



Australian
Human Rights
Commission
everyone, everywhere, everyday

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Non-ongoing Employment

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Contract employment arrangements

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1 Non-ongoing employment

Non-ongoing employment is the term commonly used in the Commonwealth public sector for contract or temporary work. The Commission uses this employment method to cover a range of circumstances where on-going or permanent employment is not appropriate. Where possible, however, ongoing employment is the Commission's preferred form of employment.

2 Types of Non-ongoing opportunities

2.1 *Maternity Leave relief*

When employees proceed on Maternity Leave they are entitled to retain their current position until they return to work. The Commission fills their position in their absence through a non-ongoing contract. Anyone engaged on this basis is advised that the temporary vacancy is in connection with Maternity Leave and as such there should be no expectation of ongoing employment.

2.2 *Projects*

The Commission may also engage non-ongoing employees to access specialist expertise or skills that may be required for a specific project of defined duration.

2.3 *Defined period funding*

On occasion, the Commission may secure funding for specific purposes which covers a defined period. In these circumstances, employees may be engaged on a non-ongoing basis directly linked to the period of funding.

2.4 *Other reasons*

The Commission may also use non-ongoing employment to supplement its ongoing workforce for the following reasons:

- administrative support
- during peak workload periods
- where a new function or requirement has been identified but it is not clear whether there will be a longer term need for the role
- whilst a selection process is conducted to fill an ongoing vacancy
- to cover a period of extended leave or temporary transfer

3 Sources of Non-ongoing employees

The Commission may:

- use expressions of interest from current ongoing employees
- use a current eligibility list from a merit selection process

- advertise in the Commonwealth Government Gazette
- advertise on the Commission's website, list serves or other electronic job notice board
- use specialist advertisers eg Koori Mail
- use its Temporary Employment Register
- use employment agencies
- use specialists that are well known to the Commission

4 Contracts

Non-ongoing employment contracts should indicate where there are conditions imposed on the arrangement such as a link to external funding or Maternity Leave.

5 Moving from non-ongoing to ongoing

The Commission has the option to advertise positions as non-ongoing or non-ongoing with a possibility of ongoing. This is particularly helpful where it is not clear at the time of advertising whether the position will be required on an ongoing basis or where a vacancy may arise during the next 12 months. There can be no guarantee of employment becoming ongoing however, and expectations should not be raised on this basis.

In order to utilise this option, the Commission must offer any ongoing employment within 12 months of the original advertising. If this condition is not met, then a new merit selection process must commence.

6 Extended contracts

The Commission generally offers non-ongoing contracts on the basis of information available at the time. If circumstances change, then employees should be advised as soon as possible. For example, if an employee chooses to extend Maternity Leave, then the non-ongoing employee should be advised as soon as possible. Similarly, if external funding is linked to a non-ongoing employment contract and that funding is to continue, advice should be provided as soon as possible about an offer of extension.

7 End of Contract

The Commission issues non-ongoing contracts with a specified start and end date. The contract will also contain a termination clause and notice period, where either party must give the required notice to terminate the contract.

Where possible, the Commission will give advance notice of any decision to end a contract before the expected contract end date.

The Commission will also advise employees on non-ongoing contracts linked to external funding, within 2 months of the end of that contract, of any advice about continued or finalised funding.