

Transfer Standard: Guidance

Applying the Transfer Standard

[Commissioner's Instruction 51: Transfer Standard](#) applies when an employing authority:

- exercises the power to transfer an employee
- there is no invitation to apply to transfer.

The Transfer Standard does **not** apply to:

- employees moving to other positions due to:
 - redeployment
 - substandard performance
 - discipline
 - machinery of government disposition
 - a recruitment, selection or appointment process.
- entities listed in Schedule 1 of the *Public Sector Management Act 1994* (PSM Act) such as:
 - courts and tribunals
 - local governments
 - public universities
 - elected officials (members of Parliament and local government council members)
 - WA Police Force.
- chief executive officers, chief employees and ministerial officers.

Power to transfer employees

CEOs and employing authorities have powers to transfer employees through legislation and industrial awards or agreements. The power to transfer staff does not come from the Transfer Standard. Transfers can occur in or between agencies depending on the terms of the transfer powers. CEOs and employing authorities need to ensure they have the powers to transfer employees before proposing transfers.

1. Merit

Setting and assessing employees against the suitability requirements

Agencies set suitability requirements for each position and assess employees they are proposing to transfer against those requirements. Agencies document suitability assessments. Only employees who meet the suitability requirements can be transferred.

Resource:

- [Recruiting, Selecting and Appointing: Suitability Requirements](#)

2. Equity

Considering employee and employer interests

Consulting employees about proposed transfers enables agencies to be aware of and consider the impact of transfer decisions on employees. Interests that may be important to employees include:

- career opportunities
- location and proximity to home and/or schooling
- medical issues
- parking and transportation
- personal circumstances.

Agencies need to speak with employees wherever possible about proposed transfers, seek their views in writing and give genuine consideration to those views before making transfer decisions. Agencies need to balance employee interests with organisational requirements.

3. Probity

Implementing procedures for transfer

Agencies establish and follow procedures for transferring employees to other positions at the same classification level in or external to their agencies. Under Commissioner's Instruction 51, these procedures must be aligned to the standard.

Ensuring records are capable of review

Under Commissioner's Instruction 51, all actions and decisions must be:

- documented with sufficient detail to show the process undertaken, period of consultation and reasons
- accessible in line with recordkeeping legislation.

Resource:

- [Hiring Managers' Toolkit Chapter 10: Write the recruitment report](#)

Managing nepotism, bias and conflicts of interest

The community has a reasonable expectation that public sector employees carry out their duties fairly and without bias; and that decisions they make are in the public interest and not affected by their personal interests. This includes transfer decisions.

Resources:

- [Factsheet: Unconscious bias](#)
- [Hiring Managers' Toolkit Chapter 5: Establish and brief the hiring team](#)
- [Conflicts of Interest Guide](#)

Considering relevant information in decision making

When making transfer decisions agencies consider:

- position descriptions (or similar) that set suitability requirements of positions
- assessments records which may include employee resumes and other documents that show how they meet the suitability requirements
- information and reflections gathered during consultation with employees
- the interests of the agency
- any steps taken to manage integrity matters and conflicts of interest.

Resources:

- [Breach of standards: Information for agencies](#)
- [Hiring Managers' Toolkit](#)