

<b>SUBJECT:</b> <i>FLINDERS PERSONAL PROTECTIVE EQUIPMENT (PPE) POLICY</i>	<b>FILE NO:</b>	ADM/0900
<b>ADOPTED BY COUNCIL ON:</b> 15 March 2007	<b>MINUTE NO:</b>	121.03.07
<b>AMENDED BY COUNCIL ON:</b> 23 September 2010	<b>MINUTE NO:</b>	294.09.10

### Introduction

Many employees of Council are exposed to danger within their daily work practices. These situations cannot be avoided but Council must ensure that necessary steps are taken to reduce any risk to its employees.

### Objectives

Council needs to protect its employees from the dangers of exposure to risk from many sources.

### Procedure

Flinders Council will provide Personal Protective Equipment that complies with the relevant Australian Standards, in an effort to reduce the risk of injury and or illness to its team members. Subcontractors are required to provide their own PPE and it must meet our requirements. Team members and subcontractors are required to wear the PPE under the conditions set out in this policy. **Team members are required to look after and maintain their PPE.**

- Safety footwear will be provided, that meets good ankle support and maximum protection from slipping, and other hazards. These must be worn at all times.
- High visibility safety vests or shirts must be worn at all times.
- Safety helmets may be required to be worn in certain areas.
- To minimise the effects of sunburn, staff are required to wear shirts with sleeves and collars in line with current policy.
- Singlets and the wearing of vests without a shirt are not acceptable. Sunscreen will be supplied, and team members are encouraged to use sunscreen on exposed parts of the body.
- Anyone who has to operate a chainsaw is required to wear eye protection, hearing protection and leg protection.
- Anyone undertaking spraying works is required to wear spray suits as well as the other PPE mentioned in the Material Safety Data Sheet (MSDS).
- Hearing protection is required whenever a person is exposed to noise levels of 85 decibels or above.
- Gloves are to be worn where there is a risk of injury to the hands.
- Safety glasses are to be worn when there is an identified risk of eye injury.
- Where required, staff and subcontractors will be provided with training on the correct fitting and use of PPE.

- Staff and subcontractors are required to comply with the PPE signs displayed at any work site or on any item of equipment or plant. Staff and subcontractors are required to wear any additional PPE requested by Council's clients.
- No PPE means **no start**. Replacement PPE is readily available upon request.

**Related Legislation, Regulations and Policies - Nil**

**Responsibilities**

The responsibility of this policy rests with the Risk Management Officer, the Works & Services Manager, the Aerodrome Operations Supervisor and the NRM Officer

<b>SUBJECT:</b> <i>SMOKE FREE ENVIRONMENT</i>	<b>FILE NO:</b>	PER/0500
<b>ADOPTED BY COUNCIL ON:</b> 9 August 1994	<b>MINUTE NO:</b>	196.08.94
<b>AMENDED BY COUNCIL ON:</b> 13 December 2001	<b>MINUTE NO:</b>	301.12.01
<b>AMENDED BY COUNCIL ON:</b> 18 November 2010	<b>MINUTE NO:</b>	373.11.10

### Introduction

This policy is to ensure that Council buildings, property and vehicles will be smoke free.

### Objectives

To keep these Council buildings, property and vehicles as smoke free zones

### Procedures

Smoking is prohibited in the following Council areas:

- Council vehicles, trucks and plant;
- Council garages, workshops, depots;
- Refuse site sheds/buildings
- Storage areas;
- Lunch rooms and toilets;
- Council offices;
- Flinders Art and Entertainment Centre
- Lady Barron Hall
- W G Holloway Park Building
- Emita (Furneaux) Hall
- Flinders Island airport terminal building and outbuildings
- Flinders Island Showgrounds buildings

The enforcement of the smoke free working environment is the responsibility of the General Manager or his/her nominee, or in the case of a Council or committee meeting, the Chairperson of the committee.

### Related Legislation, Regulations and Policies

Workplace Health & Safety Act 1995

Workplace Health & Safety Regulations 1998

### Responsibilities

The responsibility of this policy rests with the General Manager and the Risk Management Officer.

<b>SUBJECT:</b> STAFF - SUN PROTECTION	<b>FILE NO:</b>	PER/0500
<b>ADOPTED BY COUNCIL ON:</b> 9 August 1994	<b>MINUTE NO:</b>	196.08.94
<b>AMENDED BY COUNCIL ON:</b> 13 December 2001	<b>MINUTE NO:</b>	301.12.01
<b>AMENDED BY COUNCIL ON:</b> 23 September 2010	<b>MINUTE NO:</b>	293.09.10

### **Introduction**

Sun protection is an important OH&S issue which affects all staff who work out of doors.

### **Objectives**

Council must ensure that the risk associated with prolonged sun damaged is avoided by taking the necessary precautions.

### **Procedure**

Council shall provide education to all staff on the risks and protective procedures involved with exposure to UV radiation. The education shall be provided on an annual basis prior to the start of summer.

Council shall make available to all staff working outdoors hats, long-sleeved shirts and sunscreen lotion specifically designed for sun protection.

Hats and long sleeved shirts must be worn by all staff when working in direct sunlight.

### **Related Legislation, Regulations and Policies**

NIL

### **Responsibilities**

The responsibility of this policy rests with the Risk Management Officer

<b>SUBJECT:</b> <i>WORKPLACE HEALTH &amp; SAFETY POLICY</i>	<b>FILE NO:</b>	LEG/0700 FIN/1003
<b>ADOPTED BY COUNCIL ON:</b> 12 December 1996	<b>MINUTE NO:</b>	277.12.96
<b>AMENDED BY COUNCIL ON:</b> 13 December 2001	<b>MINUTE NO:</b>	301.12.01
<b>AMENDED BY COUNCIL ON:</b> 12 October 2006	<b>MINUTE NO:</b>	416.10.06
<b>ADOPTED BY COUNCIL ON:</b> 20 August 2009	<b>MINUTE NO:</b>	305.08.09
<b>AMENDED BY COUNCIL ON:</b> 23 September 2010	<b>MINUTE NO:</b>	295.09.10
<b>AMENDED BY COUNCIL ON:</b> 16 May 2013	<b>MINUTE NO:</b>	537.05.2013

### **Introduction**

Flinders Council is committed to providing a healthy and safe workplace for all its employees and to compliance with current Work Health and Safety legislation. This policy is applicable to all employees, contractors, volunteers, and any other persons who may conduct work for Flinders Council, or be affected by Council's functions and work activities.

### **Objectives**

Council management aims to provide for our employees and those affected by our operations:-

- A safe work environment.
- Safe systems of work.
- Safe plant and materials.
- Effective supervision.
- Necessary information and training.
- Consultative environment.

### **Responsibilities**

#### **General Manager**

The General Manager is an Officer of Flinders Council with overall accountability for risk management and providing a healthy and safe workplace by ensuring:-

- Adequate resources are provided to meet Work Health and Safety objectives;

- Council's Safe Systems of Work are actively managed and reviewed; and
- That the Workplace Health and Safety Policy is reviewed every two years to ensure it remains accurate and current with legislative requirements.

### **OH&S and Risk Management Committee**

Is responsible for:-

- Assisting with establishing, monitoring and reviewing Occupational Health & Safety (OH&S) policies and procedures;
- Facilitating the dissemination of OH&S information;
- Monitoring workplace incidents and accidents, participating in investigations as required and recommending control measures;
- Recommending new procedures or amendments to existing procedures;
- Review and monitoring of Flinders Council's Safety Management System and risk management performance;
- Review and implementation of recommendations and outcomes from Risk Management Audits;
- Assisting with identification of OH&S training needs;
- Being actively involved in the consultative mechanism for the resolution of OH&S issues; and
- Making OH&S and Risk Management recommendations to Flinders Council as required.

### **Managers/Supervisors**

Managers/Supervisors will be held accountable for their areas of control to ensure that:-

- Relevant health and safety policies and procedures are effectively implemented;
- All risks to health and safety are identified, assessed and effectively controlled;
- The effectiveness of risk control measures are regularly monitored and deviations from standards are reported and rectified;
- Employees under their control are provided with the necessary information, instruction and training to effectively and safely carry out their jobs;

- Employees are consulted on any proposals for or changes to the workplace, work practices, policies or procedures that may affect their health and safety; and
- All incidents within their area of control are reported and investigated, and basic cause and control strategies are identified and implemented.

**Employees are responsible for:-**

- Ensuring their own personal health and safety, and that of any others that may be affected by their work activities;
- Working within the framework of Flinders Council's Safety Management System; adhering to all related policies and procedures; and
- Complying with any reasonable directions given by management that relates to workplace health and safety.

**We expect contractors, visitors and volunteers to:-**

- Ensure their own personal health and safety, and that of any others that may be affected by their work activities;
- Work within the framework of Flinders Council's Safety Management System; adhering to all related policies and procedures; and
- Complying with any reasonable directions given by management that relates to health and safety.
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- Responsibility for Workplace Health & Safety rests with every person who is to conduct work on behalf of Flinders Council.

**Legislation and Related Documents**

Work Health and Safety Act 2012 (Tasmania)

Work Health and Safety Regulations 2012 (Tasmania)

Dangerous Goods Act 1998 (Tasmania)

Dangerous Goods (General) Regulations 1998 (Tasmania)

Workers' Rehabilitation and Compensation Act 1998 (Tasmania)

Risk Management Policy

Smoke Free Environment Policy

Staff - Sun Protection Policy

Personal Protective Equipment Policy

Anti-Discrimination, Harassment and Bullying Grievance Policy

Anti-Discrimination, Harassment and Bullying Grievance Procedure

The responsibility for this Policy rests with the Flinders Council's General Manager and the OH&S and Risk Management Officer.



<b>SUBJECT:</b> EQUAL EMPLOYMENT OPPORTUNITY POLICY	<b>FILE NO:</b>	PER/0602
<b>ADOPTED BY COUNCIL ON:</b> 16 July 2009	<b>MINUTE NO:</b>	257.07.09
<b>AMENDED BY COUNCIL ON:</b>	<b>MINUTE NO:</b>	

**Introduction**

Council is committed to providing a workplace that is free from all forms of discrimination and harrassment. Council recognises and respects the diversity of backgrounds, beliefs and experiences that exist within our workforce and community.

**Objectives**

Equal employment opportunity ensures all job applicants receive equal opportunities for employment, regardless of race, sex, marital status, age, disability, sexual orientation, religious beliefs, pregnancy, family responsibility or political conviction.

All current employees will be provided with an equal opportunity to apply for available jobs, higher duties and flexible working arrangements. Any decisions will be based on the employee's individual performance and ability. Equal access to jobs, promotions and training is everyone's right..

**Identification**

This equal employment opportunity policy is consistent with the merit principle whereby only criteria related to the ability to do the job are used in the selection process. Council will ensure all employees involved in the decision making process are trained as appropriate and comply with relevant legislation.

**Grievances**

Any employee who believes that Council has not complied with the principles of equal employment opportunity may lodge a complaint as outlined in the grievance procedure. Additional information regarding equal employment opportunity can be accessed from [www.antidiscrimination.tas.gov.au](http://www.antidiscrimination.tas.gov.au)

**Related Legislation, Regulations and Policies**

*Anti-Discrimination Act 1998*

*Industrial Relations Act 1984*

*Workers Rehabilitation and Compensation Act 1988*

*Workplace Health & Safety Act 1995*

*Human Rights and Equal Opportunity Commission Act 1986*

*Disability Discrimination Act 1992*

*Racial Discrimination Act 1975*

*Sex Discrimination Act 1984*

*Workplace Relations Act 1996*

**Responsibilities**

Every employee has a personal responsibility for the implementation of this policy.

<b>SUBJECT:</b> EMPLOYEE PERSONAL <i>DEVELOPMENT APPRAISAL</i>	<b>FILE NO:</b>	PER/0500
<b>ADOPTED BY COUNCIL ON:</b> 16 July 2009	<b>MINUTE NO:</b>	265.07.09
<b>AMENDED BY COUNCIL ON:</b>	<b>MINUTE NO:</b>	

### **Introduction**

The maintenance of effective staff relations and communication channels is vitally important if Council's goals and objectives are to be achieved.

Employees need to be satisfied with their jobs and their positions within the organisation. They need to be trained to handle the changing requirements of their work. They should also be encouraged to develop themselves to be able to effectively meet the challenges of the future workplace.

Management has inaugurated a Personal Development Appraisal to apply to all employees on an annual basis.

The overall goal is an effective coordination of employee needs with those of the organisation. It is believed that increased job satisfaction can result from this policy. This will only be achieved, however, if everyone supports the aims of the scheme.

### **Objectives**

The aims of the assessment scheme are as follows:

- to allow free and confidential discussions about work between employee and manager;
- to discuss the employee's progress and review job performance, in comparison with set job standards;
- to discuss any work problems which have arisen, and search for a solution; and
- to offer and discuss means of improving work performance, such as training or development needs, to enable all employees to make full use of their potential and keep the organisation informed of their needs and aspirations.

### **ROLES & RESPONSIBILITIES:**

It is recognised that each employee's manager is the person in the best possible position to handle an assessment, because of close contact with the employee, familiarity with the work performed, and in the interests of strengthening the very important relationship between manager and their staff. In the interests of uniformity, this procedure will apply throughout the organisation to all employees. We undertake to provide appropriate training to ensure that all managers are adequately prepared to carry-out this important task.

The Departmental Manager is required to complete an assessment form annually for each employee. After discussion with the employee, who is invited to make any comments he/she wishes, the form will be forwarded to the General Manager for comment and review, and then it will be placed on file. Some issues which require further action may arise out of this discussion, such as aspects of job design or training and development. In such cases, the Departmental Manager will investigate and review the matter, and report back to the employee concerned.

**ADMINISTRATIVE DETAILS:**

Development of the scheme, as well as review of its progress, will be undertaken by the General Manager. Forms are to be obtained from the Office Manager who will assist with any enquiries or problems with the scheme which managers may encounter.

The Office Manager will also discuss the scheme with all new managers, to advise them as to what is required and how to conduct an appraisal.

**Related Legislation, Regulations and Policies**

Local Government Act 1993

Anti-Discrimination Act 1998

Human Rights and Equal Opportunity Commission Act 1986

Workplace Relations Act 1996

Workplace Health & Safety Act 1995

Union Collective Agreement 2007

**Responsibilities**

The responsibility of this policy rests with Departmental Managers.

<b>SUBJECT:</b> STAFF DEVELOPMENT POLICY	<b>FILE NO:</b>	PER/1400
<b>ADOPTED BY COUNCIL ON:</b> 16 July 2009	<b>MINUTE NO:</b>	259.07.09
<b>AMENDED BY COUNCIL ON:</b>	<b>MINUTE NO:</b>	

### **Introduction**

Staff development is an integral part of the working life of each staff member. It is associated with the development needs of the individual, of teams and the achievement of the Council's overall strategy. It seeks to reconcile the needs and aspirations with those of Council.

### **Objectives**

Council is committed to maximising opportunities for all staff to improve their levels of skills and knowledge in order to improve workplace productivity and staff satisfaction.

In order for staff to meet the challenges of a rapidly changing environment, it is vital that staff be not only committed to Council's objectives, but also equipped with the necessary skills to achieve them. To ensure this, Council will continue to support staff development, which involves all staff equally as partners in achieving the aims of Council.

Staff development is a joint responsibility shared by individual staff members, managers and supervisors. Individual staff members are encouraged to seek appropriate development opportunities both within Council and externally. Managers and supervisors are to ensure that staff have access to relevant staff development activities.

It is Council's policy that all staff have equal opportunity for development opportunities regardless of age, disability, health, marital status, race or sex.

Staff development is designed around a range of development and skill building activities. Organisational support is provided for all staff by the Office Manager.

Employees may expect to receive the following opportunities for staff development:-

- Upon joining Council; receive an induction that incorporates the way Council operates, including what contribution the employee is expected to make.
- To receive support to develop the competence and capability for which staff have been employed.
- To have the opportunity to develop new competencies and capabilities relevant to staff's employment with Council, which enhances career prospects and lifelong learning within Council.

- To participate in Council's personal development appraisal process with the Departmental Manager, including identifying opportunities for on-going support, an annual review of previous development programs and identification of plans for the future.
- To receive an exit interview upon leaving Council, so that these comments may be incorporated into the development programs of other members of staff.

Council expects the employee to:-

- Develop skills and capabilities that are aligned to the strategic plan at the appropriate level, e.g. team or individual.
- In partnership with the Manager, participate in Council's personal development appraisal process, including an annual review of past development and identification of future plans.
- Take personal responsibility to update specific expertise on a regular basis, as appropriate to the nature of your position.
- Contribute to team staff development where appropriate.
- Keep a record of staff development activity.

#### **MONITORING & EVALUATION:**

The overall staff development policy and its effectiveness in achieving its goals will be regularly reviewed at all levels of Council. Each employee's responsibility in this process is as follows:-

- Staff member keeps a record of staff development activity, which is monitored and evaluated in partnership with their Departmental Manager.
- The Office Manager in consultation with the Departmental Manager are responsible for managing staff induction, training, staff development review and team and individual staff development plans, including the monitoring and evaluation of the outcomes.
- The Office Manager is responsible for managing the implementation of the staff development policy within Council and for managing and monitoring the staff development budget.
- The Office Manager controls the management of systems and processes to support the planning, promotion, co-ordination and review of staff development.

#### **Related Legislation, Regulations and Policies**

Local Government Act 1993

Anti-Discrimination Act 1998

Human Rights and Equal Opportunity Commission Act 1986

Workplace Relations Act 1996

Workplace Health & Safety Act 1995

#### **Responsibilities**

The responsibility of this policy rests with Office Manager.



<b>SUBJECT:</b> ANTI -DISCRIMINATION, HARASSMENT AND BULLYING POLICY	<b>FILE NO:</b>	WOR/1500
<b>ADOPTED BY COUNCIL ON:</b> 26 <sup>th</sup> July 2012	<b>MINUTE NO:</b>	224.07.2012
<b>AMENDED BY COUNCIL ON:</b>	<b>MINUTE NO:</b>	

## 1. Introduction

1.1 In line with the Work Health and Safety Act 2012 (Tas.), Flinders Council is committed to ensuring that it provides a healthy and safe working environment for all its employees. The Act has defined health to explicitly mean “psychological” health as well as physical health. Accordingly a working environment will be provided that considers both psychological as well as physical risks to health and safety.

1.2 Bullying has an obvious psychological component and Flinders Council will not tolerate any form of unlawful workplace discrimination, harassment or bullying under any circumstances.

1.3 Flinders Council is committed to compliance with the provisions of the Anti-Discrimination Act 1998 (Tas), the anti-discrimination provisions of relevant legislative instruments and the provisions of Section 63 (2) of the Local Government Act 1993 (Tas) which states:

- A). All prospective employees receive fair and equitable treatment without discrimination, and;
- B). All existing employees receive fair and equitable treatment without discrimination.

1.4 Flinders Council will ensure that its employees, contractors, Councillors and Council agents do not engage in behaviour that unlawfully discriminates against other persons, either directly or indirectly in the workplace or work related environment, on the grounds of any of the following attributes:-

Race; ethnicity; age; sexual orientation; lawful sexual activity; gender; marital status; relationship status; pregnancy; breastfeeding; parental status; family responsibilities; disability; industrial activity; political belief or affiliation; political activity; religious belief or affiliation; religious activity; irrelevant criminal record; irrelevant medical record; or association with a person who has, or is believed to have, any of these attributes.

1.5 Council will not tolerate:

- Any bullying or harassment in the form of conduct which offends, humiliates, intimidates, insults or ridicules another person on the basis of any of the attributes in Clause 1.3.
- Sexual harassment.
- Victimisation of a person making an harassment, bullying or discrimination complaint or providing information in connection with possible disciplinary processes that might arise from such a complaint.
- Inciting hatred by a public act contrary to Section 19 of the Anti-Discrimination Act 1998 (Tas).

**2. Objective**

2.1 Where an employee's on the job behaviour is below standard it is important that the employee be informed and given the opportunity to improve. Where work performance is of concern, it is also important to ensure the person has been properly trained to do the work and that standards have been made clear.

In committing to this policy, Flinders Council aims to:-

- Create a working environment which is free from discrimination and harassment and where all employees are treated with dignity, courtesy and respect;
- Implement training and awareness raising strategies to ensure that all employees know their rights and responsibilities;
- Encourage the reporting of behaviour which breaches this policy;
- Provide an effective procedure for complaints based on the principles of natural justice;
- Treat all complaints in a sensitive, fair, timely and confidential manner;
  
- Protect employees from victimisation and reprisals for making complaints; and
- Promote appropriate standards of conduct at all times.

**3. Scope**

3.1 This policy covers all Flinders Council employees, Councillors, contractors, Council agents and applicants for employment.

**4. Employer / Employee Responsibilities**

4.1 Councillors, Managers and Supervisors of Flinders Council have a responsibility to:-

- Monitor the work environment to ensure that acceptable standards of conduct are observed at all times;
- Display appropriate behaviour themselves;
- Maintain adherence and promote this policy within their work area;
- Ensure all employees receive training to assist with the identification of potential workplace discrimination and harassment situations, and in the procedure to be observed for the treatment of such complaints;
- Receive complaints and help resolve issues;
- Treat all complaints seriously and take immediate action to investigate and resolve the matter;
- Prevent harassment and discrimination not only during working hours or in the workplace itself, but also in any work-related context, including but not limited to conferences, work functions, office Christmas parties and business or field trips;
- Ensure people who make complaints, or witnesses, are not victimised in any way;
- Maintain an awareness of current Anti-Discrimination Law and ensure action is taken to reflect any changes in the law in this policy;
- Ensure all employees comply with this policy;



- Not participate in discriminatory or harassing behaviour in the workplace or in connection with employment;
- Take all steps possible to prevent discrimination and harassment in the workplace or work related environment;
- Offer support to an employee who is being discriminated or harassed and let them know where they can get help and advice;
- Maintain complete confidentiality if they provide information during the investigation of a complaint;
- Show a duty of care to fellow employees and report any incidents of discrimination they have observed / witnessed; and
- Respect the rights of other employees in the implementation of this policy and associated procedures.

## 5. **Investigation and Remedies for Breaches of this Policy**

Any reports of discrimination or harassment will be treated seriously and investigated promptly, confidentially and impartially.

Any person, who without authorisation from the General Manager, passes on confidential information, to a third party, regarding an investigation under this policy may face disciplinary action.

As part of the resolution of any dispute regarding discrimination, Council will seek, where possible, to resolve it in the least adversarial way.

Council will take the complainant's wishes into consideration in dispute resolution. However, Council does have a duty of care to take a pro-active approach to managing disputes regarding discrimination.

Council accepts that in some cases the parties may wish to meet and discuss the dispute in an attempt to resolve the matter. Council will accommodate this in a professional and non-judgemental manner.

Any individual found to be guilty of workplace discrimination, harassment, or of making a complaint subsequently found to be malicious or frivolous may be subject to disciplinary action that may include, but not be limited to, an apology, counselling, warning (verbal or written), transfer, demotion, or summary dismissal. Each matter will be assessed on its merits with the level of disciplinary action dependent on the severity of the discrimination or harassment.

If an employee brings a complaint of discrimination they will not suffer victimization for having brought the complaint. However, if the complaint is found to be vexatious or mischievous, disciplinary action may be taken. Anyone who harasses or victimizes a person who makes a complaint under this policy will face disciplinary action.

## 6. **Complaints Process**

Whilst the Council will seek to encourage the resolution of complaints as close as possible to their point of origin through swift and informal means, the Council has established a Standard Operating Procedure for dealing with complaints in relation to discrimination and harassment on a formal basis.

(Refer to Flinders - Anti-Discrimination, Harassment and Bullying Grievance Procedure).

### 7. Workplace Support / Contact Officer

Flinders Council will appoint a Workplace Support /Contact Officer. The Officer will be trained to give staff support and confidential information about their options to deal with work-related discrimination, harassment, bullying or other workplace concerns.

### 8. Communication

All employees and Councillors will be briefed on this policy as part of their Induction program and on an on-going basis.

### 9. Definitions

**Discrimination:** Discrimination is when a person is treated less favourably than another person because of a particular characteristic or attribute. It is the unjustifiably different treatment given to different people or groups.

**Direct Discrimination:** Treating an individual or group of people less favourably than another because of differences which are not relevant to the situation, for example, their nationality, race, gender, religion, age etc.

**Indirect Discrimination:** When an individual or group of people are disadvantaged by a requirement, rule or condition that, on the surface, appears to be the same for everyone but has an effect or result that is unequal and unreasonable on the individual or group.

**Harassment:** Harassment is a form of discrimination and includes a wide range of behaviour, which is unwanted, unwelcome or uninvited and makes a person feel humiliated, intimidated, insulted, ridiculed or offended. It is generally any type of recurring behaviour that:-

- The other person does not want and does not return;
- Targets people because of their individual differences;
- Consists of verbal or physical forms of bullying; and
- May be sexual or non-sexual in nature.

The test for harassment is a behaviour, which a reasonable person, having regard to all the circumstances, knew or would have anticipated, would offend, humiliate or intimidate the person concerned.

**Sexual Harassment:** Sexual harassment is a legally recognised form of sex discrimination. Sexual harassment is harassment (an uninvited or unwelcome action) of a sexual nature, be it physical, verbal or written. It can include physical contact, verbal comments, jokes, propositions, the display of offensive material, or any other

behaviour, which creates a hostile working environment. (i.e. a sexually charged work environment).

**Bullying:** Bullying is unreasonable behaviour that is directed against an individual or group by another individual or group; and is derived from the misuse of power over the target of the behaviour. This may include:-

- Verbal abuse, swearing, shouting;
- Excluding or isolating behaviour;
- Deliberately withholding information vital for effective work performance; and
- Giving employees impossible assignments.

**Victimisation** – Under the Anti-Discrimination Act 1998 (Tas) “victimisation” has a special meaning in anti-discrimination law. In Section 18 of the Act it states that:

*A person must not victimise another person because that other person:-*

- (a) made, or intends to make, a complaint under this Act; or*
- (b) gave, or intends to give, evidence or information in connection with any proceedings under this Act; or*
- (c) alleged, or intends to allege, that any person has committed an act which would amount to a contravention of this Act; or*

*(d) refused or intends to refuse to do anything that would amount to a contravention of this Act; or*

*(e) has done anything in relation to any person under or by reference to this Act.*

- Victimisation takes place if a person subjects, or threatens to subject, another person or an associate of that other person to any detriment.

## 10. **Legislation**

The following legislation should be considered in conjunction with this policy:-

- Local Government Act 1993 (Tasmania), in particular Section 63 (1) and (2)
- Workplace Health and Safety Act 2012 (Tasmania)
- Anti-Discrimination Act 1998 (Tasmania)
- Fair Work Act 2009 (Commonwealth)
- Equal Employment Opportunity Act 1984 (Commonwealth)
- Sex Discrimination Act 1984 (Commonwealth)
- Racial Discrimination Act 1975 (Commonwealth)
- Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)
- Disability Discrimination Act 1992 (Commonwealth)
- Workers Rehabilitation and Compensation Act 1988

## 11. **Related Documents**

Flinders - Health and Safety Policy  
 Flinders - Induction Policy  
 Flinders - Staff Development Policy  
 Flinders - Employee Promotion Policy  
 Flinders - Personal Development & Appraisal Policy

Flinders - Risk Management Policy  
Flinders - Council Code of Conduct  
Flinders - Staff Code of Conduct Policy  
Flinders - Disciplinary Policy  
Flinders - Rehabilitation Policy  
Flinders - Anti-Discrimination, Harassment and Bullying & Grievance Procedure

**12. Responsibility**

It is the responsibility of the General Manager to ensure that this policy is applied consistently and fairly.

<b>SUBJECT:</b> STAFF CODE OF CONDUCT POLICY	<b>FILE NO:</b>	PER/0500
<b>ADOPTED BY COUNCIL ON:</b> 20 August 2009	<b>MINUTE NO:</b>	313.08.09
<b>AMENDED BY COUNCIL ON:</b> 16 May 2013	<b>MINUTE NO:</b>	541.05.2013

### Introduction

The purpose of this policy is to outline Council's expectations concerning the manner in which all Staff members, contractors working in-house, staff on exchange, volunteers, work experience students or graduate placements who perform work on behalf of Council conduct themselves. All staff are to act with the highest standards of honesty and integrity and in a manner which is consistent with the Council's policies;

- While at work and in the field.
- While representing Council at events/functions after hours.

Council is to ensure that any complaints made under this Code of Conduct are dealt with in a confidential, fair and systematic manner as per the existing Council Disciplinary Policy. Any action taken in relation to a complaint or breach of this Code must not adversely impact a workers rights under the *Fair Work Act 2009*; existing Contractual clauses; or compromise Councils obligations under the *Work Health and Safety Act 2012 (Tasmania)* or any other related legislation.

### Objectives

Anyone dealing with Council has the right to expect the utmost honesty, integrity and competence of our staff. Staff must always maintain complete confidentiality when instructed and must not discuss Council issues with anyone outside the organisation.

### Procedures

#### **1. Punctuality**

- Staff must report and depart work at the time stated in their terms and conditions of employment.
- Staff can only vary working times with the written authority of their immediate Manager.
- Staff are required to observe stated lunch times.
- If staff are unable to attend work, they are to contact their immediate Manager in accordance with the Flinders Council Enterprise Agreement 2010.

#### **2. Behaviour**

- Staff are required to follow reasonable instructions of Supervisors and Managers.
- Staff are not to intimidate, threaten or coerce fellow employees or customers by using physical violence, improper language or other disorderly conduct.

- Staff must maintain sanitary conditions in the washrooms and keep their workplace tidy.
- Staff must not distribute unauthorised literature, or place offensive documents on the Council notice board or remove/deface documents placed by management.
- Staff are to discuss any issues of workplace conflict, with their Manager. In the event that the conflict cannot be resolved at this level the matter will be referred to the General Manager.
- Staff will always undertake their job activities in an economical, effective and efficient manner.
- Staff will adhere to all legislative requirements and lawful directions which relate to their job functions and responsibilities.
- Staff will provide a professional service to all persons in their dealings with Council at all times, maintaining a professional standard of dress and personal hygiene at all times as per Council's Uniform Policy.

### **3. Council Property**

- Staff will not abuse, deface or wilfully damage Council property or the property of others.
- Council vehicles may only be used by authorised employees.
- Council property must only be used for Council activities, unless permission is given by the General Manager.

### **4. Health and Safety**

- Staff are required to follow safe work procedures and only use equipment that they are authorised to use.
- Staff must wear Personal Protective Equipment in accordance with Council's Personal Protective Equipment Policy.
- Staff must always ensure that equipment is working correctly and safety guards are always used and correctly positioned. If any safety issues are identified they are to be reported immediately and the equipment is to be isolated until repaired.
- In the event of an emergency, follow standing instructions and the orders given by your Supervisor or Manager in an orderly manner.
- Do not use or bring on to Council premises any drugs other than those prescribed for your personal use by your doctor.
- If a staff member is prescribed a drug which has side effects that may impact on their ability to safely perform their role, they are to notify their Manager immediately.
- Alcohol must not be brought on to Council premises, unless approval has been given by the General Manager.

### **5. Council Documents and Records**

- It is an offence to falsify time sheets or attendance records for one's self or for a fellow employee, even if a fellow employee requests you to do so.
- Staff are not to access Council information unless it is directly relevant to the role they perform.

**6. Compliance with the Policy Manual**

- New staff will be provided with a copy of the Council's Policy Manual at the time of induction and it is the responsibility of staff to be aware of the contents of the Council's Policy Manual as they apply to their working conditions.

**7. Confidentiality**

- Council has information about various issues that is private and sensitive in nature. Staff must keep this information confidential at all times.
- Staff must maintain the integrity and security of Council by safeguarding confidential files and information and must not disclose this information to any other person not entitled to know such information.

**8. Gifts or Gratuities**

- Staff should not, under any circumstances, seek or accept any money, gift or gratuity from any source in connection with the performance of their duties.

**Any staff member who does not uphold Council's Staff Code of Conduct as outlined above will be held accountable and will be dealt with under the Council's Disciplinary Policy.**

**Related Legislation, Regulations and Policies**

- *Local Government Act 1993*
- *Work Health & Safety Act 2012 (Tasmania)*
- *Fair Work Act 2009*
- *Privacy Act 1988*
- Disciplinary Policy
- Drugs & Alcohol Policy
- Antidiscrimination, Harassment and Bullying Policy
- Computer and Telephone Usage Policy
- Smoke Free Environment Policy
- Occupational Health & Safety Policy

**Responsibilities**

- The responsibility of ensuring that the policy is adhered to is the responsibility of all Staff.

Managers and Supervisors are to ensure that there will be a fair and systematic approach to the enforcement of standards required by the Staff Code of Conduct as per the existing Council Disciplinary Policy.

<b>SUBJECT:</b> <i>DISCIPLINARY POLICY</i>	<b>FILE NO:</b>	PER/0500
<b>ADOPTED BY COUNCIL ON:</b> 16 July 2009	<b>MINUTE NO:</b>	255.07.09
<b>AMENDED BY COUNCIL ON:</b>	<b>MINUTE NO:</b>	

### **Introduction**

Where an employee's conduct is in breach of Council Policy or where the employee's performance is deemed to be below the expected standard, that employee may be subject to disciplinary action.

### **Objective**

Where an employee's on the job behaviour is below standard it is important that the employee be informed and given the opportunity to improve. Where work performance is of concern, it is also important to ensure the person has been properly trained to do the work and that standards have been made clear.

The procedure which follows is written to ensure that all parties are consulted and that a balanced view of the facts is obtained.

### **The following three steps must take place:**

1. A first warning may be verbal or in writing and is given by their Manager or nominated representative to the employee. The warning is to set out the required performance standard or raise behavioral issues and where the employee needs to improve. A record of the discussion is to be made by the Manager and placed on the personnel file with a copy being given to the employee. This record will set out the date, employee concerned, time and the matter discussed. Employees will be allowed to have a support person nominated by the employee at any meetings. Employees must be allowed to state their position and be given specific examples of the performance problems. There should also be agreement concerning -
  - Timing for a follow up discussion to review performance/behavioural improvement.
  - The steps necessary to improve performance/behaviour.

In most circumstances a first warning is sufficient to correct the behaviour or performance concerns. If the behaviour or performance issues remain and a follow up discussion has occurred, management will have no option than to continue with the disciplinary process.

2. The second warning is to be carried out between the employee and his/her representative, a record of the discussion is to be made by the Manager and placed on the personnel file with a copy being given to the employee and the General Manager.



3. The third and final warning will also be conducted with the employee and his/her representative. At this discussion, the employee is to be informed that continued poor performance will lead to dismissal. A record of the discussion is to be made by the Manager and placed on the personnel file with a copy being given to the employee and the General Manager.

**NOTES**

- The employee may request that his/her representative not attend.

**Instant Dismissal for Misconduct**

Circumstances like theft, violence, willful misconduct, malicious abuse, endangering others, are sufficiently serious to warrant instant dismissal.

When a person is instantly dismissed, the right to notice or payment in lieu is forfeited.

Dismissals require the authorisation of the General Manager.

**Related Legislation, Regulations and Policies**

Anti-Discrimination Act 1998

Industrial Relations Act 1984

Workers Rehabilitation and Compensation Act 1988

Workplace Health & Safety Act 1995

Human Rights and Equal Opportunity Commission Act 1986

Workplace Relations Act 1996

**Responsibilities**

It is the responsibility of management to ensure this policy is applied consistently and fairly.

<b>SUBJECT:</b> REHABILITATION POLICY	<b>FILE NO:</b>	PER/0500
<b>ADOPTED BY COUNCIL ON:</b> 20 August 2009	<b>MINUTE NO:</b>	306.08.09
<b>AMENDED BY COUNCIL ON:</b>	<b>MINUTE NO:</b>	

### **Introduction**

Council is committed to preventing illness and injuries at the workplace by providing a safe and healthy working environment for all our employees. It is recognised that injury or illness may still occur and therefore all incidents will be reviewed and steps will be taken to prevent recurrence.

### **Objectives**

Council believes that occupational rehabilitation is of benefit to everyone and should commence as soon as possible following injury or illness. Furthermore, no person being rehabilitated will suffer financial loss or be prejudiced in any way. Early reporting of injury and illness is encouraged. Ensure access to good first-aid and high quality medical care.

### **Identification**

#### **1. Injury at Work**

Where there has been a work-related injury or illness, to manage the process of rehabilitation to ensure the early and safe return to meaningful and productive work by:

- ensuring that a return to work as soon as possible is a normal expectation;
- ensuring early access to rehabilitation services for all who need them;
- consulting with employees and, where applicable, an employee's representative, to ensure that the rehabilitation program operates smoothly and effectively; and
- informing employees of their rights in relation to a workers' compensation claim, including the choice of doctor.

The objectives of Council's Rehabilitation Program are:

- To assist with an early and safe return to meaningful and productive work following illness or injury;
- To establish that rehabilitation is the usual course of action and should begin at the time when treatment first started; and
- To integrate the injured or ill person successfully back into the workplace, and will include these essential components:
  - a. All employees will be encouraged to return to full employment as soon as practicable following injury or illness.
  - b. Where possible, employees will be returned to their usual work or some alternate work within their capacity.
  - c. Restricted hours of work may be available for those employees who are unable to perform a full day's duties.

- Where no suitable work can be found, Council will provide for the early referral to a rehabilitation unit.
- The injured or ill person always retains the right to receive treatment from whosoever they wish.
- No person will be returned to a job which will potentially aggravate the work-related injury or condition.
- Adequate training for such alternative duties will be given and safe working practices followed.

## **2. Procedures for Occupational Rehabilitation**

### **2.1 Notification**

Work related injury or illness shall be reported through completion of the appropriate forms. (Accident report forms and Workers Compensation Claim forms)

### **2.2 Recovery and Return to Work**

Where appropriate, Council will arrange for a suitable person (e.g. occupational physician, medical officer of health, rehabilitation coordinator, physiotherapist) to assist the worker in the return to work process, following consultation with the treating doctor.

### **2.3 Consultation**

Consultation will take place between the employer, the injured worker and the treating doctor when developing a return to work plan.

### **2.4 Disputes**

Rehabilitation disputes which cannot be resolved by mediation in the workplace, may be referred to the Rehabilitation and Compensation Tribunal.

### **2.5 Confidentiality**

The confidentiality of the rehabilitation records shall be maintained.

## **3. Rehabilitation Procedures**

### **3.1 Return to Work**

Council will hold the same job open for the injured worker for a period of 12 months, except if the job no longer exists or where it is not reasonably practicable to make that employment available.

Council will prepare a return to work plan for any employee who is incapacitated for more than 14 days. This plan will be completed in consultation with the injured worker and within five days of the 14 day limit being reached.

A programme for graduated return to work will be established to meet the individual needs of the injured employee:

Council's rehabilitation provider will liaise with the treating medical practitioner and therapists to establish a suitable rehabilitation programme with short and long term goals.

It will be ensured that employees and their supervisors understand any work restrictions and physical limitations and to whom problems should be reported.

Appropriate training will be provided for any alternate duties that are unfamiliar to the employee.

### 3.2 Alternate Duties

Council will provide suitable alternative duties for a period of up to 12 months where there is reasonable expectation that the injured employee will thereafter be able to return to their former or equivalent occupation, except where it is not reasonably practical to provide such work, or no such meaningful work exists. Specific tasks will be allocated on a short term basis and duties will incorporate regular upgrading of activities together with a timetable for monitoring progress.

The duties will be meaningful and contribute to production and task variety. Alternate duties will take into consideration the workers skills, experience, age and status. The treating doctor, injured staff member and other relevant persons will be part of the decision making process for identifying alternate duties. If alternate duties do not result in the expected goal, then other options will be explored including redeployment or re-training

### 3.3 Counselling

All injured employees will be counselled on their return to work. This counselling will include a review of causes of the accident or injury and the preventative actions that are necessary to prevent a re-occurrence.

The employee's manager will undertake the counselling in the first instance. Depending of the nature and severity of the accident or illness, or where a return to work plan has been implemented, the counselling may be undertaken with the assistance of the rehabilitation provider or the General Manager.

### **Related Legislation, Regulations and Policies**

Workers Rehabilitation and Compensation Act 1988

Workplace Health & Safety Act 1995

Workplace Health and Safety Regulations 1998

Occupational, Health & Safety Policy

### **Responsibilities**

It is the responsibility of management to ensure this policy is applied consistently and fairly.

<b>SUBJECT:</b> <i>COMPUTER AND TELEPHONE USAGE POLICY</i>	<b>FILE NO:</b>	COM/0800
<b>ADOPTED BY COUNCIL ON:</b> 9 September 2004	<b>MINUTE NO:</b>	414.09.04
<b>ADOPTED BY COUNCIL ON:</b> 20 August 2009	<b>MINUTE NO:</b>	311.08.09
<b>AMENDED BY COUNCIL ON:</b>	<b>MINUTE NO:</b>	

### Introduction

- The purpose of this policy is to explain the responsibilities and permissions associated with the use of Council's telephones and computer systems including:
  - Access and use of computer equipment and software.
  - Access to and distribution of information.
  - The use of e-mail and internet technology in the workplace.
  - Telephone/mobile phone usage.

### Objectives

- The primary objective of this policy is to ensure that all employees of Council, including Councillors, permanent, temporary and casual staff and any contractors who are given access to Council's electronic systems use them in an appropriate manner.

### Identification

#### **Authorised Usage**

Council's communication systems are provided for business activities, incidental personal use is permissible so long as:

- It does not consume more than a minimal amount of time or resources;
- It does not interfere with staff productivity;
- It does not interrupt or degrade the system performance; and
- It does not contain offensive, illegal, abusive or pornographic material.

Users are not to use communication systems for private business activities, amusement or entertainment purposes unless expressly approved by the General Manager.

#### **User identification and separation**

All staff have unique usernames and passwords to access the computer system. Regardless of the circumstances, individual passwords **must not be shared or revealed** to anyone else. To do so exposes the user to responsibility for actions of the other person.

Users can share data, by utilising:

- message-forwarding facilities,
- shared directories on local area network servers, and
- other authorised information-sharing mechanisms.

To prevent unauthorised parties from obtaining access to electronic communications, users must choose passwords that are difficult to guess.

### Software

Unauthorised installation of software is strictly prohibited. Approval to install software must be obtained from the Office Manager or the General Manager. Software includes application programs, screensavers, desktop backgrounds, utilities, shareware, games and all other executable files.

### Email Usage

The following provides guidelines when using e-mail:

- Council may monitor the usage (amount and time) of employee's electronic communications to support operational, maintenance, auditing, security, and investigative activities.
- Under no circumstances is threatening, obscene, pornographic, racially offensive or sexually abusive material to be emailed.
- Using email to deliver external documents is not secure and confidentiality cannot be guaranteed. Therefore, discretion must be exercised when sending emails externally. Where feasible, confidential information should not be sent via email to external organisations – alternative arrangements, such as the courier of hard copy should be utilised.
- Attachments over 5 Megabytes are considered large attachments. Avoid attachments larger than this size. When sending email with attachments, adopt the following guidelines:
  - Avoid sending large attachments to a large distribution list, as it multiplies the system resources required to deliver the mail.
  - Be aware that large attachments may take a large amount of time to deliver, and may not be accepted by the recipients system.
  - Do not “reply with history” to e-mails that had attachments in the original mail.
  - Be aware that the downloading of video and audio across the Internet has the potential to significantly affect the performance of the computer network.
  - If the incoming email is a formal communication from an external source please ensure the email is forwarded to the Council's records officer.
  - Regularly delete old emails, employees need to maintain appropriate email storage levels.
  - All emails sent to recipients outside the Council will contain the following disclaimer at the end of the message:

\*\*\*\*\* E-Mail Confidentiality Footer\*\*\*\*\*

Privileged/confidential information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such a person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email. Please advise immediately if you or your employer does not consent to email for messages of this kind. Opinions, conclusions and other information in this message that do not relate to the official business

of the Flinders Council shall be understood as neither given nor endorsed by it.

### **Internet Usage**

- The internet is a useful tool to assist employee's gathering information or research related to Council business activities. Personal use is permitted as long as it does not consume more than a minimal amount of time or resources and it does not interfere with staff productivity.
- Council may monitor the use of the Internet by its employees.
- Under no circumstances are web-sites known to contain offensive or potentially offensive material to be visited.
- Under no circumstances is threatening, obscene, pornographic, racially offensive or sexually abusive material to be viewed or down loaded from the Internet.
- Employees are prohibited from downloading any type of software from the Internet without approval from the Office Manager or the General Manager.

### **Telephone/Mobile Phone Usage**

Incidental personal use is permissible so long as:

- It does not consume more than a minimal amount of time or resources;
- It does not interfere with staff productivity;

### **Related Legislation, Regulations and Policies**

*Spam Act 2003*

*Public Interest Disclosures Act 2002*

*Personal Information Protection Bill 2003*

Induction Policy

Disciplinary Policy

### **Responsibilities**

The responsibility for ensuring that this policy is adhered to rests with all employees. On a day to day basis the Office Manager is to ensure that the policy guidelines and rules are adhered to.