



Workplace Policy Handbook

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Introduction

Welcome to SMAART Pty Ltd (**the Company**). SMAART Pty Ltd is an innovative, award winning recruitment agency that has been finding talented staff for Australian businesses (**Clients**) since 2005.

Purpose

In your work at our office and Client sites, you may come into contact with our Client's employees, contractors, members of the public as well as other SMAART Employees. This Workplace Policy Handbook (**Handbook**) regulates the general performance of your duties as well as standards of conduct in interactions in the course of your professional work.

The purpose of this Handbook is to support a cohesive, positive and safe working environment at our Client's workplaces. You are required to be familiar with the policies contained in this Handbook which operate in conjunction with State and Federal legislation.

Amendment

The Company maintains its right to amend the Handbook at any time. You will be notified of Handbook updates. The updated Handbook will be available on the online portal www.smaart.com.au/policyhandbook or by requesting a copy from **Maarten Roosenburg**, maarten@smaart.com.au It is your duty to review the most recent version of this manual. If further information or clarification regarding the content of this Handbook is required please contact **Maarten Roosenburg**.

Compliance

You are required to comply with this Policy at all times. Employees who do not comply with this Policy may be subject to disciplinary action, including but not limited to summary dismissal.

Interpretation

This Policy however does not form part of your contract of employment or engagement with the Company, or create any rights enforceable by you against the Company.

To the extent there is an inconsistency between the law and this Policy, the law will prevail.

Code of Conduct

1. SCOPE

This Code of Conduct aims to ensure that all Employees understand their responsibilities as representatives of the Company's brand and the basic rules regarding the way we behave in the workplace. The Code of Conduct applies to all Employees in the course of their work.

2. BEHAVIOURAL STANDARDS

As a highly successful recruitment agency, the Company has corresponding standards for the conduct of its Employees. It is essential that Employees behave at all times in a manner which upholds the Company's good reputation and commercial standing.

2.1 Employees are required to act with integrity, respect and honesty both at work and when representing the Company outside of working hours. Employees are required to work in a manner that is consistent with this Code when performing Company duties on or off site, on social media, when interacting with customers and suppliers, on business trips, or at other Company functions. In the course of their work, Employees must speak to their colleagues, customers and members of the public in a courteous, polite and respectful manner.

2.2 Specifically, you must generally ensure (amongst other responsibilities) that you:

- (a) Carry out your duties to the best of your abilities, following relevant policies and procedures.
- (b) Complete any training relevant to your role and seek advice from your Manager when the appropriate action is unclear.
- (c) Do not engage in behaviour, or ignore behaviour by others, that breaches Company policy.
- (d) Promptly raise issues or suspected Code of Conduct or Policy breaches with the Company.
- (e) Comply with the policies contained in this Handbook and reasonable and lawful directions of the Company and the Client at all times.
- (f) Ensure that personal electronic devices (including but not limited to mobile phones, smart phones, iPods and iPads) are not used for personal matters in client facing environments or when undertaking activities that may harm you, your colleagues or the Client's customers or clients.
- (g) Inform your Manager immediately if you receive a gift from a customer or supplier. Comply with the Client's directions concerning the receipt of gifts.



- (h) Do not share any Company or Client information to which you have access, with any person who is not authorised to see that information. This applies to information both during your employment and after you leave the Client and/or Company.
 - (i) Protect and maintain Company and Client assets according to the relevant policies and procedures.
 - (j) Declare any interest that might adversely affect the Company or Client, or associated employees, clients, customers or suppliers.
 - (k) Act in accordance with the best interests of Clients, including abiding by their induction processes, policies and directions.
- 2.3: Further to the obligations set out in the Employee's Contract, the Company reserves the right to direct any Employee to delete social media content which brings the Company, or its clients, into disrepute or constitutes a breach of their employment contract or the Company's policies in any way. Your personal social media accounts should not be used on behalf of clients or the Company for any work related activity which includes posting, searching, downloading content, tagging and following (or any other social media activities).
- 2.4: For the avoidance of doubt, prohibited social media conduct also includes but is not limited to:
- (a) unlawful posts on any social media account, amounting to a breach of any law (whether the posts are made about the Company, its clients or otherwise);
 - (b) posting personal information of employees of the Company or its clients without their express consent;
 - (c) commentary or conduct that may be perceived as discriminatory, harassing, defamatory or critical of the Company or its clients (or anyone else), including anything that may have the potential to bring the Company or its clients into disrepute, including but not limited to the working conditions or policies; or
 - (d) any posts on behalf of the Company or its clients without their express written authority.
- 2.5: If you list your work affiliation on a social network, then you should regard all communication on that network as you would in a professional network. Online lives are ultimately linked whether or not you choose to mention the Company in your personal online networking activities. When posting to a blog or social media site, refrain from writing about controversial or potentially inflammatory subjects, including politics, sex, religion or any other non-business-related subjects. Keep the tone of your comments respectful and informative, never condescending or berating. Use sentence-case format, not capital letters. Stick to this maxim whenever you are contributing to any blogs or social and professional networks.
- 2.6: Be aware that when using social media you are potentially creating a permanent online record. It is extremely difficult to control who accesses or uses your posts, and / or deletes something once you have posted it. There is no right to privacy in relation to information you have posted in a public forum. When setting up accounts, you should ensure you understand and utilise the privacy settings while also understanding their limitations. A good general rule is that if you wouldn't be happy with a client or the Company reading it then don't write / post it.

3. ABSENTEEISM/TARDINESS

- 3.1 Employees are expected to report and be prepared to work at the set times, as required by their assignment with a Client (**Assignment**). Where an Employee needs to arrive late or needs to leave early, this should be discussed with their Manager.
- 3.2 Regardless of the reason, repeated absenteeism (failing to report for work without prior approval of the Employee's Client Manager) and tardiness (arriving late for work, returning late from breaks/meals, or leaving work early without prior approval) may be subject to disciplinary action up to and including summary dismissal from employment.

4. ABANDONMENT OF EMPLOYMENT

If you are absent from work for a continuous period of 3 working days or more without the consent or notification of the Client or the Company, you will be taken to have abandoned your employment and the employment relationship with the Company will end effective immediately unless otherwise agreed by the parties.

5. DRESS CODE

- 5.1 The Company's public branding requires that all of its representatives are well-groomed and dressed professionally.
- 5.2 Employees are expected to be dressed in clothing that is in line with the expectation or specific requirements of the Client.

6. VALUABLES

Employees should not bring valuables to work. The Company does not take responsibility and is not liable for any loss or damage to Employees' personal items.



7. PERSONAL RECORDS

Employees may be required to complete the Emergency Information Form (see Appendix 1). Employees must let the Company know if there are any changes to this information. The Company should always know your current home address and phone number, next of kin, and whom to contact in an emergency. The records will be maintained in accordance with our legal obligations (noting the employee records exemption).

8. LEAVING THE COMPANY

- 8.1 At the end of an Employee's employment, or sooner if required by the Company or the Client, all Employee's are required to return (without making any copies) any keys, documents, records, programmes, any code within any application, member lists, manuals, computers, software, discs or any other Company or Client property in an Employee's possession or control including any copies.
- 8.2 The Company is not obliged to provide a written reference.

Discrimination, Sexual Harassment and Bullying Policy

1. SCOPE

- 1.1 The Company is committed to providing a safe, flexible and respectful environment and taking all reasonable steps to ensure that its workplace and any Client workplace is free from unlawful discrimination, sexual harassment and bullying. Unlawful discrimination, sexual harassment and bullying will not be tolerated in the Client workplace and disciplinary action, including but not limited to dismissal, may be taken against any Employee who breaches this Policy or the law.
- 1.2 This document contains the Company's policies in relation to unlawful discrimination, sexual harassment and bullying and the Company's grievance procedure for complaints under this Policy.
- 1.3 This Policy applies to:
- (a) all Employees;
 - (b) on-site, off-site or after hours work, conferences or other locations attended as a result of Company and/or Client duties; and
 - (c) Employee treatment of other Company and/or Client employees, Clients and other members of the public encountered in the course of performing Company and/or Client duties.

2. WHAT IS DISCRIMINATION IN THE WORKPLACE?

- 2.1 Discrimination is unlawful at both Federal and State levels pursuant to the following legislation:
- (a) *Equal Opportunity Act 1995 (Vic), Racial and Religious Tolerance Act 2001 (Vic), Anti-Discrimination Act 1977 (NSW), Anti-Discrimination Act 1991 (Qld) and Discrimination Act 1991 (ACT)*;
 - (b) *Disability Discrimination Act 1992 (Cth)*;
 - (c) *Age Discrimination Act 2004 (Cth)*;
 - (d) *Sex Discrimination Act 1984 (Cth)*;
 - (e) *Racial Discrimination Act 1975 (Cth)*; and
 - (f) *Australian Human Rights Commission Act 1986 (Cth)*.

2.2 Under Federal and State legislation, it is unlawful for a person to discriminate against another or others in the course of employment or when applying for employment because of an attribute protected by law, including:

- (a) race;
- (b) colour;
- (c) sex;
- (d) sexual preference;
- (e) age;
- (f) physical or mental disability;
- (g) marital status;
- (h) family or carer's responsibilities;
- (i) pregnancy;
- (j) religion;
- (k) political opinion; or
- (l) national extraction or social origin.

2.3 Discrimination can be direct or indirect:

- (a) direct discrimination occurs when a person or group is treated differently, or it is proposed that a person or group will be treated differently, because of a personal attribute protected by law; and
- (b) indirect discrimination occurs when there is an unreasonable requirement, rule, policy, practice or procedure that has, or is likely to have, the effect of disadvantaging a person or group with a personal attribute protected by law.

3. WHAT IS NOT DISCRIMINATION?

3.1 The Company is committed to ensuring that its workplace and its Client workplaces are free from discrimination. However, in certain circumstances, it will not be unlawful discrimination if there is an unjustifiable hardship for the Company and/or Client. That is, where the benefits it and the Employee would get from the assistance being provided or special arrangement would be outweighed by the costs or other difficulties for the Company and/or Client.

3.2 Further, it will not be discrimination if the Company and/or Client reasonably requires a person to have a particular attribute to perform the inherent requirements of a position.

3.3 The Company's obligations with respect to Client sites will only be to the extent that is reasonable.

4. VILIFICATION

4.1 Vilification is discriminatory conduct which is likely to offend, humiliate, intimidate or incite hatred, serious contempt or severe ridicule of a person or group of persons on certain grounds.

4.2 It is unlawful for a person to vilify a person or group of persons on the following grounds:

- (a) on the basis of the race of the person or the members of the group;
- (b) on the basis of the sexuality of that person or members of the group, including if they identify as transgender or homosexual; or
- (c) if the person is or members of the group are HIV/AIDS infected or thought to be HIV/AIDS infected whether or not they actually are HIV/AIDS infected.

4.3 Vilification in any form is not permitted in the Company or Client workplace. Employees who engage in vilification may be subject to disciplinary action, including but not limited to dismissal.

5. WHAT IS SEXUAL HARASSMENT?

5.1 Sexual harassment is unwanted behaviour of a sexual nature which makes another person feel humiliated, intimidated or offended.

5.2 It occurs when:

- (a) a reasonable person would have anticipated that his or her behaviour would be unwelcome; and
- (b) the reaction of the person who is offended by that behaviour is reasonable.

5.3 Sexual harassment can occur when the person engaging in unwelcome behaviour did not intend to humiliate, intimidate or offend.

5.4 Sexual harassment can be indirect. It can also occur when the unwelcome behaviour may not offend all persons in the workplace or has been an accepted part of the workplace.

5.5 If the behaviour is consensual, welcome and reciprocated, it is not sexual harassment.

5.6 Appropriate professionalism in the workplace is expected of all Employees who engage in consensual behaviour.

5.7 Sexual harassment is prohibited in the Company and Client workplace. Employees that breach this Policy or the law may be subject to disciplinary action, including but not limited to dismissal.

6. EXAMPLES OF SEXUAL HARASSMENT IN THE WORKPLACE

6.1 Sexual harassment includes unwelcome conduct in the form of:

- (a) physical contact such as kissing, hugging, patting, pinching, touching, massaging or putting an arm around another person's body at work;
- (b) staring or leering at a person or at parts of their body;
- (c) flashing or sexual gestures;
- (d) sexually intrusive questions;
- (e) sexually explicit comments, conversations, emails or jokes;
- (f) sexual insults, taunts, teasing or name calling;
- (g) sexual material displayed at workstations, on notice boards or in common areas;
- (h) making promises or threats in return for sexual favours;
- (i) persistent, unwelcome social invitations or telephone calls from colleagues at work or at home; or
- (j) persistent questioning about a person's personal life.

6.2 A person sexually harasses another if:

- (a) they make an unwelcome advance or unwelcome request for sexual favours to the person harassed or engages in unwelcome conduct of a sexual nature in relation to the person harassed; and
- (b) in the situation, a reasonable person, having regard to all the circumstances, would have anticipated the person harassed would be offended, humiliated or intimidated.

6.3 A person can be sexually harassed by any person in the workplace, including a manager, supervisor, co-worker, customer, client, contractor, or service provider.

- 6.4 Sexual harassment can occur within the workplace at any time or in a work-related context outside the workplace or normal working hours, including conferences or office social functions.
- 6.5 It can occur in situations or by means which do not have an obvious connection with the workplace. For example, in the case of following a co-worker, it can occur near a person's home or in a public place.
- 6.6 Sexual harassment can occur where the unwelcome behaviour is not repeated or continuous - a single incident may amount to sexual harassment.

7. WHO IS LIABLE FOR SEXUAL HARASSMENT?

- 7.1 It is unlawful for a person to:
 - (a) sexually harass another person at work or in connection with the workplace; and
 - (b) cause, instruct, induce, aid or permit another person to sexually harass another person.
- 7.2 This means that it is unlawful for an Employee to engage in sexual harassment or encourage or allow another worker to do so.
- 7.3 An Employee who has been sexually harassed may be able to obtain an order for compensation against:
 - (a) the person who has engaged in unwelcome behaviour;
 - (b) the person who has caused, instructed, induced, aided or permitted another person to sexually harass another person; and
 - (c) the Company and/or the Client, unless it can establish that it took all reasonable steps to prevent the harassment from occurring.
- 7.4 This means that an Employee who engages in sexual harassment or otherwise encourages or allows it to occur may be liable to compensate another person.
- 7.5 It also means that the Company and/or Client may be held legally responsible for acts of sexual harassment committed by Employees. The Company and/or Client may be required to compensate the person who has suffered the sexual harassment unless it can establish it took all reasonable steps to prevent the sexual harassment from occurring. The Company can limit or avoid liability to compensate an Employee for sexual harassment by observing this Policy.
- 7.6 Even if the Company is found to be vicariously liable for sexual harassment committed by an Employee, the individual Employee will remain personally liable for their acts.

7.7 In the discharge of its legal responsibilities, the Company has implemented this Policy and in the event that sexual harassment does occur, the Company may take appropriate remedial action up to and including summarily terminating the offender from their employment or engagement.

8. WHAT IS BULLYING?

8.1 Bullying is repetitive behaviour that intimidates, offends, degrades, insults or humiliates a worker at their place of work. From a work health and safety perspective, workplace bullying is defined as: repeated, unreasonable behaviour directed towards a person or group of persons at a workplace, which creates a risk to health and safety.

8.2 Bullying may be overt or covert.

8.3 Overt examples of bullying include:

- (a) abusive behaviour towards another worker such as threatening gestures or actual violence;
- (b) aggressive, abusive or offensive language, including threats or shouting;
- (c) public humiliation and demeaning remarks;
- (d) constant unreasonable, undue and unconstructive criticism; and
- (e) initiation pranks.

8.4 Covert examples of bullying include:

- (a) deliberate exclusion or isolation of the worker from normal work interaction;
- (b) placing unreasonably high work demands on selected workers;
- (c) spreading malicious rumours about a worker or manipulating the impression of others to split the work group into taking sides;
- (d) deliberately withholding information or resources from a worker which they require to exercise the job properly; and
- (e) excessively tight supervision, for instance:
 - (i) deliberately changing work rosters to inconvenience certain workers;
 - (ii) displaying written or pictorial material which may degrade or offend certain workers;
 - (iii) giving a person the majority of an unpleasant or meaningless task; or

- (iv) repeated refusal of requests for leave or training without adequate explanation.

8.5 In addition to the potential physical or mental and emotional harm to the victim, bullying in the workplace may severely compromise efficiency, productivity and profitability.

9. WHAT IS NOT BULLYING?

9.1 It is important to differentiate between a person's legitimate authority at work and bullying. All Employees have a legal right to direct and control how work is done, and Managers have a responsibility to monitor workflow and give feedback on performance.

9.2 When the Company and/or Client has identified performance issues with an Employee, their Manager is expected to take reasonable management action and address the issue with the Employee in a constructive way that does not involve personal insults or derogatory remarks.

9.3 Bullying is repeated incidences. It does not include one-off incidents where a normally subdued person loses their temper and causes offence to another worker. This one-off incident is not condoned and may result in disciplinary action to prevent repeated behaviour.

10. WHO IS LIABLE FOR BULLYING?

10.1 All Employees are liable for bullying.

10.2 The Company and the Client have an obligation to ensure that the working environment of the Employees is safe and without risks to health, so far as is reasonably practicable. This means that the Company and Client have an obligation to prevent bullying in the workplace and may commit an offence if they fail to observe this obligation.

11. VICTIMISATION

11.1 Victimisation is subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would constitute discrimination, sexual harassment or victimisation.

11.2 It is also victimisation to threaten someone (such as a witness) who may be involved in the investigation of a complaint pursuant to any Company Policy.

11.3 The Company will not tolerate victimisation under any circumstances. Employees who engage in victimisation may be subject to disciplinary action. Victimisation can result in legal proceedings under relevant anti-discrimination legislation and under criminal law.

12. EMPLOYEE RIGHTS AND RESPONSIBILITIES

12.1 Employees have a responsibility to treat all people in the course of their employment at the Company and Client fairly and with respect.

12.2 Employees must:

- (a) comply with this Policy;
- (b) offer support to anyone who is being discriminated against and bring this Policy to their attention;
- (c) where reasonable, report the occurrence of a breach of this Policy;
- (d) where applicable, assist in the investigation of complaints in accordance with this Policy; and
- (e) maintain complete confidentiality in respect of complaints, investigation and resolution processes made pursuant to this Policy.

12.3 Employees are entitled to:

- (a) recruitment and selection decisions based on merit and not affected by characteristics protected under legislation; and
- (b) the right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimised.

13. RESPONSIBILITIES OF THE COMPANY'S REPRESENTATIVES

Where practicable, the Company's representatives must:

- (a) take steps to ensure Employees are aware of this Policy and ensure that Employees understand their obligations under it;
- (b) intervene appropriately and in a reasonable period of time once made aware of conduct that may be considered a breach of this Policy;
- (c) act fairly to resolve issues and enforce workplace behavioural standards;
- (d) refer formal complaints about breaches of this Policy to **Maarten Roosenburg**;
- (e) model appropriate behaviour themselves by making fair, non-discriminatory decisions; and
- (f) ensure Employees who raise an issue or make a complaint pursuant to this Policy are not victimised.

Work Health & Safety Policy

1. SCOPE

- 1.1 This Work Health and Safety Policy applies to all Employees.
- 1.2 This Policy demonstrates the Company's commitment to providing a safe and healthy work environment in accordance with relevant legislation, including the:
 - (a) *Occupational Health and Safety Act 2004 (Vic)*; and
 - (b) *Occupational Health and Safety Regulations 2017 (Vic)*.

2. PURPOSE

- 2.1 The Company is committed to taking all reasonable steps to identify and eliminate risks which may impact upon the health and safety of all Employees while at the Client workplace.
- 2.2 So far as reasonably practicable, the Company's goals are to:
 - (a) promote the health, safety and welfare of Employees at work;
 - (b) protect Employees at work against risks to health or safety arising out of the activities of the Company, Client, employees, contractors and visitors at work;
 - (c) promote a safe and healthy work environment for employees at work that protects them from injury and illness and that is adapted to their physiological and psychological needs;
 - (d) provide for consultation and co-operation between the Company and its Employees in achieving a safe and healthy working environment; and
 - (e) take reasonable steps to ensure that risks to health and safety at work are identified, assessed and eliminated or controlled.

3. RESPONSIBILITIES

Employees have an obligation under the *Occupational Health and Safety Act 2004 (Cth)* to take reasonable care for their own safety and for the health and safety of others who may be affected by their acts or omissions. The Company requires compliance with the following.

The Company's representatives

The Company's representatives must ensure that Client's provide Employees with adequate information, instruction and training, work procedures and supervision on health and safety

matters. The Company's representatives have a duty to report any risks to health and safety identified at the Client's workplace to **Maarten Roosenburg** promptly.

Employees

Employees are responsible for their own safety and the safety of their co-workers and any other people affected by work practices. If any injury or illness occurs in the workplace, Employees have a duty to report it to their Manager or as otherwise directed by the Client. Additionally, Employees have a duty to report any risks to health and safety identified at the Client workplace to the Company immediately.

4. SAFE LIFTING TECHNIQUES

To reduce accidents and injuries in the workplace, all Employees in the course of their work for the Client, should use safe lifting techniques, including but not limited to:

- (a) **Preparing to lift:** Assess the situation. Size up the load. Know your limits. Do not pick up more than you can carry. If it is too heavy ask for help. Take care;
- (b) **Bending:** Brace stomach muscles. Straight back. Squat down slowly over the item with both feet flat on the ground. Keep your head up, shoulders back, bottom out and back straight;
- (c) **Lifting the load:** Feet apart. Bend knees. Straight back. Brace stomach muscles. Take a Company grip of the object. Push up with your legs;
- (d) **Carrying the load:** Hug the load. Look ahead. Keep your back straight when carrying a load. Move smoothly. Turn by moving feet;
- (e) **Turning:** Watch where you are walking. Turn with your feet; not with your back. Turn using your inside foot first. Keep upright posture;
- (f) **Putting down the load:** Feet apart. Straight back. Brace stomach muscles. Bend the knees. Squat down slowly. Put down gently;
- (g) **Reaching:** Raise yourself to level of object. Assess load weight. Company grip. Brace stomach muscles. Bring object to your body; and
- (h) **Weight limit:** No Employee should lift any object or article weighing more than 16 kg.

If you have any questions about this Policy, or wish to report any identified risks to health and safety, please contact your Manager and/or **Maarten Roosenburg**.

Excessive Hours Policy

1. SCOPE

- 1.1 This Excessive Hours Policy applies to all Employees.
- 1.2 This Policy demonstrates the Company's commitment to ensuring Employees are not working more hours than are reasonable in accordance with relevant legislation, including the *Fair Work Act 2009*.

2. PURPOSE

- 2.1 The Company is committed to taking all reasonable steps to identify and eliminate instances of Employees working excessive hours at Client workplaces.
- 2.2 So far as reasonably practicable, the Company's goals are to:
 - (a) promote the health, safety and welfare of Employees at work by ensuring they do not work excessive hours; and
 - (b) provide for consultation and co-operation between the Company, the Client and Employees regarding working hours.

3. WHAT ARE REASONABLE HOURS?

- 3.1 Where an Employee works more than 38 hours per week, hours above 38 hours will be considered "additional hours". Such additional hours may be worked if they are reasonable. The Employee may refuse to work additional hours if they are unreasonable.
- 3.2 In considering whether additional hours are reasonable, the following are relevant considerations:
 - (a) any risk to Employee health and safety from working the additional hours;
 - (b) the Employee's personal circumstances, including family responsibilities;
 - (c) the needs of the Client workplace in which the Employee is employed;
 - (d) whether the Employee is entitled to receive overtime payments, penalty rates or other compensation for, or a level of remuneration that reflects an expectation of, working additional hours;
 - (e) any notice given by the Company or Client of any request or requirement to work the additional hours;

- (f) any notice given by the Employee of his or her intention to refuse to work the additional hours;
- (g) the usual patterns of work in the industry, or the part of an industry, in which the Employee works;
- (h) the nature of the Employee's role, and the employee's level of responsibility;
- (i) whether the additional hours are in accordance with averaging terms included under section 63 in a modern award or enterprise agreement that applies to the Employee, or with an averaging arrangement agreed to by the Company and Employee under section 64;
- (j) any other relevant matter.

4. RESPONSIBILITIES

The Company requires compliance with the following.

The Company's representatives

The Company's representatives must ensure that Clients submit timesheets that accurately reflect the hours worked by the Employees.

Employees

Employees are responsible for ensuring their timesheets accurately reflect the number of hours worked. Employees should direct any concerns about the reasonableness of their working hours to their Manager and/or **Maarten Roosenburg**.

Incident/Accident Reporting Procedure

1. SCOPE

- 1.1 This Incident/Accident Reporting Policy applies to all Employees.
- 1.2 This Policy demonstrates the Company's commitment to providing a safe and healthy work environment in accordance with relevant legislation, including the:
- (a) *Occupational Health and Safety Act 2004 (Vic)*; and
 - (b) *Occupational Health and Safety Regulations 2017 (Vic)*.

2. PURPOSE

The Company is committed to taking all reasonable steps to ensure that incident/accident reporting, investigation and recording is undertaken promptly and accurately so that satisfactory corrective actions can be implemented and monitored at Client workplaces in order to reduce or eliminate incidents/accidents.

3. INCIDENT/ACCIDENT CATEGORIES AND CAUSATION

Category 1	Near Miss / Hit	A near miss / hit is where a hazard is present, but that no injury or damage has resulted. Information gathered from near miss / hit incidents can be used to assist in accident prevention.
Category 2	Minor Incident / Accident	A minor incident / accident is the result of a hazard causing minor injuries or damage, but there is no loss of work time. A minor incident / accident may require first aid treatment.
Category 3	Major Incident / Accident	A major incident / accident is the result of a hazard causing major injuries or damage, where medical attention is required and the injured person is absent from work for periods greater than one (1) working day.

4. CONSEQUENCES OF AN INCIDENT/ACCIDENT

An incident/accident may cause:

- (a) personal injury;

- (b) damage to equipment or property;
- (c) personal injury and damage to equipment or property;
- (d) death; or
- (e) a combination of any of the above.

5. FIRST AID

The Client is required to provide appropriate first aid and/or call an ambulance as required in response to an incident/accident causing injury to an Employee.

6. INVESTIGATION OF INCIDENTS

- 6.1 The Client must report all incidents that occur in their workplace to the Company as soon as practicable.
- 6.2 The Client must include the Company in any investigation undertaken into a workplace incident or accident.
- 6.3 An incident report must be generated by the Company in conjunction with Client as soon as practicable. Generally, this should be as follows:
 - (a) Category 1 Incidents - Within 5 days;
 - (b) Category 2 Incidents - Within 2 days; or
 - (c) Category 3 Incidents - Within 12 hours.

7. RESPONSIBILITIES OF COMPANY REPRESENTATIVES

- 7.1 The Company's representatives must, as soon as practicable after an incident/accident has been reported to them:
 - (a) investigate the incident/accident in consultation with the Client and within the required time frame;
 - (b) obtain a statement from the injured Employee or the person who reported the hazard (this may be obtained at a later date if necessary);
 - (c) ensure that the incident/accident report is signed off by **Maarten Roosenburg**;
 - (d) ensure any reporting requirements of WorkSafe (or other such similar statutory body in another State or Territory) are complied with; and



- (e) ensure that any necessary corrective action identified during the investigation is implemented by the Client.

7.2 In addition, the Company's representatives must ensure that Employees are made aware of and comply with the requirements of this policy such as the prompt reporting of accidents, injuries and hazards.

8. RESPONSIBILITIES OF EMPLOYEES

Employees are required to:

- (a) immediately report to their Manager and/or the Company all incidents / accidents / injuries and hazards that arise at the Client workplace; and
- (b) ensure that if after hours, incidents / accident / injuries are reported as soon as practicable.

Complaints and Grievance Procedure

1. SCOPE

- 1.1 The Company encourages any Employee who believes they have been subjected to unlawful discrimination, sexual harassment or bullying, or other conduct in breach of the Handbook to report the behaviour to Maarten Roosenburg. A complaint may be made through an intermediary.
- 1.2 Any Employee who has witnessed unlawful discrimination, sexual harassment or bullying is encouraged to report the complaint to Maarten Roosenburg.

2. HOW A COMPLAINT WILL BE HANDLED

- 2.1 The complaint will be handled in accordance with this Grievance and Complaints Procedure or as the Company otherwise considers to be appropriate in the circumstances.
- 2.2 No Employee will be treated poorly, victimised or disadvantaged as a result of making or intending to make a complaint, providing information as a witness or providing support to the complainant, so far as the complaint is genuine.

Informal complaints

- 2.3 Some Complaints of inappropriate workplace conduct may be resolved informally, for example, where the Complaints are of a less serious nature. Where appropriate, Employees are encouraged to try and resolve any complaints informally.
- 2.4 Informal ways of dealing with Complaints of inappropriate conduct may include:
- (a) if appropriate, in the first instance, the Complainant may choose to approach the person alleged to have engaged in the inappropriate conduct and indicate that the behaviour is inappropriate and unwelcome; or
 - (b) the Complainant may approach their Manager to notify of the inappropriate conduct.

Formal complaints

- 2.5 If the Complaint cannot be resolved informally, a formal grievance or complaints procedure may be commenced to try and resolve the matter. The Company may appoint a Grievance Officer to oversee the procedure, which may involve a formal investigation taking place into the allegations. Formal grievance or complaints procedures are appropriate where:
- (a) informal attempts at resolution have failed;

- (b) the Complaint involves serious allegation of misconduct and informal resolution could compromise the rights of the parties;
- (c) the Complaint is against a more senior co-worker;
- (d) the Complainant also alleges victimisation;
- (e) the allegations are denied but the Complainant wishes to proceed and an investigation is required to substantiate the Complaint; and
- (f) the Complainant wishes to make a formal Complaint.

Substantiated complaints

2.6 If a Grievance Officer concludes that the Complaint is substantiated, they may at their discretion:

- (a) make a determination as to the Complaint;
- (b) determine immediate and appropriate steps to prevent the behaviour from recurring;
- (c) prepare a report detailing the investigation process, the evidence, the finding and the proposed course of action;
- (d) inform both parties of the decision and the reasons for the decision;
- (e) implement the recommended outcomes or take appropriate steps to ensure that the outcomes are implemented; and
- (f) appoint a review date to ensure that the inappropriate behaviour has ceased.

2.7 Where a Complaint has been substantiated, the Company may take disciplinary action against an Employee who it finds has engaged in inappropriate conduct in the Client workplace. Where the inappropriate conduct has been engaged in by an employee of the Client who is not an Employee of the Company, the Company will advocate for appropriate action to be taken by the Client. Depending on the nature of the behaviour, the Employee or co-worker may be subject to one of the following forms of disciplinary action:

- (a) transfer or dismissal;
- (b) counselling or warning that if they engage in further inappropriate conduct, they may be dismissed;
- (c) official warnings being noted on their personnel file;
- (d) having to provide a formal private or public apology, either verbally or in writing; and

- (e) conciliation or mediation conducted by an impartial third party where the parties to the Complaint agree to a mutually acceptable resolution.

Unsubstantiated complaints

- 2.8 If the Grievance Officer finds that the inappropriate conduct has not occurred or that the evidence does not prove that the inappropriate conduct has occurred, the reasons for this conclusion may be explained to the Complainant.
- 2.9 If there is strong evidence that the Complaint made was vexatious or malicious, the Complainant may be subjected to disciplinary action.

3. PROTECTION AGAINST RETALIATION

- 3.1 Retaliation, intimidation or coercion against any individual who has or may file a complaint, provides information relevant to a complaint, or objects to prohibited harassment or conduct, is against the law and will not be tolerated by the Company.
- 3.2 Employees must, where reasonable, report the occurrence of any retaliation, intimidation or coercion as soon as practicable to the Company.
- 3.3 Any person who is found to have victimised a complainant or witness at any time may be subject to disciplinary action.



Appendix 1 – Emergency Information Form

Date last updated:

Personal Information	
First name	
Middle name	
Last name	
Nickname (if preferred)	
Gender	
Home address	
Home phone	
Mobile phone	
Home fax	
Home email address	
Birthday (MM/DD/YYYY)	
Emergency Information	
1. Emergency contact's name	
Relationship	
Address	
Phone number(s)	
2. Emergency contact's name	
Relationship	
Address	
Phone number(s)	