

Bradley Beasley v Comcare [2012] AATA 411

Key Points

- A mid-year review not considered an appraisal of an employee's performance.
- Senior Member Redfern has taken a restrictive approach in finding that an employee's mid-year performance review is not reasonable administrative action as those reviews were not held in connection with appraising the employee's performance.

Background

Mr Beasley underwent a mid-year review meeting on 20 August 2009 and subsequent meetings where he was criticized for the clarity, timeliness and the quality of his work. Mr Beasley took offence to this criticism.

The Law

Comcare argued that the meetings in August 2009 were part of an employee appraisal process within the meaning of Section 5A 2(a) and (e) of the SRC Act.

Conclusion

The Tribunal found that the mid-year review meeting of 20 August 2009 and subsequent meetings were not meetings held in connection with an appraisal of Mr Beasley's performance. The Tribunal instead decided that the mid-year review was not concerned with evaluating staff but was aimed at providing feedback to staff members.

The mid-year review involved feedback but was not an appraisal of Mr Beasley's performance; this was the role of the final review where employee's achievements were rated against agreed expectations and pay reviews were based on the outcome.

Further, the Tribunal found that the meetings in August 2009 were not conducted in a reasonable manner as the evaluation should have been approached in a less confronting way. A more transparent and direct process should have been utilised to raise issues of concern with Mr Beasley. Any criticism about Mr Beasley's approach would have been more appropriately managed as a separate process not as a casual reference during his mid-year review.