



Suspension Policy

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1. Purpose and Authority

The Parliamentary Workplace Support Service (PWSS) and parliamentarians are committed to providing a safe, healthy, respectful and productive parliamentary workplace.

Under Section 18 of the *Members of Parliament (Staff) Act 1984* (MOP(S) Act), the employing parliamentarian may suspend an employee from duties for a maximum period of 30 days where they consider it appropriate to do so. Under Section 19 of the MOP(S) Act, the Chief Executive Officer (CEO) of the PWSS or their delegate may suspend an employee in limited circumstances.

This policy is developed in line with the requirements as prescribed under Section 17 of the *Parliamentary Workplace Support Service Act 2023* (PWSS Act).

This policy outlines the circumstances for which suspension from duties may be considered by either the Parliamentarian or CEO of the PWSS, relevant considerations, and the process that must be followed when suspending an employee from duties.

This policy does not cover decisions to assign different duties to an employee or termination of employment.

2. Key Principles

- In most circumstances, suspending an employee from duty is aimed at mitigating a risk to workplace health and safety, property, security, or an investigation, consistent with the MOP(S) Act employment principles.
- Suspension from duty is a preventative measure and is not to be used as a punitive tactic.
- The PWSS must be informed, via the completion of a risk assessment (**Attachment A**), before or as soon as practicable after, a parliamentarian suspends an employee from duties.
- Procedural fairness should be afforded when suspending an employee from duties, unless, on reasonable grounds, it would not be appropriate to do so due to exceptional circumstances.
- Suspension from duty does not impact an employee's ability to raise workplace complaints with the Independent Parliamentary Standards Commission (IPSC), lodge a claim for worker's compensation or lodge complaints through the Fair Work Commission and other relevant external bodies.

3. Expectations and responsibilities

3.1 Parliamentarians

- Are responsible for employment decisions regarding MOP(S) Act employees.
- May suspend an employee from duties where they consider it appropriate to do so and should have regard to the considerations and risks (outlined below) prior to making a preliminary decision to suspend.
- Must inform the PWSS before, or as soon as practicable after, suspending a person from duties with pay.
- Must consult the PWSS prior to suspending an employee without pay.

- As Officers under the *Work Health and Safety Act 2011* (WHS Act), must identify hazards and eliminate or minimise risks to health and safety arising from those hazards.

3.2 Employees

- Follow the direction of their employing parliamentarian to absent themselves from the workplace in accordance with the notice of suspension.
- Comply with a suspension decision in a timely manner.

3.3 PWSS

- With agreement of the employing parliamentarian, the CEO of the PWSS may suspend an employee from duties if they consider an employee's attendance in the workplace poses a risk to workplace health and safety, property, information, security or an investigation.
- The PWSS will retain written records of the advice given to the employing parliamentarian regarding all cases of proposed suspension.
- The PWSS can assist parliamentarians in drafting correspondence.

4. Suspension Considerations

4.1 General considerations

Before suspending an employee from duties, the following risks should be considered:

- the degree of seriousness of the allegation/s, for example where the behaviour is illegal conduct, or relevant conduct
- the safety and wellbeing of the employee, including if they are a risk to themselves
- the safety and wellbeing of other Commonwealth parliamentary workplace participants and members of the public, including constituents (including risk of reprisal action)
- public confidence in the Commonwealth parliament
- the integrity and security of Commonwealth resources, for example where allegations relate to fraud or the misappropriation of funds or IT misuse
- whether an investigation and/or evidence may be compromised by the employee's presence in the workplace
- other mechanisms available to mitigate the risks including, but not limited to, alternative reporting lines, and remote working arrangements
- whether the alleged misconduct is likely to be repeated.

4.2 With or without pay

Suspension from duties is with pay, unless the parliamentarian or the CEO of the PWSS is satisfied exceptional circumstances exist to justify suspension without pay.

Before a parliamentarian decides to suspend an employee without pay, they must consult with the PWSS to confirm exceptional circumstances exist.

Consideration should be given to:

- the seriousness of the alleged misconduct
- the estimated duration of related investigations or other processes, and
- the likely financial hardship, if any, for the employee.

4.3 Period of suspension

The period of suspension from duties must not exceed 30 days. However, the limitation on the period of suspension does not prevent the parliamentarian and/or the CEO of the PWSS from suspending the employee for a further period if it is considered appropriate to do so. Therefore, the parliamentarian and/or the CEO of PWSS must be satisfied that the grounds for suspension still exist.

4.4 Immediate suspension

A parliamentarian may immediately suspend an employee where there is a need to act urgently – for example, where there is an imminent threat to health and safety or risk that evidence related to alleged conduct will be destroyed. Parliamentarians must contact the [PWSS](#) as soon as possible for advice and assistance when immediately suspending a person from duties.

The CEO of the PWSS may immediately suspend an employee with the prior agreement of the employing parliamentarian.

An employee who is suspended without first being given an opportunity to respond should be advised (in writing), as soon as practically reasonable after the suspension has taken effect and no later than seven days of the reasons for the suspension decision, and for proceeding without seeking their response. They should then be invited to provide a response to the decision. On receipt of the employee's comments, the delegate should promptly consider the appropriateness of the suspension continuing.

5. Suspension Process

5.1 Complete the Risk Assessment

Before a decision is made to suspend an employee from duties, a risk assessment (see **Attachment A**) must be completed by the decision maker (i.e. the parliamentarian or CEO of the PWSS) and provided to the PWSS [Workforce Strategy Team](#).

In the event a situation warrants an immediate suspension, the risk assessment template should be completed as soon as possible after the employee has been suspended from duties, and no later than seven days after suspension.

5.2 Advise the employee of the preliminary suspension decision

If it is determined through the risk assessment that suspending an employee from duties is required, the parliamentarian or the CEO of the PWSS (with the agreement of the employing parliamentarian) must write to the employee.

The letter should advise:

- suspension from duties is being considered
- the reasons why suspension from duties is being considered
- the period of suspension being considered
- whether the suspension will be with or without pay (if without pay the letter must clearly state the reasons why suspension without pay is being considered)
- the employee has an opportunity to respond
- supports available to the employee.

The parliamentarian, where possible and safe to do so, should meet with the employee in person to inform them of the preliminary suspension decision and issue the letter. The employee should be afforded adequate notice of the meeting taking place (i.e. 24 hours' notice) and provided with the opportunity to bring a [support person](#) to the meeting.

PWSS employees can attend these meetings in a support person capacity and can also provide debriefing after the meeting.

5.3 Advise the employee of the final suspension decision

If, after considering any response from the employee and all other relevant information, the parliamentarian and/or CEO of the PWSS proceeds with the suspension decision, the employee must be informed of that decision in writing. The suspension decision letter should include:

- the reason/s for the suspension, addressing any response provided by the employee
- the dates of the suspension period (which must not be greater than 30 days)
- review interval/s, at which time a new decision will be made as to whether the employee should be further suspended
- whether the suspension is with or without pay
- any requirement to hand in access passes, laptops, mobile phones or other work-related items
- any other reasonable directions required to mitigate identified risks, such as not to contact colleagues, not to re-enter the workplace without written invitation, or not to attend any work-related events, and
- supports available to the employee.

Once the employee has received the suspension decision letter, they must immediately absent themselves from the workplace and follow any other reasonable directions, including any requirement to return their building pass or IT assets, included in the letter.

5.4 Re-evaluation of suspension

A re-evaluation of suspension is a fresh decision as to whether the employee should have a further period of suspension imposed, having regard to the risks posed by their presence in the workplace (to themselves and/or others) and whether suspension remains the most effective way to mitigate these risks. It is not a review of the original decision.

A re-evaluation of suspension should occur at least 5 days prior to the end of the suspension period and must be accompanied by a new risk assessment (**Attachment A**). The PWSS can assist the parliamentarian to conduct the new risk assessment.

If, following the new risk assessment, it is determined that a further period of suspension of the employee is required, the parliamentarian or the CEO of the PWSS (with the agreement of the employing parliamentarian) must formally write to the employee, advising that they are considering a further period of suspension, the reasons why, and offering the employee an opportunity to respond.

If, after considering any response from the employee and all other relevant information, the parliamentarian decides a further period of suspension is warranted, the employee must be informed of that decision in writing, as per section 5.2 of this policy.

6. Ending Suspension

The parliamentarian or the CEO of the PWSS may decide to end the employee's suspension at any time.

Where the CEO of the PWSS forms a view to end an employee's period of suspension, the employing parliamentarian will first be notified.

Any decision to end the suspension of an employee must be in writing, and copies provided to the employee, the employing parliamentarian, and the PWSS.

7. Entitlements (pay, allowances and leave)

The treatment of an employee's entitlements such as pay, allowances and leave (including accruals) during periods of suspension will be determined by the Commonwealth Members of Parliament Staff Enterprise Agreement 2024-27 and related Guidelines.

8. Review of Decision

An employee who is dissatisfied with a decision made by the PWSS under this policy can request an internal review of the decision by [contacting the PWSS](#) in writing within 28 days of receiving the decision. Details on the PWSS internal review process can be found on the [PWSS website](#).

The PWSS is unable to review a decision made by someone external to the PWSS, such as an employing parliamentarian.

9. Support

9.1 Parliamentary Workplace Support Service (PWSS)

The PWSS is available to provide a range of human resource and work health and safety support and guidance to Parliamentarians and employees. We also provide wellbeing support, conflict resolution and early intervention to all employees.

The PWSS can also be contacted via phone 24/7 on **1800 747 977**, by SMS on 0487 112 755, email at support@PWSS.gov.au, or in person at M2.105 in APH from 8.30am-8:00pm sitting days or 8.30am-5:00pm all other business days. Visit pwss.gov.au for more information.

For advice relating to this policy, call 1800 747 977 (option 2) or email hr@pwss.gov.au.

9.2 Employee Assistance Program (EAP)

The Employee Assistance Program (EAP) is a professional and confidential program which aims to enhance the emotional, mental and general psychological wellbeing of parliamentarians, employees and their immediate family and household members.

The EAP can be contacted 24 hours per day, 7 days per by calling 1300 360 364 or visit one.telushealth.com | **Username:** pwss | **Password:** Wellbeing

10. Definitions

Term	Definition
Employee	Employees are staff employed under the <i>Members of Parliament (Staff) Act 1984 (Cth)</i> . MOP(S) Act employees are employed by Parliamentarians on behalf of the Commonwealth.
Exceptional Circumstances	‘Exceptional circumstances’ requires consideration of all the circumstances. To be exceptional, circumstances must be out of the ordinary course, or unusual, or special, or uncommon but need not be unique, or unprecedented, or very rare. Exceptional circumstances can include a single exceptional matter, a combination of exceptional factors or a combination of ordinary factors which, although individually of no particular significance, when taken together are seen as exceptional.
Parliamentarian	This term refers collectively to Members of the House of Representatives and Senators.
PWSS	Parliamentary Workplace Support Service
Relevant conduct	As defined in the PWSS Act, relevant conduct is defined as: <i>Conduct engaged in by a person that consists of any of the following:</i> <i>(a) sexual assault;</i> <i>(b) assault;</i> <i>(c) sexual harassment;</i> <i>(d) harassment;</i> <i>(e) another person being bullied at work (within the meaning of the Fair Work Act 2009);</i> <i>(f) unreasonable behaviour towards another person that creates a risk to work health or safety;</i>

(g) conduct that breaches a code of conduct, or a part of a code of conduct, that is prescribed by the PWSS rules

11. Useful Resources

Legislation	Industrial Instrument
<ul style="list-style-type: none">• Members of Parliament (Staff) Act 1984• Parliamentary Workplace Support Service Act 2023• Work Health and Safety Act 2011• Fair Work Act 2009	<ul style="list-style-type: none">• Commonwealth Members of Parliament Staff Enterprise Agreement 2024-27

12. Attachments

Attachment A - Suspension Risk Assessment Template



Policy

Attachment A – Suspension Risk Assessment Template

For assistance in completing this template please contact workforcestrategy@pwss.gov.au.

MOP(S) Act employee name:		
Employing parliamentarian name:		
Assessor name and position:		
Assessment date:		
Reason for proposed suspension: <i>Please provide sufficient detail about the alleged incident/allegations that may warrant suspension from duties</i>		
Is the employee already suspended?	YES or NO	If yes, provide date of original suspension decision:

Assessment

Risk posed if the employee remains in the workplace	Do you consider this risk to be present?	If yes, provide details of the identified risk	Outline any control measures to mitigate the identified risk (if applicable) <i>Possible mitigation actions could include, but are not limited to, temporary reassignment and amendment of duties, alternative reporting lines, reasonable directions, remote working arrangements etc.</i>
To their own safety and wellbeing	Yes or No		
To the safety and wellbeing of others - <i>for example Commonwealth parliamentary workplace participants, members of the public, constituents etc.</i>	Yes or No		
Compromises the integrity and security of Commonwealth resources	Yes or No		
Compromises an investigation and/or evidence related to alleged misconduct	Yes or No		

Risk posed if the employee remains in the workplace	Do you consider this risk to be present?	If yes, provide details of the identified risk	Outline any control measures to mitigate the identified risk (if applicable) <i>Possible mitigation actions could include, but are not limited to, temporary reassignment and amendment of duties, alternative reporting lines, reasonable directions, remote working arrangements etc.</i>
The alleged misconduct may be repeated	Yes or No		
Other identified risks (please specify):	Yes or No		

Decision (select one)

<input type="checkbox"/> Based on the assessment of potential risks and control measures, I am of the view that <u>it is appropriate</u> to suspend the identified employee from duties.	<input type="checkbox"/> Based on the assessment of potential risks and control measures, I am of the view that <u>it is not appropriate</u> to suspend the identified employee from duties.
Please provide a detailed assessment of any identified risks and possible control measures that you considered in making your decision.	