

31 May 2019

C108186

Kasey Nihill
fyi-request-10313-61acf6e2@requests.fyi.org.nz

Tēnā koe Ms Nihill

Thank you for your email of 15 May 2019, requesting further information about the Prisoner Incentive Framework. Your request has been considered under the Official Information Act 1982 (OIA).

You have asked:

- *Could you please confirm whether prisoners working under the Prisoner Incentive Framework sign a contract or an employment agreement with the Department of Corrections or the corrections facility when engaging in work/employment?*
- *Could you please provide me with a copy of the standard agreement or contract that would be provided to prisoners working under the prisoner incentive framework.*
- *Could you please provide me with a copy of the standard information that would be provided to prisoners regarding employment under the prisoner incentive framework before they decide to engage in work under this scheme.*

As Corrections' previous response to you outlined (our ref C105035), it is important to note that prisoners are not employed to work by Corrections and are therefore not subject to the same wage rates, rights and remedies as private sector workers. Prisoners do, however, have protections under the legislation and regulations that govern Corrections.

Prisoners carry out employment and training on a voluntary basis, and the allowance paid to prisoners through the Prisoner Incentive Framework is not a salary or wage, but a small payment used to encourage prisoners to take part in activities that we know help with their rehabilitation and reintegration.

Prisoners can be paid earnings at a rate set out in accordance with section 66(3) of the Corrections Act 2004 for employment in prison. Prisoners undertaking employment under these provisions do so outside the statutory framework for employment set out in the Employment Relations Act 2000.

Prisoners undertaking work or training are not employees of Corrections, and as such they do not sign formal contracts or employment agreements in relation to their work.

Your request is therefore declined in accordance with section 18(e) of the OIA, as the requested documents do not exist.

The primary document relating to prisoners' rates of earning and associated performance criteria is the Formative Assessment, which was appended to Corrections' response to your previous OIA request.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise these with Corrections. Alternatively you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi nui

A handwritten signature in black ink, appearing to read 'Rachel Leota', with a stylized flourish at the end.

Rachel Leota
National Commissioner