



**Victorian  
Public Sector  
Commission**



**VICTORIA**  
State  
Government

# **Employment principles and standards**

The principles underpin employment processes within the Victorian public sector. The standards guide the development of employment processes.

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# Standards for application of the principles

These standards support the Victorian Public Sector Employment Principles.

## Foreword

A positive workplace culture has many benefits. The organisation is seen as a good place to work and can therefore attract the best candidates. Good staff remain with the organisation, become its best ambassadors and work together effectively to achieve the organisation's objectives.

One of the foundations of a positive workplace culture is the organisation's written employment policies. These define the relationship between the employer and employees. They cover all aspects of the employee life cycle from attraction to separation. They ensure that employees are treated fairly and consistently.

In Victoria, public sector employers must have employment processes that are consistent with the public sector employment principles. The Victorian Public Sector Commission has issued standards to help guide employers when they are reviewing or developing their employment processes.

## Introduction

### What are the public sector employment principles?

The principles underpin employment processes within the Victorian public sector. Section 8 of the Public Administration Act 2004 (the Act) requires Victorian public sector employers to establish employment processes that will ensure that:



- Public sector employees are treated fairly and reasonably.
- Employment decisions are based on merit.
- Equal employment opportunity is provided.
- Human rights as set out in the Charter of Human Rights and Responsibilities are upheld.
- Public sector employees have a reasonable avenue of redress against unfair or unreasonable treatment.
- In the case of public service bodies, the development of a career public service is fostered.

## **What are the standards?**

The standards guide the development of employment processes. Section 62 of the Act requires the Victorian Public Sector Commission to issue binding standards concerning application of the public sector employment principles.

The standards identify the essential concepts that must be incorporated in an organisation's employment processes to ensure that the principles apply at work.

## **What else do public sector employers need to consider?**

The principles and standards are to be considered in conjunction with any integrity regulations, award, enterprise agreement or national employment standard that also applies to the Victorian public sector organisation. Additionally any privacy or occupational health and safety legislation will also apply.

## **Standards**

### **General considerations for public sector employers applying the principles**

Public sector employers must ensure:



- They comply with the principles and standards.
- Their employees are aware of the requirements of the principles and standards, how they apply to decisions and actions in which they are involved, and the manner in which those decisions and actions may be reviewed.
- All managers are provided with adequate information, guidance, training and support in applying the principles and standards.
- Relevant processes are regularly reviewed for effectiveness.
- The quality of decision making is monitored against the requirements of these standards.
- Workplaces are harassment-free.
- No person is subject to threats or other detriment as a result of bringing a complaint regarding a possible breach of the values, code, principles or these standards.

## Fair and Reasonable Treatment

Employees are treated fairly and reasonably when:

- Processes are fair, clear, and applied consistently in comparable circumstances.
- Criteria are relevant, objective and readily available to the people subject to the decision.
- Decisions and actions are free of bias and unlawful discrimination.
- Documentation is sufficiently clear and comprehensive to make decisions transparent and capable of effective review
- There are no other grounds which contribute to unfair and unreasonable treatment.

## Merit in Employment

Employment decisions are based on merit when:

- Individuals' work-related qualities, abilities and potential are assessed against the genuine requirements of the employment opportunity.

- Employees are appointed or promoted on the basis of relative ability.
- Processes are transparent and designed to identify a suitable field of qualified candidates.
- Employees are appointed or promoted from a limited field of candidates only where candidates are identified based on objective criteria.
- Employees are assigned duties or transferred to roles at an equivalent level based on a proper assessment of the employee against the genuine requirements of the duties or role.

## Equal Employment Opportunity

Equal employment opportunity (EEO) is provided when:

- An EEO policy statement is in place, available and reflected in all relevant processes.
- Policies comply with applicable equal opportunity laws and support diversity across the workforce.
- EEO strategies are incorporated into workforce plans and promoted throughout the workplace.
- Decisions and actions affecting employees are not influenced by irrelevant personal characteristics.
- Employers are notified of any discrimination or sexual harassment complaints in their organisation and the findings of associated investigations.
- EEO data is monitored and evaluated on a regular basis.

## Human Rights

Human rights as set out in the Victorian Charter of Human Rights and Responsibilities are upheld when:

- Decisions give proper consideration to relevant human rights.
- Decisions and actions are compatible with human rights.
- Any limits put on a right are reasonable, necessary, justified and proportionate.

## Reasonable Avenue of Redress

Employees have a reasonable avenue of redress against unfair or unreasonable treatment when:

- Employee workplace issues are addressed in an effective and timely manner.
- A written procedure, detailing the review process and the rights and responsibilities of participants, is available and communicated to all employees.
- Procedures encourage parties to resolve workplace issues locally and informally, before applying more formal local or external processes.
- Reviews are based on a consideration of all relevant facts and evidence.
- Appropriate delegation and accountability is assigned to enable a workplace issue to be effectively considered.
- The principles of natural justice and procedural fairness are applied throughout a review process.

## Career Public Service

In public service bodies, the development of a career public service is fostered when:

- Career information is readily accessible in ways, in locations and at times that reflect the diverse needs of current and potential employees
- Career information is relevant to people of all ages and at different points of their life but particularly during transitions such as entry to the workforce, return from parental leave or planning for retirement.
- Performance management conversations are used to develop employees' career-management skills by encouraging them to reflect on their ambitions, interests, qualifications and abilities in relation to possible learning and work opportunities.
- The focus is on life-long learning and sustained employability so that employees can more readily move across occupational boundaries or change careers.



## Applying the principles to specific employment processes

This chart gives examples of how the principles apply throughout the employee life cycle from attraction to separation. Managers will generally need to consider the application of each principle, and when they compete, decide which takes precedence. For example the aim of attracting a competitive field of candidates may be balanced against the aim of advancing a disadvantaged group. In this situation, applications might only be sought from the disadvantaged group, if that aim took precedence. These examples are not exhaustive.

	Attract	Select	Induct	Manage	Develop	Reward	Separate
Fair and Reasonable Treatment	Any limits on advertising are justified	Candidates are rated against clear criteria in a written selection report	Employees are provided with relevant information and resources	Workload is manageable and consistent with classification	Employees have an opportunity to develop their skills in formal or on-the-job training	Rewards are applied consistently and fairly	Decisions to terminate employment are based on operational needs
Merit in Employment	Advertisements attract a competitive field of candidates	The best available candidate is selected	Induction reinforces that all employment decisions are based on merit	Work is assigned based on interests and capability	Development opportunities are fairly contested	Good performance is recognised	Surplus employees are redeployed to jobs that match their skills where possible
Equal Employment Opportunity	Advertisements are inclusive and based on inherent requirements	Reasonable adjustments are made to the selection process when necessary	Reasonable adjustments are made to the workplace when necessary	Requests for flexible work arrangements are accommodated whenever possible	Age, gender and other protected attributes are no barrier to development or advancement		Particular groups are not targeted in efforts to reduce the workforce
Human Rights	Measures may be taken to advance disadvantaged groups	Selection processes do not unnecessarily interfere with candidates' right to privacy	Employees have the right to practice their religious customs at work	Employee views are sought on matters that affect them			Employees are protected from discrimination
Avenues of Redress	Candidates may seek feedback on their application	Unsuccessful candidates may appeal an unfair selection process	Induction encourages employees to raise concerns at any time	Employees may appeal a decision that adversely affects them		Employees may appeal an unfair performance management decision	Employees may appeal an unfair dismissal
Career Public Service	Advertisements promote the advantages of a career in the public service	Successful candidate is committed to a public service career	Induction covers the Westminster system of government, the public service and local arrangements	Mobility within the broader public service is encouraged	Life-long learning and development are encouraged	Rewards include interesting assignments, career progression and development	Separation interviews provide data to improve the workplace

Applying the principles to specific employment processes. [View a text version of this image.](#)



## The principles are inter-related

In many cases, the principles complement one another. For example when a selection panel focuses only on factors that are relevant to a person's ability to perform a job, they avoid unlawful discrimination and can more readily select the best candidate. These examples are not exhaustive.

Fair and Reasonable Treatment	Decisions to select someone can be justified				
Equal Employment Opportunity	Irrelevant factors are ignored	The workplace is free of discrimination			
Human Rights	Processes do not interfere arbitrarily with candidates' privacy or reputation	Decisions are compatible with human rights	Employees are equal before the law		
Redress	Employees can complain about a flawed selection process	Unfair situations are remedied	Employees can complain about discrimination	Employees have a right to a fair hearing	
Career Public Service	Employees have opportunities to progress in their career	Working conditions are fair	The workforce is diverse	Employees are free to join a union or other group	Employees can raise any workplace concerns
	Merit	Fair and Reasonable Treatment	Equal Employment Opportunity	Human Rights	Redress

The principles are inter-related. [View a text version of this image](#)

## Definitions

The standards and principles use terms that are in common usage: (Source: *Oxford Dictionary*)

**Career:** An occupation undertaken for a significant period of a person's life and with opportunities for progress

**Equal:** Having the same status, rights, or opportunities

**Fair:** Treating people equally without favouritism or discrimination

**Human rights:** A right which is believed to belong to every person (Human rights are defined in the *Charter of Human Rights and Responsibilities Act 2006*)

**Merit:** The quality of being particularly good or worthy, especially so as to deserve praise or reward

**Reasonable:** Having sound judgement; fair and sensible

**Redress:** Remedy or set right (an undesirable or unfair situation)

## The instrument

*Public Administration Act 2004*

### Section 62

#### **Standards Issued by the Victorian Public Sector Commissioner**

I, Belinda Clark, Victorian Public Sector Commissioner, under section 62 of the *Public Administration Act 2004* ("the Act"), issue the Standards for Application of the Public Sector Employment Principles 2017 ("2017 Standards") as attached, in substitution of the Standards previously issued on 31 August 2006.

I determine that the 2017 Standards apply to and are binding on all public sector bodies and the persons they employ unless excluded by a specific declaration issued by the Victorian Public Sector Commissioner.

The 2017 Standards take effect on 1 February 2017.

#### **Belinda Clark QSO**

Victorian Public Sector Commissioner

Date: 11 January 2017

## Text version of Images

### Applying the principles to specific employment processes

The image is a chart representing the relationship between the employment principles and the way in the principle applies to the specific employee life cycle stage, from attraction to separation.

If the principle is Fair and Reasonable Treatment, the employment process of

Attract = Any limits on advertising are justified

Select = Candidates are rated against clear criteria in a written selection report

Induct = Employees are provided with relevant information and resources

Manage = Workload is manageable and consistent with classification

Develop = Employees have an opportunity to develop their skills in formal or on-the-job training

Reward = Rewards are applied consistently and fairly

Separate = Decisions to terminate employment are based on operational needs

If the principle is Merit in Employment, the employment process of

Attract = Advertisements attract a competitive field of candidates

Select = The best available candidate is selected

Induct = Induction reinforces that all employment decisions are based on merit

Manage = Work is assigned based on interests and capability

Develop = Development opportunities are fairly contested

Reward = Good performance is recognised

Separate = Surplus employees are redeployed to jobs that match their skills where possible

If the principle is Equal Employment Opportunity, the employment process of

Attract = Advertisements are inclusive and based on inherent requirements

Select = Reasonable adjustments are made to the selection process when necessary

Induct = Reasonable adjustments are made to the workplace when necessary

Manage = Requests for flexible work arrangements are accommodated whenever

possible

Develop = Age, gender and other protected attributes are no barrier to development or advancement

Reward = No example provided

Separate = Particular groups are not targeted in efforts to reduce the workforce

If the principle is Human Rights, the employment process of

Attract = Measures may be taken to advance disadvantaged groups

Select = Selection processes do not unnecessarily interfere with candidates' right to privacy

Induct = Employees have the right to practice their religious customs at work

Manage = Employee views are sought on matters that affect them

Develop = No example provided

Reward = No example provided

Separate = Employees are protected from discrimination

If the principle is Avenues of Redress, the employment process of

Attract = Candidates may seek feedback on their application

Select = Unsuccessful candidates may appeal an unfair selection process

Induct = Induction encourages employees to raise concerns at any time

Manage = Employees may appeal a decision that adversely affects them

Develop = No example provided

Reward = Employees may appeal an unfair performance management decision

Separate = Employees may appeal an unfair dismissal

If the principle is Career Public Service, the employment process of

Attract = Advertisements promote the advantages of a career in the public service

Select = Successful candidate is committed to a public service career

Induct = Induction covers the Westminster system of government, the public service and local arrangements

Manage = Mobility within the broader public service is encouraged

Develop = Life-long learning and development are encouraged

Reward = Rewards include interesting assignments, career progression and development

Separate = Separation interviews provide data to improve the workplace

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## The principles are inter-related

The chart displays the relationship between the employment principles, demonstrating an example of the way in which they complement each other and interact.

Fair and Reasonable Treatment and Merit in Employment = Decisions to select someone can be justified

Fair and Reasonable Treatment and Equal Employment Opportunity = The workplace is free of discrimination

Fair and Reasonable Treatment and Human Rights = Decisions are compatible with human rights

Fair and Reasonable Treatment and Avenues of Redress = Unfair situations are remedied

Fair and Reasonable Treatment and Career Public Service = Working conditions are fair

Equal Employment Opportunity and Merit in Employment = Irrelevant factors are ignored

Equal Employment Opportunity and Human Rights = Employees are equal before the law

Equal Employment Opportunity and Avenues of Redress = Employees can complain about discrimination

Equal Employment Opportunity and Career Public Service = The workforce is diverse

Human Rights and Merit in Employment = Processes do not interfere arbitrarily with candidates' privacy or reputation

Human Rights and Avenues of Redress = Employees have a right to a fair hearing

Human Rights and Career Public Service = Employees are free to join a union or other group

Avenues of Redress and Merit in Employment = Employees can complain about a flawed selection process

Avenues of Redress and Career Public Service = Employees can raise any workplace concerns

Career Public Service and Merit in Employment = Employees have opportunities to progress in their career

# Comparing employment standards over the years

A comparison of the 2006 and 2017 employment standards for public sector employees.

## General considerations for public sector employers applying the principles

Open allClose all

### 2006

Previously included under fair and reasonable treatment.

### 2017

Public sector employers must ensure:

- They comply with the principles and standards.
- Their employees are aware of the requirements of the principles and standards, how they apply to decisions and actions in which they are involved, and the manner in which those decisions and actions may be reviewed.
- All managers are provided with adequate information, guidance, training and support in applying the principles and standards.
- Relevant processes are regularly reviewed for effectiveness.
- The quality of decision making is monitored against the requirements of these

standards.

- Workplaces are harassment-free.
- No person is subject to threats or other detriment as a result of bringing a complaint regarding a possible breach of the values, code, principles or these standards.

## Fair and reasonable treatment

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### 2006

The following standards apply:

- Decision-making processes are to be fair, accessible<sup>1</sup>, and applied consistently in comparable circumstances.
- Decision-making criteria are to be relevant, objective and readily available to the people subject to the decision.
- Decisions and actions are to be free of bias and unlawful discrimination.
- Documentation is sufficiently clear and comprehensive to render decisions transparent and capable of effective review.
- Public sector body heads are to ensure:
  - Their employees are aware of the requirements of the public sector employment principles, how they apply to decisions and actions in which they are involved, and the manner in which those decisions and actions may be reviewed.
  - All managers are provided with adequate information, guidance, training and support in applying the public sector employment principles.
  - Relevant processes are regularly reviewed for effectiveness.
  - The quality of decision making is monitored against the requirements of these



standards.

- Workplaces are harassment-free.
- No person will be subject to threats or other detriment as a result of bringing a complaint regarding a possible breach of the employment principles or these standards.

## 2017

Employees are treated fairly and reasonably when:

- Processes are fair, clear, and applied consistently in comparable circumstances.
- Criteria are relevant, objective and readily available to the people subject to the decision.
- Decisions and actions are free of bias and unlawful discrimination.
- Documentation is sufficiently clear and comprehensive to make decisions transparent and capable of effective review.
- There are no other grounds which contribute to unfair and unreasonable treatment

## Merit in employment

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## 2006

Standards prescribed in relation to the fair and reasonable treatment principle also apply in relation to the merit in employment principle. In addition, the following standards also apply:

- Employment decisions are to be based on the proper assessment of individuals'



work-related qualities, abilities and potential against the genuine requirements of the employment opportunity.

- Decision-making criteria are to be relevant, objective and readily available to the people subject to the decision.
- Decisions and actions are to be free of bias and unlawful discrimination.
- Decisions to appoint new employees or promote existing employees from a limited field of candidates are only to be made where candidates are identified based on objective criteria.
- Decisions to assign duties or transfer public sector employees (to roles at an equivalent level) are to be based on a proper assessment of the employee against the genuine requirements of the duties or role.

## 2017

Employment decisions are based on merit when:

- Individuals' work-related qualities, abilities and potential are assessed against the genuine requirements of the employment opportunity.
- Employees are appointed or promoted on the basis of relative ability.
- Processes are transparent and designed to identify a suitable field of qualified candidates.
- Employees are appointed or promoted from a limited field of candidates only where candidates are identified based on objective criteria.
- Employees are assigned duties or transferred to roles at an equivalent level based on a proper assessment of the employee against the genuine requirements of the duties or role.



# Equal employment opportunity

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## 2006

Standards prescribed in relation to the fair and reasonable treatment principle also apply in relation to the equal employment opportunity principle. In addition, the following standards also apply:

- An EEO policy statement is to be in place, widely accessible and reflected in all relevant processes.
- All employment related policies and procedures are to comply with applicable equal opportunity laws and support diversity across the workforce.
- The EEO principle and strategies are to be incorporated into workforce plans and promoted throughout the workplace.
- Decisions and actions affecting employees are not to be influenced by irrelevant personal characteristics.
- Public sector body heads are to be notified of any discrimination complaints against their organisation and the findings of associated investigations.
- Data in relation to implementation of the EEO principle is to be monitored and evaluated on a regular basis.

## 2017

Equal employment opportunity (EEO) is provided when:

- An EEO policy statement is in place, available and reflected in all relevant processes.
- Policies comply with applicable equal opportunity laws and support diversity across the workforce.
- EEO strategies are incorporated into workforce plans and promoted throughout

the workplace.

- Decisions and actions affecting employees are not influenced by irrelevant personal characteristics.
- Employers are notified of any discrimination or sexual harassment complaints in their organisation and the findings of associated investigations.
- EEO data is monitored and evaluated on a regular basis.

## Human rights

Open allClose all

### 2006

Not applicable.

### 2017

Human rights as set out in the Victorian Charter of Human Rights and Responsibilities are upheld when:

- Decisions give proper consideration to relevant human rights.
- Decisions and actions are compatible with human rights.
- Any limits put on a right are reasonable, necessary, justified and proportionate.

## Reasonable avenue of redress

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### 2006

Standards prescribed in relation to the fair and reasonable treatment principle also apply in relation to the reasonable avenue of redress principle. In addition, the following standards also apply:

- Employment related policies and procedures are to demonstrate a commitment to address employee workplace issues in an effective and timely manner.
- A written procedure, detailing the review process and the rights and responsibilities of participants, is to be available and communicated to all employees.
- Procedures are to encourage parties to resolve workplace issues internally and informally, before applying more formal internal or external processes.
- Review of a grievance is to be based on a consideration of all relevant facts and evidence.
- Appropriate delegation and accountability is to be assigned to enable a workplace issue to be effectively considered.
- The principles of natural justice and procedural fairness are to be applied throughout a review process.

### 2017

Employees have a reasonable avenue of redress against unfair or unreasonable treatment when:

- Employee workplace issues are addressed in an effective and timely manner.
- A written procedure, detailing the review process and the rights and responsibilities of participants, is available and communicated to all employees.
- Procedures encourage parties to resolve workplace issues locally and informally,

before applying more formal local or external processes.

- Reviews are based on a consideration of all relevant facts and evidence.
- Appropriate delegation and accountability is assigned to enable a workplace issue to be effectively considered.
- The principles of natural justice and procedural fairness are applied throughout a review process.

## Career public service

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### 2006

Not applicable.

### 2017

In public service bodies, the development of a career public service is fostered when:

- Career information is readily accessible in ways, in locations and at times that reflect the diverse needs of current and potential employees.
- Career information is relevant to people of all ages and at different points of their life but particularly during transitions such as entry to the workforce, return from parental leave or planning for retirement.
- Performance management conversations are used to develop employees' career-management skills by encouraging them to reflect on their ambitions, interests, qualifications and abilities in relation to possible learning and work opportunities.
- The focus is on life-long learning and sustained employability so that employees

can more readily move across occupational boundaries or change careers.

