



Policy Directive 25

Prisoner Constructive Activity

Legislation referred to: [Prisons Act 1981](#) ss7 (1), 12(b), 69(b), 83, 95, 110(h) and 110(i)
[Prisons Regulations 1982](#) rr 40, 43, 44, 45, 45A, 45B, 45C, 45D, 45E, 46 & 73(2)
[Standard Guidelines for Corrections in Australia 2004](#) 1.13, 1.14, 1.27, 1.72, 2.6, 2.7, 3.6, 3.8, 4.2, 4.3, 4.4, 4.5, 4.6, 4.9, 4.10, 4.11, 4.12, 4.13.

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Purpose

All prisons shall ensure that they develop suitable regimes with constructive activities that provide prisoners with skills that increase the likelihood of employment on release, address their offending behaviour, meet their health needs, provide for self development, and prepare them for integration into the community.

Prisoners may contribute to community reparation through their involvement in various specialist projects undertaken within and outside prisons and work camps through s 95 activities and Absence Permits under s 83(1)(a).

The department minimises the risk of unsafe work environments for prisoners and officers by providing occupational safety and health, training, instruction and supervision to prisoners.

Definitions

Constructive Activity	involves undertaking activity in a work area, education, vocational training, participation in a treatment program or other like programme for self improvement.
Absence Permit	written permission for a prisoner to be absent from the prison or external facility in which the prisoner is confined for the objectives described in s 83(1) of the <i>Prisons Act 1981</i>
Gratuity	is the payment to a prisoner in recognition or work or constructive activity undertaken whilst in prison.
Gratuity Level	as described in r 44 of the Prison Regulations 1982.
Workplace Orientation	Each prisoner receives an orientation into the prison's regimes, orders and procedures upon first arrival at the prison.
Designated Superintendent	the Superintendent as defined in s 36 of the <i>Prisons Act 1981</i> and includes any reference to the position responsible for the management of a private prison under Part IIIA of the <i>Prisons Act 1981</i> .
Superintendent	as defined in the <i>Prisons Act 1981</i> and refers to either the designated Superintendent or the officer on charge of a prison at a particular time.

Policy

1. Constructive Activities

- 1.1. Each prison shall aim to give all prisoners the opportunity to engage in constructive activity including meaningful work, education, vocational training, treatment programs and other like programmes for self improvement.
- 1.2. The superintendent shall encourage prisoners to participate in constructive activities.

2. Assigning Activities

- 2.1. The superintendent shall not compel a prisoner to participate in an activity with the exception that they may require a medically fit prisoner to work.
- 2.2. The superintendent shall not require a remand prisoner to engage in work unless they request and consent to such work.
- 2.3. The superintendent may assign prisoners to work in an industrial workshop, primary activities on a prison farm, prison maintenance, cleaning activities, activities in relation to the operation of the prison, or any similar activity.
- 2.4. The superintendent shall ensure that an approved Absence Permit is made for prisoners that engage in work or activities outside the prison or external facility.

3. Payment for Constructive Activities

- 3.1. Prisoners shall receive gratuities for participation in constructive activity at a rate commensurate with the skills and diligence required to perform the activity.
- 3.2. All constructive activities are regarded as equal in terms of assessing gratuities levels and payments.

4. Occupational Safety and Health in Prison Workplaces

- 4.1. All prisoners are entitled to work in safe conditions. Occupational health and safety standards that apply in workplaces in the community shall apply equally to prisoners working in prison workplaces.
- 4.2. Officers shall provide all prisoners with instruction on how to conduct themselves in a safe and responsible manner in prison workplaces.
- 4.3. Officers supervising prisoners in a workplace are responsible for the management of the workplace and shall provide a duty of care responsibility towards prisoners. This includes control over which prisoners may attend that workplace.
- 4.4. Prisons shall maintain appropriate record keeping documentation in accordance with departmental policy and the occupational safety and health legislation

Procedure

1. Prisoner Constructive Activity Profile

- 1.1 The designated Superintendent shall develop a Prisoner Constructive Activity Profile identifying the work and other activities available inside and outside that prison and the gratuity level paid for the varying types of activity undertaken.
- 1.2 The Prisoner Constructive Activity Profile shall show the distribution of gratuities within a prison and should resemble Table 1. The actual distribution of gratuities within a prison however, shall depend on the nature of activities available within that prison.

Gratuity level	Percent (prisoner population)
5	10%
4	15%
3	45%
2	20%
1	10%

- 1.3 The superintendent shall ensure the distribution of gratuities reflects the prison's budget for gratuities.
- 1.4 The Prisoner Constructive Activity Profile may with the approval of the relevant Director include a system for bonus payments at levels higher than provided for in r 45 of the Prison Regulations 1982.
- 1.5 The Prisoner Constructive Activity Profile established under 1.1 shall ensure fairness and uniformity in the assignment of prisoners to work and associated gratuity levels.

2. Code of Conduct

- 2.1 The Prisoner Constructive Activity Profile shall include a 'Code of Conduct' that prescribes a set of guiding principles and duty of care obligations which assists prisoners in determining acceptable conduct.
- 2.2 The superintendent shall make the code of conduct available to all prisoners.
- 2.3 The code of conduct may outline the conditions for Absence Permits provided for prisoners undertaking work or activities outside the prison.
- 2.4 A breach of the code of conduct may constitute a minor prison offence.

3. Prisoner Gratuities

- 3.1 Where a prisoner is engaged in constructive activity, the superintendent shall credit the prisoner with a gratuity commensurate with the skill and diligence required.
- 3.2 The payment of a gratuity shall reflect the extent of the prisoner's engagement in constructive activity whether it consists of engagement in one area or a combination of areas.

- 3.3 Where a prisoner is engaged in other constructive activities besides work, the superintendent shall credit the prisoner with a gratuity as if the prisoner were engaged in work requiring average skill or diligence.
- 3.4 Where a prisoner conducts peer leadership, peer tutoring or group instruction as part of a constructive activity, the superintendent may credit a gratuity at a higher level than that normally paid for prisoners engaged in such constructive activities.
- 3.5 Where a prisoner is only partly occupied in a combination of constructive activities, the superintendent may credit the prisoner with a lower level of gratuity proportionate to that normally commensurate with the type of constructive activities performed but not lower than level 5.
- 3.6 Where a prisoner is engaged in a constructive activity and must leave that activity temporarily to undertake an intensive programme in another constructive activity, the superintendent shall credit the prisoner with a gratuity as if still engaged in their original activity.
- 3.7 Where a prisoner is willing but unable to find a constructive activity to participate in, the superintendent shall credit them with at least level 5 gratuities.
- 3.8 Where a prisoner is absent from a constructive activity through no fault of their own, the superintendent shall credit the prisoner with a gratuity as if the prisoner were not absent.
- 3.9 Where approved by the relevant Director, the superintendent may credit a prisoner with bonus payments under a scheme defined in the Prisoner Constructive Activity Profile.

4. Assigning Prisoner to Constructive Activities

- 4.1 When an officer assigns a prisoner to a constructive activity on behalf of the superintendent, they shall give consideration to the conduct, past performance, supervisory requirements, and special skills or needs of the prisoner.
- 4.2 When an officer assigns a prisoner to a constructive activity on behalf of the superintendent they shall give consideration to a prisoner's desire to improve knowledge and skills when determining a suitable placement for a prisoner.
- 4.3 Officers shall assign prisoners to constructive activities in a manner consistent with the Prisoner Constructive Activity Profile and other directions from Superintendent.

5. Occupational Safety and Health

Prison Orientation

- 5.1 The designated Superintendent and the Educational and Vocational Training Unit shall agree upon an accredited generic occupational safety and health unit suitable for prisoners at that prison.
- 5.2 The designated Superintendent, in conjunction with the Education and Vocational Training Unit, shall provide the agreed occupational safety and health unit to prisoners during the prison orientation.
- 5.3 A prisoner shall not need to undertake the agreed unit if the prisoner can demonstrate competence in occupational safety and health at or above the level of the agreed unit.

- 5.4 If a prisoner once released, subsequently returns, they shall need to prove competency or repeat the unit.
- 5.5 The Education and Vocational Training unit database, Registrar, shall maintain verification of unit completion.
- 5.6 Officers may print a Registrar report "OSH successful completions report" for individual prison sites in order to receive an accurate status on all prisoners at that site.
- 5.7 Officers shall not assign prisoners to a workplace for work until the prisoner completes the agreed unit, and has been supplied with the appropriate safety equipment and Personal Protective Equipment.

Workshop Orientation

- 5.8 Upon appointment to a position in an industrial workplace, the officer in charge of that workplace shall provide each new prisoner commencing work in that workshop with occupational safety and health instruction.
- 5.9 At the completion of this instruction, the officer and the prisoner shall jointly complete and sign a C002 form for verification.
- 5.10 The C002 provides evidence to verify that a prisoner received a safety orientation to a specific work location.
- 5.11 This workshop orientation is not transferable to other workplaces, at the prison site or between prisons. A prisoner shall receive a specific safety orientation each time they move from one workplace to another workplace.
- 5.12 When the prisoner leaves the workplace, the officer in charge of the workplace shall send the original C002 to offender records; and
 - 5.12.1 The workplace shall retain a copy of the C002 for 12 months.

Equipment Records

- 5.13 As each workplace has different equipment prisoners must receive instruction on the operating and safety procedures for each item.
- 5.14 Each workplace shall maintain a record of instruction, using the C002, for each prisoner trained in specific equipment. Prisoners must not operate machinery or equipment prior to this instruction.
- 5.15 Each piece of static equipment must display operating instructions as well as a list of the names of prisoners authorised to use that equipment.
- 5.16 The record shall include the prisoner's name, the date of instructional delivery and the initials of the officer in charge of the work area. This record provides permission of who can operate that piece of equipment.
- 5.17 For each piece of mobile equipment, the workshop supervisor shall ensure the display of an approved list of users of that equipment at the distribution point of that equipment.
- 5.18 Officers shall ensure that prisoners working in their area of supervision are aware of and comply with all Worksafe requirements, as set out in the Occupational Safety and Health Regulations 1996.

5.19 Officers shall provide ongoing supervision, instruction and management to prisoners to provide a safe workplace.

Further Training

5.20 Wherever practical, prisoners shall receive industry specific accredited training in occupational safety and health, which is relevant to a workplace industry.

5.21 National industry bodies have identified one OSH unit per industry sector e.g. Hospitality industry has 'Follow health, safety and security procedures.' Metals and engineering industry has 'Occupational health and safety in the work environment.' The Education and Vocational Training unit at each prison can assist with the assessment of these units.

6. Accidents

6.1 In the event of an accident, the Prison and the supervising officer shall provide evidence of training and instruction to verify that the prisoner received training and instruction.

6.2 When reporting an accident, the reporting officer shall attach a copy of the record of completion of the accredited generic unit, plus a copy of the signed C002 to the white copy of the C561 "OSH Accident/Incident Report Form".

6.3 Where an officer supervising a prisoner in a workplace observes that for whatever reason a prisoners performance is impaired (under the influence of medication, contraband or some other condition) they shall contact the relevant officer responsible for security and have the prisoner removed from the workplace.

7. Approved Activities

7.1 When working in a workshop or other industry area, prisoners shall only engage in work approved by an officer.

7.2 Officers shall encourage prisoners to remain fully occupied on approved tasks whilst in their care.

7.3 Officers shall not allow prisoners, working in prison workshops, from undertaking "hobby" and "personal" work during work hours unless approved by a relevant officer.

8. Skills Training

8.1 Where a prisoner performs special skills or receives skills training as part of a work assignment, the officer in charge of the work area shall liaise with the Education and Vocational Training Unit to arrange formal recognition of the skills.

Applicability

This policy shall apply to all prisons.

References

Prisons Act 1981 - 7 (1), 12(b), 69(b), 83, 95, 110(h) & 110(i)

Prisons Regulations 1982 - 40, 43, 44, 45, 45A, 45B, 45C, 45D, 45E, 46 & 73(2)

[Standard Guidelines for Corrections in Australia 2004](#) - 1.13, 1.14, 1.27, 1.72, 2.6, 2.7, 3.6, 3.8, 4.2, 4.3, 4.4, 4.5, 4.6, 4.9, 4.10, 4.11, 4.12, 4.13

Approved

Commissioner:

Ian Johnson

Signature:



Date:

4 April 2007

Policy Sponsor

General Manager Adult Custodial.

Contact Person

The following person may be approached on a routine basis in relation to this policy:

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