

## **2020 Terms and conditions of employment**

### **General conditions**

Temporary staff are employed pursuant to section 32 of the *Electoral Act 1992*. Employment is on a casual basis and there is no expectation of ongoing employment.

All temporary staff are subject to the Electoral Commissioner's direction and subject to the direction of any other member of the Commissioner's staff authorised by the Commissioner to give direction.

A temporary employee must be an Australian citizen or have Australian permanent residency status.

Only staff aged 18 or over are permitted to issue votes to electors and/or handle election ballot papers. Staff under the age of 18 must make their supervisor aware of their age and ensure that they do not undertake these duties.

The terms and conditions set out in this schedule are consistent with the terms and conditions of officers employed under the *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2018-2021*. Casual wage loading is included in the casual (normal) hourly rates paid to temporary staff in lieu of paid leave entitlements (other than long service leave).

The rate of remuneration for each position is shown on each individual offer of employment.

### **General conditions related to COVID-19**

The Electoral Commissioner is committed to providing a safe workplace/environment for both staff and electors throughout the voting period, to prevent the spread of COVID-19 in the community. Temporary staff are required to comply with restrictions currently in place within the ACT and directions and procedures provided by the Electoral Commissioner, including:

- Practice good hand and respiratory hygiene at all times;
- Social distance, keep 1.5 meters between yourself and other people;
- Avoid physical contact;
- Do not attend work if you are feeling unwell, and advise staffing manager as soon as possible;
- Seek medical attention if you have any symptoms of COVID-19: temperature above 37.5 degrees, a cough, sore throat, or shortness of breath; Monitor the ACT Government COVID-19 page for information and advice: [www.covid19.act.gov.au/home](http://www.covid19.act.gov.au/home);
- Notify Elections ACT Staffing Manager on 02 6207 5047 or [electionsstaffing@act.gov.au](mailto:electionsstaffing@act.gov.au), if you are tested for COVID-19 within fourteen (14) days of election day or your last rostered shift.

### **Temporary staff obligations**

Temporary staff employed in accordance with this determination are required to abide by the general obligations of public employees set out in Division 2.1 section 9 of the *Public Sector Management Act 1994*. (See Attachment 1.)

All temporary staff must:

- Complete the acceptance of offer and undertaking prior to commencing employment;
- Perform the duties described in their job description with due care and diligence;
- Perform other duties as directed from time to time by the Electoral Commissioner or a delegate of the Commissioner with due care and diligence;
- Comply with the ACT Electoral Commission's procedures and policies as varied from time to time;
- Comply with all relevant Commonwealth and Territory laws relevant to their employment, including privacy and work health and safety laws and relevant regulations and codes of practice;
- Maintain political neutrality and not be or be seen to be active in any political affairs, during the course of their employment. All possible political conflicts of interest, real or potentially perceived, must be disclosed to Elections ACT;
- Not engage in any gambling activity relating to election results;
- Not take any photos or record any audio or video at a polling place, scrutiny centre or other workplace without approval of the Commissioner or his or her delegate;
- Comply with the ACT Electoral Commission's social media policy when using social media in a private capacity, including but not limited to:
  - Not behave in a way that brings into question their ability to conduct their duties in an unbiased manner;
  - Only share information about Elections ACT that is in the public domain;
  - Respect stakeholder confidentiality;
  - Not use social media platforms such as, but not limited to, Twitter, Facebook, Messenger, Snapchat, Tiktok when working in a polling place or assisting with scrutiny.

### **Remuneration packages**

The remuneration package includes compensation for:

- required training completed prior to commencement of work;
- the performance of all duties by the employee on election day;
- casual loading;
- overtime<sup>1</sup>; and
- meal allowance.

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<sup>1</sup> Casual wage loading (in lieu of paid leave entitlements) is not taken into account in the calculation of overtime payments.

The remuneration package for polling area managers covers payment for face to face training; all duties associated with election day, including contacting officers in charge (OIC) prior to election day, as well as performing inspections on election day and assisting with scrutines once the polls close.

The remuneration package for OIC and seconds in charge (2IC) covers payment for both home training and attendance to a training session; all duties associated with running a polling place, including setting up the polling place, which will be done on the afternoon or evening before election day. The payment for officers in charge also includes the pickup and return of material, and meal allowance.

Early voting centre OICs, 2ICs and early voting staff working on election day will not be eligible for package remuneration and will be paid hourly rates for hours of work on the day. Payment for elements such as, but not limited to, home training and attendance to a training session, which are components of package remuneration will have been received as part of the early voting period salary payments.

### **Requirement to complete training prior to commencement of work**

All polling staff are required to undertake online home training and must acquire a minimum score of 60%. The ACT Electoral Commission reserves the right to withdraw an offer of employment should a score of less than 60% be achieved. In this circumstance, the staff member will receive only the component of their package rate associated with online training. Online training generally involves reading the training text or watching the training videos and completing associated workbook training exercises. Access to a computer and the internet is required to fulfil training requirements.

Attendance at a face-to-face training session is a condition of employment for polling area managers, officers in charge, seconds in charge, early voting officers in charge, early voting seconds in charge, mobile polling staff and bi-lingual educators.

All package amounts include payment for training.

### **Hours of duty on election day**

#### **Staff on remuneration packages:**

Polling area managers, officers in charge and seconds in charge:

- 7:00 am to the finish of the count and until all required duties are complete.

Polling place staff:

- 7:30 am to the finish of the count and until all required duties are complete.

Staff must be allocated break times by their supervisor to ensure that staff do not work for longer than 5 hours continuously. During polling, break times will be arranged by the officer in charge to ensure that sufficient staff are on duty during busy polling periods. Polling staff may leave their polling premises while on their break.

Polling staff must strictly adhere to their allocated break time. Polling staff will need to make their own arrangements for meals. The remuneration package for all polling place staff employed on election day includes a meal allowance component.

Staff are expected to attend on election day, until all duties are completed. If staff do not perform all of their required duties on election day, the Electoral Commissioner may determine that the staff will be paid a reduced remuneration package for the day, determined on a case by case basis by the Electoral Commissioner.

Where staff have successfully completed training but cannot attend on election day for unforeseen reasons (e.g. illness), the Electoral Commissioner may make a payment to the staff in respect of the completion of that training.

### **Staff on hourly rates:**

Employment of staff being paid an hourly rate will be employed within the hours advised by the Commission. Different rates of pay will be payable as follows:

- Normal rate is payable for up to 7 hours and 21 minutes worked per day on Monday to Saturday.
- Overtime rate is payable where an employee is directed to work:
  - in excess of 7 hours and 21 minutes per day Monday to Saturday (overtime rates will only apply to hours in excess of 7 hours 21 minutes);
  - outside the span of ordinary hours of 7.00am to 7.00pm, Monday to Saturday (overtime rates will only apply to hours worked outside the span of ordinary hours); or
  - in excess of 36.75 hours in a week (overtime rates will only apply to the hours worked in excess of 36.75 of normal/ordinary hours);
- Overtime payment rates for overtime worked on any day from Monday to Saturday inclusive, are:
  - Time and a half for the first three hours worked on a day/shift; and
  - Double time for any further overtime worked on that day/shift.
- Sunday rate is payable for work on a Sunday.
- Public holiday rate is payable for work on a public holiday.

Casual wage loading (in lieu of paid leave entitlements) is not taken into account in the calculation of overtime, Sunday and public holiday payment rates

A casual employee will be engaged for a minimum period of one hour for a day on which the employee is required to undertake training.

The minimum payment on each occasion where a casual employee paid an hourly rate attends for duty will be three hours, whether or not the casual employee is required to work for those three hours, in accordance with the minimum attendance provisions set out in the *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2018-2021*. Elections ACT reserves the right to end shifts after the minimum three hours (or earlier but with pay for three hours) if no further work is available. Line managers will provide notification to staff if this is to occur.

### ***Bilingual educators***

Bilingual educators are engaged to perform a maximum of 20 hours of work from six weeks prior to election day.

Any time worked, associated with a community briefing, in excess of the three-hour minimum will be paid, but will be included in the maximum 20 hours of work for the contract period. For each community briefing meeting, bilingual educators will be paid for a minimum of three hours of work. This includes the time taken at the meeting, return travel to the meeting, writing the post meeting report and all time taken for associated tasks to arrange the community briefing, including but not limited to, phone calls, setting up and pack down, delivery of pamphlets and information packages etc. Payment will be made on receipt of timesheets evidencing the number of hours worked for each community briefing meeting.

### **Performance assessment and termination of employment**

Employment is subject to continued satisfactory performance, eligibility for employment and the availability of work. Employment may be terminated at any time at the discretion of the Commissioner.

Elections ACT will assess the performance of Early voting staff after their first 3 shifts prior to staff being offered further shifts during the voting period. Elections ACT reserves the right to cease the offer of further shifts after this time for any reason it deems appropriate.

Early voting OICs and 2ICs are required to be available during the entire voting period, that is each day from 28 September to 17 October 2020 during the required work times on those days.

Early voting staff are required to provide the staffing manager with all times they are unavailable during the voting period prior to accepting the offer of employment.

Mobile polling staff are required be available during the entire week prior to and on election day 17 October 2020 during the required work times on those days.

At the end of their employment, all staff will be rated on their work performance by a supervisor. Elections ACT may seek ratings on OICs from subordinate staff under their supervision.

### **Payment**

Payment of wages and allowances will be made on the basis of information provided by the temporary staff on engagement.

Payments will be made by direct credit to the account and financial institution nominated by the employee. It is the responsibility of the employee to ensure the details provided are correct. If there is any doubt as to the accuracy of information being provided, it should be verified with the financial institution. If incorrect financial institution details are provided, this can cause delays in payment.

Payments are processed according to a pre-determined cut off time and payment for employment on election day may not be credited to staff account until up to a fortnight after election day.

## **Meal allowance**

Staff paid an hourly rate who meet the conditions set out below are eligible to receive payment of an overtime meal allowance when required by the Commissioner to perform overtime duty. The allowance will be in accordance with the rates set out in *Annex C – Expense, Disability and Skill Related Allowances – Overtime Meal Allowance, ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2018-2021*.

<b>Overtime Meal Allowance</b>	Classification	All classifications	Rate as at 11 June 2020	Rate as at 10 Dec 2020
	Description	An employee who works overtime is entitled to payment of an allowance, in addition to any overtime payment, where: <ol style="list-style-type: none"> <li>1. After the completion of, and continuous with, the employee's ordinary hours of duty for the day, a period of at least one and a half hours overtime is worked prior to an unpaid meal break being taken, which is followed by a further period of overtime of at least half an hour; or</li> <li>2. Before the commencement of the employee's ordinary hours of duty for the day, a period of at least one and a half hours overtime is worked prior to an unpaid meal break being taken, which is followed by a further period of overtime of at least half an hour; or</li> <li>3. On a Saturday, Sunday or public holiday, a period of at least five hours overtime is worked, in addition to the employee's normal weekly hours of duty, prior to an unpaid meal break being taken, which is followed by a further period of overtime of at least half an hour.</li> </ol>		
	Rate/ Frequency	Per occasion	\$29.95	\$30.35

## **Use of private motor vehicles**

Motor vehicle allowance will be paid to those staff authorised to use a vehicle by the Commissioner. Written authorisation must be received before any travel is undertaken. This allowance will be in accordance with the rates set out in *Annex C – Expense, Disability and Skill Related Allowances – Motor vehicle, ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2018-2021*.

Travel to and from a workplace (including but not limited to a polling place) or training session is considered to be a personal expense and is not subject to reimbursement.

The use of a private motor vehicle requires the owner to accept costs incurred resulting from an accident or damage. The Commission accepts **no liability** for financial liability or loss incurred by a staff member using their private motor vehicle for official purposes.

For injuries sustained while travelling for business purposes, employees (as defined under the *Safety, Rehabilitation and Compensation Act 1988* (Cth)) may be eligible to claim for workers compensation. If an employee uses their own private vehicle for official business travel and that officer is injured while carrying out work-related driving, then they may be covered for workers compensation (and thus covered for time off work, medical costs etc, but not for any car-related expenses).

Staff members who use a private motor vehicle on official business must provide documentary evidence that they have a current driver's licence, their vehicle has current registration (including Compulsory Third Party insurance if registered in NSW) and they hold comprehensive motor vehicle insurance which is current. It is the employee's responsibility to ensure that their driver's licence, vehicle registration and comprehensive vehicle insurance remain current while employed by Elections ACT.

Staff members must consult their insurance provider and obtain the insurer's response in writing. The response should state either that the existing policy covers a private motor vehicle being used on official business for which Motor Vehicle Allowance is received, or that an additional premium is payable for the necessary cover. Where an additional premium is payable, staff members are entitled to be reimbursed the additional cost. However, they must seek prior approval before taking out an additional premium.

## **Workers' compensation**

### **Responsibility as a worker under the *Work, Health and Safety Act 2011***

While at work, an election casual is subject to the following duties (as per section 28 of the *Work, Health and Safety Act 2011*):

- a) to take reasonable care for his or her own health and safety;
- b) to take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons;
- c) to comply with, so far as the worker is reasonably able, any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and
- d) to cooperate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

Election casuals are defined as ACT Public Service (ACTPS) workers who are covered for workers' compensation under the *Safety, Rehabilitation and Compensation Act 1988 (Commonwealth)* which is administered by ACT Government as a self-insurer. The ACT Government has entered into an agreement with Employers Mutual Limited (EML) which will provide claims administration services.

### **Lodging a workers' compensation claim**

If an employee is injured during working hours they are entitled to lodge a workers' compensation claim.

The procedure and documentation for lodging a workers' compensation claim can be obtained from the Elections ACT Staffing Manager on 02 6207 5047.

***Important:*** if liability for the claim is not accepted by EML any costs incurred remain the responsibility of the employee.

### **Obligation to report accidents and incidents**

If an election casual is involved in an accident or incident, they must report it **immediately** to their supervisor and complete an accident/incident report form. These forms can be obtained from the Elections ACT staffing manager - Phone: 02 6207 5047.

'Accidents' and 'incidents' to be reported involve any workplace event that:

- endangers the health or safety of a person; or
- results in injury or disease, however minor.

Such events include, but are not limited to situations that:

- affect, or have the potential to affect the psychological health of a person;
- result in acute physical injury or a physical injury that has developed over time; or
- involve a narrow escape (or 'near miss') which could cause future harm in a similar incident.

## **Taxation**

If an employee's anticipated income from all sources for the relevant financial year will not be more than the tax-free threshold, an employee may complete the *Variation of income tax withholding rate* field on the online application form. No tax will be taken out of the employee's pay.

If income for this financial year is expected to be more than the tax-free threshold, an employee must complete the *Tax file number declaration* field on the online application form. If tax file number (TFN) is not provided, tax at the top marginal rate will be taken out of the pay.

If the expected annual income for the relevant financial year will exceed the tax free threshold, and staff have not currently claimed the tax free threshold from another employer, or staff are not currently employed, they can claim the general exemption by ticking YES at the "Do you want to claim the tax-free threshold from Elections ACT" question of the online form. The general exemption or any rebates cannot be claimed from more than one employer at any time.

If staff are currently employed, they should tick NO at "Do you want to claim the tax-free threshold from Elections ACT" question of the online form.

If they cannot show their tax file number (TFN) because they:

- have a tax file number but cannot find it; or
- are not sure if they have a tax file number; or
- do not have a tax file number

staff should take steps to obtain a TFN.

Details on how to apply for TFN can be accessed on [www.ato.gov.au/individuals/tax-file-number/apply-for-a-tfn/australian-residents---tfn-application/](http://www.ato.gov.au/individuals/tax-file-number/apply-for-a-tfn/australian-residents---tfn-application/) or by contacting the Australian Taxation Office on 1300 720 092 and requesting a *Tax file number application or enquiry for individuals* form. The completed form should be lodged as directed on the form. Staff will be allowed 28 days in which to produce their tax file number before tax is deducted at the maximum rate, if they advise that a *Tax file application or enquiry for individuals* form has been lodged.

Shared Services Payroll has implemented Single Touch Payroll (STP), a new way of reporting tax and superannuation to the ATO. You will not receive a payment summary at the end of financial year. Instead, your payment summary information will be available in ATO online services through myGov. It is now called an 'income statement'. You can access further information regarding STP on [www.ato.gov.au/Individuals/Working/Working-as-an-employee/Accessing-your-payment-summary/](http://www.ato.gov.au/Individuals/Working/Working-as-an-employee/Accessing-your-payment-summary/).

## **Superannuation**

The ACT Government will pay the equivalent of at least 11.5% of an employee's salary into an employee's superannuation fund. Employees 18 years old or over, and paid \$450 or more (before tax) in a calendar month are entitled to receive the employer superannuation contribution. Super contribution payments are compulsory and the ACT Government is required to make these payments regardless of age or personal circumstances.

Employees aged 70 years and over are not allowed to take cash instead of super contribution to a super fund. However, such employees can access super savings at any time, subject to any administration fees a super fund may charge for withdrawing benefits.



The employer contribution for superannuation is paid on the ordinary hours rate only. It is not paid on overtime hours or any allowances such as a meal allowance. Casual staff receiving a package rate for working on election day will receive the 11.5% employer contribution on the ordinary hours component of their package. If an employee chooses to contribute 3% or more of their salary, the employer will contribute a further 1% into the fund, bringing the overall employer contribution rate up to 12.5%.

Prior to electing to contribute 3% or more employees aged 65 and over should confirm with their superannuation fund that these contributions will be accepted.

Staff will need to provide details of their nominated superannuation fund, including the fund's ABN and USI (unique superannuation identifier), on the online application form. They will also need to tick a box indicating that they have confirmed with their nominated superannuation fund that it is a complying fund and that it will accept contributions from the ACT Government.

The ACT Government can only make contributions to funds which accept EFT payments.

### **Choice of superannuation fund**

In accordance with Australian government legislation, employers (including ACT Government agencies) must offer new employees superannuation fund of choice arrangements. To learn more on choosing a super fund, please refer to the Australian Securities and Investments Commission website [www.moneysmart.gov.au](http://www.moneysmart.gov.au), or phone 1300 300 630. More information is available on the Australian Taxation Office website at <https://www.ato.gov.au/Individuals/Super/> If staff are applying for a new membership to an approved superannuation fund, a fully completed membership application form must be lodged with the fund they wish to join. Membership information and application forms for membership are available by contacting the relevant fund directly. Staff must do this before they complete the online application form so they can provide the correct information.

If staff are existing members of an approved fund, they would already be familiar with the fund's products, services and the options available to them in respect of their insurance cover and benefit payment options. However, if they have any questions, staff need to contact the fund directly for more information.

Staff with existing **PSSap choice employer** memberships may be eligible to nominate this fund provided all eligibility criteria are met. Please contact the Staffing Manager on 02 6207 5047 to determine eligibility.

Under mutual privacy obligations, Elections ACT will disclose to their fund staff personal information that is necessary to administer their membership account. The personal information includes contact details, date of birth and tax file number (if staff have chosen to quote it).

### **Default fund arrangements**

Should staff decide not to nominate a superannuation scheme, or all required details are not provided in the application, the employer contribution of 11.5% (based on a percentage of earnings) will go to the Territory's default fund provider First State Super. A Product Disclosure Statement for First State Super is available at [www.firststatesuper.com.au/Tools/BrochuresForms](http://www.firststatesuper.com.au/Tools/BrochuresForms)

Note that employer contributions cannot be made into **CSSdb**, **PSSdb** or **PSSap employer sponsored** memberships.

**The ACT Electoral Commission is not liable for the performance of its employees' superannuation funds, or fees relating to commencement, transferring or closure of accounts.**

## Attachment 1

Extract from the *Public Sector Management Act 1994*, Division 2.1 Public sector standards:

### 9 Public sector conduct

- (1) A public servant must—
  - (a) take all reasonable steps to avoid a conflict of interest; and
  - (b) declare or manage a conflict of interest that cannot reasonably be avoided; and
  - (c) when acting in connection with the public servant's job—
    - (i) comply with laws applying in the Territory; and
    - (ii) comply with any lawful and reasonable direction given by a person with the authority to give the direction; and
    - (iii) if dealing with a member of the public—make all reasonable efforts to help the person to understand the person's entitlements, and any requirement the person is obliged to meet, under a territory law; and
    - (iv) treat all people with courtesy and sensitivity to their rights and aspirations; and
  - (d) do the public servant's job with reasonable care and diligence, impartiality and honesty.
- (2) A public servant must not—
  - (a) behave in a way that—
    - (i) is inconsistent with the public sector values; or
    - (ii) undermines the integrity and reputation of the service; or
  - (b) take improper advantage of the public servant's job or information gained through the public servant's job; or
  - (c) improperly use a Territory resource, including information, accessed through the public servant's job; or
  - (d) without lawful authority—
    - (i) disclose confidential information gained through the public servant's job; or
    - (ii) make a comment that reasonably appears to be an official comment; or
  - (e) when acting in connection with the public servant's job—bully, harass or intimidate anyone; or
  - (f) when doing the public servant's job—apply improper influence, favouritism or patronage.