



Government  
of South Australia

Office of the Commissioner  
for Public Sector Employment

# GUIDELINE OF THE COMMISSIONER FOR PUBLIC SECTOR EMPLOYMENT

## Public Sector Employee Mobility

**Public Sector Employee Mobility**

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## 1. INTRODUCTION

The South Australian Government has endorsed a centrally managed employee mobility strategy to actively prioritise the consideration of employees in the Department for Human Services (DHS) employed on an ongoing basis to be transferred into vacant roles/duties/positions across the public sector. This is as a result of the impact of the reforms following the introduction of the National Disability Insurance Scheme (NDIS) and Commonwealth Aged Care reforms (the Reforms); that have resulted and will continue to result in non-Government organisations providing services previously provided by State Governments.

This Guideline aims to support the retention of skilled and experienced public sector employees and minimise service disruption and risks associated with the loss of employees in service areas impacted by the Reforms.

The Guideline also aims to provide a vision for workforce mobility in the South Australian public sector that is responsive and adaptable to the needs of public sector agencies and employees. It is designed to support collaboration across public sector agencies to adopt whole of Government solutions to changing service and workforce requirements. This will occur by a high level of engagement, cooperation and collaboration.

Employee mobility incorporates workforce transition through the transfer of ongoing employees from positions which no longer exist to alternative funded roles/duties/positions across the South Australian public sector.

This Guideline should be read in conjunction with the *Premier's Direction: Public Sector Employee Mobility Strategy* issued pursuant to section 10 of the *Public Sector Act 2009 (SA)* (the PS Act) which prescribes minimum standards to which South Australian public sector agencies must comply.

The Commissioner for Public Sector Employment (the Commissioner) is empowered to issue Guidelines relating to public sector employment matters pursuant to section 14(d) of the PS Act.

This Guideline does not limit the use of section 9 of the PS Act to ensure flexible arrangements for transfer within the public sector, and is written with the following objects of the PS Act, to:

- promote a high performing public sector;
- ensure the public sector is viewed as an employer of choice;
- encourage public sector agencies and employees to apply a public sector-wide perspective in the performance of their functions;
- ensure accountability in the public sector;
- promote uniformity and transparency in governance arrangements for the public sector; and
- provide the framework for the State's Public Service and the effective and fair employment and management of Public Service and other public sector employees.

The Guideline is also intended to support the following principles as set out in the PS Act, to:

- provide services with a high level of efficiency and effectiveness;
- align structures and systems to achieve major strategies while continuing to deliver core services;
- ensure there is ongoing collaboration between public sector agencies; and
- treat public sector employees fairly, justly and reasonably.

## 2. GLOSSARY

**Materially affected DHS employee** – An employee employed on an ongoing basis who has received written notification that their role/duties/position will be impacted by the Reforms.

**Suitable Roles/Duties/Position** – A role/duties/position will be considered as suitable if an employee can perform the duties to a reasonable standard, within a reasonable period of time and with a reasonable level of training, education and/or other support.

**Suitability Matching Process** – Where more than one materially affected DHS employee is considered suitable and referred for a public sector vacancy by an Office of the Commissioner for Public Sector Employment (OCPSE) Workforce Transition Consultant (for which there is no suitable work injured or excess employee), a suitability matching process will be conducted to rank candidates. A panel will rank each candidate in order of suitability for the vacancy. The panel will include either a DHS representative or an OCPSE Workforce Transition Consultant who is able to provide detailed information about the candidate's skills and suitability.

**Priority Consideration** – Materially affected DHS employees will be considered as a priority for transfer to vacant roles/duties/positions (behind work injured and employees declared excess to requirements). Priority consideration is not limited to the pre-publication of vacancies.

## 3. AN EMPLOYEE MOBILITY STRATEGY FOR THE SOUTH AUSTRALIAN PUBLIC SECTOR - MINIMUM STANDARDS

In accordance with the *Premier's Direction – Public Sector Employee Mobility Strategy*, all relevant South Australian Public Sector Chief Executives and agency heads are required to:

- actively prioritise consideration of employees employed within DHS on an ongoing basis in a role/duties/position affected by or to be affected by organisational change resulting from the Reforms as if they were declared as excess to requirements, subject to first prioritising work injured employees and those declared as excess to requirements; and
- hold (and temporarily backfill where necessary) a relevant position for an ongoing DHS employee who is needed to be retained to support the implementation of the Reforms.

The Commissioner is required to monitor and oversee the extent to which chief executives, agency heads and delegates are complying with the above Direction. Where there is disagreement between the chief executive, agency head or delegate in DHS and the chief executive, agency head or delegate in another agency as to the suitability of a materially affected DHS employee for a transfer to a vacant role/duties/position in the other agency, the Commissioner will review the potential transfer and remit the matter to the relevant agency for further consideration with a recommendation as to the suitability of the employee. The chief executive, agency head or delegate in the potential receiving agency is to actively consider the recommendations of the Commissioner in determining the suitability of the employee to be transferred.

Attachments 1 and 2 have been developed to specifically guide the management of DHS employees affected by the Reforms.

## 4. APPLICATION

This Guideline is intended as whole of Government guidance for public sector agencies as defined by the PS Act, subject to the exceptions listed in the *Premier's Direction– Public Sector Employee Mobility Strategy* (with the exception of the Courts Administration Authority, the Legal Services Commission, the Independent Commissioner Against Corruption and Office for Public Integrity).

## 5. PRINCIPLES

The management of employees in accordance with this Guideline will be based on the principles of procedural fairness and involve:

- consultation with affected employees and relevant employee associations, consistent with relevant industrial instruments;
- consistent and timely communication with employees throughout the process;
- a commitment to transferring ongoing employees into vacant public sector roles/duties/positions as a priority (behind work injured and employees declared excess to requirements); and
- engagement, cooperation and collaboration across the public sector, as One Government, One Employer.

## 6. COLLABORATION

Collaboration is central to creating effective and sustainable solutions in accordance with Part 3, section 5(3) of the PS Act. The public sector is to:

- ensure there is ongoing collaboration between public sector agencies; and
- focus on whole-of-Government, as well as agency-specific, services and outcomes.

Materially affected DHS employees will work with an OCPSE Workforce Transition Consultant to develop their career transition plan.

Public sector agencies will be provided with support and advice from the OCPSE to act in accordance with this Guideline.

Public sector agencies will collaborate on the collection and sharing of statistical and reporting information for the effective monitoring of the Guideline and to assist with the Commissioner's reporting and monitoring role.

The OCPSE recognises the role of employee associations as representative of public sector employees and is committed to the establishment and development of effective relationships and will engage in a manner that reflects mutual good faith and respect.

## 7. GOVERNANCE AND REPORTING

The Commissioner has established a Committee to review, monitor and report on the implementation of *Commissioner's Determination 7: Management of Excess Employees – Redeployment, Retraining and Redundancy* ('The RRR Committee'). The RRR Committee's Terms of Reference has been extended to review, monitor and report on the implementation of this Guideline. The Committee will advise the Commissioner on the consistent and best practice adoption of the principles within this Guideline, including numbers of employees placed within agencies and number of disputed placements.

Representatives from the Committee will convene a panel of three members in the event that a dispute over the implementation of this Guideline cannot be resolved under the provisions listed in Attachment 3, and will report and make recommendations to the Commissioner. The Commissioner will then make a recommendation to the relevant chief executives and/or agency heads of the South Australian public sector for their consideration.

## 8. ROLES AND RESPONSIBILITIES

Section 5(5) of the PS Act states that “Public sector agencies are to – treat public sector employees fairly, justly and reasonably.”

All parties are expected to behave in a manner consistent with the PS Act and the *Code of Ethics for the South Australian Public Sector*.

A clear understanding of roles and responsibilities will ensure the policy objectives in relation to public sector mobility are met.

Under this Guideline, parties will have the following responsibilities:

<p>Commissioner for Public Sector Employment</p>	<ul style="list-style-type: none"> <li>• Issue and review Guideline.</li> <li>• Establish Workforce Transition Unit within the OCPSE.</li> <li>• Ensure the terms of reference for the RRR Committee include monitoring of the implementation of this Guideline.</li> <li>• Consult with public sector agencies on the Guideline.</li> <li>• In the event agreement cannot be reached, conduct a review and make a recommendation to the relevant Chief Executives and/or agency heads of the South Australian public sector for consideration.</li> </ul>
<p>Public Sector chief executives and agency heads</p>	<ul style="list-style-type: none"> <li>• Ensure agency compliance with this Guideline’s obligations and Premier’s Direction – Public Sector Employee Mobility Strategy.</li> <li>• Ensure vacancies are not unreasonably withheld or withdrawn.</li> <li>• Reduce the use of temporary labour hire staff and other contractors.</li> <li>• Maintain records and statistics to ensure appropriate monitoring and accountability.</li> <li>• Ensure collaboration and promotion across public sector agencies.</li> <li>• Provide the Commissioner with information when requested within a timely manner.</li> <li>• Consider recommendations of the Commissioner in relation to any reviews.</li> </ul>
<p>Agency Vacancy Hiring Managers</p>	<ul style="list-style-type: none"> <li>• Comply with any reasonable request by OCPSE to hold roles from being advertised or filled prior to actively prioritising DHS materially affected employees.</li> <li>• Ensure role descriptions accurately reflect the requirements of the vacancy/ies.</li> <li>• Meet with employees referred by OCPSE.</li> <li>• Positively consider a DHS materially affected employee’s skills and abilities and potential to transition into a vacancy, with or without appropriate support or training.</li> </ul>

	<ul style="list-style-type: none"> <li>• Discuss with the OCPSE Workforce Transition Consultant why a materially affected DHS employee cannot (with or without appropriate support or training) be placed into a vacancy, and provide written reasons to the OCPSE Workforce Transition Unit why the employee does not meet the suitability requirements under the Guideline. In the event that agreement is not reached, the matter will be referred to the RRR Committee.</li> <li>• Provide constructive feedback to the employee and OCPSE Workforce Transition Unit if the employee is deemed not suitable.</li> <li>• Collaborate with an OCPSE Workforce Transition Consultant in identifying potential development, e.g. job shadowing or placements to assist the employees in meeting a skill gap (where relevant).</li> <li>• Ensure employees are treated fairly, justly and reasonably, recognising that employees will have access to feedback from the hiring agency.</li> <li>• Where an employee is deemed suitable to be placed in a role and unable to commence immediately due to DHS service delivery needs, a commencement date is negotiated with the OCPSE Workforce Transition Consultant. The hiring agency will consider options to cover the role/duties/position during the period until the negotiated starting date, which may include temporary backfill in the vacancy or other strategies.</li> </ul>
DHS Managers	<ul style="list-style-type: none"> <li>• Confirm employment arrangements of materially affected DHS employees, resolve any outstanding issues including classification, performance issues, investigations or outstanding work injury claims, before referral to the OCPSE Workforce Transition Unit.</li> <li>• Continue to manage and develop employees in line with agency performance policies.</li> <li>• Accommodate attendance at interviews and OCPSE recommended training courses in work time.</li> <li>• In partnership with the OCPSE Workforce Transition Consultant, ensure the employee's access to support services and career development through the employee's Transition Plan.</li> <li>• Maintain positive communication with employees and OCPSE Workforce Transition Consultant.</li> <li>• Identify critical roles to ensure continuity of service in accordance with proper workforce planning. Where this will impact an employee's ability to commence in another suitable role/duties/position, this will be communicated to the OCPSE Workforce Transition Consultant.</li> </ul>
Employees	<ul style="list-style-type: none"> <li>• Continue to maintain performance and participate in business unit activity.</li> <li>• Be proactive in their own career and transition including developing a Transition Plan in consultation with an OCPSE Workforce Transition Consultant.</li> </ul>

	<ul style="list-style-type: none"> <li>• Prepare and maintain a resume with the OCPSE Workforce Transition Consultant, participate in the process in a positive manner and accept constructive feedback.</li> <li>• Contribute to the preparation of suitability statements based on specified role requirements for appropriate vacancies.</li> <li>• Comply with all lawful and reasonable managerial directions.</li> </ul>
OCPSE Workforce Transition Consultants	<ul style="list-style-type: none"> <li>• Communicate with the employee, DHS manager, agency vacancy hiring manager and any other nominated agency Human Resource delegate about the responsibilities within this Guideline.</li> <li>• Make regular contact with employees and partner with and empower them to be proactive in their own career transition.</li> <li>• Refer employees for appropriate vacancies and ensure priority consideration in line with this Guideline.</li> <li>• Maintain appropriate records, including (but not limited to) communication, resumes, Transition Plans and applicable vocational assessments.</li> <li>• Facilitate and promote collaboration across public sector agencies.</li> <li>• Recommend support and training for affected employees in accordance with an employee's Workforce Transition Plan or to address an identified skills gap for a suitable position.</li> <li>• Ensure materially affected DHS employees have access to the pre-publication of vacancies.</li> <li>• Where an employee is deemed suitable to be placed in a role and unable to commence immediately due to DHS service delivery needs, negotiate a commencement date with the agency vacancy hiring manager, in consultation with the DHS nominated representative.</li> </ul>

## 9. SUITABLE ROLES/DUTIES/POSITIONS

Roles, duties or positions will be considered suitable for a relevant employee to be transferred into if it is at the substantive classification level (or equivalent salary rate), even if the transfer of an employee may result in variation to work arrangements (including start/finish times, distance to the workplace). Due consideration will be given to the employee's personal circumstances when considering any transfer.

A role will be considered suitable for an employee to be transferred to if the employee can perform the duties to a reasonable standard, within a reasonable period of time and with a reasonable level of training, education and/or other support.

The suitability of an employee to be transferred to a vacant role/duties/position will be determined through an initial assessment by the OCPSE Workforce Transition Consultant of the employee's substantive classification level (or equivalent salary rate), transferable skills and competencies against the stated requirements of the role, duties or position, and the Agency Vacancy Hiring Manager.

A suitability matching process (see Glossary) will rank candidates where more than one materially affected DHS

employee is considered suitable for a public sector vacancy.

The ranking must be based on an assessment of relative suitability based on criteria detailed in the role description and an employee's appropriate skills match for the role, including consideration of substantive classification, hours and location. Based on these rankings, employees will be placed in the vacancy/ies.

## **10. MOBILITY PATHWAY REVIEW PROCESS**

The review process in relation to this Guideline is contained in Attachment 3.

## **11. REVIEW OF GUIDELINE**

A review of the Guideline will be conducted 12 months after the date of re-publication of this Guideline. Agencies, employees and relevant employee associations will be consulted as part of the review.

## 12. ATTACHMENT 1 – DHS WORKFORCE MOBILITY PATHWAY

### 12.1 PURPOSE AND SCOPE

The Workforce Mobility Pathway will assist DHS employees employed on an ongoing basis and materially affected by the Reforms to transfer to alternate public sector employment, whilst maintaining service continuity for clients.

Materially affected DHS employees will have access to career transition support and advice, centrally managed by OCPSE.

As decisions are made for services to transition, materially affected DHS employees will be advised in writing they are materially affected and their employment options detailed, including:

- information about DHS support and access to the OCPSE workforce transition services;
- priority access to vacancies behind work injured and employees declared excess to requirements; and
- access to pre-publication vacancies through the I WORK FOR SA website.

Some materially affected DHS employees may have an option to transfer with a service area to a non-Government organisation. In this case, ongoing employees who have not transferred with the service area at the date of transfer, or have not been transitioned into other public sector employment by this same date, may be declared excess and managed under the relevant redeployment, retraining and redundancy process. All avenues will be explored before employees are declared excess to requirements.

If a materially affected DHS employee does not have an opportunity to transfer to a vacant role/duties/position, at some stage their substantive position will no longer be required. At that point, they may be declared as excess to requirements and managed under the relevant redeployment, retraining and redundancy process. All avenues will be explored before employees are declared excess to requirements.

Materially affected DHS employees will be given positive consideration for transfer into suitable vacant roles/duties/positions at their substantive classification (or equivalent salary rate) identified by the OCPSE Workforce Transition Unit.

Where a vacancy is withdrawn following the referral of an employee by an OCPSE Workforce Transition Consultant for consideration to be transferred to a vacant role/duties/position, the hiring agency concerned will be required to provide written reasons within five working days why the vacancy was withdrawn to the OCPSE Workforce Transition Unit (using the template in the accompanying Practitioners' Guide).

### 12.2 TRANSITION PROCESS

These transition principles are to be read in conjunction with the DHS Workforce Mobility Pathway flowchart (Attachment 2).

If an employee is employed in a service area with functions that are to be provided by a non-Government organisation, materially affected DHS employees will have an option to either;

- accept any offer of employment with a non-Government service provider; or
- remain employed within the public sector and work with an OCPSE Workforce Transition Consultant to find suitable alternate substantive employment to transfer to.

Employees will only be actively case managed by OCPSE and given priority access to suitable vacancies if they elect to remain employed within the public sector.

All DHS vacancies will be considered for materially affected DHS employees prior to advertising within the public

sector through DHS Our People First policy. These vacancies will be managed outside of the Guideline, in line with the PS Act, and will not be subject to the RRR Committee's Terms of Reference.

If an employee elects to remain employed within the public sector or if an employee is in a service area with functions not to be provided by a non-Government provider;

- officers in DHS will refer the employee to the OCPSE Workforce Transition Unit. Upon acknowledgement by the Workforce Transition Unit and receipt of an employee's details, an OCPSE Workforce Transition Consultant will be allocated. The OCPSE Workforce Transition Consultant will contact the employee within the first week of being referred to commence the DHS Workforce Mobility Pathway.

The OCPSE Workforce Transition Consultant will assist the employee to:

- prepare a Résumé;
- develop a Workforce Transition Plan, including a summary of the employee's transferrable skills, in consultation with the employee, as soon as practicable, taking into consideration the employee's individual circumstances;
- identify any areas where the employee requires or could otherwise benefit from further development; and
- ensure the employee is given priority access for possible transfer to vacant roles/duties/positions at their substantive classification (or equivalent salary rate), within the public sector (after consideration of work injured employees and employees declared excess to requirements).

Workforce Transition support will continue until a suitable vacant role/duties/position in the public sector is identified up until the time the impacted services are transitioned or the employee's substantive role/duties/position is abolished to requirement during the implementation of changes resulting from the Reforms. At that time, if no suitable vacancy is identified, employees will be managed by DHS under the relevant redeployment, retraining and redundancy process and may continue to receive case management support by OCPSE.

### 12.3 VACANCY IDENTIFICATION

OCPSE Workforce Transition Consultants and materially affected DHS employees will have access to I WORK FOR SA vacancies during the pre-publication period.

Where a vacant role/duties/position in the public sector is identified which a materially affected DHS employee has suitable skills to warrant a transfer, and there are no suitable work injured or declared excess employees for the vacancy, the OCPSE Workforce Transition Consultant will:

- make contact with the agency vacancy hiring manager to request the employee is given priority access;
- request that a hold be placed on the vacancy, or if published, that an offer of employment in respect of the role/duties/position not be made until the suitability of the proposed employee has been assessed;
- provide a copy of the employee's résumé, including core competencies relating to the essential requirements of the vacancy;
- arrange a meeting between the agency vacancy hiring manager and the employee to discuss a potential placement. An employee will be considered suitable if able to demonstrate capabilities to perform the role/duties/position to a reasonable standard, within a reasonable period of time and with a reasonable level of training, education and/or other support;
- require an officer in the hiring agency to demonstrate why the employee is not suitable in line with

the standard requirement under the Guideline;

- if the employee is considered to be suitable for the role/duties/position, seek to ensure that the chief executive/agency head or a delegate in the relevant agency proceeds with appointing and transferring the employee;
- if there is more than one materially affected DHS employee referred for the same vacancy, ensure a suitability matching process is conducted (see Glossary);
- if the employee is required to remain with their substantive business unit in DHS to ensure continuity of service provision until functions cease to be provided by the Government, seek to ensure a starting date is negotiated between the OCPSE Workforce Transition Consultant and the agency vacancy hiring manager, in consultation with the nominated DHS Manager. Further, seek to ensure the decision maker in the hiring agency considers options to cover the role/duties/position during the period until the negotiated starting date, which may include temporary backfill in the vacancy or other strategies;

Additionally:

- it is acknowledged that where a suitable substantive ongoing role/duties/position has not yet been identified, transfer of the employee into a term/temporary role/duties/position may be appropriate and assist to enhance an employee's skills and experience or referees, and may enhance placement opportunities.
- where an eligible DHS employee is transferred to a term/temporary role with a term of less than 12 months duration, the OCPSE Workforce Transition Consultant will monitor the placement and three months prior to the expiry date will contact the employee and their manager to determine the likelihood of extension in the role/duties/position. If unlikely, the OCPSE Workforce Transition Consultant will restart the job search process;
- if the employee is considered not suitable for transfer to the role by the agency vacancy hiring manager, written feedback is to be provided on the template provided to the OCPSE Workforce Transition Unit clearly stating the reasons why the employee cannot perform the role with or without appropriate training; and such feedback is to be provided within five working days. The relevant parties are to attempt to negotiate a resolution where there is disagreement about the apparent suitability of an employee to be transferred and where agreement cannot be reached, written reasons are to be provided to the Commissioner
- where there is a dispute about the suitability of an employee to transfer to a role/duties/position in the particular agency, the Review provisions within Attachment 3 of the Guideline will apply. If a transfer of the employee cannot be agreed, the issue may be referred to the RRR Committee and the Commissioner, who will review the potential transfer and remit the matter to the relevant agency for further consideration with a recommendation as to the suitability of the employee. The relevant chief executive, agency head or delegate is to consider any recommendations of the Commissioner in determining the suitability of the employee to be transferred to the vacant role/duties/position; and
- in the event that no suitable role/duties/position is identified by the time services come to be delivered by a non-Government organisation; or if a particular role/duties/position in DHS is no longer required, the employee will continue to be case managed in an effort to identify a suitable alternative substantive role/duties/position in to which they can be transferred.

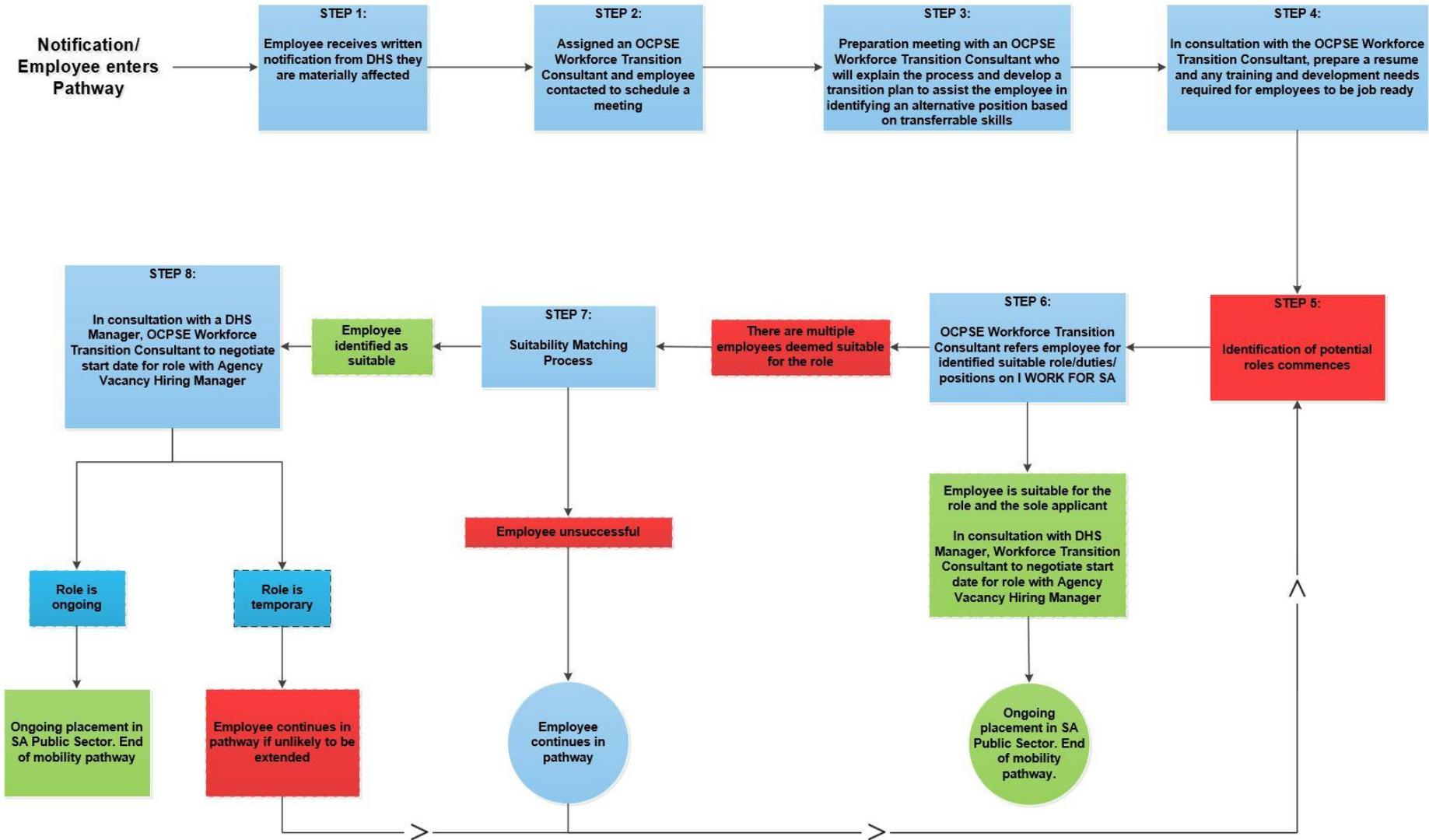
## 12.4 EMPLOYEE ASSISTANCE PROGRAM

Employees will be provided with support and assistance throughout the transition process, including to better manage the emotional and psychological aspects of change through the Employee Assistance Program (EAP).

These services are accessed through DHS People and Culture and are provided in a confidential manner that protects the anonymity of the employee and any information gathered as part of this service provision.

### 13. ATTACHMENT 2 - DHS WORKFORCE MOBILITY PATHWAY FLOWCHART

#### DHS Workforce Mobility Pathway



## 14. ATTACHMENT 3 – DHS WORKFORCE MOBILITY PATHWAY REVIEW PROCESS

It is acknowledged that the review process outlined below does not diminish/detract from any rights of review available to an employee within any applicable legislation or industrial instrument. The process outline is intended to resolve issues arising from the implementation of this Guideline in a prompt and effective manner, acknowledging the need to fill vacancies quickly and efficiently. Internal transfer of DHS employees are excluded from this review process.

In order to resolve issues as soon as practicable, issues in relation to the application of these principles should be handled as follows;

- Step 1: Employee/Consultant raises issue with the manager (see table below). A meeting will be held between the relevant parties in order to identify an agreed resolution as soon as practicable, and no later than five business days. The vacancy will remain on hold pending the resolution of the matter.
- Step 2: If agreement or a resolution cannot be reached, the issue may be referred to a three person panel formed from the RRR Committee. Representatives from agencies not directly involved in the dispute (i.e. not the Hiring agency and DHS) will consider the dispute and make a recommendation to the Commissioner.
- Step 3: The Commissioner will consider any recommendations of the panel and make a recommendation to the relevant chief executive and/or agency head for consideration.

Issue	Responsibility	Action
Agency not placing a vacancy on hold	OCPSE Workforce Transition Consultant	The consultant should in the first instance raise the issue with the Agency Vacancy Hiring Manager or Agency Human Resource representative to attempt to resolve the matter.  If unresolved, proceed to Step 2 and Step 3
Employee not referred for a role in pre-publication vacancy	Employee	The employee should in the first instance discuss the issue with the OCPSE Workforce Transition Consultant regarding the reasons why the employee was not referred for consideration for the role/duties/position. If there are still concerns, the matter should be referred to the Manager of the OCPSE Workforce Transition Unit to attempt to resolve the matter.  If unresolved, proceed to Step 2 and Step 3
Case management of an employee	Employee	The employee should in the first instance discuss the issue with the OCPSE Workforce Transition Consultant. If there are still concerns, the matter should be referred to the Manager of the OCPSE Workforce Transition Unit to attempt to resolve the matter.  If unresolved, proceed to Step 2 and Step 3
Hiring agency not accepting recommended employee for placement	OCPSE Workforce Transition Manager	A meeting will be convened between the OCPSE Workforce Transition Consultant, and Agency Vacancy Hiring Manager to discuss agency feedback and reasons and seek a collaborative resolution.  If unresolved, proceed to Step 2 and Step 3