

Australian Capital Territory

Corrections Management (Detainee Work) Policy 2019

Notifiable instrument NI2019-863

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Detainee Work) Policy 2019*.

2 Commencement

This instrument commences on the day after its notification day.

3 Policy

I make this policy to facilitate the effective and efficient management of correctional services.

4 Revocation

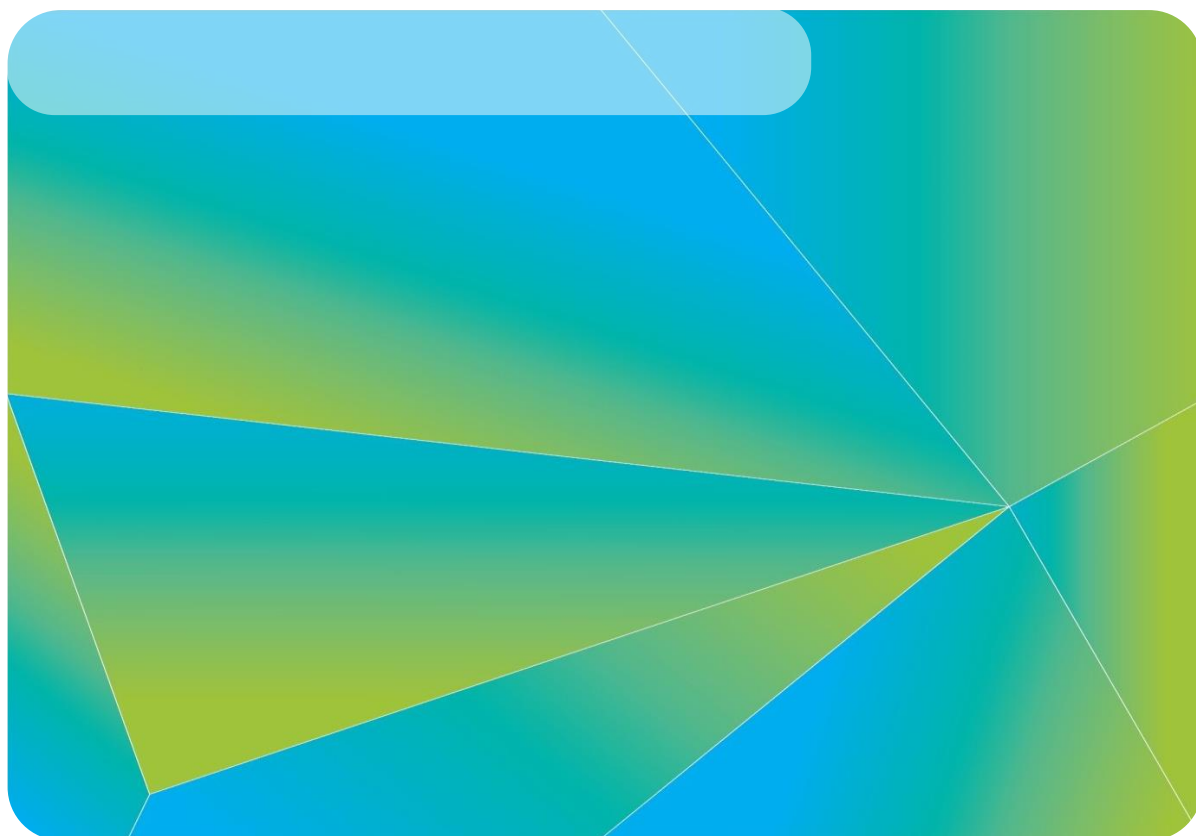
This policy revokes the *Corrections Management (Prisoner Employment) Policy 2009* [NI2009-149].



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ACT Corrective Services
20 December 2019

DETAINEE WORK

POLICY NO. D35



ACT
Government

Justice and Community Safety

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1 PURPOSE

ACT Corrective Services (ACTCS) is committed to ensuring that detainees have access to, and are encouraged to participate in, activity that is remunerated and develops skills that support employment outcomes on return to the community.

This policy establishes the requirements for detainee work in a correctional centre.

2 SCOPE

This policy applies to all correctional centres in the ACT.

Where required, the General Manager Custodial Operations will establish operational procedures under this policy.

3 DEFINITIONS

Employment Supervisor

The staff member responsible for management, coordination and selection of detainees for work activities.

Remunerated activity

Includes detainee work, criminogenic programs and education.

Remuneration

Monies paid to a detainee's trust fund account in recognition of their participation in remunerated activities.

Work Supervisor

The staff member responsible for supervising detainees undertaking work activities.

4 PRINCIPLES

- 4.1 ACTCS is committed to providing work to detainees to encourage the normalisation of employment and opportunities for professional development that enhance reintegrative outcomes on release.
- 4.2 ACTCS is committed to providing opportunities for detainees to receive accredited vocational training relevant to their work activity.
- 4.3 Criminogenic programs will be remunerated at the highest level to all other remunerated activities.
- 4.4 Detainees on remand can request to participate in work.

- 4.5 ACTCS provides a safe work environment and training for all detainees that is equivalent to work health and safety standards applicable in the community.

5 MANAGEMENT OF DETAINEE WORK

- 5.1 The Head of Detainee Services will maintain a Detainee Work Profile for a correctional centre identifying the:
- a. work and other remunerated activities available; and
 - b. remuneration level for each activity undertaken.
- 5.2 Information about eligibility for trusted work activities will be made available to all detainees.
- 5.3 The GMCO will review the Detainee Work Profile annually following the Executive Director's review of remuneration rates under the *Detainee Trust Fund Management Policy*.
- 5.4 A safety and equipment orientation form will be maintained and outline the work health safety orientation requirements for each work activity.
- 5.5 Risk management processes will be established for the identification of risks in detainee work activities and potential for harm to:
- a. detainees;
 - b. staff; and/or
 - c. the environment.

Duty Statements

- 5.6 A Duty Statement will be maintained for each work activity outlining:
- a. the requirements, duties and conduct that constitutes acceptable performance in the activity; and
 - b. the work health safety and duty of care obligations applying to the work environment.
- 5.7 Duty Statements will be provided to detainees on commencement of a work activity. Detainees are required to sign their Duty Statement and agree to the standard required for their work activity.

Kitchen and bakery work

- 5.8 Detainees may not be eligible to participate in trusted work in a kitchen or bakery on medical grounds, including but not limited to a diagnosis of infectious disease including but not limited to Hepatitis or Influenza A viruses.

Trusted work outside the secure perimeter

- 5.9 In addition to the approval processes for trusted work in section 6, the GMCO must make the final determination for any detainee to be approved for work outside the secure perimeter of a correctional centre.
- 5.10 Detainees must not commence work outside the secure perimeter prior to approval under section 5.9.
- 5.11 Where a detainee has been refused approval to work outside the secure perimeter, reasons may not be provided if to do so jeopardises the safety of any person, or security or good order at a correctional centre.

6 ACCESS TO WORK

6.1 All detainees will be provided with information on work activities on induction to a correctional centre in order to assist in identifying opportunities to participate in work (*Induction Policy*).

6.2 Detainees may only be approved for a work activity where a vacancy exists.

Accommodation unit work

6.3 Detainees can access work activities in their accommodation area by submitting a *D35.F3: Detainee Work Application Form*.

6.4 The Area Supervisor will forward all applications to the Employment Supervisor for assessment.

6.5 The Employment Supervisor will determine whether a detainee is suitable and complete the relevant section of the *D35.F3: Detainee Work Application Form*.

6.6 If no vacancy exists, the detainee will be placed onto a waiting list for their accommodation area.

6.7 As a vacancy arises, the Area Supervisor will consider the:

- a. past work performance;
- b. detainee's desire to improve their knowledge and skills; and
- c. any special needs,

of the detainee when assigning them to a work activity.

Fitness to work

6.8 Where there is any doubt about a detainee's fitness to participate in a work activity, the relevant Area Supervisor or Employment Supervisor must request a 'Fit for Work Certificate' for the detainee.

Trusted Work

- 6.9 The Detainee Work Profile will include a schedule of trusted work activities available to detainees on Standard or Enhanced level under the *Incentives and Earned Privileges Policy*.
- 6.10 Where a detainee wishes to participate in a trusted work activity, they must submit a *D35.F1: Trusted Work Application*.
- 6.11 The Employment Supervisor will assess a detainee's suitability for a trusted work activity by conducting a risk assessment to:
- a. confirm the detainee is fit to participate in the work activity;
 - b. confirm the detainee is eligible for the activity according to the relevant Duty Statement and *Incentives and Earned Privileges Policy*;
 - c. confirm there are no non-association orders or security concerns between the detainee and any other detainee participating in, or in contact with, the work activity;
 - d. confirm with the relevant Accommodation Area Supervisor that the detainee's behaviour and conduct in their accommodation area has been appropriate for a trusted work activity; and
 - e. consider any relevant information provided by the Intelligence and Integrity Unit regarding the detainee.
- 6.12 In conducting an assessment under section 6.11, the Employment Supervisor may conduct an interview with the detainee.
- 6.13 Where the Employment Supervisor has found a detainee eligible for the trusted work activity, they will complete the relevant sections of the *D35.F1: Trusted Work Application* and provide a copy to the detainee.
- 6.14 Where the available trusted work activity does not have capacity for additional workers, a detainee will be placed on a waiting list until a vacancy arises.
- 6.15 Detainees may be required to complete work-specific training under section 7 prior to commencing in a work activity.

7 TRAINING AND WORK HEALTH SAFETY

- 7.1 Detainees must satisfactorily complete all required training in the Duty Statement prior to commencing in the work.
- 7.2 On commencement, detainees will receive a site-specific orientation on the:
- a. identified risks and treatments related to the work activity;

- b. appropriate use of Personal Protective Equipment (PPE) where required;
 - c. operating and safety procedures for use of each equipment item;
 - d. injury procedures; and
 - e. work health safety and responsible conduct in the work environment.
- 7.3 Following completion of the orientation, the detainee and work supervisor will sign the relevant safety and equipment orientation form to verify that the orientation has been completed.
- 7.4 The safety and equipment orientation form under section 7.3 may be updated at appropriate intervals according to risk assessment (*Work Health and Safety (How to Manage Work Health and Safety Risks) Code of Practice 2011*).
- 7.5 Operating instructions must be displayed alongside any static equipment used by detainees.

8 SUPERVISION AND WORK PERFORMANCE

- 8.1 Work activities will always be supervised by at least one (1) supervising officer who can provide instruction and management of the work environment in accordance with equivalent work health safety standards in the community.
- 8.2 Work supervisors will:
 - a. provide signed detainee pay sheets to the Employment Supervisor by COB each Friday; and
 - b. record work attendance by detainees.

Work performance

- 8.3 Work supervisors are responsible for appropriately monitoring the standard and quality of work performance against the standards in the relevant Duty Statement, and:
 - a. providing positive, verbal reinforcement, to detainees completing their work to the required standard;
 - b. coaching detainees on meeting the requirements for adequate work performance; and
 - c. acting in accordance with section 11 where a detainee fails to complete their work to an adequate standard.
- 8.4 Where a detainee repeatedly fails to meet the standard of work performance in the relevant Duty Statement, the work supervisor may dismiss the detainee in accordance with section 11.

- 8.5 Where a detainee breaches a requirement in their Duty Statement, this may be dealt with under section 11 and/or the *Discipline Policy*.

Pay sheets

- 8.6 Detainees will be provided with a pay sheet on commencement of a work activity and are required to take ownership and ensure their pay sheet is always completed and current.
- 8.7 Detainees must provide their pay sheet to their work supervisor to sign each day once they have completed their work.
- 8.8 Detainees must provide their pay sheet to their work supervisor by COB each Friday for processing.

9 REMUNERATION

- 9.1 Detainees will be remunerated for work at the eligible rate in the Detainee Work Profile.
- 9.2 Detainees will not be remunerated for greater than 42 hours each week (*Detainee Trust Fund Management Policy*). Where a detainee exceeds this amount, they will be remunerated at the highest rate for such work.
- 9.3 Detainees will not receive extra remuneration for participating in activities on a public holiday in the ACT.

‘Unoccupied’ remuneration

- 9.4 Detainees who resign, or are dismissed, from a work activity under section 11 will not be remunerated for seven (7) days prior to receiving the ‘unoccupied’ remuneration.
- 9.5 The unoccupied remuneration will also be paid to detainees who:
- a. Justice Health Services have assessed to be temporarily or permanently medically unfit to participate in a work activity;
 - b. cannot participate in a work activity due to:
 - a. segregation, separate confinement or protection status (*Management of Segregation and Separate Confinement Policy, Placement Policy*); or
 - b. being on Basic level under the *Incentives and Earned Privileges Policy*; or
 - c. are past working age;

- c. are on remand and have chosen not to participate in remunerated activity.

9.6 Detainees with dual remand/sentenced status will not receive the 'unoccupied' remuneration under section 9.5(c).

10 ACCIDENTS

- 10.1 Where an accident has occurred, the work supervisor must:
- a. account for the safety of all detainees and staff;
 - b. confirm whether any detainees or staff have been injured;
 - c. report the incident in accordance with the *Incident Reporting, Notifications and Debriefs Policy*;
 - d. submit a RiskMan report where a staff member is injured, or a risk of staff injury is identified; and
 - e. email the circumstances of the accident to the Employment Supervisor and Head of Detainee Services as soon as possible.
- 10.2 In addition to section 10.1, where a detainee has been injured in a work accident:
- a. all detainees must immediately cease use of any equipment in use by the injured detainee at the time of the accident until further notice;
 - b. the detainee must be referred to Justice Health Services for assessment;
 - c. the detainee injury and location of the accident must be photographed as soon as practicable, including where there is no visible sign of injury; and
 - d. a Fit for Work Certificate must be requested prior to the detainee continuing the work.
- 10.3 Under section 10.2, the Employment Supervisor must compile all records related to the detainee injury, including documentation of the detainee's orientation and training, and provide to Operational Compliance via email to #ACTCSOperationalCompliance@act.gov.au.

11 RESIGNATION AND DISMISSAL

- 11.1 Detainees may resign from a work activity by:
- a. submitting a *Detainee Request Form* including the reasons for ceasing work; or

- b. for accommodation unit work, by informing the Accommodation Area Supervisor.
- 11.2 Detainees may be dismissed from a work activity for failing to meet the standard of work performance in the relevant Duty Statement.
- 11.3 Where a detainee has been dismissed, the relevant work supervisor will:
 - a. provide the detainee with a D35.F2: Work Dismissal notice including the reasons for the dismissal;
 - b. inform the Finance Unit that the detainee is to be remunerated in accordance with section 9.5; and
 - c. inform the Employment Supervisor that the detainee has been dismissed from the work activity.

Appeals

- 11.4 Detainees can appeal a decision to dismiss them from a work activity by completing the relevant section of the D35.F2: Work Dismissal notice, including their reasons for reinstatement.
- 11.5 The Employment Supervisor will review all appeals under section 11.4 and confirm the decision or reinstate the detainee (D35.F2: Work Dismissal).
- 11.6 Where a detainee remains unsatisfied with a decision under section 11.6, they may make a complaint in accordance with the Detainee Requests and Complaints Policy.

12 RECORDS

- 12.1 A copy of all records under this policy must be stored on a detainee's electronic record system and custody file.
- 12.2 Appropriate records under the Work Health Safety Act 2011 and associated Codes of Practice must be maintained and current at all times.

13 RELATED DOCUMENTS

- A – D35.F1: Trusted Work Application
- B – D35.F2: Work Dismissal
- C – D35.F3: Detainee Work Application Form
- C – Incentives and Earned Privileges Policy
- D – Detainee Trust Fund Management Policy
- E – Induction Policy

- F – Discipline Policy
- G – Detainee Requests and Complaints Policy



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 ACT Corrective Services
 20 December 2019

Document details

Criteria	Details
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