

s22

From: WRreform
Sent: Monday, 6 May 2024 2:56 PM
To: Review <review@mpc.gov.au>
Cc: WRreform <WRreform@apsc.gov.au>
Subject: RE: Query regarding eligibility for one-off payment [SEC=OFFICIAL:Sensitive, ACCESS=Personal-Privacy]

**OFFICIAL: Sensitive
Personal privacy**

Hi s47F

Thank you for talking with me last week.

With regard to making the one-off payment to employees in receipt of workers compensation payments, s42

with the below explanation going to those agencies who'd queried the approach:

Where such a payment is made by an agency to an employee, the employees workers compensation payment would be reduced by the corresponding amount. For example, if the agency paid an employee on workers compensation a one-off payment totalling \$1000, then the corresponding workers compensation payment would be reduced by \$1000. There would be no net benefit for the employee, but an increased cost for the agency.

However, the determination provided discretion for agency heads to make the payment to any employee where they determined it was appropriate to do so. This would include expanding eligibility to employees who were otherwise excluded ie: those on workers compensation. However, we do know that in some cases this discretion has not been clear.

s42

For this reason, we've not raised any concern with agency heads exercising their discretion to make the payment in this scenario, to ensure there is no unintended disadvantage to the cohort.

As mentioned, we've provided this advice to a number of agencies, and do know that the decision was taken to make the payments in this respect. However, it's not clear whether the agency in question is aware of the recent shift. It may be the case that if the advice was provided to the agency head, it may resolve the issue and negate the need for the review.

Happy to chat further.

Thank you

s47F

Workplace Relations Bargaining Taskforce

Australian Public Service Commission

Level 5, B Block, Treasury Building, Parkes Place West, PARKES ACT 2600
GPO Box 3176 CANBERRA ACT 2601

w: www.apsc.gov.au



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From: Review <review@mpc.gov.au>

Sent: Wednesday, 1 May 2024 3:37 PM

To: Workplace Relations <workplacerelations@apsc.gov.au>

Cc: WRreform <WRreform@apsc.gov.au>

Subject: Query regarding eligibility for one-off payment [SEC=OFFICIAL:Sensitive, ACCESS=Personal-Privacy]

OFFICIAL: Sensitive
Personal privacy

Dear Workplace relations team

I have a matter concerning the one-off payment made to APS employees as part of recent bargaining. I would appreciate some guidance.

In this scenario, an employee worked for an Agency in which the employees received a one off payment of 0.92% of their base salary.

At that time of the payment, the employee was off work on Workers Compensation leave. The Agency was found liable for the injury sustained by the employee.

The employee did not receive the one off payment from their Agency. They requested discretion be exercised, but it was denied by the Agency because the employee was being paid Workers Compensation benefits and was not being paid by the Agency.

Can you please provide some advice regarding this scenario and if the employee was entitled to the payment in these circumstances?

Please feel free to contact me at review@mpc.gov.au or on s47F

Kind regards

s47F

Senior Review and Projects Officer

Merit Protection Commissioner

PO Box 20636 World Square Post Office, SYDNEY NSW 2002

t: s47F w:<http://www.mpc.gov.au>

t. 02 8239 5330 e. review@mpc.gov.au (group contacts if I am not available)



MERIT
PROTECTION
COMMISSIONER

s22

From: WRreform
Sent: Monday, 20 May 2024 10:29 AM
To: s47F @aat.gov.au
Cc: WRreform <WRreform@apsc.gov.au>
Subject: Advice - One-Off Payment - AAT [SEC=OFFICIAL]

OFFICIAL

Good morning s47F

Thank you for talking with me on Friday.

With regard to making the one-off payment to employees in receipt of workers compensation payments, s42

the below explanation going to those agencies who'd queried the approach:

Where such a payment is made by an agency to an employee, the employees workers compensation payment would be reduced by the corresponding amount. For example, if the agency paid an employee on workers compensation a one-off payment totalling \$1000, then the corresponding workers compensation payment would be reduced by \$1000. There would be no net benefit for the employee, but an increased cost for the agency.

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excluded ie: those on workers compensation. However, we do know that in some cases this discretion has not been clear.

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For this reason, we've not raised any concern with agency heads exercising their discretion to make the payment in this scenario, to ensure there is no unintended disadvantage to the cohort.

We've provided this advice to a number of agencies, and do know that the decision was taken to make the payments in this respect.

Please let me know if you have any further questions.

Thank you

s47F

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