

Operational Policy and Procedures

Policies and Procedures, Forms and Templates

This document includes the policies, procedures, forms and templates referenced in the Employee Handbook.

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Attachment A – Induction Guidelines and Checklist

The Induction process consists of five key stages:

- Stage 1: Pre-Employment Induction on acceptance of the position
- Stage 2: Work Area Induction on first day
- Stage 3: Corporate Induction to be completed within 4 weeks
- Stage 4: Induction follow- up after four weeks
- Stage 5: Probation Review to be completed in the final week of the probation period (refer to Employee Probation Report)

- All induction training must be completed for the new employee within four weeks of commencing employment.
- The Hiring Manager is responsible for conducting the Induction Process.
- The following requirements are listed as a guide, additional Procedures/Policies/ Instructions are to be included where relevant to the type of work the new employee will be required to perform.

| | |
|------------------------------|--|
| Employee's Name | |
| Hiring Manager's Name | |
| Commencement Date | |

| Stage 1 Pre-Employment Induction – To be completed on acceptance of the position | Completed | Questions/comments |
|---|------------------|---------------------------|
| Offer letter signed by employee | | |
| Bank details provided | | |
| Superannuation membership details provided | | |
| Tax declaration form completed | | |
| Confidentiality Agreement signed by employee | | |
| Copies of original certificates and licences, or certified copies (if applicable) | | |

| Stage 2 Work Area Induction - To be completed on first day | Completed | Questions/comments |
|---|------------------|---------------------------|
| Employee shown workstation | | |
| Meet CEO | | |
| Office tour / introduce to other employees | | |
| Toilet/washroom | | |
| Meal Room / Noticeboard | | |
| Access and Emergency Exits (including access after- hours) | | |

| Stage 2 Work Area Induction - To be completed on first day | Completed | Questions/comments |
|--|------------------|---------------------------|
| Access card to building | | |
| Alarm/security system | | |
| Site Evacuation Plan / Designated Assembly Point / Fire Warden | | |
| First Aid Facilities / Nominated First Aid Officer | | |
| Cleaning roster for kitchen (if applicable) | | |
| Car parking (if applicable) | | |
| Use of general office equipment: <ul style="list-style-type: none"> • Phones & phone protocols • Computer/electronic files • Photocopier • Fax machine | | |
| Location of stationary supplies / ordering stationary | | |
| List any specific equipment provided to employee: | | |
| Schedule a welcome morning tea | | |

| Stage 3 Corporate Induction - to be completed within 4 weeks | Completed | Questions/comments |
|--|------------------|---------------------------|
| Employee Handbook (for further assistance refer to HR Team) Review all content of Employee Handbook, including: <ul style="list-style-type: none"> • Welcome to [insert name of organisation] • Employment Conditions • Standards of Conduct • Health & Safety • Problem Resolution, Disciplinary Actions & Separation Procedures | | |
| Employee advised of location of Employee Handbook and Employment Policies and Guidelines | | |
| Employee and manager to complete "Employee acknowledgement and receipt of [insert name of organisation]'s Employee Handbook" | | |
| Manager to arrange to place completed acknowledgement on employee's file | | |
| Finance Policies (for further assistance refer to Finance Team) | | |

| Stage 3 Corporate Induction - to be completed within 4 weeks | Completed | Questions/comments |
|---|------------------|---------------------------|
| Purchasing Policy | | |
| Delegation of Authority | | |
| Booking Travel & Accommodation | | |
| Credit Card (if applicable) | | |
| General Office Procedures / Policies | | |
| Computer access / log-on details | | |
| Records Management Training | | |
| Guidelines for responding to difficult calls | | |
| Overview of Corporate Committees / Meetings | | |
| Ergonomic Workstation Assessment | | |
| New employee details added to staff contact list | | |

| Stage 4 Induction follow-up - To be completed in four (4) weeks | Completed | Questions/comments |
|--|------------------|---------------------------|
| Manager | | |
| Schedule induction follow-up with employee in 4 weeks: To discuss with employee: <ul style="list-style-type: none"> • Follow-up from initial induction • Address any outstanding induction issues • Observations from new employee • Observations from manager • Work planning • Training and development needs | | |

| Stage 5 Probation Review – To be completed in the final week of the probation period | Completed | Questions/comments |
|---|------------------|---------------------------|
| Manager | | |
| Schedule and conduct probation review in final week of probation period | | |
| Employee | | |
| Provide feedback to Manager (and if applicable HR) on the induction process | | |

Attachment B – Employee Personal Information Form

| | |
|-------------------------------|-------------------------------|
| Personal Information | |
| First Name: | Last Name: |
| Address: | |
| Date of Birth: | |
| Home Number: | Emergency Contact Name : |
| | Relationship to you: |
| Mobile Number: | Emergency Contact Mobile: |
| | Emergency Contact Work Phone: |
| Bank Account Details | |
| Account Number: | BSB: |
| Account Name: | Bank: |
| Superannuation Details | |
| Fund Name: | Membership Number: |
| Signature: | Date: |
| Office Use | |
| Processed by Payroll: | Date processed: |

Attachment C– Employee Probation Report

To be completed in the final week of the three (3) month probationary period.

| | |
|--|--|
| NAME OF EMPLOYEE | |
| NAME OF MANAGER | |
| START DATE | |
| REVIEW DATE | |
| EXTENSION DATE (where applicable) | |
| LEAVE TAKEN DURING THE PERIOD | Leave taken was within acceptable/unacceptable limits given circumstances. |

PROBATION PERIOD OUTCOMES – MANAGER’S COMMENTS

I have supervised the employee during the period of probation and submit the following comments against each of the following aspects of performance and conduct:

| ITEM | COMMENTS |
|---|-----------------|
| Performance against agreed objectives: | |
| Performance against Beliefs and Shared Values | |
| Demonstration of technical skills (<i>if applicable</i>) | |
| Contribution to the work of the team/project | |
| Working relationship with team colleagues and others | |
| Degree of efficiency in relation to organisational abilities – meeting deadlines, punctuality, productivity, etc. | |

Attachment D – Performance Appraisal Process

INSTRUCTIONS TO COMPLETE THE PERFORMANCE APPRAISAL FORM

1. Manager schedules performance appraisal meeting with the employee. Should allow at least one hour for the meeting.
2. Prior to the meeting both the manager and employee are to review the employee's position description to check the functions, duties and responsibilities are correct. Any changes to the position description must be done in consultation with the manager and employee and approved by the CEO.
3. Completing the Performance Appraisal Form:

Step 1 Prior to the meeting the manager and employee are to:

Complete Section 1 - Performance against the major skills required to fulfil the position duties for the current reporting period:

In this section a brief narrative of the work performed by the employee during the review period as outlined in their position description is provided.

Rate performance against the Position Description requirements (refer to rating schedule below)

Complete Section 2 - Progress towards goals identified in current review period. Goals/objectives from the current review period are evaluated:

Information provided here should indicate whether or not the objective was accomplished, to what degree, and whether or not it was completed within the timeframe established.

Give some consideration to Section 3 - Goals for next review period:

Each objective/goal must pertain to a function or task specified in the employee's position description, a strategic initiative, or operational enhancement. Where possible, objectives should be measurable and observable.

Give some consideration to items to include in Section 4 - Individual Development Plan.

Completion of Section 5 Long Term Career Goals is optional.

Step 2 During the meeting the manager and employee are to:

Discuss comments and ratings made by both the manager and employee in Section 1 and 2. Where agreement cannot be reached, record each point of view

Review, and if necessary, revise the objectives/goals for next review period.

Jointly assess training needs and development activities for the next review period to assist the employee in their job and career growth. Training and/or development can be internal or external and on or off the job. Dates and timeframes to complete specific activities should also be included.

- Step 3** Sign the form - The signature of the manager on the completed form indicates this is a fair and accurate appraisal of the employee's performance and that the manager has communicated their feedback to the employee. The employee's signature indicates neither agreement nor disagreement with the appraisal. It does indicate—the manager has reviewed the information; the employee has read the document; and the employee has discussed the appraisal with their manager.
- Step 4** The CEO is required to review the completed Performance Appraisal Form for comment and approval.
- Step 5** Place a copy of the completed Performance Appraisal Form on the employee's personnel file. The employee should also keep a copy.

Rating Schedule:

The following rating schedule is used for the Performance Appraisal process:

| Rating | Requirements |
|----------------------------|---|
| Well above standard | Level of performance well above the standard required |
| Above standard | Level of performance was generally above the standard required |
| Meets standard | Level of performance met the standard required |
| Below standard | Level of performance was generally below the standard required <i>It is a requirement employees given this rating are currently being managed under a counselling plan for under performance and/or unacceptable conduct and behaviour</i> |

Who Evaluates Performance?

The immediate manager evaluates each employee's performance. Employees who have been under the direction of more than one manager during the performance review period are to be evaluated by both the previous and current manager. The current manager, however, has the primary responsibility for completing the form and is encouraged to consult with the previous manager(s) to ensure that a fair assessment has been made.

PRIVATE AND CONFIDENTIAL

EMPLOYEE'S DETAILS

Name

Position

Date of this review

Date of next review

Reviewer (name and position title)

SECTION 1 – PERFORMANCE AGAINST THE MAJOR SKILLS REQUIRED TO FULFIL THE POSITION DUTIES FOR THE CURRENT REPORTING PERIOD

Is your position description still relevant? Yes/No

If not, please update the PD. Your manager will need to approve the changes and it may be necessary to have the position resized.

| | Below standard | Meets standard | Above standard | Well above standard |
|---|----------------|----------------|----------------|---------------------|
| How would you rate your performance for the year against the major skills required to fulfil your position duties for the current reporting period (include strengths and weaknesses)? | | | | |
| Employee Comments: | | | | |
| Manager Comments: | | | | |

SECTION 2 - PROGRESS TOWARDS GOALS IDENTIFIED IN CURRENT REVIEW PERIOD (IF APPLICABLE)

| Strategic Objective | Employee Goal | Action taken | Completed within agreed timeframe? (yes or no) | Comments |
|---------------------|---------------|--------------|---|----------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

EMPLOYEE COMMENTS

MANAGER COMMENTS

SECTION 3 - ACTION PLAN – GOALS FOR NEXT REVIEW PERIOD

| Strategic Objective | Employee Goal | Action required | Date for completion |
|---------------------|---------------|-----------------|---------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

ADDITIONAL INFORMATION ABOUT THE ACTION PLAN/GOALS FOR NEXT REVIEW PERIOD

SECTION 4 – INDIVIDUAL DEVELOPMENT PLAN

This section is used to record the employee’s development needs either to enable them to perform their current position more effectively or to develop competencies for future positions within the organisation. It may be a training activity or a proposed secondment or job rotation opportunity.

| Agreed Development Needs (next 12 months) | Recommended Activities and Completion Dates |
|--|--|
| | |
| | |
| | |
| | |

Recommended development activities are to be implemented before the next performance appraisal

SECTION 5 – LONG TERM CAREER GOALS

This section is **optional**. It may be used by the employee to state their future career goals. This section is to record the employees interest in future areas within the organisation.

| |
|--|
| |
| |
| |
| |

SECTION 6 - ACKNOWLEDGEMENT OF PERFORMANCE APPRAISAL

Reviewer’s signature & date

Employee’s signature & date

Attachment E – Code of Conduct

Introduction

High standards of integrity and ethical behaviour are required of any person who is carrying out duties for or on behalf of the organisation.

This *Code of Conduct* provides a framework of ethical principles, obligations and standards that guide work performance, professional standards, and the conduct of relationships with others. Given the diverse range of activities in which Officers are involved on a day-to-day basis, the Code does not attempt to provide a detailed and exhaustive list of what should be done in every work situation. Instead, the Code represents a broad framework for ethical conduct.

This Code of Conduct applies to the Board, Managers, Employees, Contractors, Consultants, and any other persons who undertake duties for, or who otherwise represent the organisation.

Key terms and definitions

Gifts and benefits: include the transfer of money, or other property or benefits, without payment or for a payment less than the normal market value. The term may also include a loan of money made on a permanent or indefinite basis.

Interest: includes pecuniary interest, political ties, family relationships or involvement with commercial, political, religious, or other organisations.

Pecuniary interest: is an interest a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. Pecuniary interest may include real estate, shares, debts, business interests and investments.

Authorised Person: means, for the purposes of this Code:

- for Employees – the CEO
- for Contractors, Consultants and other persons – the CEO
- for Board – the Chairperson

Principles of appropriate behaviour

Officers of the organisation are required to adhere to the following principles.

Behave Fairly and Equitably

- Observe fairness, transparency and integrity in all dealings with employees, members, stakeholders, and the public.
- Strive to earn and sustain trust.

Act in the Public Interest

- Promote confidence in the integrity of the organisation by always acting in the public interest and not private interest.
- Protect the reputation of the organisation in all circumstances both at work and outside work.

Refuse Improper Rewards or Gifts

- Not accept a gift, reward or benefit is intended to, or appears to be aimed at influencing decisions or behaviour.
- If a gift is offered, the gift must be declared so a decision can be made as to retain, dispose or return the gift.

Avoid Conflicts of Interest

Take reasonable steps to avoid any conflict of interest (real or apparent).

If such situations cannot be avoided, notify an Authorised Person of the conflict of interest. Authorised Persons must take appropriate action to separate the Officer from the matter giving rise to the conflict of interest and ensure no actual benefits accrue to the Officer.

Examples may give rise to a conflict of interest include:

- Personal financial interest in a matter involving the organisation;
- Personal beliefs or attitudes that influence the impartiality of advice given;
- Personal relationships with the people the organisation is dealing with that go beyond the level of a professional working relationship;
- Outside employment that compromises the integrity of the Officer and the organisation.

Observe the Law

- Comply with applicable Australian laws.

Act Responsively and Responsibly

- Work in a prompt and responsive manner.
- Accept responsibility for own decisions and actions and for any reasonably foreseeable outcome of those decisions and actions.
- Endeavour to always promote the organisation's values and objectives.

Treat People with Respect and Proper Courtesy

- All people are to be treated with respect.
- All dealings are to be fair, consistent, and non-discriminatory.
- Workplace bullying and harassment are unacceptable forms of behavior and will not be tolerated under any circumstances.
- Managers must model appropriate behaviour and have a responsibility to ensure that the workplace is free from all forms of bullying and harassment.
- A person who is performing duties for, or on behalf of the organisation must model appropriate behaviour and is responsible for ensuring their conduct complies with the organisation's ethical principles, obligations and standards that guide work performance.

Observe the Principles of Equal Opportunity

- Treat all people equally regardless of race, gender, marital status, pregnancy, age, physical impairment, intellectual impairment, sexual preference or transgender, political stance or religious conviction, or carer's responsibility.
- Managers have a responsibility to ensure that the workplace is free from all forms of discrimination.

Exercise Caution When Making Public Comment

- Only make public comments when authorised to do so by the CEO (the Board may comment on behalf of the organisation applying a common sense approach). It is important to ensure that casual comments and conversation are not interpreted as being authorised comments.

- The organisation should always be portrayed in a positive light and comments should only be based on facts gained from reliable sources. Considerable care must be exercised in using social networking sites. Comments or conversations must not be posted on social networking sites that potentially breach the high standards of integrity and ethical behaviour required by the organisation.

Protect Confidential Information

- Not disclose or divulge any confidential information without proper authority. Confidential information includes stakeholder data, personnel data, commercial performance data, corporate strategies and business plans, marketing and pricing strategies, intellectual property, and the like.
- Take precautions to ensure confidential information cannot be disclosed by accident or negligence, or through the deliberate action of others.
- Any unauthorised disclosure of confidential information must be immediately reported to an Authorised Person.
- The collection of personal, sensitive and health information must only be done in accordance with the National Privacy Principles as described in the Privacy Act 1988, and such information must only be used for the intended work-related purpose.

Work Diligently and Efficiently

- Comply with the prescribed terms and conditions of the position and act within the powers pertaining to the role.
- Display skill, care and diligence required of the role.
- Keep up to date with advances and changes and always look for ways to improve performance and achieve higher standards.
- Ensure work is centred on the needs of the organisation and within constraints of time, funding and availability.
- Be fit and able to perform assigned duties.
- No alcohol is allowed on worksites unless prior approval has been given by the CEO. The use, sale, possession, manufacture, dispensing or distribution of illicit drugs is strictly prohibited.
- Use authority, resources, information, plant and equipment, only for the intended work-related purpose.
- Not use the organisation's equipment or facilities to make, receive, or send fraudulent, unlawful, discriminatory, defamatory, obscene or abusive information, calls or messages. Report any threatening, intimidating or harassing information and communications to an Authorised Person.

Attachment F – Confidentiality and Intellectual Property (IP) Agreement

Confidential Information

Obligations of confidence

During the course of your employment, the organisation will entrust you with information that is confidential to the organisation, including information about its stakeholders, projects and development plans, marketing or business plans or strategies, techniques, procedures or methods devised by the organisation.

You will, both during your employment and for so long as the Confidential Information remains confidential after your employment with the organisation (unless the Confidential Information ceases to be confidential due to your breach of this clause):

1. not at any time, either directly or indirectly, disclose or communicate to any person any Confidential Information unless expressly authorised by the organisation or required by law or court order;
2. use your best endeavours to prevent disclosure or publication of the Confidential Information where that disclosure or publication is not authorised by the organisation; and
3. not use or attempt to use Confidential Information for any purposes other than for the organisation's purposes, or in any manner which may injure or cause loss directly or indirectly to the organisation or its business.

Intellectual Property

Acknowledgements

You acknowledge and agree that:

- a) all intellectual and industrial property rights in confidential information and any modifications and enhancements to confidential information are owned by the organisation;
- b) you must promptly disclose and presently assign to the organisation all existing and future Intellectual Property Rights in any materials generated, discovered, invented, improved or developed by you in the course your employment with the organisation.
- c) by virtue of this clause, all existing and future Intellectual Property Rights are vested or will vest with the organisation; and
- d) at the organisation's request and at its expense do all things as may be necessary to confirm or perfect the Intellectual Property Rights assigned under the clause.
- e) you may have Moral Rights and insofar as you are able, you waive these Moral Rights and voluntarily and unconditionally consent to all or any acts or omissions by the organisation, or other authorised person, that would otherwise impact your Moral Rights.

Definitions:

In this agreement:

Confidential information includes information about the following matters that are confidential to the organisation:

- a) any client or stakeholder;
- b) the number, nature or mix of products or services provided by the organisation;
- c) any person who the organisation or you have approached or canvassed during your employment as a potential client or stakeholder, including their names, addresses, requirements and preferences concerning the products or services, produced or that may reasonably be provided by or through the organisation;
- d) marketing or business plans or strategies;
- e) techniques, procedures or methods devised by the organisation or required to be used in the operation of its business, including the training of its employees.

Intellectual Property Rights means all intellectual property rights including without limitation:

- a) copyright, patents, registered designs, trademarks and the right to have Confidential Information to be kept confidential; and
- b) any application or right to apply for registration of any of those rights.

Moral Rights means the following rights created by the Copyright Act 1968 (Cth):

- a) the right of attribution of authorship;
- b) the right not to have authorship falsely attributed; and
- c) the right of integrity of authorship,

and any other similar right capable of protection under any applicable legislation.

I acknowledge and declare that I have read and fully understand the terms of this Confidentiality and Intellectual Property Agreement and accept that I will observe them fully.

Signature of employee:

Employee's name:

Date:/...../20.....

Reference: The organisation's Code of Conduct, "Protect Confidential Information".

Attachment G – Equal Opportunity, Discrimination and Harassment Policy

Introduction

The organisation is committed to creating a working environment which is free from discrimination, harassment or vilification and where employees are treated with dignity, courtesy and respect. The organisation will not tolerate discrimination, harassment or vilification under any circumstances.

This policy applies to the Board, Managers, Employees, Contractors, Consultants, and any other persons who undertake duties for, or who otherwise represent the organisation.

The organisation has a responsibility to ensure the working environment is safe, inclusive and promotes respect, diversity and equal opportunity. All employees have a responsibility to comply with this policy and not to participate in discriminatory or harassing behaviour within the workplace.

Aim

The aim of this policy is to:

- promote appropriate standards of conduct at all times
- implement training and awareness raising strategies to ensure that all employees know their rights and responsibilities
- provide an effective procedure for complaints based on the principles of natural justice
- treat all complaints in a sensitive, fair, timely and confidential manner
- guarantee protection from any victimisation or reprisals
- encourage reporting of behaviour which breaches this policy

Key terms and definitions

Unlawful discrimination occurs when someone, or a group of people, is treated less favourably than another person or group because of their race, colour, national or ethnic origin; gender, pregnancy or marital status; age; disability (physical or psychological); religion; sexual preference; trade union activity; or some other characteristic specified under anti-discrimination or human rights legislation.

Discrimination can take many forms, some of which are direct or open. Others may be indirect or hidden.

Direct discrimination occurs when a person is treated less favourably than another, simply because of an attribute.

Indirect (or systemic) discrimination occurs when a policy or requirements which although at first glance seems fair, in fact operates to the detriment of a particular group of people because of an attribute or characteristic of that group, such as age, race, family circumstances or gender.

Workplace discrimination can occur in:

- recruiting and selecting staff
- terms, conditions and benefits offered as part of employment

- who receives training and what sort of training is offered
- who is considered and selected for transfer, promotion, retrenchment or dismissal.

Discriminatory harassment means behaviour directed to another person (or group of persons) in the workplace that subjects them to a detriment because of their attribute (ie. their race, colour, national or ethnic origin; gender; disability; sexual preference; or some other characteristic specified under antidiscrimination or human rights legislation). It can also happen if someone is working in a 'hostile' or intimidating environment.

Types of behaviour which constitutes discriminatory harassment include, but are not limited to:

- violent or threatening physical or verbal outburst or abuse towards an employee about their race, gender or other protected attribute.
- yelling, screaming, swearing or similar behaviour aimed at intimidating, frightening, coercing or offending those at whom it is directed
- telling insulting jokes about particular racial groups
- sending explicit or sexually suggestive emails
- displaying offensive or pornographic posters or screen savers
- making derogatory comments or taunts about someone's race or religion
- asking intrusive questions about someone's personal life, including their sex life.

Unlawful vilification means public conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of a person or class of persons on the grounds of that person or group's race, colour, descent, or national or ethnic origin. Conduct may be constituted by a single occasion or by a number of occasions over a period of time. It includes use of the internet (including social media) or email to publish or transmit statements or other material. This conduct amounts to discrimination under Federal and State anti-discrimination law.

Victimisation is when a person subjects another person to detriment by making, or proposing to make, a complaint or report of harassment or victimisation against them that is false or not in good faith.

A person will subject another person to detriment if they engage in conduct which makes that other person feel uncomfortable, isolated, unwelcome, intimidated or insecure.

Hostile working environment. An example of a potentially hostile working environment is where pornographic materials are displayed and where crude conversations, innuendo or offensive jokes are part of the accepted culture. A person has the right to complain about the effects of a sexually or racially hostile working environment, even if the conduct in question was not specifically targeted at them.

Procedural fairness refers to fairness and the transparency of the processes by which decisions are made. Decision makers have an obligation to provide a fair hearing with no bias during the resolution of conflict.

Natural justice includes the notion of procedural fairness and operates on the principle that people of good intent should not be harmed, and treating others as one would like to be treated.

The Nature of Harassment and Discriminatory Behaviour

The term 'harassment' covers a range of behaviour. Harassment can be a single unwelcome incident or a persistent pattern of unwanted behaviour. Forms of harassment thought by a perpetrator to be mild or trivial can be personally offensive and intimidating in some circumstances.

Employees need to be sensitive to other people's feelings and aware that in a culturally diverse society or environment they should endeavour to avoid familiarities or use of language that may be offensive or humiliating. A person's intention to offend, or not to offend, humiliate or intimidate another person is not material to an allegation of unlawful harassment being substantiated, it is the effect that matters. Such conduct may constitute unlawful discrimination if it can be shown that the person being harassed is being treated unfavourably on the basis of an unlawful reason.

The absence of complaints is not necessarily an indication that no harassment or discriminatory behaviour is occurring. The person subjected to harassing or discriminating behaviour does not always complain. This is not necessarily because the act is trivial, but because the person may lack the confidence to speak up on their own behalf or feel too intimidated or embarrassed to complain.

Reporting procedure

The organisation will be alert to signs of workplace discrimination, harassment or vilification, which might include patterns of absenteeism, complaints, sick leave and staff turnover, direct feedback from employee exit interviews, or workers compensation claims.

However, the organisation encourages all employees to report incidents of discrimination, harassment or vilification to their manager and/or Human Resources so that prompt assistance and support can be provided and employees are able to return to productive work as quickly as possible.

If an employee has information, or has observed another person is experiencing discrimination, harassment, or vilification, they are also encouraged to report this to a manager and/or Human Resources.

If the employee is uncomfortable raising the matter with a manager, they can raise the matter with the Equity and Diversity Contact Officer.

The organisation takes reports of unacceptable behaviour seriously and ensures they are dealt with confidentially, fairly and in a timely manner.

If an employee speaks to a manager or the Equity and Diversity Contact Officer about a discrimination, harassment or vilification matter, they can indicate that all communications be treated as confidential. The manager or Equity & Diversity Contact Officer will respect this confidence so long as it is consistent with the organisation's commitment (and legal obligation) to taking reasonable and practical steps to prevent discrimination, harassment or vilification from occurring.

The organisation encourages the reporting and resolution of complaints to occur within the workplace. However, an employee can also raise the matter with State or Commonwealth agencies that have the power to resolve discrimination, harassment and vilification matters (such as the Australian Human Rights Commission or the Fair Work Ombudsman).

If the matter is a criminal matter the employee should also raise it with the police.

If workplace discrimination, harassment or vilification is occurring the employee might wish to let the person engaging in the conduct know that they consider their behaviour to be unacceptable and that if it continues the conduct will be reported under this policy. This may be enough to stop the conduct. If the employee chooses to speak directly to the person engaging in such behaviour, they should keep a record of the conversation.

If an employee makes a report of discrimination, harassment or vilification without a genuine belief in the truth of the matters they are reporting, they may be subject to disciplinary action.

How the organisation will handle a report of workplace discrimination or harassment

If an employee has experienced workplace discrimination, harassment or vilification and report it to a manager or the Equity and Diversity Contact Officer, they will have the option of making a formal complaint. This means the employee is formally asking the organisation to take some action in relation to the conduct.

A formal complaint is made by making a written statement outlining what the employee believes has occurred, stating names, dates and witnesses. The parties to the complaint resolution process will be the alleged victim, the alleged perpetrator and the organisation.

The employee does not have to make a formal complaint. However, the organisation may still act on the matters raised in any report if consistent with the organisation's commitment (and legal obligation) to taking reasonable and practical steps to prevent workplace discrimination, harassment or vilification occurring. The organisation will consult with the employee before taking any action.

Courses of action may include:

- 1) **Formal investigation:** The organisation may arrange for a formal investigation of the matters raised in the report for the purposes of ascertaining whether any disciplinary action should be taken against the alleged perpetrator. In this case, the organisation will appoint a suitably qualified, independent person to investigate whether it is more likely than not that the facts alleged in the report of complaint are true. Prior to making any finding about alleged facts, the investigator will give the alleged perpetrator a fair and reasonable opportunity to respond to the matters alleged.

As far as reasonably practicable, the organisation will ensure any investigation is undertaken promptly and confidentially, and that the parties are kept up to date about its progress. All documentation relating to the report or complaint will be kept secure and access confined to those persons who need access.

Depending on the extent to which the complaint is substantiated, the organisation may warn or dismiss the perpetrator, or implement some other arrangement.

- 2) **Informal resolution:** Often an informal process will achieve a better result for the parties than a formal investigation. The main focus in an informal process is to return the individuals to productive work as soon as possible without further discriminatory, harassing or vilificatory behaviour. A record of the incident should be made covering the nature of the incident, its impact on the work area and the outcome of the informal process.

The parties to the incident do not need to be identified in these records. There is no need to include details of the incident in the personnel files of those involved, as this is only necessary once a formal process is initiated. The organisation may informally counsel the alleged perpetrator and remind them of the requirement to comply with this policy.

If more than a single complaint is made against an alleged perpetrator, either by the same complainant or multiple complainants, the organisation will undertake a formal investigation into the matter.

- 3) **Conciliation:** The parties may consent to the complaint being submitted to a process of conciliation. Under this process a suitably qualified, independent person will convene a meeting of the parties to explore options for resolving the matters which

are the subject of the complaint by agreement. This may occur even when an investigation is in progress.

Further information

Australian Human Rights Commission <https://www.humanrights.gov.au/>

If a person makes a complaint of discrimination to the Australian Human Rights Commission (AHRC), it will investigate the complaint and seek to resolve it by conciliation.

If the matter is not resolved, the complainant has the right to refer the matter to the Federal Magistrates Court or the Federal Court for hearing and determination.

AHRC has the powers to implement preventative measures, including conducting public inquiries into systemic discrimination.

As Federal laws recognise state laws that are consistent with and can operate alongside the Federal laws, an employee who makes a complaint to a state agency cannot also make a complaint about the same matter to the federal agency (e.g. AHRC).

Fair Work Ombudsman <http://www.fairwork.gov.au/> 13 13 94

Provides rights and remedies to employees and contractors who are subject to adverse action because they have a particular attribute. Fair Work Ombudsman has the power to investigate unlawful workplace discrimination even if no complaint has been made, and order an employer to take corrective action to avoid unlawful discrimination from occurring.

Attachment H – No Bullying Policy

Introduction

Everyone in the workplace, regardless of their position, deserves to be treated with dignity and respect. Bullying is an unacceptable form of behavior and will not be tolerated by under any circumstances.

This policy applies to the Board, Managers, Employees, Contractors, Consultants, and any other persons who undertake duties for, or who otherwise represent the organisation.

Under Work Health and Safety legislation the organisation has a responsibility to do everything possible to eliminate or reduce risks to workers' health and safety. All employees have a right to a workplace that is free from bullying. Employees must also accept responsibility for their actions towards others in the workplace and must not take part in any bullying behaviour.

Aim

The aim of this Policy is to assist managers and employees with achieving the following:

- Create a working environment free from bullying, where all employees are treated with dignity, courtesy and respect
- Ensure all employees are aware of their rights and responsibilities, and display appropriate standards of conduct in the workplace
- Encourage reporting of behaviour which may breach the bullying policy
- Provide an efficient and effective procedure for handling complaints based on the principles of natural justice
- Treat all complaints in a sensitive, fair, timely and confidential manner
- Protect complainants from any victimisation or reprisals.

Key Terms & Definitions

Bullying: is repeated, unreasonable behaviour directed towards an individual employee or manager, or group of employees, and which creates a risk to the person(s) mental or physical health and safety.

While a single incident of the behaviour described does not fall within the definition of bullying, the MCHA does not condone and will not ignore such incidents. Any concern should be reported and will be considered seriously.

The source of bullying could be employees within the organisation, or external stakeholders. *(For more information refer to Appendix 1 of this policy: Understanding Harassment and Bullying)*

Procedural fairness: Fairness and the transparency of the processes by which decisions are made. Decision makers have an obligation to provide a fair hearing with no bias during the resolution of conflict.

Natural justice: Natural justice includes the notion of procedural fairness and operates on the principle that people of good intent should not be harmed, and treating others as one would like to be treated.

Managerial Actions

The definitions of bullying does not apply to legitimate comment and advice (including relevant negative comment or feedback) given by managers on the work performance or work related behaviour of an individual or group.

Providing feedback to an employee during a formal performance appraisal, or counselling team members regarding their work performance, will not always be free of stress.

Managers should manage these processes with sensitivity, but they should not avoid their responsibility to provide full and frank feedback to their teams. Managing performance expectations in an open, honest and transparent manner will protect the interests of both the employee and the organisation.

Legitimate managerial actions that do not constitute bullying include:

- Performance management in line with the organisation's protocols.
- Justifiable decisions not to promote.
- Managed workplace processes, such as workplace change or restructuring conducted in consultation with employees and their representatives.
- Legitimate and fair comment and advice on a person's work and behaviour.
- Giving instructions and directions, and holding people accountable.
- Requesting and expecting people to undertake things as requested.
- Occasional differences of opinion, conflicts and problems that are part of working life.
- Changing of job role or Key Performance Indicators (KPI's) to suit business needs.
- Action to transfer, make redundant or terminate an employee in a fair and equitable manner.
- Litigation of disciplinary procedures for proven misconduct, and/or other behaviours or actions involving proven breaches of policy.
- Negotiating additional workload to meet business needs.

Consequences of Bullying

When bullying does occur to an employee or manager, it is a safety issue that all employees are required to take seriously. The consequences can range from mild to severe and manifest themselves in many ways from individual to organisational effects. Examples include:

- **Psychological injury** – Depression; stress, including post-traumatic stress disorder (PTSD); obsessional behaviour; and anxiety effects of many kinds.
- **Personality changes** – inability to experience joy in everyday events; suspicion and cynicism; feelings from emptiness and hopelessness to nervousness and anger; social isolation; hypersensitivity to and identification with injustice; and risk of drug and substance misuse.
- **Organisational performance** – Absenteeism; staff turnover; recruitment costs; loss of morale and productivity; polarisation within teams; legal and HR costs, compensation payments.

Accountabilities and Responsibilities

Everyone has a role to play in creating a safe and productive workplace culture that does not tolerate bullying.

CEO

This position has a leadership role in demonstrating acceptable workplace behaviour and ensuring that appropriate compliance mechanisms are enforced.

Managers

All managers are responsible for ensuring their work areas are free from bullying, including:

- Modelling appropriate workplace behaviour themselves
- Actively promoting and supporting the organisation's "No Bullying Policy"
- Taking appropriate action if they become aware of bullying occurring - this may be without a complaint being formally lodged
- Referring a complaint to their manager (or other suitably qualified person) if they do not feel that they are the best person to deal with the case (For example, if there is a conflict of interest or if the complaint is particularly complex or serious)
- Maintaining confidentiality and discretion during the investigation of a complaint.

Employees

All employees are responsible for ensuring their behaviour meets a standard that does not breach this policy. This includes:

- Modelling appropriate workplace behaviour
- Actively supporting the organisation's "No Bullying Policy"
- Maintaining confidentiality and discretion during the investigation of a complaint.

Reporting Procedure

The organisation will deal with all reports of workplace bullying seriously, promptly and confidentially.

Employees who find themselves the target of any bullying are encouraged to initially try to sort out the issues with the person or persons involved;

- It is recommended a diary note of all incidents of bullying is kept – if an employee raises a concern it is important they can provide details to support their allegation
- If comfortable in doing so, the employee should tell the person concerned to stop the offending behaviour as this may be enough to stop the unwelcome behaviour (express concerns in a way that focuses on the behaviour, not the person)
- Seek support from an Employee Assistance Provider, if appropriate

If the behaviour is serious or recurring, or if the employee is not comfortable raising the matter directly with the alleged perpetrator, the employee should report the matter to their manager (or other suitably qualified person if problem involves their manager).

The organisation considers that it is important that any bullying incident reported be dealt with as promptly as possible, professionally and with sensitivity. It is also very important that confidentiality is maintained and the rights and privacy of both parties to the incident are safeguarded.

The organisation strongly encourages employees to report incidents of workplace bullying. However reporting is voluntary and not mandatory. Nevertheless, if a worker decides not to report issues, the organisation expects that this will be the end of the matter. In particular, the worker must not seek to progress the issue informally, e.g. allowing the matter to be the subject of conflict with the alleged bully, or of innuendo or gossip. Breach of this aspect of the policy may attract disciplinary sanctions.

Whenever possible, the complainant's wishes will be taken into account. This includes withdrawing a complaint and/or stopping procedures. However, it is important employees understand that managers are required to take all reasonable steps to eliminate or reduce any workplace health and safety risks when making decisions involving workplace bullying. This may mean that a manager has to act on a complaint even if the employee has expressed a preference not to do so.

Employees must appreciate that raising an allegation of bullying against another person in the workplace is a serious matter. Regardless of whether the complaint is substantiated, the act of raising the complaint will have significant and often permanent consequences both personally and professionally for the other party. The organisation will not tolerate abuse of the processes outlined in this policy or the making of vexatious complaints.

If an employee makes a report the organisation will arrange to appoint an independent person to mediate the dispute or will initiate an investigation, or do both. The course adopted will depend on the severity of the incident and the wishes of the parties and the organisation.

Mediation

At mediation, parties will be given the opportunity to discuss the incident and attempt to reach a mutually agreeable resolution. This could include an apology, and undertaking that the behaviour will not recur, physical separation within the workplace of the parties involved, and counselling and monitoring of the perpetrator.

One outcome of the mediation may be that the matter will be investigated.

Investigations

Investigations can be conducted internally by HR, or by an external body, or, where criminal acts of violence may have been committed, the police.

If a complaint is to be investigated, both the alleged victim and the alleged perpetrator will be afforded natural justice. This means that:

- Complaints will be investigated promptly
- The allegations will be put to the alleged perpetrator
- Each party will be given a fair opportunity to express their version of events, and
- The alleged perpetrator will be treated as innocent unless the allegations are proven.

General

All file notes relating to the report will be kept in a secure location. Only employees involved in particular processes under this policy will have access to these files.

Employees involved in a report of bullying may also be offered professional support services, as appropriate.

Outcome of Reporting Process

Any person who has been found to have bullied may be disciplined. Such a finding will only be made after an investigation has been carried out under this policy. The discipline will be appropriate to the severity of the offence, but may involve warning or dismissal.

Any person who has been found to have made a report that is vexatious or based on facts that the person ought reasonably believe to be untrue will also be subject to disciplinary sanction.

Mitigating factors such as personal circumstances, disciplinary and work history and work performance will be taken into account, but will not be decisive, in determining the appropriate disciplinary measures to be adopted.

Appeal/Review Process

In line with the principles of procedural fairness and natural justice, the rights and interests of all parties to the complaint process must be protected. Accordingly, the organisation provides a process for affected employees to seek a review of management action that affects them. To ensure the integrity of the appeal/review process is maintained any employee or manager involved in the investigation process is not to be involved in the appeal/review process.

For the purposes of the review, management 'action' is defined as either a decision made or a refusal or failure to make a decision.

An application for review must:

- be provided in writing
- describe the actions taken or to be taken, the reasons for the application and the outcome sought, and
- be received by the CEO (or delegated officer) within seven working days of the applicant being notified of the outcomes of the complaint investigation.

The applicant will be informed in writing within seven working days of the outcome of the review application. If the application is considered unjustified, the applicant will be informed of the reasons.

Decisions and actions excluded

The following decisions and actions are excluded from the rights of an employee to seek a review under this procedure (Note: this does not preclude the right to seek review under other processes):

- Actions regarding policy, strategy, nature, scope, resourcing or direction of the organisation as determined by management
- Decisions to terminate the appointment of an employee on probation
- Actions arising from disciplinary procedures of the Disciplinary Guidelines.

Appendix 1: Understanding Bullying

What is Workplace Bullying?

Repeated less favourable treatment that intimidates, offends, degrades or humiliates a person.

Usually exploits power attributed to a person's status, skill or position in the workplace.

Bullying behaviour can range from very obvious verbal or physical assault to very subtle psychological abuse.

Workplace bullying behaviour may include:

Aggression and abuse

- Offensive language, insults, ridicule or intimidation (may be verbal, non-verbal, phone or text messages)
- Initiation and bastardisation rituals
- Interfering with, or damaging, a person's property
- Verbal or physical aggression – e.g. shouting, throwing things, pushing or standing over someone
- Spreading derogatory rumours, teasing and making a person the brunt of jokes

Isolation

- Deliberate isolation, withholding information, supplying incorrect information
- Deliberately excluding someone from work, related interactions, social activities or networks

Credibility

- Taking credit for others' work and making a competent person appear incompetent
- Repeatedly criticising or discrediting a person to undermine or devalue their work, particularly in front of work colleagues

Job control

- Inappropriately threatening low appraisal ratings, disciplinary action or demotion
- Constant surveillance or unwarranted checking of performance
- Creating unexplained job changes or applying restrictive and petty work rules
- Setting meaningless tasks or setting tasks beyond a person's job description, unreasonable deadlines, impossible work targets or excessive workloads
- Denying training and development or career opportunities without justification

There are bound to be occasional differences of opinion, conflicts and problems in working relationships – these are part of working life. However if workplace behaviour is repeated, unnecessary, deliberate, unprovoked and offensive, and is used to intimidate, humiliate or threaten any employee, then workplace bullying exists and this will not be accepted by the organisation.

Differences between Workplace Bullying and Harassment

| HARASSMENT | BULLYING |
|--|---|
| <p>1. Number of acts</p> <p>Legally, possibly just one act</p> | <p>1. Number of acts</p> <p>Generally more than one act</p> |
| <p>2. Deliberateness</p> <p>Can be unintentional</p> | <p>2. Deliberateness</p> <p>Almost always intentional</p> |
| <p>3. Who does it?</p> <p>Committed at all levels Sexual – often committed by men towards women</p> | <p>3. Who does it?</p> <p>At all levels As many females as males are bullies</p> |
| <p>4. The target</p> <p>Either sexual or targets a group on a specific characteristic/s</p> | <p>4. The target</p> <p>Can target anyone, or any group, for any reason.</p> |

Appendix 2 - Guide to Raising a Complaint

The following information is written for all employees, including managers, to explain the steps involved in raising a complaint.

How do I raise a complaint?

- Your first step is to raise your complaint directly with the person concerned.
- If you have tried without success to resolve your complaint with the person concerned, or you do not feel comfortable raising the complaint with this person, you would normally then raise the issue with your manager. If the problem involves your manager, then you would raise the matter with the CEO. If the complaint involves the CEO, then the matter should be reported to the Board Chair or an authorised delegated officer.
- If the matter relates to allegations of unlawful behaviour, go straight to the CEO or Board Chair.

Can I bring along a support person or representative?

You may choose to have a support person or representative of your choice present when you raise a complaint and during any subsequent discussions.

Do I have to raise the complaint in writing?

You may raise a complaint verbally in the first instance but it will need to be formalised later in writing if the complaint requires investigation and/or involves potentially unlawful behaviour. If you need assistance to put it in writing, the person handling your complaint can document the details for you.

If I make a written complaint, will it be kept confidential?

Complaints are discussed only by those directly involved in resolving it. Everyone involved, including the person raising the complaint and the person responding, must undertake to keep the matter confidential and participate in the resolution process in good faith.

In addition, those involved must avoid:

- complaining about the same matter to several different people at the same time,
- making mischievous or malicious complaints or counter-complaints.

Will my wishes be taken into account on how my complaint should be handled?

Whenever possible, your wishes will be taken into account. This includes withdrawing your complaint and stopping procedures.

Normally you must give your consent before the complaint is referred to another person. This may not always be possible, however. For example, cases involving potentially unlawful behaviour such as harassment, assault, or those involving the reporting of corruption may require formal investigation and/or reporting to external agencies.

Can I raise a complaint anonymously, without my name being disclosed?

The only time anonymous allegations will be acted upon are those where the organisation is required by law to take action. For example, allegations relating to corruption or maladministration.

In all other cases, the principle of procedural fairness operates to ensure that the parties you complain about have the right to respond and put their case. This means that if you require

action, your allegations will be advised to the parties against whom the allegations have been made, and you must be willing to be identified.

If my name is given to the person against whom I have a complaint, how can I be sure I won't be victimised?

Victimisation of any individual arising from a complaint will not be tolerated by the organisation. Disciplinary action will result if victimisation is proven to have occurred.

What outcomes can I expect if I raise a complaint?

Possible outcomes may include:

- Gaining a better understanding of the situation so that your concerns are addressed.
- A mutually acceptable resolution is reached through conciliation or mediation.
- Receiving an apology, and/or the issue or behaviour that was the basis of your complaint is modified.
- Where the facts surrounding your complaint cannot be substantiated no further action will result.
- Where the facts are substantiated and circumstances warrant, the organisation's disciplinary processes will be invoked.

Appendix 3: Legal Liability

Workplace Health and Safety Laws: considers bullying a **safety** issue. Employers are responsible for the wellbeing of all employees, physical and psychological.

The Fair Work Commission's Anti-Bullying Scheme: an employee who reasonably believes that he or she has been bullied at work may apply to the Fair Work Commission (FWC) for an order to stop the bullying.

The employer and its employees could be held responsible if all reasonable steps have not been taken to prevent unlawful bullying.

The Fair Work Commission has ruled that employers should not tolerate bullying and they should implement anti-bullying policy and procedures, train staff in effective implementation of such policy and procedures, establish a complaints mechanism and continually monitor the effectiveness of these policies.

In order to meet primary 'duty of care' obligations under the Act and relevant Regulations, the employer has an obligation to conduct risk assessments to ensure risks from hazards, including bullying, are appropriately managed. This includes having processes to ensure respect and dignity exists in the workplace, and anti-bullying policy and programs are effectively operating.

Attachment I – Work Health and Safety Policy Statement

The organisation is committed to providing a healthy and safe workplace to our employees and all other persons while they are in the workplace under our management and control, or performing work in the conduct of our business.

We seek the co-operation of all employees and any person visiting our workplace, or performing work for the organisation. We encourage suggestions in realising our health and safety objectives to create a safe working environment with a zero accident rate.

Scope

This policy applies to all our employees and all other persons while they are in a workplace under our management and control or performing work in the conduct of our business.

Health and safety plan

To achieve a healthy and safe workplace, the organisation will:

- identify and assess current and foreseeable workplace hazards, implement strategies to eliminate or control the risks and monitor their effectiveness
- provide employees with appropriate health and safety information, instruction, resources, training and supervision that is reasonably necessary to ensure each employee is safe from injury and risks to health
- act in accordance with obligations under relevant legislation, codes of practice and recognised industry standards
- ensure an appropriate workplace incident and injury reporting process is maintained that will provide the organisation with information to help prevent incidents and work related injury or illness in the future
- make sure employees are familiar with their work health and safety obligations as it relates to their position, and the requirement for them to take all steps within their power to meet those obligations (including the requirement for workers to report any suspected workplace hazard, work related injury or illness affecting them or others, at the earliest opportunity without prejudice to any worker)
- provide adequate facilities for the health, safety and welfare of employees and other persons

The CEO is responsible for taking all reasonable steps to ensure compliance with work health and safety statutory requirements and our policy, and demonstrate commitment towards reducing the number and severity of work-related injuries.

Employees are responsible for:

- complying with this policy and any reasonable procedure or instruction
- taking care for their own personal health and safety, and that of others in the workplace
- taking action to avoid, eliminate and minimise hazards and report all known or observed hazards to their manager, including any damage or maintenance requirements affecting plant, equipment or the workplace
- immediately reporting and recording any work-related accident or near-miss incident, no matter how trivial to their manager
- actively participating in the management of health and safety risks
- not willfully placing at risk the health, safety or wellbeing of others at the workplace
- being familiar with emergency and evacuation procedures and cooperating with directions from emergency or evacuation wardens.

Procedure to resolve health and safety issues:

An employee should take the following steps if a hazard is observed, or they consider the work being done is unsafe or unhealthy and they cannot fix it:

- Raise the WH&S matter in the first instance with your manager and/or Health & Safety Representative
- If hazard control measures fail or do not meet the situation, refer your concerns to the CEO

For the purpose of resolving the health and safety issue as quickly and effectively as possible, the CEO and Health and Safety Representative will consider a number of factors, including the number and location of employees affected by the issue, whether appropriate temporary measures are possible or desirable, how long it will take to permanently resolve the issue, and who is responsible for performing and overseeing any action agreed necessary to resolve the issue.

After an issue is resolved, employees will be advised of the action taken.

Procedure to consult with employees about health and safety issues:

The organisation recognises the best way to ensure a healthy and safe workplace is for all managers and employees to work together to identify and solve work health and safety problems. The organisation is therefore committed to regular consultation with employees using the agreed WHS consultation arrangements to ensure work health and safety management is of the highest standard.

Procedures to inform and train employees:

We use the following procedures to train and inform our employees:

- induction training,
- staff meetings and
- health and safety audits

Other related policies:

- Employee Manual
- Return to Work Program

CEO

Date

Attachment J – Hazard Report Form

(all Injuries & Illnesses to be reported on the Incident and Injury Report Form)

| | |
|---|--|
| Location of hazard: Name (Name of person preparing the report) | Who was the hazard reported to: Name: |
| Date reported: | |
| <hr/> <p>DESCRIPTION OF HAZARD (Include area and task involved, any equipment, tools, people involved. Use sketches if necessary.). If required, use back of this form or firmly attach other documents.</p> <hr/> | |
| <p>POSSIBLE REMEDIES (List any suggestions you may have for reducing or eliminating the problem, e.g. re-design task/procedures, training, maintenance work, etc.)</p> <hr/> | |
| <p>ACTION TAKEN TO RECTIFY THE HEALTH & SAFETY ISSUE (eg. Training, item creating hazard to be (or has been) removed, manual task changed in a way that it no longer requires lifting, review of safe work procedures, etc).</p> | |
| Date of completion | |
| Manager | |
| <hr/> | |
| <p>CONTROL IMPLEMENTED & EVALUATED</p> | |
| Date of completion | |
| Manager | |

Attachment K – Incident and Injury Report Form

| Details of incident (e.g. to a worker or visitor) and treatment | | | |
|---|---|---|---------------|
| Date of incident | | | |
| Time of incident | <input type="checkbox"/> am <input type="checkbox"/> pm | | |
| Nature of incident | <input type="checkbox"/> Near miss <input type="checkbox"/> First aid <input type="checkbox"/> Medical treatment/doctor | | |
| Name of injured person | | | |
| Address | | | |
| Occupation | | | |
| Date of birth | | | |
| Telephone | | | |
| Reports to | | | |
| Activity in which the person was engaged at the time of injury | | | |
| Exact site location where injury occurred | | | |
| Nature of injury (e.g. fracture, burn, sprain, foreign body in eye) | | | |
| Body location of injury (indicate location of injury on the diagram) | | | |
| Treatment given on site | | Name of treating person | |
| Referral for further treatment? Yes <input type="checkbox"/> No <input type="checkbox"/> | Name of doctor or hospital | WorkCover medical certificate received? Yes <input type="checkbox"/> No <input type="checkbox"/> | Attach copies |
| Injury management required? Yes <input type="checkbox"/> No <input type="checkbox"/> | Notify Return to Work Coordinator | Name of return to work Coordinator | TBC |
| Witness to incident (each witness may need to provide an account of what happened) | | | |
| Witness name | | Witness contact | |
| Witness name | | Witness contact | |

| | |
|---|---|
| Description of incident (including location and any damage to equipment or property) | |
| | |
| | |
| | |
| | |
| | |
| Immediate response actions (e.g. barricades, isolation of power) to stabilise the situation | |
| | |
| | |
| Reported to | |
| Reported to CEO? Yes <input type="checkbox"/> No <input type="checkbox"/> | Provide details (when, reported to and reported by): |
| *If required, reported to authorities (WorkCover phone: 13 10 50)? Yes <input type="checkbox"/> No <input type="checkbox"/> | Provide details (when, reported to and reported by): |
| Reported to workers compensation Insurer? Yes <input type="checkbox"/> No <input type="checkbox"/> | Provide details (when, reported to and reported by): Manager to notify the Worker's Compensation Insurer within 48 hrs after becoming aware that the worker has received a workplace injury/disease |

| | | | |
|---------------------|--|----------|--|
| Completed by | | | |
| Name | | Position | |
| Signature | | Date | |

Attach investigation report, if completed separately to this form

If injury has been reported, the original copy of this form is to be placed on the employee's file

Worksafe notifiable incidents include the following:

- the death of a person
- a serious injury or illness of a person
- a 'dangerous incident'

A 'dangerous incident' under the WHS Act means any incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person's health or safety emanating from an immediate or imminent exposure to:

- an uncontrolled escape, spillage or leakage of a substance
- an uncontrolled implosion, explosion or fire
- an uncontrolled escape of gas or steam
- an uncontrolled escape of a pressurised substance
- electric shock
- the fall or release from a height of any plant, substance or thing
- the collapse, overturning, failure or malfunction of, or damage to any plant that is required to be authorised for use in the regulations
- the collapse or partial collapse of a structure
- the collapse or failure of an excavation or of any shoring supporting an excavation
- the inrush of water, mud or gas in workings, in an underground excavation or tunnel
- the interruption of the main system of ventilation in an underground excavation or tunnel or
- another event prescribed in the regulations.

Attachment L – Summary of the ACT Workers Compensation Act 1951

Summary to be displayed at workplaces

Workers compensation insurance

It is compulsory for all ACT employers, as determined under the ACT Workers Compensation Act 1951, to have a current ACT Workers Compensation Policy in place with an Approved Insurer. An 'employer' is anybody who employs a worker with whom there is a 'Contract of Service', or, in some circumstances, a 'Contract for Service', whether the contract is expressed or implied, orally or in writing.

When is a worker covered for workers compensation?

A worker may be entitled to compensation for an injury or disease that occurs/arises during the course of employment; or, by an incident arising out of employment; or, on a journey to or from work.

Early notification of injury

An injury must be notified to the employer responsible for the workplace in which the injury happened. Notification must be as soon as practicable, and before the worker has voluntarily left that employment. Notification may be given: by entry into the 'Register of Injuries', or orally, in writing, or in electronic form to the employer, any person designated for the purpose by the employer, or any person by whom the person is supervised.

Register of injuries

A 'Register of Injuries' is kept by the employer where it is readily accessible to the workers. It records every injury that occurs in the workplace, regardless of whether or not a claim is made. If details of the injury are entered in the register as soon as possible after the injury happens, the entry is taken to be notice of the injury given to the employer by the injured worker for the Workers Compensation Act 1951.

Injured worker's responsibility – is to:

- › Notify their employer as soon as possible after becoming aware of a workplace injury
- › Nominate a doctor, or medical practice, as worker's treating doctor for the worker's Personal Injury Plan
- › Provide a compliant ACT medical certificate with all claims for compensation
- › Make all reasonable efforts to return to work with their employer as soon as possible
- › Take part in and cooperate with the establishment of their Personal Injury Plan
- › Comply with reasonable obligations under the Personal Injury Plan including medical or surgical treatment, rehabilitation, retraining
- › Authorise their nominated doctor to provide information to the employer or the insurer
- › If compensation is to be claimed for an injury, make the claim for compensation as soon as possible

Employer's responsibility – an employer must:

- › Display this notice (Note: Penalties apply for failure to display information as required)
- › Give notice of injury to an insurer within 2 days (48 hours) of becoming aware of the injury (Note: Penalties apply for late notification for time lost claims). If a compliant verbal notification provided it must be followed up in writing to the insurer within 3 days.
- › Send any claim documentation to the insurer within 7 days of receipt
- › Maintain a register of injuries and produce it when requested
- › Make available workers compensation claim forms – available free of charge on request
- › Assist and cooperate in the establishment of a Personal Injury Plan
- › Establish a written Return-to-Work program and have it displayed or notified at places of work of the workers to whom it relates or may relate
- › Provide suitable employment, as part of the Return-to-Work program

The insurer's responsibility – an insurer must:

- › Take action under their Injury Management Program within 3 business days after receiving the injury notice, including making contact with the worker, the employer and treating doctor
- › Ensure that each insured employer is aware of their injury reporting and injury management obligations
- › Develop a Personal Injury Plan in cases of significant injury (incapacity likely to be at least 7 days straight)
- › Consult and maintain communication with all stakeholders in the development and ongoing management of Personal Injury Plans

Name of employer: **Insert name**

Employer's Workers Compensation policy number: **Insert policy no.**

Employer's contact name: **CEO name** Telephone: **Insert ph. no.**

Approved insurer's name and address: Insurance issued by **Insert name and ABN**

Telephone:

Fax:

Address:

Date created:

Version 1

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Attachment M – Return to Work Program

(in accordance with Section 109 of the Workers Compensation Act 1951)

Our organisation is committed to the return to work of our injured workers.

- We will prevent injury and illness by providing a safe and healthy working environment.
- We will participate in the development of an injury management plan and ensure that injury management commences as soon as possible after a worker is injured.
- We will support the injured worker and ensure that early return to work is a normal expectation.
- We will provide suitable duties for an injured worker as soon as possible.
- We will ensure that our injured workers (and anyone representing them) are aware of their rights and responsibilities – including the right to choose their own doctor and rehabilitation provider, and the responsibility to provide accurate information about the injury and its cause.
- We will consult with our workers and, where applicable, unions to ensure that the return to work program operates as smoothly as possible.
- We will maintain the confidentiality of injured worker records.
- We will not dismiss a worker as a result of a work related injury within six months of becoming unfit for employment.

PROCEDURES

Notification of injuries

- All injuries must be notified to their manager as soon as possible.
- All injuries will be recorded in the register of injuries.
- Our workers Compensation Insurer (see below) will be notified of any injuries within 48 hours.

Nominating a Treating Doctor

- The injured worker must nominate a treating doctor who will be responsible for the medical management of the injury and co-operate with the development and implementation of the Return to Work Plan.

Involving a Rehabilitation Provider

- When the injured worker is not likely to resume pre-injury duties or cannot do so without alteration to the workplace or work practices the Insurer and Employer will consult with the Nominated Treating Doctor, and/or the Rehabilitation Provider to obtain assistance and guidance.

The organisation's preferred WorkCover-Accredited Rehabilitation Provider is: **Insert details**

- We will arrange for the worker's return to work (subject to medical and rehabilitation provider advice).

Suitable Duties

- When the injured worker, according to medical advice, is capable of returning to work we will develop a return to work plan.
- We will undertake to provide suitable duties that are consistent with medical advice and that are meaningful, productive and appropriate for the injured worker's physical and psychological condition.
- Depending on the individual circumstances of the injured worker, our suitable duties may be:
 - At the same worksite or a different worksite
 - The same job with different hours of modified duties
 - A different job
 - Full-time or part-time

Dispute resolution

- If disagreements about the return to work program or suitable duties arise, we will work together with the injured worker, our insurer, an accredited rehabilitation provider, and the nominated treating doctor.
- If we are unable to resolve the dispute, we will attend a conciliation meeting and make a genuine effort to reach an agreement.
- If conciliation fails an application for arbitration may be lodged through the magistrate's court.
- If you need help or advice on what you should do, contact the WorkCover hotline on (02) 6205 0200.

CONTACTS

Workplace contact for Return to Work Program:

Name: **Insert name**

Phone: **Insert no.**

Workers Compensation Scheme Agent:

Name: **Insert details**

Address: **Insert details**

Phone: **Insert details**

Attachment N – Dispute Resolution Procedure

During the course of resolving a workplace matter, both parties may seek guidance and/or support from a peer, trade association, union representative or colleague at any stage during the process.

If an employee has a dispute concerning a matter in relation to an employment, the following steps will be taken.

Step 1

In the first instance the parties must attempt to resolve the matter by discussions between the employee(s), the employee support person (if applicable), and their immediate manager. It can be raised verbally in the first instance and the manager should make the relevant enquiries. Managers should attempt to give employee(s) a preliminary response within three (3) working days.

Step 2

If the dispute remains unresolved then it should be formalised in writing using the Dispute Resolution Report Form (refer to Appendix 1). This form should then be forwarded to the CEO who will arrange a meeting within 10 working days of receipt, with the relevant parties to discuss the matter with a view to resolving the dispute (this may involve the CEO enforcing the resolution).

Step 3

If the dispute is still unable to be resolved, and all appropriate action under Steps 1 & 2 have been taken, a party to the dispute may refer the matter to Fair Work Australia.

Step 4

The parties may agree to the process to be utilised by Fair Work Australia including mediation, conciliation and consent arbitration.

If the matter is referred to an agreed mediator for a mediation conference, it shall be attended by the employee with their representative (optional) and a person with appropriate authority in the organisation.

- a) The mediation conference is not to be conducted in a legalistic fashion and shall be approached by all concerned to bring about an agreed solution. The mediation will not make decisions or impose a solution on the parties unless requested to do so, in writing by both parties.
- b) If a settlement is reached, the terms of the settlement must be written down and signed by both parties and the mediator before the mediation conference is terminated.
- c) An agreed settlement shall be binding and the parties and enforceable.
- d) Either party may terminate the mediation conference, in writing, at any time.

Step 5

If the dispute still remains unresolved, either party has the right to have the matter referred to the appropriate industrial tribunal for conciliation and/or arbitration. (Fair Work Australia may also exercise any method of dispute resolution permitted by the Act that it considers appropriate to ensure the settlement of the dispute. An employer or employee may appoint another person, organisation or association to accompany and/or represent them.

During the Dispute Resolution Process, work must continue in accordance with the employee's employment arrangements and the Act. An employee must not reasonably fail to comply with direction by the employer to perform work, whether at the same or another workplace that is safe and appropriate for the employee to perform.

Appendix 1 Dispute Resolution Form

(This form can also be used to report grievances and complaints)

DATE: _____

This form is to be used in conjunction with the Dispute Resolution Procedure as set out in this document and the *Social, Community, Home Care and Disability Services Industry Award 2010*.

To: _____

Name and signature of Employee making the dispute:

| | | |
|---------------------|-----------|-------|
| _____ | _____ | _____ |
| Name (please print) | Signature | Date |

Contact number(s)

Mobile: _____

Home: _____

DETAILS OF DISPUTE:

Date problem occurred: / /

Provide details of the nature of the Dispute: Important to describe your dispute as completely as possible, including the nature of the problem and persons involved. Please be as specific as possible. Please print. Attach sheet if insufficient space.

OUTCOME SOUGHT:

ACTION AGREED TO / ADVICE PROVIDED:

INVESTIGATION:

Further investigation of dispute required: Yes No

Name of Investigator:

Additional comments:

DISPUTE OUTCOME:

Date of outcome

Date relevant parties informed of outcome:

CEO to:

1. Store Dispute Resolution Report Form in a secure location and ensure confidentiality is respected and complied with at all times.
2. Ensure all relevant steps in the Dispute Resolution Procedure are followed.

Attachment O – Exit Release Form and Questionnaire

Exit Release Form Guidelines

- Managers must ensure the Exit Release Form is completed for any employee, contractor or agency worker ceasing work for, or on behalf of the organisation.
- This form must be printed and signed by the Manager and employee, contractor or agency worker.
- It is the responsibility of the Manager to determine what items are in the employee's possession and to ensure that these items are returned to the organisation prior to their departure.
- Manager must provide a copy of the completed Exit Release Form to Payroll prior to the employee's last work day.
- Please note the non-completion of this Form may delay prompt payment of final entitlements.

| | |
|--|--|
| Employee's name | |
| Last day of work | |
| Manager's Name | |
| Forwarding address for future correspondence | |

| Tasks | Completed | Not Completed | Not Applicable |
|---|--------------------------|--------------------------|--------------------------|
| 1 Submit to Manager (or Payroll): | | | |
| Notification and/or letter of resignation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Completed Exit Release Form | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Completed Questionnaire (optional) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Address for future correspondence / final payment summary | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2 Notify IT to disable: | | | |
| IT access | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Authorised home access to organisation's computer system | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Applicable software | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Voice Mail | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3 Property to be returned: | | | |
| Keys (or access card) to building | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Laptop computer / I Pad | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mobile Phone | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Phone Card | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Modem | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| On-line banking authorisation token | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | |
|---|--------------------------|--------------------------|--------------------------|
| Motor Vehicle and Keys | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Fuel Card (s) | | | |
| Credit Card | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Clean Workstation / Office | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other (please state) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4 Return Records | | | |
| Files / documents / Books | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Policies / Procedures | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other (Please State) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5 Deduct following amounts outstanding from final pay: | | | |
| Advance leave credits / Other | \$ | <input type="checkbox"/> | <input type="checkbox"/> |

Employee's acknowledgement

I am leaving the organisation on (insert date).
and declare the above actions have been taken. I authorise that the outstanding amount
due be deducted from my final pay.

| | |
|-----------|--|
| Name | |
| Signature | |
| Date | |

Manager's Acknowledgement

- The checklist has been completed and a copy provided to Payroll.
- Actions still outstanding:

| | |
|-----------|--|
| Name | |
| Signature | |
| Date | |

- All outstanding actions have been completed by the manager.

EXIT QUESTIONNAIRE (OPTIONAL)

As you leave us, we invite you to share your views about your time with organisation. By understanding the reasons people leave the organisation, we become more aware of any opportunities for improvement in specific areas. This information is also used to help build on our strengths.

When you have completed the Exit Questionnaire we would like the opportunity to discuss your responses in an Exit Interview. This interview can be conducted with your immediate manager, or another senior person within the organisation. All responses are treated in strict confidence.

Please return this questionnaire at the time of your Exit Interview, or alternatively, return to your manager or the CEO.

| | | | | | | |
|------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|---------------------------------|
| Name | | | | | | |
| Job role | | | | | | |
| Duration of employment | | | | | | |
| Age group | <input type="checkbox"/> 15-24yrs | <input type="checkbox"/> 25-34yrs | <input type="checkbox"/> 35-44yrs | <input type="checkbox"/> 45-54yrs | <input type="checkbox"/> 55-64yrs | <input type="checkbox"/> 65+yrs |

| | | | |
|---|--|---|---|
| Category of separation <i>(tick one only)</i> | | | |
| <input type="checkbox"/> Resignation to Private | <input type="checkbox"/> Retirement | <input type="checkbox"/> Death | <input type="checkbox"/> Dismissal disciplinary reasons |
| <input type="checkbox"/> Resignation to Government | | | |
| <input type="checkbox"/> Unsuccessful probation | <input type="checkbox"/> Completion temp contract | <input type="checkbox"/> Incapacity | <input type="checkbox"/> Medical retirement |
| <input type="checkbox"/> Redundancy | <input type="checkbox"/> Termination temp contract | <input type="checkbox"/> Employment abandoned | |
| <input type="checkbox"/> Other (give reason) | | | |

| | |
|---|--|
| 1 | What is your main reason for leaving the organisation? |
| | |

| | | | | | |
|-----|---|---|--|---|-----------------------------|
| 2 | What other reasons contributed to your decision (please mark relevant boxes below) | | | | |
| | <input type="checkbox"/> Higher salary | <input type="checkbox"/> Better non-salary benefits | <input type="checkbox"/> Career opportunities | <input type="checkbox"/> Flexible work options | |
| | <input type="checkbox"/> Travel | <input type="checkbox"/> Personal / family reasons | <input type="checkbox"/> More interesting work | <input type="checkbox"/> Better fit with workplace culture and values | |
| | <input type="checkbox"/> More convenient work location | <input type="checkbox"/> Work/life balance | <input type="checkbox"/> Relationship with manager | <input type="checkbox"/> Health | |
| | <input type="checkbox"/> Other (please specify) | | | | |
| 3 | If applicable, which of the following best describes your new employer? | | | | |
| | <input type="checkbox"/> Other non-government organisation | <input type="checkbox"/> Private industry | <input type="checkbox"/> Government organisation | <input type="checkbox"/> Self-employment | |
| 4 | How long have you been thinking about leaving the organisation? | | | | |
| | <input type="checkbox"/> Less than one month? | <input type="checkbox"/> One to five months? | <input type="checkbox"/> More than five months? | | |
| 5 | Do you think any of your co-workers are considering leaving? | | | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| | If yes, why? | | | | |
| 6 | What did you like most about: | | | | |
| | (a) | Your position? | | | |
| | | | | | |
| | (b) | Your team? | | | |
| | | | | | |
| (c) | The organisation? | | | | |
| | | | | | |

| | | | | | | |
|----------|--|---|--------------------------|--------------------------|--------------------------|--------------------------|
| 7 | What did you like least about: | | | | | |
| | (a) | Your position? | | | | |
| | | | | | | |
| | (b) | Your team? | | | | |
| | | | | | | |
| | (c) | The organisation? | | | | |
| | | | | | | |
| 8 | What are some areas where you think the organisation can improve? | | | | | |
| | | | | | | |
| 9 | How would you rate your manager in the following areas? | | | | | |
| | | Highly satisfied | Satisfied | Dissatisfied | Highly dissatisfied | |
| | (a) | Communication of the organisation's direction and policy | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | (b) | Feedback on your performance | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | (c) | Communication of decisions and other issues affecting you | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | (a) | Competence of your immediate manager | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Comments: | | | | | |
| | | | | | | |

| | | | |
|-----------|---|------------------------------|-----------------------------|
| 10 | When you started work at the organisation, how long did you expect to stay? | | |
| 11 | Would you recommend the organisation as an employer? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 12 | Would you consider returning to the organisation in the future? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 13 | If yes, would you like to be contacted regarding future work opportunities? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 14 | If yes, please provide contact details? | | |
| 15 | What would have changed your mind about leaving the organisation? | | |
| 16 | Are you intending to continue working immediately? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Additional comments:

Thank you for completing this questionnaire. The organisation wishes you well with your future endeavours.