



# HR Guide – Engaging and managing non-APS employees (labour hire workers, contractors, consultants)

## Table of Contents

Introduction .....	1
Legislative framework .....	1
Scope .....	1
Definitions .....	2
Labour hire workers .....	2
Contractors .....	2
Consultants .....	2
Identifying the need for a non-APS employee .....	3
Procuring non-APS employees .....	3
Sourcing candidates for non-APS employment opportunities .....	3
Engaging non-APS employees .....	4
Work health and safety and non-APS employees .....	4
Onboarding and induction for non-APS employees .....	4
Working with non-APS employees .....	5

## Introduction

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## Legislative framework

6. The framework that governs working with non-APS employees is contained within the:
  - *Public Governance, Performance and Accountability Act 2013*
  - *Public Governance, Performance and Accountability Rule 2014*
  - *Work Health and Safety Act 2011*
  - Australian Government Contract Management Guide 2020
  - Commonwealth Procurement Rules 2019

## Scope

7. This guide supports managers in engaging and managing non-APS employees.
8. The term ‘non-APS employees’ includes:
  - labour hire workers
  - **s 22** [Redacted text]
  - **s 22** [Redacted text]



## Identifying the need for a non-APS employee

13. Typical reasons for deciding to engage a non-APS employee may include where:

- the ASL cap has been reached, noting that some roles have statutory functions and can only be performed by APS employees
- the engagement of a non-APS employee will provide the most cost effective solution to the project e.g. time limited projects, or where specific expertise means fewer resources are required to complete a project
- set timeframes need to be met, although in this case managers should ensure that the timeframes are realistic and cannot reasonably be altered
- specialist expertise is required which is not likely to be available from other agencies in the APS or not likely to be available within the timeframe of the task
- the experience of private organisations or industry is necessary or highly desirable in formulating or implementing a policy or program within the AAT and there is an intent to achieve skills and knowledge transfer
- the nature of the project is such that the independence of a non-APS employee is essential to a successful outcome.

## Procuring non-APS employees

14. Managers should check with their relevant cost centre manager that they have relevant funds available within their approved budget, and SES approval must be obtained before procuring a non-APS employee.
15. Appropriate procurement processes must be followed before sourcing candidates for non-APS employment. These processes vary depending on the type of non-APS employee being engaged and the anticipated cost of the engagement.
16. Where unsure, managers should refer to the [Procurement policies and procedures](#), or contact Procurement (s 47E(d)) for advice on appropriate procurement processes.

## Sourcing candidates for non-APS employment opportunities

17. Before sourcing candidates for non-APS employment opportunities, managers will need to:
- document the work required of the role (preferably in a position description) so that they can provide this to the relevant service provider, including the equivalent APS classification where relevant
  - s 22
18. In addition to the work required of the role, managers should seek an example of a draft contract from the service provider and advise the service provider that any non-APS employee working for the AAT will be expected to:
- undertake an Australian Federal Police National Police Check
  - have permanent residence in Australia (Australian citizenship preferred)
  - work in accordance with the APS values and code of conduct during their placement with the AAT.
19. There are two sourcing options depending on the type of work the non-APS employee will be undertaking for the AAT:
- 1) Administrative work – candidates for administrative work may be sourced from approved recruitment agencies which are on the Austender Standing Offer Notices.
  - 2) Non-administrative work (including IT) – quotes should be obtained from three potential service providers, and a value for money assessment made within the work area.
- Contact s 47E(d) for advice on obtaining quotes, or details of current Standing Offer Notices you can access.



## Working with non-APS employees

33. All non-APS employees working with or for the AAT can expect to be treated consistently with the APS values.
34. Supervisors are required to direct the work of labour hire workers and monitor their work outcomes. Any issues with the efficiency or quality of work should initially be clarified with the labour hire worker, and then raised with the relevant external employment agency if there are further issues.
35. Details regarding the work required of contractors and consultants and the methods and timelines for achieving this work will form part of the contract relating to their provision of services for the AAT. The manager responsible for the project or work program is required to:
  - oversee the work undertaken to ensure it meets the terms of the contract
  - work with the service provider to make any amendments to the terms of the contract to reflect changes in circumstances (e.g. changes in project scope, unexpected delays etc.)
  - discuss any issues arising concerning work quality, efficiency or effectiveness with the service provider, negotiating adjustments to the amount or timeframe of payments to be made under the contract.
36. For any non-APS employee, where the contract changes for any reason, the responsible manager should negotiate the changes directly with the employer (for contractors or consultants this may be the non-APS employee themselves).

Please note that if the contract was part of a Standing Offer Notice (SON) then the SON needs to be current when the contract is proposed for extension, otherwise a value for money assessment must occur.
37. The responsible manager should then complete the [Non-APS Employee Notification form](#) with the changed details, and email to s 47E(d), with a copy of the changed contract.
38. Potential contract changes may include:
  - contract extension
  - changed work requirements (e.g. higher level work, lower level work, different work requirements)
  - amendments made due to changing circumstances
  - cessation of the non-APS employee for any reason
  - early completion of contract.

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### Revision History:

Name	Role	Date	Reason for update	Issue no.	Proposed review date.
<span style="background-color: black; color: red;">s 47E</span>	HR Knowledge Manager	March 2020	New guide	1	March 2023 or earlier if required for operational reasons