

Update on the NSW Sheriff's direction to cover visible tattoos

A bulletin was sent to members on 20 June 2018 about the direction to cover visible tattoos on their arms by either wearing a long sleeve shirt, or a skin coloured stocking. That bulletin can be found [HERE](#).

We requested members to provide their comments on How does the Tattoo Direction affect you? We incorporated your comments, the results of your survey, and how other agencies apply Tattoo policies like the NSW Police Force into our submission. Our submission to the NSW Sheriff can be found [HERE](#). We thank the many members who provided comments.

At the Joint Consultative Committee (JCC) on Thursday, 13 September 2018, the NSW Sheriff stated that PSA's submission was considered. But the NSW Sheriff was swayed by the Australian Federal Police 18 August 2018 directive that visible tattoos are to be covered. The NSW Sheriff stated:

- » the Tattoo Direction is to be enforced
- » the only concession is if long sleeve shirts are worn a tie is not required.

The NSW Sheriff issued a directive on 14 September 2018 that referenced tattoo requirements in paragraph 3.22 of the Dress Manual, Office of the Sheriff of NSW, Version 1.0 November 2017. That provides tattoos *can be covered by any suitable method including flesh coloured tubular bandage, long sleeve shirt, buttoning the shirt collar or utilising concealing make-up*. It does not mention that ties are not required with a long sleeve shirt.

But based on what the NSW Sheriff stated at the JCC that is the case. It was also stated at the JCC that long sleeve wicker shirts will have to be made and OICs will discuss with affected Sheriff's Officers their size ect.

How does the Tattoo Direction affect you?

First and foremost, your union does not support the direction to cover tattoos.

The Department of Justice has been on a diversity drive for some years now. Yet this decision, by the Office of the NSW Sheriff (an agency of the Department of Justice) is saying it is either embarrassed or offended by the way you look. An inclusive employer does not require you to hide your identity.

The PSA has extensively reviewed industrial and discrimination law and there is nothing that we can pursue legally. Employers under managerial prerogative can decide what uniform and appearance looks like. That has also been confirmed in our discussions with the Australian Federal Police Association and the Victorian Police Association. The Australian Federal Police and the Victorian Police recently implemented similar tattoo policies.

The PSA calls upon the Department of Justice, Office of the NSW Sheriff to abandon this policy.

What can you do?

We encourage every member with visible tattoos to seek an exemption from having to cover them.

Cultural and religious grounds have been offered as reasons that exemptions may be sought.

Sheriff's Officers seeking an exemption on cultural or religious grounds must read paragraph 3.22 of the Dress Manual and follow the process for an exemption. Contact the PSA after you receive a letter from the NSW Sheriff declining your request. You may be covered for having tattoos for cultural or religious reasons under racial discrimination in the *Anti-Discrimination Act 1977*.

There may be grounds under Work Health & Safety in wearing long sleeve shirts, tubular bandage, or concealing make-up in summer causing heat stress. If you do suffer heat stress you should see your doctor and obtain a letter stating that. You should then write to



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your Regional Commander seeking an exemption from the direction based on medical grounds. Contact the PSA after you receive a letter from the NSW Sheriff declining your request. You may be covered from being victimised under section 210(1)(j) of *the Industrial Relations Act 1996*. That is an employer must not victimise a union member because that person makes a complaint about a risk to his/her health.

Members have contacted the PSA after receiving only two long sleeve shirts. The Dress Manual at Appendix 9A lists Sheriff's Officers initial uniform entitlement. That includes four short sleeve shirts for men and four short sleeve blouses for women and one long sleeve shirt for men and one long sleeve blouse for women. It is inferred from that there is a shirt for each work day. Clause 7 of the *Crown Employees (Sheriff's Officers) Award* states: *The uniform requirements of Sheriff's Officers are determined by the Sheriff.*

Therefore, you should be issued with five long sleeve shirts/blouses (if you didn't have any). Members have also advised that no long sleeve wicker shirts have been issued and it is very hot wearing a standard long sleeve shirt under the ballistic vest. You should advise your OIC urgently in writing for the additional long sleeve shirts/blouses and wicker shirts. You should also see your doctor and obtain a letter stating that you cannot use *tubular bandages* or *concealing make-up* to cover your tattoos. You should then write to your Regional Commander seeking an exemption from the direction until you are provided with the additional long sleeve shirts/blouses and wicker shirts. Contact the PSA after you receive a letter from the NSW Sheriff declining your request.

Further updates

Your union will continue to update members on matters affecting Sheriff's Officers by visiting workplaces.

If you would like to arrange a meeting at your workplace please email Glenn Duncan at GDuncan@psa.asn.au.

As always the PSA welcomes member's feedback. Should you have any questions or comments please contact your delegate firstly and if required the PSA.

Your PSA/SOV BAG Delegates are:

Eddie Lia – Campbelltown Court

Daniel De La Paz – Penrith Court

Stephen Hancock – Burwood Court

Glen Elliot-Rudder – Wagga Wagga Court

Jonathon Martinez – Gosford Court

Monique Muir – Coffs Harbour Court

Joseph Safour – Wagga Wagga Court

Your PSA staff:

Andrew Boulton - PSA Industrial Officer

Glenn Duncan - PSA Organiser

What can you do?

- » Give a copy of this bulletin to your colleagues.
- » Print this bulletin and put it up on your notice board.
- » Ask a colleague to join the PSA.
- » Get involved as your Area Contact

Not a member join online -

<https://membership.psa.asn.au/register>

Members can update their details at -

<http://psa.asn.au/update-your-details/>

