

EMPLOYMENT RECORDS

Employment Instruction Number 9

1. Scope

1.1. This Employment Instruction:

- a) sets out rules for keeping employment records in accordance with the *Public Sector Employment and Management Act* (the Act);
- b) is issued in accordance with section 16 of Act; and
- c) is to be read in conjunction with, and subject to, section 17 of the Act and Regulation 5 of the Public Sector Employment and Management Regulations (the Regulations).

Note:

Employee information kept pursuant to other legislation, e.g. the Fair Work Act and Income Tax Act is not dealt with in this Employment Instruction.

2. Agency Responsibility

- 2.1. The Commissioner has delegated the responsibility for keeping records to each Chief Executive Officer.
- 2.2. In addition to the requirements of the Act and its subordinate legislation, a Chief Executive Officer must comply with the requirements of the *Information Act* (NT) regarding correction, collection and handling of personal information contained in an employee's employment record.

3. Corrections to information held on an employee's record

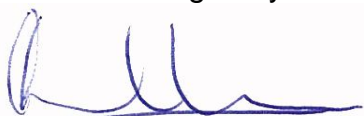
- 3.1. No information held on an employee's record will be amended, added to or deleted without the approval of a Chief Executive Officer.
- 3.2. An employee may request a Chief Executive Officer to correct, add to or delete information from the employee's own record in accordance with the *Information Act*.
- 3.3. If a Chief Executive Officer disagrees with a correction sought by the employee, the employee may add to the file a statement that in the employee's opinion, the information is inaccurate, incomplete or out of date.

4. Access to records by persons outside the public

- 4.1. A Chief Executive Officer must not release information contained on an employee's record to persons outside the Northern Territory Public Sector except in accordance with the *Information Act*.

5. Information that forms part of a person's employment records

- 5.1. In accordance with section 17(2)(b) of the Act an employment record must include the following information:
- a) date of appointment;
 - b) remuneration;
 - c) applications and approvals for engaging in outside employment under section 61 of the Act;
 - d) probation Records;
 - e) records documenting the management of an employee under employment schemes, including apprenticeships, scholarships and traineeships;
 - f) recruitment records including selection and referee reports;
 - g) employee performance management and development records;
 - h) individual Flexible Agreements;
 - i) medical Reports pertaining to an employee's ability to perform his or her assigned duties including, but not limited to, those obtained by the agency:
 - under Part 7 and 8 of the Act;
 - in accordance with the personal leave provisions of a relevant award or enterprise agreement; or
 - through voluntary provision of the report by the employee;
 - j) records relating to actions under Part 7 of the Act (Employee Performance and Inability) including transfer under section 35 of the Act;
 - k) records relating to actions under Part 8 of the Act (Discipline), including transfer under section 35 of the Act;
 - l) counselling records related to the general counselling of an employee, e.g. career counselling, induction counselling, performance counselling; and
 - m) grievance records relating to the handling and resolution of formal grievances lodged by an employee.



GRAHAM SYMONS
Commissioner for Public Employment

14 December 2011