

Labour hire procedural guide – AAT

Labour hire process

Step 1:

Obtain SES approval to engage labour hire

Step 2:

Source Candidates. There are two sourcing options depending on the type of work as specified below :

Option 1:

Administrative Candidates

May be sourced from approved recruitment Agencies which are all on Standing Offer Notices (SON)

Contact [REDACTED] for advice on obtaining quotes or obtaining details of current Standing Offer Notices you can access.

The work area decides on the preferred recruitment agency by conducting a value for money assessment:

Option 2:

Non-administrative and IT Candidates

Work area obtains quotes from three recruitment agencies (emails are sufficient for this purpose). Contact [REDACTED] for advice on obtaining quotes or obtaining details of current Standing Offer Notices you can access. Contact HR Advice team for potential recruitment agencies to approach if required.

Work area decides on the preferred recruitment agency by conducting a value for money assessment and provides Business Support - Procurement via the [REDACTED] mailbox the following.

- Copy of the contract or agreement (if any)
- Name of recruitment agency
- Name of contractor
- Term of contract
- Contract value (cost over the period of the contract)

Step 3: Assess & Engage Contractors

[REDACTED]

Suitable candidate(s) identified and the work area advises the recruitment agency. Temporary staff contract prepared for signature by the EL2 manager, including agreed rates and term of temporary assignment. The Recruitment agency is advised of start date and the AAT's contact person. A work order (contract/schedule) will need to be completed and signed by the Agency and a copy emailed to [REDACTED]

To ensure appropriate systems and support are set up and maintained for labour hire/Agency employees recruiting managers need to complete the Labour Hire Notification Form and email to [REDACTED] at least three days prior to their commencement.

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Step 4: Induction/commencement

§ 22

1. The new starter and their supervisor must complete the labour hire WHS induction form on their first work day and email it to § 47E(d)

§ 22

§ 22

Induction:

§ 22

Step 5: Contract Extensions:

Supervisor notifies § 47E(d) (as specified below) that the contract has finished Note: Labour hire arrangements can be terminated at any point where the service provided is not meeting expectations or is not required.

- § 22

If the original contract term is extended for any contractor, § 47E(d) needs to be notified. This notification will require:

- Name of contractor
- New contract term
- Confirmation of hourly pay rate (including GST)
- New total contract value
- Inform us if there are any changes to their original contract
- Attach a copy of the original Labour Hire Notification Form

Please note that if the contract was part of a Standing Offer Notice (SON) then the SON needs to be current before the contract can be extended otherwise a value for money assessment needs to occur.

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Step 6: Cessation of contract:

Supervisor notifies § 47E(d) (as specified below) that the contract has finished Note: Labour hire arrangements can be terminated at any point where the service provided is not meeting expectations or is not required.

- § 22

Contact details

Human Resources - § 47E(d) or 02 9276

Recruitment Team - § 47E(d) or (02) 9276

Finance - § 47E(d)

Business Support - § 47E(d)

Procurement team - § 47E(d)



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

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Introduction

1. At the Administrative Appeals Tribunal (AAT), we are committed to making sure we have the right workforce mix (members, employees and non-APS employees) in the right place at the right time, to meet our operational and strategic objectives.
2. Part of this commitment includes the prudent, ethical and accountable management of our workforce and resources, including how we use and work with non-APS employees.
3. In the 2015-16 Budget, the Government undertook to maintain the size of the general government sector at around or below the 2006-07 Average Staffing Level (ASL) of 167,596.
4. The Government remains committed to managing the size of the public sector. To this end, ASL caps have been established per agency, monitored by the Department of Finance.
5. In this context, non-APS employees are an important part of the workforce mix, since they are excluded from the ASL.

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
 - contractors
 - consultants.

9. The term 'non-APS employees' does not include statutory appointees (members).

Definitions

Labour hire workers

10. Labour hire workers are people employed by external employment agencies (e.g. ^{s 47G}  etc.) through which the AAT procures their services.

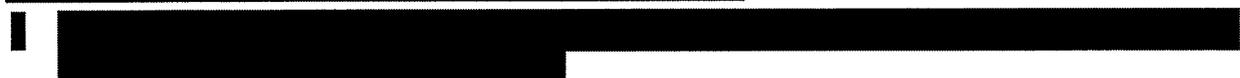
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11. ^{s 22} 

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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(0)) 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
 - [REDACTED]
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(0) for advice on obtaining quotes, or details of current Standing Offer Notices you can access.

Engaging non-APS employees

- 20. § 47E(1)
- 21. The service provider will supply the hiring manager with a contract or work order, including agreed rates and the time period covered. All terms outlined in the contract should be considered, before seeking authorisation from a relevant financial delegate (refer to the most current AAT Instrument of Delegation). Note: The total cost of the contract, including GST, should not exceed the financial delegation of the signatory.
- 22. The hiring manager should complete the Non-APS Employee Notification form and email, with a copy of the signed contract, to § 47E(1) at least five (5) working days before the non-APS employee is due to commence work.
- 23. § 22

Work health and safety and non-APS employees

- 24. § 22
- [Redacted text block]

Onboarding and induction for non-APS employees

- § 22
- [Redacted text block]

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 [REDACTED], 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.
39. [REDACTED]

Sian Leathem
Registrar
March 2020

Revision History:

Name	Role	Date	Reason for update	Issue no.	Proposed review date.
[REDACTED]	HR Knowledge Manager	March 2020	New guide	1	March 2023 or earlier if required for operational reasons

