Western Australian Planning Commission
Heritage Council of Western Australia	Western Australian Sports Centre Trust
Independent Market Operator	Western Australian Tourism Commission
Keep Australia Beautiful Council (W.A.)	Wheatbelt Development Commission
Kimberley Training Institute	WorkCover Western Australia Authority
Kimberley Development Commission	Zoological Parks Authority

ATTACHMENT B
PUBLIC CORPORATIONS

As classified under the *Financial Management Act 2006* and the
Government Finance Statistics Framework.

Public Non-Financial Corporations

Animal Resources Authority
Bunbury Water Corporation
Busselton Water Corporation
Electricity Networks Corporation (Western Power)
Electricity Generation and Retail Corporation
(Synergy)
Forest Products Commission
Fremantle Port Authority
Gold Corporation and its subsidiaries
Housing Authority
Kimberley Port Authority
Lotteries Commission
Metropolitan Cemeteries Board
Metropolitan Redevelopment Authority
Mid West Port Authority
Perth Market Authority
Pilbara Ports Authority
Potato Marketing Corporation of Western Australia
Public Transport Authority of Western Australia
Racing and Wagering Western Australia
Regional Power Corporation (Horizon Power)
Rottnest Island Authority
Southern Ports Authority
Water Corporation
Western Australian Coastal Shipping Commission
Western Australian Land Authority

Public Financial Corporations

Country Housing Authority
Insurance Commission of Western Australia
(and subsidiary State Government Insurance
Corporation)
Keystart Housing Scheme, comprising
Keystart Bonds Ltd
Keystart Loans Ltd
Keystart Support Pty Ltd
Keystart Support (Subsidiary) Pty Ltd
Keystart Housing Scheme Trust
Keystart Support Trust
RiskCover
Western Australian Treasury Corporation