Bullying and Harassment

This policy confirms the Company’s commitment to providing a workplace which is free from bullying and harassment, including sexual and racial harassment. The policy also confirms the obligations placed upon managers to ensure all employees understand that bullying and harassment are unacceptable and will result in disciplinary action.

**1.0 Bullying and Harassment**

**1.1 Objective of this Policy**

▪ In line with the Company’s commitment to providing equal employment opportunities and a safe working environment, it is the Company’s objective to ensure a workplace free from bullying and harassment.

**1.2 Policy**

▪ The Company is committed to ensuring every employee enjoys a working environment free from bullying and harassment. Our Company values establish a basis for expected business and personal behaviour. This includes respect for one another and, accordingly, bullying and harassment constitute serious misconduct which will not be tolerated.

▪ Bullying and harassment are not only unlawful, they are also prohibited under our Company’s Code of Conduct.

▪ As part of our commitment against workplace bullying and harassment, the Company has a robust and effective procedure for dealing with any such complaints.

▪ We all have a responsibility to ensure everyone in the workplace knows that bullying and harassment are unacceptable.

* Bullying and harassment may occur between colleagues, managers and employees and even between employees and clients, contractors and volunteers. In all circumstances, bullying and harassment will not be tolerated.

**1.3 Specific Guidelines**

 **Bullying**

Bullying is defined by the *Fair Work Act 2009* as being repeated, unreasonable behaviour directed towards a person or a group of people and which creates a risk to health and safety.

 Examples of workplace bullying include:

* + Inappropriately excluding a colleague rom meetings or communications
	+ Demeaning or belittling someone
	+ Inappropriately commencing disciplinary action
	+ Spreading malicious gossip or rumours
	+ Use of abusive or intimidating behaviour
	+ Excessive micro-management
	+ Setting impossible targets or deadlines
	+ Displaying offensive or degrading materials

 Importantly, the *Fair Work Act 2009* makes it clear that reasonable managerial action taken in a reasonable way **is not** bullying.

 Examples of reasonable managerial action include:

* + Proper use of performance management or disciplinary processes
	+ Providing fair and reasonable feedback
	+ Setting challenging targets or deadlines
	+ Requiring compliance with workplace policies and procedures
	+ Workplace restructuring

 **Harassment**

Workplace harassment is defined by the Australian Human Rights Commissioner as occurring when “*someone is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; 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.”*

Harassment which has a sexual connotation is referred to specifically as ‘sexual harassment’

Examples of workplace harassment include:

▪ Use of inappropriate language

▪ Display of inappropriate material, such as offensive posters or computer screensavers

* Sharing of inappropriate jokes, either verbally or via email
* Asking intrusive questions about a person’s private life

▪ Unacceptable physical contact, such as intentional touching, patting, pinching or rubbing (sexual harassment).

▪ Expressed hostility against, or bringing into contempt or ridiculing, an employee on the grounds of his or her religion, gender, race, colour, ethnic or national origin or any of the other grounds protected by state and commonwealth legislation.

**1.4 Procedure**

* If an employee feels they are being bullied or harassed, they should immediately approach their manager to discuss the situation. The manager should provide advice to the employee and ascertain what the employee would like done about the matter (please refer to the *Harassment Complaints Procedure* within the ‘*Manage’* section of Workforce Guardian).
* All allegations of bullying and harassment will be investigated thoroughly, impartially, empathetically and in the strictest confidence, taking into account the privacy of all parties.
* The principles of natural justice and procedural fairness shall be followed at all times.
* Following the conclusion of the Company’s investigation, the parties will be informed of the final outcome in writing.
* Where appropriate, disciplinary action will be taken by the Company.
* An employee found to have made deliberately false allegations will be subject to disciplinary action.
* An employee who has made allegations of workplace bullying may also bring their concerns to the attention of the Fair Work Commission.

**1.5 Further information**

 Any employee requiring further information about this policy should contact any member of the Management Team.

 Employees may also refer to the relevant state or territory workplace health and safety agency or to the Fair Work Commission’s website (in relation to workplace bullying) at www.fwc.gov.au

# Code of Conduct & Disciplinary Procedure

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| This policy sets out the Company’s Code of Conduct to ensure all employees are aware of the standard of conduct and behaviour that is expected to be displayed at all times. This policy also includes the Disciplinary Procedure that applies in the case of breaches of this Code of Conduct. |

**1.0 Code of Conduct**

**1.1 Objectives of this policy**

* To have in place a clear and comprehensive Code of Conduct and Disciplinary Procedure for managers and employees throughout the Company.
* To ensure the Code of Conduct and the Disciplinary Procedure is enforced and applied consistently across the Company.

**1.2 Company Rules:**

**Principles**

* All businesses require clear rules and procedures governing personal conduct to ensure the efficient operation of the business and to make sure employees understand the employer’s expectations. The following rules specify those actions which are prohibited and any employee who fails to observe these rules and procedures will be subject to the Disciplinary Procedure.

**Attendance**

* All employees are required to start work on time, to observe the proper times for breaks and to work until the scheduled end of their workday. Employees not able to attend work for any reason must make all reasonable efforts to advise their manager before their starting time on each day of absence. The manager must be advised of the reasons for the absence and the expected date of return to work.
* Absences due to sickness may require presentation of medical certificates.
* Where it is deemed appropriate by the Company, employees will be required to comply with procedures regarding time recording.

### Performance of Duties

* Employees must carry out instructions given by a person authorised to give such instructions but no employee shall be required to do anything which might endanger themselves or any other person.
* Employees must apply themselves diligently to work during working hours and must not undertake other activities without the prior approval of their manager.
* Employees must not deliberately or carelessly do anything that will result in poor quality output or which may bring the Company into disrepute.

### Alcohol and Prohibited Drugs

* No alcohol is to be consumed on the Company’s premises without the express approval of the Manager.
* No prohibited drugs are to be brought into the Company’s premises or consumed during working hours.
* Employees on prescription drugs which may impair their personal safety, or the safety of other persons, should report the matter to their manager to allow a proper evaluation to be made.
* Any employee who is suspected of having consumed alcohol or prohibited drugs and who, in the opinion of their Manager, is not capable of satisfactorily performing normal duties will be stood down without pay, pending further investigation and possible disciplinary action.

### Property

* Unauthorised removal or unauthorised possession of Company property or the property of other persons is strictly prohibited.
* A Manager shall be entitled, without prior warning, to inspect an employee's locker or bags but this shall only be carried out in the presence of the employee concerned, and in the presence of a witness.
* Wilful damage to property is not permitted.
* **Note:** All serious cases, particularly those related to unauthorised possession of property, will be referred to the Police. Any disciplinary action the Company may take is quite separate from, and in addition to, any action the Police choose to take.

### Vehicles

* An employee shall only be authorised to drive a Company motor vehicle if he or she is in possession of a current drivers licence for the appropriate class of motor vehicle.
* Subject to the above, an employee may use Company vehicles for work related purposes provided their Manager has given prior permission.
* The Company is not responsible for any traffic violations whilst the vehicle is in the employee's care, other than those which are properly the responsibility of the vehicle owner.
* Unauthorised or irresponsible use of a Company vehicle, or a vehicle owned by a customer or supplier, is strictly prohibited.
* An employee whose duties require the driving of a motor vehicle may have their employment terminated in the event of conviction on a driving offence resulting in loss of licence.
* **Note:** Should an employee be involved in an accident while driving a company motor vehicle and be found to be at fault, the employee may face disciplinary action. Depending on the seriousness of the incident, and the circumstances surrounding the accident, this may include the employee being issued a final written warning or being dismissed. In addition, the employee shall be held liable to pay the cost of any repairs to (or replacement of) any of the vehicles involved that are not covered by insurance, including any excess payable to the insurance company.
* Where an employee is provided with a vehicle for the purposes of his or her job the provision of the vehicle is at the discretion of the Company and does not form part of that employee’s remuneration. Where such a vehicle is provided the Company reserves the right to cease providing such a vehicle or modify or restrict its use in accordance with the needs of the business and in such a case no compensation shall be payable to the employee.

### Internet/Email/Computers/Mobile Phones

* The Company provides Internet and email facilities for business purposes. The Company will not sanction excessive or unreasonable personal use of such systems and may at any time audit email and data files.

*Viruses*

* Any employee who receives any email or files from somebody they do not know, or is suspicious about any email or files, must not open them but must contact the System Administrator immediately.

*Unacceptable Use*

* The use of Company Internet and email facilities for the following is expressly forbidden:
* Distribution or saving of material that is illegal in Australia or country of destination.
* Distribution or saving of material that negatively reflects upon a particular race, gender, religious belief, nationality, marital status or sexual orientation or is likely to cause offence.
* Distribution of copyright material without permission of the author(s).
* Distribution of material that may negatively reflect on the Company's reputation, or the issuing of unauthorised statements as being attributed to the Company.
* Carrying out or attempting to carry out impersonation, misrepresentation of identity, forgery, substitution of mail, headers or any other identification marks.
* Using Company computer systems for gambling or soliciting for personal gain or profit.

 *Social Networking and Mobile Phones*

* Use of the Company’s Internet facilities to access social media sites such as Facebook is prohibited during work hours, unless it is specifically approved for your role. Accessing such sites during working time on your business or personal mobile, making personal mobile calls, or sending and receiving personal SMS messages is also prohibited.

### Security

* Employees must not send any confidential Company material to unauthorised persons. All documents and mailing addresses must be checked before the email is sent as mistakes can easily be made.

### Safety Procedures

* Employees are required to work safely and observe all safety procedures.

### False Declarations

* Wilfully making false declarations is strictly prohibited.

### Personal Behaviour

* All employees are expected to conduct themselves in a socially acceptable manner. Specifically, threats, abuse or physical violence are strictly prohibited. Any conduct, whether verbal or physical, which causes another to feel threatened, abused or in fear of physical violence is also strictly prohibited. Provocation will not be accepted as an excuse.

### Harassment

* Harassment of any kind is not permitted. This includes sexual harassment, racial vilification and bullying. If an employee believes they have been subjected to harassment they must report the matter to their manager as soon as possible so it may be investigated.

### Gambling

* Illegal gambling is not permitted on Company premises.

### Confidential Information

* Confidential information gained during the course of employment must not be released to persons who could materially affect the Company's interests.
* Employees must not, whether during the period of employment or afterwards, disclose to any person any confidential information relating to Company business.

### Media Statements

* Statements to media representatives relating to Company business are prohibited without the express approval of the Managing Director.

### Smoke Free Workplace

* By law all workplaces must be smoke free. All employees must observe this requirement. Any rules relating to outdoor smoking areas, or areas near entrances or exits to buildings where smoking is prohibited, will be published on the notice board.

### Outwards Goods

* No goods are to be removed from the Company premises unless all required documentation has been completed and processed in the prescribed manner.

### Other

* Any action, which by its nature and in light of reasonable community standards would be adjudged to be misconduct, is prohibited.

### Serious breaches of these rules may result in the employee being dismissed without notice.

**1.3 Disciplinary Procedure**

* The Disciplinary Procedure comprises the following steps:

**Step 1: Preliminary Investigation**

* In the event there is an allegation of misconduct or unsatisfactory work performance the manager, or his or her representative, will examine the allegation to determine whether or not there is any substance to the allegation.

**Step 2: Advice to Employee**

* Where the manager, or his or her representative, determines that the allegation has substance the employee concerned will be advised of the nature of the allegation, the potential impact on their employment if the allegation is sustained, their right to be represented and the fact that the matter will be fully investigated.

**Step 3: Stand Down**

* Where the seriousness or nature of the incident requires, the manager or his or her representative may stand down the employee and require the employee to remain available for discussions on the matter. However, a stand down is not, in itself, a disciplinary measure.

**Step 4: Formal Investigation**

* A formal investigation will then be carried out by the manager or his or her representative. Discussions will be held with all persons considered appropriate by the manager.

**Step 5: Interview Employee**

* The employee concerned will then be advised of the time, date and venue of a meeting to discuss the matter further. The employee will be reminded of his or her right to be represented in the meeting.
* When the meeting commences, the allegations will be described to the employee concerned, together with any and all information obtained during the investigation.
* During the employee interview the employee concerned will be given the opportunity to provide an explanation, make further submissions on his or her own behalf and ask questions.

**Step 6: Consider Employee Explanation**

* The meeting will be adjourned to consider the explanation and any other information provided by the employee. Further investigations will be conducted if required.

**Step 7: Decision**

* If the manager, or his or her representative, determines that the allegation is not substantiated no action will be taken against the employee. The employee shall then be free to resume duties as directed.
* If the manager, or his or her representative, determines that the allegation is substantiated, the appropriate form of disciplinary action shall be determined and applied.

**In cases of serious misconduct, the employee will be liable to dismissal without notice.**

**Less serious misconduct or unsatisfactory work performance will be subject to the following disciplinary action:**

* In cases of unsatisfactory performance or the first instance of misconduct: a verbal warning may be given, which will be confirmed in writing.
* Where unsatisfactory performance continues after a verbal warning or there is a further instance of misconduct after a verbal warning or the level of misconduct justifies going straight to a written warning: a written warning may be given.
* Where unsatisfactory performance continues after a written warning or there is a further instance of misconduct after a written warning or the level of misconduct is sufficiently serious to justify going straight to a final written warning: a final written warning will be given.
* Where unsatisfactory performance continues after a final written warning or there is a further instance of misconduct after a final written warning, termination on notice will occur.

**Step 8: Implementation**

* The manager, or his or her representative, will then call a meeting to explain the decision to the employee concerned. The employee is entitled to be represented and/or have another person present as a witness.
* After the meeting the decision will be confirmed in writing.
* Each warning may be for unrelated matters. A copy of each warning will be kept on the employee's personal file.

**1.4 Further information**

* Any employ who requires further information about the Code of Conduct or the Disciplinary Procedure should contact any member of the Management Team.

# Confidentiality and Non-disclosure

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| This policy sets out what is expected of employees in relation to the protection of the Company’s confidential information.  |

**1.0 Confidentiality**

**1.1 Definition**

For the purposes of this policy, ‘confidential information’ includes, but is not limited to, information concerning the Company’s business affairs, secrets, business opportunities, property, customers, clients or other employees of the Company. Please refer to clause 1.4 below for a more exhaustive list of information considered ‘confidential.

**1.2 Objectives of this policy**

* To ensure the protection of the Company’s confidential information and trade secrets.
* To ensure sensitive information is accorded the appropriate level of security.
* To ensure non-disclosure remains the cornerstone of our policy with regard to restricted information.
* To ensure the rules relating to confidentiality and non-disclosure are applied consistently across the business.

**1.3 Policy**

* Employees must not publish or disclose any confidential information or knowledge which they have acquired during their employment with the Company concerning the Company’s business affairs, secrets, business opportunities, property, customers, clients or other employees of the Company. These restrictions apply both during and after termination of employment.
* Depending on their position, employees may be required to sign a non-disclosure agreement as a condition of employment. Employees who improperly use or disclose trade secrets or confidential business information will be subject to disciplinary action, up to and including termination of employment and legal action, even where they do not personally benefit, directly or indirectly from the disclosure.

**1.4 Guidelines**

 Confidential information includes, but is not limited to, the following examples:

* Business and strategic plans
* Intellectual knowledge
* Compensation data
* Computer processes
* Computer programs and codes
* Customer lists
* Customer preferences
* Financial information
* Marketing strategies
* New materials research
* Pending projects and proposals
* Proprietary production processes
* Research and development strategies
* Scientific data
* Scientific formulae
* Scientific prototypes
* Technological data
* Technological prototypes
* Personal information held on employee files

**1.5 Further information**

Any employee who requires further information about this policy should contact any member of the Management Team.

# Conflicts of Interest

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| This policy sets out what is expected of employees with regard to conflicts of interest, such as owning, operating or otherwise being involved in any business in competition with the Company. This policy also explains the requirement for employees to devote all their time to the interests of the Company and to declare any actual or potential conflicts of interest to the Company. |

**1.0 Conflicts of Interest**

**1.1 Definition**

A conflict of interest describes any circumstance that could cast doubt on an employee’s ability to act with total objectivity in relation to the Company’s own interests.

**1.2 Objectives of this policy**

* To ensure conflicts of interest do not jeopardise the business.
* To ensure managers and employees are able to identify and respond to actual or potential conflict of interest situations.
* To ensure the rules relating to conflicts of interest are applied consistently across the business.

**1.3 Policy**

* Conflicts of interest may arise when an employee’s personal or private involvement in some outside activity (such as another business venture or their connection to some other person or organisation) is perceived as being to the detriment of the employee’s obligations to the Company.
* Employees must not own, operate, or otherwise be involved in a business that is in competition with the Company.
* Employees are required to give their full commitment to their duties with the Company. To this end, employees are required to disclose, in writing, and gain consent from their Manager prior to commencing any work, activity or association with any business that is substantially similar to, or likely to be in conflict with, any business which is undertaken, or likely to be undertaken, by the Company.
* Any other situation, such as voluntary participation in sports, community or charitable organisations, that could be perceived to be a conflict of interest (e.g. by requiring time off during working hours) should be disclosed by the employee concerned to the relevant manager who will determine whether a conflict of interest exists and/or how the situation should be managed. All information disclosed by the employee shall be recorded on the employee’s personal file.
* Employees must not use Company assets or resources, including time, tools or materials, for personal benefit or private gain. Any such unauthorised use is in contravention of the Company Rules as defined in the Code of Conduct.
* Where a conflict of interests exists, or is perceived to exist, the circumstances will be investigated by the relevant manager and, where necessary or appropriate, action will be taken in accordance with the Company’s Disciplinary Policy.
* Note that the employment of relatives can sometimes create the potential for a conflict of interest to the detriment of the Company. Guidelines on the employment of family members are covered in a separate company policy entitled ‘Employing Relatives’.

**1.4 Further information**

 Any employee who requires further information about this policy should contact any member of the Management Team.

# Drug and Alcohol Policy

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| This policy sets out a prohibition on the consumption of alcohol and the use of illegal drugs in the workplace. It emphasises self-identification and rehabilitation for employees who are experiencing alcohol or drug-related problems. The policy provides for the education of employees on the misuse of drugs and alcohol and also explains the Company’s policy on testing for alcohol and drugs before and during employment. |

**1.0 Drug & Alcohol Policy**

**1.1 Objectives of this policy**

* To ensure the Company is a drug and alcohol free workplace and provides a safe working environment that protects employees, clients and visitors.
* To ensure rules relating to drugs and alcohol are applied consistently across the business.

**1.2 Policy**

**Principles**

* The Drug and Alcohol policy reflects the following basic principles:
	+ - People affected by alcohol and/or drugs are a safety hazard to themselves, to other people in the workplace, customers and clients of the Company. They may also pose a danger to members of the public whom they might encounter through the course of their work, as well as to their own families and members of the wider community.
		- The Company encourages employees who are encountering difficulties in dealing with alcohol and/or drugs to self-identify when they have a problem and seek immediate assistance through rehabilitation programmes made available by the Company or to which the employee may be referred by the Company.
		- The Company also encourages employees to help identify those situations where an employee may be experiencing difficulties through the use of drugs and/or alcohol and to assist the employee to seek appropriate treatment.
		- When dealing with employees affected in some way by drug or alcohol abuse, the Company will act in good faith and treat all information as confidential unless required by law to do otherwise.

**Focus**

* The focus of this policy is to ensure that:
	+ - the Company provides a drug and alcohol free workplace.
		- the safety of employees is not compromised in any way by any person having unacceptable levels of drugs and/or alcohol in their system
		- the Company complies at all times with its obligations under all relevant state and federal workplace health and safety legislation.
		- the Company recruits only those employees who are willing and able to comply with its policies relating to drug and alcohol use.
		- the Company, where appropriate, provides support and rehabilitation to staff with drug and/or alcohol-related problems.

 **Rules**

* + - The Company **strictly prohibits** all of the following:
		- The use, sale, transfer or possession of illegal drugs and/or alcohol while on Company premises, or premises under the control of the Company, or in a Company vehicle whether during the employee’s working hours or outside of working hours.
		- An employee reporting to work, or being on Company property, after having taken illegal drugs.
		- An employee reporting to work, or being on Company property, under the influence of alcohol.
		- The level of drugs in an employee’s system must not exceed the appropriate level specified in Australian Standard 4308:2008 or such Standard that replaces or updates that Standard.

**Pre–Employment Testing**

* + - All prospective employees may be required by the Company to undertake relevant testing for drugs and/or alcohol as part of their pre-employment medical examination.
		- In the event that an employee returns a positive test indicating the presence of drugs and/or alcohol, the employee may not be employed by the Company.

**Drug and Alcohol Testing**

The Company has a policy of testing employees for drugs and alcohol in the following circumstances:

*Post Accident/Incident Testing*

* + - Where an employee has been involved in a workplace incident or accident and there is sufficient cause for the Company to believe that drugs or alcohol may have contributed in some way, the Company may require the employee to undertake a drug and/or alcohol test.
		- In this context, workplace incident/accident means:
		- An incident or accident that causes injury to a person and which requires medical attention, whether or not that injury results in lost time to the injured party, or
		- An incident or near miss that had the potential to cause serious harm to a person or property, or
		- An incident or accident that involves damage to a vehicle, property, plant or equipment, whether or not that property was the property of the Company or some other person or organisation.

*Reasonable Cause Testing*

* + - Where the Company has reasonable cause to suspect that an employee may be affected by the use of drugs and/or alcohol to the extent it has the potential to negatively impact on the employee’s safety or work performance, the employee may be required to undergo a drug and/or alcohol test as appropriate.
		- In this context, ‘reasonable cause’ means that the employee is displaying, or has displayed, the following demeanour or behaviour while undertaking their duties:
		- The employee’s work performance has deteriorated through a continual lack of attention to the performance of the duties.
		- The employee has displayed a significant change in their personality or appears to be suffering unexplained mood swings.
		- The employee’s interaction with other people, whether fellow employees, clients or the general public, has deteriorated or gives cause for concern in the circumstances.
		- The employee’s actions or general appearance are unusual or out of character with that normally expected from the employee.
		- The employee suffers inexplicable incidents in relation to the performance of their duties through either poor quality work or failure to complete tasks as required.
		- The employee shows a general lack of attention to the role and their relationship with other employees, clients or others.
		- Other employees, clients or other people report having issues in relating to the employee which would suggest the employee is under the influence of drugs and/or alcohol.

**Protocols in Relation to Workplace Rehabilitation Programmes**

* An employee who is affected by alcohol or drugs will not be permitted to work until they can do so in a safe manner.
* The decision on an employee's ability to work in a safe manner will be made by their immediate manager after consultation with another senior manager or, if a more immediate decision is required, by the responsible manager or team leader.
* There will be no payment for time during which the employee is unable to work, unless the employee is engaged in, or agrees to participate in, an approved rehabilitation programme.
* When an employee is stood down for reasons of alcohol or drug impairment, they shall be advised of the Company’s employee assistance programme (EAP), where applicable.
* If an employee fails to take advantage of EAP assistance and the employee is subsequently stood down once more within a 12 month period, then that employee shall receive a final written warning.
* Except in the case of serious misconduct, an employee having problems with alcohol and/or drugs will generally not be dismissed provided they are actively participating in a recommended rehabilitation programme. However, in the event that the employee ceases to actively participate in the recommended programme, or fails to comply with the programme requirements, the employee will be liable to termination of employment in accordance with the Company’s Disciplinary Process.

**Serious Misconduct**

* Where an employee is found to be using, supplying, selling or in possession of illegal drugs at work, or on premises under the control of the Company or in a Company vehicle, such actions will be treated as serious misconduct and the employee will be liable to dismissal in accordance with the Company’s Disciplinary Process. The same consequence shall apply with regard to the consumption of alcohol, other than at an approved Company function. In such cases the employee will not be offered workplace rehabilitation as described above.

**1.3 Further information**

 Any employee requiring further information about this policy should contact any member of the Management Team.

# Harassment

This policy records the Company’s commitment to providing a workplace which is free from harassment and bullying. This includes sexual, racial or other any other type of harassment. The policy also sets out the obligations on managers to ensure all employees know that harassment is unacceptable and that the workplace is free from items or materials that in the context of general community standards may be considered offensive by other people.

**1.0 Harassment**

**1.1 Objective of this Policy**

▪ In line with the Company’s commitment to providing equal employment opportunities and a safe working environment, it is the Company’s objective to ensure a workplace free from harassment and bullying.

**1.2 Policy**

▪ The Company is committed to ensuring every employee enjoys a working environment free from harassment. Our Company values establish a basis for expected business and personal behaviour. This includes respect for one another and therefore harassment, whether based on sexual, racial or other grounds, constitutes serious misconduct which will not be tolerated.

▪ Harassment is not only unlawful as proscribed in employment legislation but is prohibited under the Company’s Code of Conduct

▪ As part of our commitment against workplace harassment and bullying, the Company has a robust and effective procedure for dealing with any such complaints.

▪ We all have a responsibility to ensure everyone in the workplace knows that harassment is unacceptable and that the workplace is free from items or materials that in the context of general community standards may be considered offensive by other people.

**1.3 Specific Guidelines**

Harassment in the workplace generally occurs when a person is subjected to conduct which is unwelcome or offensive and is serious or persistent to the extent that it has a detrimental effect on the employee’s employment, job performance, job satisfaction or job opportunities.

This conduct includes the direct or indirect use of:

▪ Inappropriate language of a sexual or racial nature.

▪ Visual material of a sexual or racial nature.

▪ Unacceptable physical contact, such as intentional touching, patting, pinching or molesting.

▪ Expressed hostility against, or bringing into contempt or ridicule, an employee on the grounds of religion, sex, race, colour, ethnic or national origin.

Harassment may be by an employer or a representative of the employer, a co-employee, a client, a customer or a contractor.

**1.5 Procedure**

* + - If an employee feels they are being harassed, they should approach their manager to discuss the situation. The manager should provide advice to the employee and ascertain what the employee would like done about the matter (refer to the Harassment Guidelines and the Harassment Complaints Procedure).
		- All harassment complaints will be investigated impartially, seriously, empathetically and in strict confidence, taking into account the privacy of all parties.
		- Where appropriate, disciplinary action will be taken by the Company.

**1.6 Further information**

Any employee requiring further information about this policy should contact any member of the Management Team.

# Injury Management and Return to Work Policy

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| This policy sets out the Company’s objective of preventing injury/illness in the workplace and the key actions the Company will take in this regard. It also deals with both the company’s and worker’s responsibilities and procedures relating to injury management and return to work procedures. |

**1.0 INJURY MANAGEMENT AND RETURN TO WORK**

**1.1 Objectives of this policy**

* To describe the injury management and return to work procedures of Balanz Pty Ltd that will apply where an employee sustains an injury or suffers an illness whilst at work.

**1.2 Our Commitment**

* Balanz Pty Ltd is committed to the prevention of injury/illness through the provision of a safe working environment
* Balanz Pty Ltd recognises the importance of its people and will provide and strongly support rehabilitation for any worker who sustains a work-related injury or illness
* Balanz Pty Ltd is committed to:
	+ In case of an injury or illness, commencing the rehabilitation process as soon as possible
	+ Develop and implement the injured and/or ill worker’s return to work plan in conjunction with the worker, workers’ compensation insurance provider, the nominated treating doctor, and the workplace rehabilitation provider
	+ Providing suitable duties for the injured or ill worker, if possible
	+ Consulting with the worker to ensure rehabilitation programs operate smoothly as possible
	+ Ensuring that participation in a rehabilitation program will not prejudice the injured worker
	+ Maintaining the confidentiality of the injured worker’s records.

**1.3 Obligations**

All workers are required to:

* Work safely and comply with WHS policies
* Report injuries and unsafe and unhealthy situations to Management
* Discuss rehabilitation procedures with the nominated Return to Work/Rehabilitation Coordinator as soon as possible after the illness or injury
* Participate and comply with any and all return to work programs diligently and with integrity
* Provide accurate information and notify Balanz Pty Ltd of any change in circumstances, for example, changes to the medical condition, changes to circumstances which might impact on the injury
* Cooperate with workplace changes that will assist other injured employees
* Comply with any other legislative obligations.

**1.3 Responsibilities**

* The implementation of this policy is a management responsibility
* The achievement of an effective rehabilitation and Return to Work program is also a collective responsibility and the commitment of all workers to this policy.

**1.4 Review**

* Our aim is to provide ongoing implementation and to review this document every 2 years or as required.

 **1.5** **Further Information**

Any employee who requires further information about this policy should contact any member of the Management Team.

# Intellectual Property

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| This policy sets out what is expected of employees regarding any intellectual property they develop in the course of their duties to the Company. Intellectual property includes all methodologies, systems, designs or any other product or service developed by an employee during their employment. |

**1.0 Intellectual Property**

**1.1 Definition**

**Intellectual Property (IP) means** all statutory and other proprietary rights (including rights to require information be kept confidential) in respect of inventions, copyright, trademarks, designs, patents, plant breeder's rights, circuit layouts, know-how, trade secrets and all other rights as defined by Article 2 of the Convention establishing the World Intellectual Property Organisation of July 1967, all rights to apply for the same and, for the avoidance of doubt, includes:

* Patents under the *Patents Act 1990* (Cwlth.);
* Copyright and moral rights vesting by virtue of the *Copyright Act 1968* (Cwlth.) in literary works (including computer programs), dramatic works, musical works,
* artistic works, films, sound recordings, broadcasts, published editions and
* certain types of performances;
* Trade marks registered under the *Trade Marks Act 1995* (Cwlth);
* Designs registered under the *Designs Act 2003* (Cwlth);
* New plant varieties under the *Plant Breeder's Rights Act 1994* (Cwlth);
* Circuit layouts (computer chips) under the *Circuit Layouts Act 1989* (Cwlth); and
* Trade secrets and other confidential material under Common Law.

Intellectual property includes all methodologies, systems, designs or any other product or service developed by an employee during their employment with the Company.

**1.2 Objectives of this policy**

* To safeguard the company’s intellectual property rights by ensuring such rights are clearly understood by all employees.

**1.3 Policy**

* All rights in any intellectual property developed by an employee during employment with the Company shall be disclosed immediately to the Company and shall belong to the Company.
* If required by the Company, the employee must cooperate with the Company to secure, in any part of the world, suitable protection whether by way of letters patent, registered design or otherwise in respect of any such intellectual property.
* Unless otherwise stated in the applicable employment agreement, the Company reserves the right to use any intellectual property created by any employee during the course of that employee’s employment.
* Unless otherwise stated in the applicable employment agreement, the Company also reserves the right to distribute the intellectual property, or copies of it, to other organisations or to sell it outside the company, without payment of royalties to the employee.
* Unless otherwise stated in the applicable employment agreement, the Company may elect to transfer the copyright, patent, royalties or rights of use the material to other organisations, with or without conditions allowing for the continued use of the property by the Company.
* Unless otherwise stated in the applicable employment agreement, on termination of employment an employee must leave a copy of any work or materials owned by the employee which was introduced to the Company by the employee during his/her employment by the Company. This shall not deny the former employee ownership rights of such material.
* Intellectual property created by employees in their own time and outside the terms of their employment with the Company remains the property of the employee. In such cases the employee must not use any of the Company’s resources, facilities and support services unless specifically agreed the Company in writing. Because conflict can arise in such situations, notice of work in progress should be given to the Company by the employee as early as possible.

**1.4 Further information**

 Any employee requiring further information about this policy should contact any member of the Management Team.

# Privacy

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| This policy addresses the need to ensure that all personal records are kept secure in accordance with the relevant privacy legislation. The policy also addresses the rules concerning collection and disclosure of information, the rights of employees to access and correct information held about them and the period of time such information may be retained by the Company. |

**1.0 Privacy**

**1.1 Objectives of this policy**

* To ensure all personal records are kept secure.
* To ensure the rules relating to privacy are applied consistently across the business.

**1.2 Policy**

* The intent of state and federal privacy legislation is to protect an individual’s right to privacy in relation to the collection, use, access, retention, correction and disclosure of personal information held by their employer.
* Within the company responsibility for compliance with the privacy legislation rests primarily with the Managing Director. In the first instance managers and employees should refer any privacy concerns or issues to the Managing Director.
* It is important that managers and employees make all reasonable efforts to ensure that information on file is accurate, up to date, complete and not misleading before relying on the information.
* Employees have a responsibility to ensure that their personal details (e.g. address, contact numbers, emergency contact) remain up to date by advising their manager when changes occur.

**Security**

* Personal files will be protected against loss, unauthorised access or disclosure or other misuse.
* Personal files being held by managers in local area offices or in Payroll will be secured in locked cabinets, and where possible in a locked office. Access to files will only be available to delegated authorities, for example direct report managers and Payroll employees.
* Electronic files (such as personal records and payroll records) are only accessible to authorised users with passwords.

**Access & Correction**

* Employees have the right to access, and request correction of, any personal information held about them by the Company.
* Employees seeking access to personal file information must request access in writing at least 24 hours in advance. The relevant manager should review the file and remove any evaluative material which has been compiled solely for the purpose of determining candidate suitability or eligibility for an appointment, promotion, removal or benefits where such information has been provided subject to a promise of confidentiality e.g. reference checks. Information relating to other employees should be removed or deleted from the information provided to the employee.
* A manager or team leader should supervise an employee’s review of the file to ensure no information is removed. Photocopies may be taken by the employee of the information contained in their file.

**1.3 Further information**

Any employee requiring further information about this policy should contact any member of the Management Team.

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# Sexual Harassment Policy

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| This policy applies to situations where an employee holds the view that they have been sexually harassed in a work-related situation.Note that this policy must be read in conjunction with any applicable Code of Conduct and or Disciplinary Policy and related procedures and processes as well as any applicable federal, state and or territory legislation. |

Balanz recognises the right of every worker to be able to attend work and to perform their duties without being subjected to any form of sexual harassment.

It is the obligation and responsibility of every worker to ensure that the workplace is free from sexual harassment.

Balanz is fully committed to its obligation to eliminate sexual harassment in the workplace.

## Definition

**Sexual harassment** means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances.

Examples of sexual harassment include, but are not limited to,

• staring or leering.

• unnecessary familiarity, such as deliberately brushing up against a person or unwelcome touching.

• suggestive comments or jokes.

• insults or taunts of a sexual nature.

• intrusive questions or statements about your private life.

• displaying posters, magazines or screen savers of a sexual nature.

• sending sexually explicit emails or text messages.

• inappropriate advances on social networking sites.

• accessing sexually explicit internet sites.

• requests for sex or repeated unwanted requests to go out on dates.

• behaviour that may also be considered an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Behaviour that is based on mutual attraction, friendship and respect and that is consensual is not sexual harassment.

Worker means any employee who is employed by the company. It also includes any work experience students, contractor, employee of a contractor, sub-contractor, employee of a sub-contractor, volunteer, outworker, client or employee of a client.

## Policy

Balanz will not tolerate sexual harassment under any circumstances. Responsibility lies with every Manager, Supervisor and worker to ensure that sexual harassment does not occur.

Both federal and state legislation provide that sexual harassment is unlawful and establish minimum standards of behaviour for all employees.

This policy applies to conduct that takes place in any work-related context, including conferences, work functions, social events and business trips.

No worker at any level should subject any other employee, volunteer, customer or visitor to any form of sexual harassment.

A breach of this policy will result in disciplinary action, up to and including termination of employment.

Balanz strongly encourages any worker who feels they have been sexually harassed to take immediate action. If a worker feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion. The worker should identify the harassing behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

Alternatively, or in addition, they may report the behaviour in accordance with the relevant procedure. Once a report is made the organisation has the right to determine how the report should be dealt with in accordance with its obligations and this policy.

Any reports of sexual harassment will be treated seriously, promptly and with sensitivity. Such reports will be treated as completely confidential up to the point where a formal or informal complaint is lodged against a particular person, at which point that person must be notified under the rules of natural justice.

Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.

The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

No worker will be treated unfairly as a result of rejecting unwanted advances. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of sexual harassment, or against any worker who has been alleged to be a harasser.

All workers have the right to seek the assistance of the relevant tribunal or government body to assist them in the resolution of any concerns.

Managers or Supervisors who fail to take appropriate corrective action when aware of harassment of a person will be subject to disciplinary action.

## Further information

Any employee who requires further information about this policy should contact any member of the Management Team.

# Smoke Free Workplace

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| This policy recognises that smoking in the workplace is unlawful and sets out the Company’s policy on outdoor smoking areas and areas near entrances and exits where smoking is prohibited. |

**1.0 Smoke Free Workplace**

**1.1 Objectives of this policy**

* To ensure that employees who do not smoke, or who do not wish to smoke in their workplace, are protected from the detrimental effects of tobacco smoke in the workplace.
* To ensure all employees understand and abide by both the law and the Company’s policy on smoking in the workplace.
* To ensure the rules relating to smoking in the workplace are consistently enforced across the business.

**1.2 Policy**

* In accordance with the law, all workplaces must be smoke free.
* Any rules relating to outdoor smoking areas, or areas near entrances or exits to buildings where smoking is prohibited, will be published on the notice boards.
* This smoke free workplace policy applies not only to all Company employees but also to all contractors, clients, customers and to all visitors who enter the Company’s premises.
* This smoke free workplace policy also applied to all Company vehicles.
* To ensure that no fire hazards are caused, all smokers must ensure that cigarette butts are disposed of in the ashtrays provided in the designated smoking areas.
* Where any employee is found to have breached this policy, the matter will be treated as a case of misconduct and will be dealt with in accordance with the Company’s Disciplinary Procedure.
* Employees who have a complaint concerning the smoke free workplace policy should discuss the matter with their manager in the first instance.
* Employees who wish to quit smoking are encouraged to call Quitline on 131 848.

**1.3 Further information**

 Any employee requiring further information about this policy should contact any member of the Management Team.

# Workplace Health and Safety

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| This policy sets out the Company’s objective of promoting excellence in employee health, safety and welfare by implementing a best practice approach while seeking continuous improvement. The policy sets out the key actions the Company will take in this regard. It also deals with procedures concerning accidents and workplace representatives and safety committees. |

**1.0 Workplace Health & Safety (WHS)**

**1.1 Objective of this policy**

* The key aim of the Company’s WHS policy is to promote excellence in employee health, safety and welfare by implementing a best practice approach while seeking continuous improvement.

**In particular the Company will:**

* Identify and eliminate, isolate or minimise workplace hazards.
* Provide training to all employees to ensure they work in a safe and healthy manner and are aware of their responsibilities under the Company’s health and safety management plan.
* Encourage employees to continuously improve health and safety practices and procedures.
* Prevent serious harm through early intervention, and support all injured employees through appropriate rehabilitation.
* Ensure all contractors, subcontractors and visitors are aware of the Company's health and safety management plan.
* Ensure compliance with prevailing health and safety legislation together with relevant regulations and codes of practice.
* Ensure all employees who are injured receive appropriate medical treatment and complete any necessary documentation in relation to the incident.
* Ensure first aid equipment and training is made available.

**1.2 Policy**

* The Company is committed to ensuring the health and safety of all its employees as well as the safety of visitors, contractors and subcontractors.
* The Company views WHS initiatives as an investment in business productivity and innovation. By maintaining high standards in WHS, we support our own success by demonstrating respect and integrity, both in working with others, and in complying with the law.
* Each employee has a role in assuming a responsible and active interest in a healthy and safe workplace. Good health and safety management is achieved by managers, team leaders and employees working in partnership, 'thinking ahead', 'doing it right' and 'doing it now'.
* Accordingly, it is the Company’s policy that employees and managers must carry out their respective responsibilities for compliance with the Company’s WHS Management Plan diligently and conscientiously at all times.
* No job is so urgent or important that it requires employee’s to take unacceptable risks. If there are any doubts as to health and safety, the team leader or manager in charge must err on the side of caution so that all necessary safeguards under the Company’s WHS Management Plan are fully adhered to without exception.
* Adequate first aid equipment must be provided in each work area.
* Employees chosen by the Company will receive first aid training, with refresher training provided as required. The Company’s objective is to ensure that all employees have reasonable access to a trained first aider in the event of illness, accident or emergency.

**1.3 Accidents**

* In the event of a serious incident or accident the Company must ensure that the accident site is not disturbed any more than is necessary to assist those who may be injured.
* While there are variations between the states, serious incidents and accidents must be reported.

**1.4 Workplace Representatives/Committees**

* While there are variations between the states, there are rules concerning the election of workplace health & safety representatives. There are also rules concerning the establishment of Workplace Health and Safety Committees.

**1.5 Further information**

Any employee requiring further information about this policy should contact any member of the Management Team.