

Australian Capital Territory

Corrections Management (Prisoner Employment) Policy 2009

Notifiable instrument NI2009-149

made under the

***Corrections Management Act 2007*, section 14(1) (Corrections policies and operating procedures)**

1 Name of instrument

This instrument is the *Corrections Management (Prisoner Employment) Policy 2009*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policy

I make the

PRISONER EMPLOYEMENT POLICY

attached to this instrument, to facilitate the effective and efficient management of correctional services.

James Ryan
Executive Director
ACT Corrective Services
25 March 2009



Alexander Maconochie Centre (AMC)



PRISONER EMPLOYMENT POLICY

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Purpose

To outline the prisoner employment policy for the AMC.

Authority

Legislation

Corrections Management Act 2007, sections 14, 218, and 219.

Policy

Principles

All sentenced prisoners will be encouraged to actively participate in approved work programs or to seek employment as vacancies arise, unless –

- the prisoner has certification from the Centre's medical staff stating they are unfit to work; or
- the prisoner is on an approved full-time program in accordance with their Rehabilitation Plan.

All applications for employment programs must be considered and approved by the Prisoner Employment Manager before the prisoner commences work.

The following applies -

- appointment to any position will only be made if a vacancy at that level exists within the approved employment profile;
- the Prisoner Employment Manager is to review the employment profile for the AMC every three months and ensure that the details maintained in the JOIST database accurately reflect the approved employment profile;
- the Senior Employment Officer is responsible for maintaining the employment database in JOIST;
- unemployed prisoners will be encouraged to apply for any available vacancy providing it is consistent with their Rehabilitation Plan;
- the CO3/Intel officer will comment on any application for employment;
- prisoners will be interviewed by the respective work area supervisor and recommendations for employment will be forwarded to the Prisoner Employment Manager for approval;
- prisoners who are currently employed may apply for a transfer to another employment area of their choice providing it is consistent with their Rehabilitation Plan. They may be placed on a waiting list until a vacancy exists in that area;
- prisoners refusing to actively participate in approved programs, including work programs will forfeit unemployment allowance and will be classified as a Non Worker; and
- any prisoner classified as Non Worker will not receive any remuneration for up to 7 days, after which the Prisoner Employment Manager must review and update their employment status.

Process

All employment is to be managed in accordance with this procedure and as outlined in the *Prisoner Employment Flowchart*.

The following applies:

- on reception to the AMC all sentenced prisoners will be interviewed by medical staff and provided with a Medical Clearance which will indicate the areas a sentenced prisoner can work;
- on receipt of an application to work, remand prisoners will be interviewed by medical staff and provided with a Medical Clearance which will indicate the areas a prisoner can work;
- on entering an accommodation unit the CO2 is to ensure that the prisoner undertakes the OHS Induction course as soon as possible so that the prisoner can then seek employment in the relevant areas for that accommodation unit, either in the unit or in the associated program areas;
- the Case/Unit Officer will assist the prisoner to complete a *Prisoner Application Form* for Employment;
- the Case/Unit Officer will provide a comment on the application as to the suitability of the prisoner for the job and then forward the application to the Prisoner Employment Manager;
- the Prisoner Employment Manager will liaise with the relevant area CO3/Intel Officer and the relevant Work Area Supervisor to confirm applicant's suitability and that a position is available;

- the Prisoner Employment Manager will then consult with the Sentence Planning Group to ensure that the employment program area applied for is consistent with the prisoner's Rehabilitation Plan;
- the Prisoner Employment Manager will then consider the application and advise the relevant work area supervisor of the result; either the prisoner will be employed; refused the job or placed on a waiting list if no current vacancy exists;
- all work area supervisors are to liaise with the Prisoner Employment Manager, to confirm their current area vacancies, and/or waiting lists;
- the Senior Prisoner Employment Officer will ensure the prisoners' employment status is updated in the JOIST database, including; case notes associated with the prisoners' employment process, interviews arranged, result of interviews and any other intervention undertaken; and
- Poor employment performance or workplace behavioural issues, including any recommendations for dismissal are to be documented on the *Prisoner Employment Suspension/Termination Form* and forwarded to the Prisoner Employment Manager for action.

Employment application and approval

Medical assessment

On reception to the AMC all sentenced prisoners will be interviewed by medical staff for a Medical Clearance which will indicate which areas the prisoner can work. The original will be placed on the prisoners' medical file and a copy of the result will be added to the JOIST database by the Correctional Officer assigned to the Health Centre.

Prisoner application process

The application process commences at the prisoner's induction but is designed to address any subsequent request/or change in a prisoner's employment program status.

The following applies:

- during the induction process the case officer will assist the prisoner to complete a *Prisoner Application Form* for Employment;
- completed applications are to be forwarded to the Prisoner Employment Manager who will liaise with the relevant area CO3/Intel Officer and the relevant Work Area Supervisor to confirm the applicant's suitability and that a position is available;
- the Prisoner Employment Manager will consult with the Sentence Planning Group or in the case of the applicant being on remand, the Remand Review Team to ensure that the application is consistent with the applicants Rehabilitation Plan;
- the Prisoner Employment Manager will then either approve or deny the application and record the outcome;
- the administrative officer is to ensure that the original signed hard copy is placed on the prisoner's File and will forward a copy to the relevant work area supervisor;
- the work supervisor is responsible for notifying the prisoner of the outcome of their application and notifying them of their commencement date if applicable;

- the Senior Employment Officer is responsible for the recording and maintenance of all employment details on the JOIST database;
- if no vacancies exist, prisoners applying for work programs will be recorded on a waiting list; and
- sentenced prisoners are to receive preference over remand prisoners when considering work program applications taking into consideration any behavioural and prisoner management issues.

Sentence Planning Group

Sentenced Prisoner employment applications and approvals will be a standing agenda item on the Prisoner Rehabilitation Plan meeting of the Sentence Planning Group.

Remand Review Team

Remand Prisoner employment applications and approvals will be a standing agenda item on the Remand Review Team meeting.

Prisoners working in kitchens

A prisoner must be excluded from working in food preparation areas on medical grounds if a prisoner has any condition deemed by medical staff that indicates the prisoner is not suitable to work in a food preparation area.

Medical staff must determine the period of exclusion and issue a medical clearance where a prisoner is assessed as suitable to work in the kitchens.

Prisoners employed in the food preparation area will be re-examined on an annual basis.

Sentenced Prisoners

A *Prisoner Application Form* for Employment will be initiated by the case officer and forwarded to the work area supervisor to the Prisoner Employment Manager for approval.

The Prisoner Employment Manager will notify the Sentence Planning Group of the applicants to be considered that week. The relevant Sentence Planning Group members will conduct all necessary checks in preparation for the weekly committee meeting.

The work area supervisor must -

- where an application for employment is approved or where an application for employment is placed on a waiting list, provide notification to the prisoner;
- maintain a waiting list of approved applications for their respective work area, where applicable; and
- where an application for employment is not approved, the prisoner is to be informed by the work area supervisor or through the case officers.

No prisoners will be permitted to commence a remunerated work program without the approval of the Prisoner Employment Manager.

Remand Prisoners

Remand Prisoners are not required to participate in employment programs; however, any remand prisoner may apply for employment within the remand area.

A Prisoner Application Form for Employment will be initiated by the case officer and forwarded to the Prisoner Employment Manager for approval.

The Prisoner Employment Manager will notify the Remand Review Team of the applicants to be considered that week. The Remand Review Team members will conduct all necessary checks in preparation for the weekly committee meeting.

The relevant work area supervisor must -

- where an application for employment is approved or where an application for employment is placed on a waiting list, provide notification to the prisoner;
- maintain a waiting list of approved applications for their respective work area, where applicable; and
- where an application for employment is not approved, the prisoner is to be informed by the work area supervisor or through the case officers.

No remand prisoners will be permitted to commence a remunerated work program without the approval of the Prisoner Employment Manager.

Bulk store

Only Prisoners residing in the Transitional Release Centre are eligible to apply for employment in the Bulk Stores area.

Prisoner applications to work in the bulk store must in the first instance be assessed in accordance with standard prisoner employment process. In addition to being approved by the Prisoner Employment Manager, the Superintendent will make the final determination to approve the application.

No prisoner will be permitted to commence work in the bulk store without the approval of the Superintendent.

Workplace health and safety

The relevant work area supervisor is responsible for providing the employed prisoner with a workplace induction and providing necessary personal protection equipment and instruction on its use and maintenance.

Forfeiture of unemployment allowance

Prisoners refusing to actively participate in approved programs, including work programs will be classified as a Non Worker and forfeit unemployment allowance for a period of up to 7 days. After which the Prisoner Employment Manager will review the prisoners' employment status.

The work area supervisor must submit a report to the Prisoner Employment Manager if a prisoner refuses to participate in the work program. A hard copy of the report is to be included in the prisoners file.

The Prisoner Employment Manager is to ensure a copy of the report is to be forwarded to the trust accounts officer advising them to cease the payment for a specified time up to 7 days.

Prisoners poor work performance

The work area supervisor must notify the Prisoner Employment Manager of any prisoners displaying poor work performance and/or unacceptable workplace behaviour. The Prisoner Employment Manager will ensure that the prisoner is interviewed. The interview must identify the areas relating to the prisoner's poor performance. Where possible, the following should be achieved -

- strategies the prisoner can use to improve performance; and
- agreement by the prisoner to undertake these strategies to improve their performance.

Work area supervisors must document the interview on the prisoner's file as a case note.

Suspension process

Prisoners displaying poor work performance and or unacceptable behaviour may be suspended from employment by the work area supervisor, who will notify the Prisoner Employment Manager as soon as practicable.

The work area supervisor must document the suspension on the prisoner's file as a case note and make recommendations as to the period and conditions of the suspension.

The Prisoner Employment Manager will advise the trust accounts officer to cease or reduce payment for the specified time not exceeding 7 days.

A copy of the *Prisoner Employment Suspension/Termination Form* is to be forwarded to the Senior Employment Officer who will update the employment details in JOIST.

The prisoner is to be notified in writing if a decision to suspend them from or terminate their participation in an employment program is made.

Process for termination of prisoner from employment

Where an officer or work area supervisor has determined that a prisoner has displayed inappropriate behaviour or acted in a manner that would affect the good order and security of the facility the prisoner may be suspended and returned to the relevant accommodation area pending a decision from the Prisoner Employment Manager whether to terminate the employment.

The following also applies -

- the work area supervisor must complete an *Employment Program Suspension/Termination Form* that details the reasons for the termination;
- the work area supervisor may only suspend prisoners in the following instances where it would be appropriate to terminate a prisoner's employment immediately –
 - dangerous workplace practice;
 - sabotage to plant, equipment, materials, work in progress or finished product;
 - behaviour that affects the safety and security of the Centre; and
 - abusive or threatening behaviour towards staff;

The Prisoner Employment Manager will advise the trust accounts officer to cease or reduce payment for the specified time not exceeding 7 days.

A copy of the *Prisoner Employment Suspension/Termination Form* is to be forwarded to the Senior Employment Officer who will update the employment details in JOIST.

The prisoner is to be notified in writing if a decision to suspend them from or terminate their participation in an employment program is made.

Prisoner health, sick leave, absenteeism

Where a prisoner is deemed unfit for work after examination by health services staff, the prisoner must present his work area supervisor with a medical certificate on the next working day.

If medically unfit for work the prisoner will, on presentation of a medical certificate be paid for that day/s at unemployment rates.

When a prisoner fails to obtain a medical certificate for absent days he/she will not be paid and will not receive unemployment allowance for that day/s.

The work area supervisor may also consider recommending the prisoner be suspended/terminated from the employment program.

Requests for transfer

Prisoners wishing to transfer between work areas are to complete a *Prisoner Application Form* for Employment outlining the reason/s for their application.

The following applies:

- when a vacancy occurs in an employment area, the work area supervisor will reference the waiting list for that area;
- the CO3/Intel Officer will be asked to comment on the transfer;
- the work area supervisor will conduct interviews and identify suitable applicants. If the prisoner wishes to transfer into the vacancy he must inform his current work area supervisor and case/unit officer of his request to transfer as soon as possible;
- if the current work area supervisor and case/unit officer recommend the transfer, the intended work area supervisor will facilitate the transfer;
- the trust accounts officer is to be advised of the change of work location; and
- a copy of the completed employment transfer application must be forwarded to the Senior Employment Officer who will update the employment details in JOIST.

Remuneration

The Superintendent must approve all position descriptions and associated levels of remuneration. The remuneration for each position will be determined according to the position description with consideration of:

- experience and knowledge required;
- level of responsibility/trust/initiative required;
- level of skill and ability required; and
- level of supervision required.

Rates of pay during absences

Detailed below in tabular form is what is to occur in relation to a prisoners pay in relation to certain situations where the prisoner is away from his place of work –

Occurrence	Remuneration
Escort to Court	Same as unemployment
Escort to hospital with a medical form	Same as unemployment
Sick with a medical certificate	Same as unemployment
Leave of Absence (LOA)	Same as unemployment
Workshop closure	Normal level
Public holiday	Normal level
Unauthorised absence / fail to attend	Will not be paid for the day or receive unemployment
Sick without medical certificate	Will not be paid for the day or receive unemployment

Prisoners absent from work for the following reasons will not be authorised remuneration:

- prisoners participating in an action whereby they refuse to work;
- prisoners who are suspended or terminated from their employment;
- prisoners on safety orders or separate confinement orders; and
- prisoners who refuse to work must not receive unemployment allowance or any remuneration.

Forms/Templates

Prisoner Application Form (Programs, Education, Employment)

Prisoner Employment Agreement

Prisoner Employment Flowchart

Prisoner Employment Suspension/Termination Form

Related policies and procedures

Accident and Injury Reporting Procedure

Incident Reporting Policy

Incident Reporting Procedure

Management of Tools Policy

Management of Chemicals and Cleaning Materials Policy

Prisoner Discipline Procedure

Prisoner Remuneration Policy

Schedule of Penalties