

WORKFORCE ENGAGEMENTS AND PAYMENTS POLICY 2016

The Vice-Principal (Operations) as delegate of the Senate of the University of Sydney, adopts the following policy.

Dated: 27 January 2016

Last amended: 27 April 2018 (administrative amendments only)

Signature:

Position: Ms Sara Watts, Vice-Principal (Operations)

CONTENTS

1	Name of policy.....	2
2	Commencement	2
3	Policy is binding.....	2
4	Statement of intent	2
5	Application.....	2
6	Definitions.....	3
Part 1 – Determining the appropriate engagement category		4
7	Workforce engagement categories.....	4
8	Assessing the nature of the relationship.....	5
9	General provisions	5
Part 2 - Employment.....		6
10	Employment: terms of employment	6
11	Employment: remuneration	7
Part 3 – Temporary workers engaged through an approved labour hire agency		7
12	Labour hire agencies: terms of engagement	7
13	Labour hire agencies: payments	8
Part 4 – Specific individuals engaged through a contract for services (independent contractors)		8
14	Contract for services: terms of engagement.....	8
15	Contract for services: payments	9
Part 5 – Volunteers.....		9
16	Volunteers: terms of engagement	9
17	Volunteers: payments.....	9
Part 6 – Reviewing existing arrangements		9
18	Reviewing engagements of suppliers of services or labour-hire agencies	9
Part 7 – Administration		10
19	Procedures.....	10

1 Name of policy

This is the Workforce Engagements and Payments Policy 2016.

2 Commencement

This policy commences on 1 March 2016.

3 Policy is binding

Except to the extent that a contrary intention is expressed, this policy binds the University, staff, students and affiliates.

4 Statement of intent

This policy:

- (a) specifies, and distinguishes between, the four different types of workforce engagement at the University; and
- (b) requires the features of an engagement to be assessed to ensure that the appropriate relationship is entered into, which may be either;
 - (i) employment;
 - (ii) engagement through a labour hire agency;
 - (iii) contract for service; or
 - (iv) a volunteer arrangement;
- (c) promotes good practice in workforce engagement, including compliance with legal obligations and University policies relating to recruitment and procurement.

5 Application

- (1) This policy applies to:
 - (a) staff, students and affiliates; and
 - (b) the workforce engagement of:
 - (i) employees;
 - (ii) temporary workers engaged through labour hire agencies;
 - (iii) specified individuals engaged under a contract for services on a fee for service basis; and
 - (iv) volunteers.
- (2) This policy does not apply to contracts for:
 - (a) the supply of goods and services which do not specify individuals to provide the agreed work or services to the University;



- (b) construction work and related goods and services which are administered by Campus Infrastructure and Services.

Note: This work includes construction, alteration, repair, maintenance, extension and demolition, and related goods and services include project management, architectural services, design, engineering, surveying and quantity surveying.

6 Definitions

affiliate	<p>has the meaning provided in the Code of Conduct – Staff and Affiliates. At the date of this policy, that is:</p> <p>clinical title holders; adjunct, conjoint and honorary appointees; consultants and contractors to the University; holders of offices in University entities, members of Boards of University Foundations, members of University Committees; and any other persons appointed or engaged by the University to perform duties or functions on its behalf.</p> <p>An affiliate is not an employee of the University.</p>
delegate	<p>means a person or persons holding delegated authority from the Senate, as set out in the University of Sydney (Delegations of Authority- Administrative Functions) Rule 2016</p>
employee	<p>means an individual staff member of the University who contributes their labour and receives remuneration by way of salary or wages. An employee is engaged under a contract of employment.</p>
Enterprise Agreement	<p>means the University of Sydney Enterprise Agreement 2018-2021 or any replacement agreement.</p>
executive supervisor	<p>means, as appropriate:</p> <ul style="list-style-type: none">• the relevant Dean, Head of School and Dean (University school), Director or other chief officer of an administrative area;• Deputy Vice Chancellor;• Vice Principal; or• Vice Chancellor.
independent contractor	<p>means a party engaged directly by the University pursuant to a contract for services. This includes sole traders, companies or partnerships with whom the University enters into an agreement for the provision of specific individuals to supply specific skills, services or consultancy arrangements. It does not include individuals engaged through labour hire agencies.</p> <p>Independent contractors are not employees of the University.</p>
independent contractor's personnel	<p>means any person specified in the independent contractor agreement to perform the services on the supplier's behalf.</p> <p>Independent contractor's personnel are not employees of the University.</p>



labour hire agency	means a recruitment agency or labour engagement specialist contracted by the University to provide temporary labour resourcing services.
temporary worker	means an individual working at the University on temporary placement under an agreement with a labour hire agency. Temporary workers are not employees of the University.
volunteer	means an individual who provides unremunerated services for the benefit of the University on a voluntary basis. Volunteers are not employees of the University.
worker	means a person who a relevant delegate has approved to perform paid or unpaid work for, or on behalf of, the University.

PART 1 – DETERMINING THE APPROPRIATE ENGAGEMENT CATEGORY

7 Workforce engagement categories

- (1) The University will only enter into the following forms of workforce engagements, each of which must be approved by the relevant delegate.
 - (a) **Employment**, which is a direct relationship with an individual staff member through a contract of employment.

Note: Refer to the Human Resources delegations part 7.3 “Appointment of staff and individual conditions of employment” in the [University of Sydney \(Delegations of Authority - Administrative Functions\) Rule 2016](#).
 - (b) **Temporary workers engaged through an approved labour hire agency**, who are individual workers, sourced by SydneyRecruitment and contracted through an approved labour hire agency, to meet short-term skill requirements.

Note: Refer to the Finance and Infrastructure delegations part 6.4.3 “Expenditure of Funds – Acquisition of Services” from a labour hire agency, in the [University of Sydney \(Delegations of Authority - Administrative Functions\) Rule 2016](#).
 - (c) **Specific individuals engaged under a contract for services (independent contractors)**, which is a direct relationship with an independent contractor to supply services of specified personnel for a defined period or for a set of deliverables.

Note: Refer to the Finance and Infrastructure delegations part 6.4.3 “Expenditure of Funds –Acquisition of services” of specifically identified individuals from an independent contractor, in the [University of Sydney \(Delegations of Authority - Administrative Functions\) Rule 2016](#).
 - (d) **Volunteer arrangement**, which is a direct relationship with an individual who voluntarily agrees to perform work or provide services without remuneration, from which no employment relationship arises.

Note: Refer to the Human Resources delegations part 7.18 “Appointment of Affiliates (i.e. non-employees)” in the [University of Sydney \(Delegations of Authority - Administrative Functions\) Rule 2016](#).

8 Assessing the nature of the relationship

- (1) Different legal rights and regulatory obligations apply to each form of workforce engagement. The relevant delegate is responsible for ensuring that the engagement entered into is appropriate for the work that is to be undertaken and accurately reflects the nature of the relationship.
- (2) Before engaging an individual as an independent contractor or consultant, the delegate must assess the features of the relationship using the University's contractor/employee assessment tool.

Note: Refer to the information on [engaging a contractor](#) and [assessment tool](#) on the Staff Intranet.

- (a) If the working arrangement qualifies as a contracting relationship through the assessment, the individual must be engaged under a contract for services in accordance with Part 4 of this policy.
- (b) If the working arrangement does not qualify as a contracting relationship, unless an exemption has been approved under clause 14(4), the individual must be engaged either:
 - (i) as an employee in accordance with Part 2 of this policy; or
 - (ii) through a labour hire agency arrangement in accordance with Part 3 of this policy.
- (3) Before engaging an individual as a volunteer in accordance with Part 5 of this policy, the delegate must be satisfied that there is a genuine volunteer relationship.

Note: Refer to Fair Work Ombudsman fact sheet: [Volunteering](#)

9 General provisions

- (1) All staff and affiliates responsible for recommending or approving a workforce engagement must declare any conflict of interests with the engagement, whether actual, potential or perceived. Where a conflict exists, the declaration must be referred to the relevant delegate.

Note: See the [External Interests Policy 2010](#) and [Code of Conduct – Staff and Affiliates](#). See also, the [Procurement Intranet pages](#) and the [Conflict of Interests Intranet pages](#).

- (2) Workforce engagements must reflect the University's strategic and operational objectives and its commitment to equity and diversity, including achievement of [Wingara Mura](#) objectives and implementation of the University's [Disability Action Plan 2013-2018](#).
- (3) All workers at the University have responsibilities for work health and safety as specified in the [Work Health and Safety Policy 2012](#) and the [Work Health and Safety Procedures 2012](#). All workers must work within the parameters of the University's [Safety Management System](#) and in accordance with Safety Management Standards.
- (4) All individuals working at the University must:
 - (a) either be an Australian citizen or hold, or obtain, a visa type with associated work rights appropriate to the nature of their engagement with the University, as required by the Department of Home Affairs;

Note: Refer to the [Visa and Work Rights Policy](#).



- (b) if engaged in “child-related work”, comply with the [Child Protection \(Working with Children\) Act 2012 \(NSW\)](#);

Note: Refer to the [Working with Children Policy 2014](#).

- (c) observe the University’s rules, policies and procedures.

Note: Refer to the University’s [Policy Register](#).

- (5) Income payments must be made in accordance with clauses 11, 13 and 15.

PART 2 - EMPLOYMENT

10 Employment: terms of employment

- (1) Human Resources manages staff employment.
 - (a) Appointment requirements for continuing and fixed term staff are specified in the [Recruitment and Selection Policy](#).
 - (b) Appointment requirements for casual staff are specified in the [Casual Employment Policy](#).
- (2) Unless an exception is approved under subclause 10(3), all staff recruitment must be:
 - (a) initiated through the request to hire or recruit approval process; and
 - (b) managed by SydneyRecruitment.
- (3) Exceptions to the standard approval processes must be approved by the Provost, or Vice-Principal (Operations) in consultation with the Chief Human Resources Officer.

Note: A list of pre-approved [exceptions](#) is available on the Staff Intranet.
- (4) Staff may be employed in the following categories:
 - (a) **continuing employment** - under an employment contract that contains a starting date but no date or contingency upon which the contract will come to an end;
 - (b) **funding contingent continuing employment** - under an employment contract that contains a starting date and no end date, but includes a provision that the contract comes to an end when the funding is no longer available;
 - (c) **fixed-term employment** - under an employment contract that contains a starting date and an end date or a contingency (such as the completion of a specified project) upon which the contract will come to an end. Staff covered by the Enterprise Agreement may be appointed on a fixed term basis if the reason for the engagement satisfies the criteria stipulated in the Enterprise Agreement; or

Note: Refer to the *Enterprise Agreement* [clauses 24 – 32](#)
 - (d) **casual employment** - under an employment contract whereby the staff member is engaged and paid by the hour. Casual staff are usually employed to meet short-term skill requirements, or where the business need is short-

term, unpredictable or insufficient for an appointment on either a continuing or fixed-term basis.

- (5) Staff may be employed to work the equivalent of either full-time or part-time working hours.

Note: Refer to the [Enterprise Agreement Part E](#) and [Flexible Working Arrangements Policy](#)

- (6) Staff, other than casual staff, are entitled to paid annual leave, sick leave, public holidays and other employment benefits as provided in their contracts of employment. Casual staff are paid a loading in lieu of these benefits.

Note: The majority of staff members are covered by the employment benefits in the [Enterprise Agreement](#)

- (7) Staff performance is managed in accordance with the [Performance Planning and Development Policy 2012](#).

11 Employment: remuneration

- (1) All payments to staff members for performing work under their contract of employment must be paid as salary or wages and made through the University's Human Resources payroll system.
- (2) Payments for overtime, additional hours or "above load" duties to eligible staff must be approved by the relevant Head of School or Head of Administrative Area before the additional hours are worked or duties are performed.
- (3) University staff members seeking to engage in secondary employment or outside earnings must comply with the:
- [Code of Conduct - Staff and Affiliates](#)
 - [Outside Earnings of Academic Staff Policy 2011](#)
 - [External Interests Policy 2010](#)

PART 3 – TEMPORARY WORKERS ENGAGED THROUGH AN APPROVED LABOUR HIRE AGENCY

12 Labour hire agencies: terms of engagement

- (1) Unless an exception has been approved by the Chief Human Resources Officer, all engagements of individuals through labour hire agencies must be initiated through Human Resources and the [SydneyRecruitment](#) request to hire approval process,.

Note: Refer to the [Temporary Labour Hire Procedures 2015](#) and [Request to Engage form](#).

- (2) Individuals must be engaged through agencies that are University [preferred suppliers, or otherwise approved by Procurement Services](#).
- Where a highly specialised skill requirement cannot be met from the list of preferred labour hire agencies, engagement of alternative suppliers must be negotiated by SydneyRecruitment in consultation with Procurement Services.

- (b) Procurement Services must approve the engagement of the appropriate agency in accordance with the [Procurement Policy](#) and its related procedures.
- (3) Any extension or variation to an engagement of a temporary worker through a labour hire agency must be arranged through SydneyRecruitment and approved by the relevant delegate. In making such a decision the total cost of the engagement must be considered, not just the cost of the extension or variation.

13 Labour hire agencies: payments

Payments to labour hire agencies must be made through the University's accounts payable system, in accordance with the [Procurement Policy](#) and its [related procedures](#) and the [Accounts Payable Payment Procedures](#).

Note: Refer to the [Temporary Labour Hire Procedures 2015](#)

PART 4 – SPECIFIC INDIVIDUALS ENGAGED THROUGH A CONTRACT FOR SERVICES (INDEPENDENT CONTRACTORS)

14 Contract for services: terms of engagement

- (1) Unless an exception has been approved, engaging an individual as an independent contractor must be initiated through the request to hire approval process.

Note: A list of pre-approved [exceptions](#) is available on the Staff Intranet. Refer to the [Request to Engage form](#)
- (2) A contract with an independent contractor to supply services of specific individuals, including consultants, must be managed in accordance with the [Procurement Policy and its related procedures](#) - including meeting sourcing, quotation, tender and insurance requirements.

Note: Refer to [information on engaging a contractor](#) on the Staff Intranet
- (3) A purchase order must be created for the engagement and the following documents must be attached to the purchase order:
 - (a) a standard [University Services Agreement](#) which includes the terms of the engagement approved by the relevant delegate;
 - (b) a copy of the completed [contractor/employee assessment](#) showing a contractor relationship;
 - (c) a copy of insurance cover specified in the agreement; and
 - (d) copies of the required quotations.

Note: Refer [Procurement: Purchase Order Procedures](#).
- (4) Exceptions to the contractor/employee assessment at clause 8(2) must be approved by the Chief Financial Officer.

Note: Refer to the [contractor/employee assessment tool](#).

- (5) Any further engagement or variation to a contract must be approved by the relevant delegate in accordance with the [Procurement Policy](#). In making such a decision the total cost of the engagement must be considered, not just the cost of the extension or variation.
- (6) The Office of General Counsel must approve any non-standard agreement, or any proposed variation to a standard agreement, in consultation with Procurement Services.
- (7) The manager or project officer specified in the Services Agreement must monitor performance against agreed outcomes during the engagement.

15 Contract for services: payments

- (1) Invoices must be validated against the approved purchase order and must comply with the terms in the relevant [University Services Agreement](#).
- (2) Payments to contractors must be made through the University's Accounts Payable system, in accordance with the [Accounts Payable Payment Procedures](#).

PART 5 – VOLUNTEERS

16 Volunteers: terms of engagement

- (1) Volunteers are affiliates of the University.
Note: See [Affiliates Policy](#). Refer to volunteer information on the [Affiliate Intranet pages](#).
- (2) The relevant delegate must arrange for volunteers to be issued with a letter which acknowledges and defines their role and sets out their responsibilities to the University and the University's responsibilities and obligations to them. The letter must specify performance expectations and provide information about terminating the relationship where performance or other responsibilities are not being adequately met.
Note: See [Affiliates Policy](#). Refer to information on [Affiliates](#) and the [Volunteer Letter Template](#).

17 Volunteers: payments

- (1) Volunteers are not remunerated for their service.
- (2) Reimbursements made to volunteers must be made through the University's accounts payable system, in accordance with the [Accounts Payable Payment Procedures](#).

PART 6 – REVIEWING EXISTING ARRANGEMENTS

18 Reviewing engagements of suppliers of services or labour-hire agencies

- (1) Within 12 months of the commencement date of this policy, the relevant executive supervisor must initiate a review of existing contracts for service of specified individuals and engagements of temporary workers through agencies.
- (2) The review must:
 - (a) classify each identified relationship in accordance with Part 1 of this policy;
 - (b) determine whether or not the relationship is still required; and
 - (c) if so, determine the appropriate basis upon which the relationship should continue.
- (3) The outcome of the review must be one of the following:
 - (a) continue the engagement in accordance with the terms of the current contract until the end of the contract period, unless there is a mutual agreement to enter into a new arrangement;
 - (b) cease the engagement if the requirement no longer exists;
 - (c) enter into an employment relationship in accordance with Part 2;
 - (d) enter into an engagement through a labour hire agency on the University's preferred supplier panel in accordance with clauses Part 3; or
 - (e) enter into a new contract for service in accordance with Part 4.
- (4) The relevant executive supervisor will provide a written report to the Vice-Principal (Operations) on the outcome of the review.
- (5) Where, in the opinion of Human Resources or Procurement Services staff, an engagement or proposed engagement does not comply with University policy they must refer the matter to:
 - (a) the relevant delegate; or
 - (b) as necessary:
 - (i) Chief Human Resources Officer;
 - (ii) the Director, Procurement.

PART 7 – ADMINISTRATION

19 Procedures

- (1) The Chief Human Resources Officer is the principal administrator of this policy and the Chief Financial Officer is the administrator of Part 4 of this policy. Formal policy reviews are the responsibility of, and must be initiated by, both jointly.
- (2) The Chief Human Resources Officer may determine procedures relating to Parts 1 -3 inclusive, 5 and 6 of this policy.
- (3) The Chief Financial Officer, in consultation with the Chief Human Resources Officer, may determine procedures relating to Part 4 of this policy.

NOTES

Workforce Engagements and Payments Policy 2016

Date adopted:	27 January 2016
Date registered:	9 February 2016
Date commenced:	1 March 2016
Date amended:	27 April 2018 (administrative amendments only)
Administrator:	Chief Human Resources Officer; Chief Financial Officer
Review date:	27 January 2021
Related documents:	

[*Child Protection \(Working with Children\) Act 2012 \(NSW\)*](#)

[*Work Health and Safety Act 2011 \(NSW\)*](#)

[*University of Sydney \(Delegations of Authority – Administrative Functions\) Rule 2016*](#)

[*University of Sydney Enterprise Agreement 2018-2021*](#)

[*Affiliates Policy*](#)

[*Casual Employment Policy*](#)

[*Code of Conduct - Staff and Affiliates*](#)

[*External Interests Policy 2010*](#)

[*Honorary Titles Policy 2013*](#)

[*Outside Earnings of Academic Staff Policy 2011*](#)

[*Performance Planning and Development Policy 2012*](#)

[*Procurement Policy*](#)

[*Recruitment and Selection Policy*](#)

[*Visa and Work Rights Policy*](#)

[*Working with Children Policy 2014*](#)

[*Accounts Payable Payment Procedures*](#)

[*Temporary Labour Hire Procedures 2015*](#)

[Procurement: Non-Allowable Expense Procedures](#)

[Procurement: Purchase Order Procedures](#)

[Procurement: Tendering Procedures](#)

[Preferred Supplier Schedule](#)

[Procurement and Purchasing Guidelines](#)

AMENDMENT HISTORY

Provision	Amendment	Commencing
6; 7(1); related documents	Updating references to University of Sydney (Delegations of Authority – Administrative Delegations) Rule 2016	6 June 2017
6; 11(2)	Amendments relating to organisational design changes	6 June 2017
12(1) note; 14(1) note	Updated references to new Request to Engage Form	6 June 2017
9(4)(a)	Replace Department of Immigration and Border Protection with Department of Home Affairs	20 April 2018
6; 10(4)(c)	Updated references and clauses to align with the Enterprise Agreement 2018-2021	27 April 2018
10(3); 12(1); 18(5)(b); 19 (1)-(3)	References to Director, Human Resources changed to Chief Human Resources Officer	27 April 2018