



Prisoner Employment Program – Appendix 4

Prisoner Employment Program Conditions and declaration by employer/training provider

All prisoners on the Prisoner Employment Program (PEP) must obey certain important conditions. If they do not abide by the conditions, the Prisoner Employment Program can be suspended or cancelled and they may also be charged under the *Prisons Act 1981*. However most people abide by the conditions and continue to enjoy the benefits of the program.

Conditions:

1. An Absence Permit is granted subject to Part VIII of the *Prisons Act 1981*. It will include a number of standard conditions and may also include special conditions relevant to the individual prisoner.
2. The times specified for a prisoner to be absent from prison include travelling to and from the prison.
3. A prisoner absent from prison under authority of an Absence Permit is still a prisoner and is deemed to be in lawful custody while absent as authorised by the permit. **The prisoner must return to prison on or before expiry of the period of absence authorised by the permit.**
4. While on the Prisoner Employment Program (PEP), a prisoner must carry two documents at all times:
 - **Movement sheet** - showing the prisoner's movements while on the PEP
 - **Absence Permit** - the authority to be on the PEP.

A prisoner shall adhere to the 'Movement Sheet' at all times and shall have on their person the Movement Sheet and this Absence Permit.

5. Before leaving the prison to participate in the PEP, a movement sheet must be completed showing exactly where the prisoner will be at all times whilst out of the prison. **This movement sheet should be prepared in consultation with the employer/training provider, Employment Coordinator and be approved by the Superintendent.**
6. **The movement sheet shall also be countersigned by the employer/training provider at the commencement of each absence and a copy of the movement sheet provided to the employer/training provider.** Any unexpected movements not on this sheet must be reported to the prison immediately (eg an accident occurs or hospitalisation).
7. Upon completion of the absence, each day, the employer/training provider is to countersign the movement sheet verifying that the absence took place as approved.

8. The employer/training provider shall provide orientation to the prisoner(s), at the commencement of their engagement. This shall include any Occupational Safety and Health requirements to the work place, industry specific training of equipment and machinery to ensure the safety and welfare of the prisoner.
9. The employer/training provider agrees to upkeep Public Liability and Workers' Compensation Insurance. The employer/training provider shall provide documentation to the Department of Corrective Services evidence of current policies when requested.
10. The employer agrees to pay the prisoner(s) the same terms and conditions including all entitlements and the amount payable as per the award or agreement that applies to the employment, as per the *Industrial Relations Act 1979*; or the *Industrial Relations Act 1988* (Cth) and as noted in r 54H of the *Prison Regulations 1982*. The prisoner will not be paid below the Australian Minimum Wage.
11. In the event of a medical and or other emergency the employer/training provider is to notify the Superintendent immediately and follow any directions regarding any prisoner(s) on site.
12. Any concerns with the prisoner's conduct, behaviour or work performance is to be discussed with the Employment Coordinator in the first instance or the Superintendent.
13. A prisoner on PEP is **not permitted to gamble or to be in possession of, or to consume any alcohol or drugs, UNLESS prescribed by a medical practitioner.**
14. A **prisoner shall not enter** casinos, TAB outlets, bars, nightclubs, racetracks, hotels, taverns, cabarets unless it is part of an approved PEP activity.
15. A prisoner on an Absence Permit **is not permitted to drive a motor vehicle**, unless first approved by the Superintendent and provided the prisoner has met all departmental and other legal requirements as specified in the PEP Policy Directive 68.
16. A prisoner is **not permitted to attend any private residence** without the company of the supervising person and without the resident being made aware of the prisoner's status.
17. A prisoner is **not to have access to mobile phones or internet** unless specifically approved by the approving authority.
18. A prisoner **is not to have any visits from family members, partners, friends and associates** at external locations, unless the visit has been approved by the prison and the employer and meets all the requirements of Adult Custodial Rule 7.
19. A prisoner on an Absence Permit is required to notify the Duty Officer at the prison immediately of any event, omission or delay contrary to, or outside of, the conditions approved under the Permit. The supervising person will be required to verify any changes to the Duty Officer, if so required.

20. A prisoner returning late to the prison from an Absence Permit without a reasonable explanation may have their participation in the PEP being suspended or cancelled.
21. A prisoner on an Absence Permit who has not contacted the Duty Officer at the prison within one hour of the specified time for his/her return shall be reported as having escaped. The prisoner shall be reported to the WA Police as an escapee and may be charged when recaptured.
22. A prisoner is not to have any unsupervised contact with children under the age of 16 years.
23. If undertaking paid employment, the prisoner's wages will be paid into the prisoner's employment savings account. The prisoner and employer shall adhere to all restrictions and conditions set out by the Department of Corrective Services in regards to the prisoner's employment savings account.
24. A prisoner may be subject to alcohol/drug testing during any absence from prison and/or upon their return to the facility.

These conditions may be changed or added to at any time by the Commissioner or his/her delegate.

Any questions about the Prisoner Employment Program should be directed to the Employment Coordinator of the respective prison.

Employer's/training provider's declaration

I acknowledge that I have received a copy of the Prisoner Employment Program (PEP) Information Booklet as well as the PEP conditions, which have been explained to me.

Having read and understood this information, I agree to act as the contact person on behalf of (company name) _____

in relation to (prisoner's name): _____

participation in PEP in accordance with the conditions as outlined above.

Full Name: (Print) _____

Signed: _____

Dated: _____

The above acknowledgement was made by the employer/training provider before me after I had:

- *been informed by the employer/training provider that he/she had read the acknowledgement, or
- *read the acknowledgement to him/her, or
- *had the acknowledgement translated to him/her.

**strike out if not applicable.*

.....
Signature

.....
Official designation

.....
Date