

**Staff**

**Manual**

**as at November 2021**



Table of contents

1 INTRODUCTION 4

1.1 General introduction 4

1.2 The Practice’s history 4

1.3 The Practice’s objectives 4

1.4 Administrative structure 4

1.5 Performance of duties 5

1.6 General obligations and conditions of employment 6

1.7 Practice Motor Vehicles 12

1.8 Practice Motor Vehicle Insurance and Liability 14

1.9 Mobile telephones 15

1.10 Charge accounts 15

1.11 Personal telephone calls 15

1.12 Appropriate internet and email usage 15

1.13 Lateness for work 16

1.14 Medical examination 16

1.15 Property of the Practice 16

1.16 Security 17

1.17 Car parking 17

1.18 Annual review 17

1.19 Termination of employment 17

1.20 Smoke-free environment 19

1.21 Quality assurance system 19

1.22 Work for employees and family 19

2 EQUAL OPPORTUNITY, DISCRIMINATION, BULLYING AND HARASSMENT POLICY 19

2.1 Introduction 19

2.2 Discrimination 20

2.3 What is discrimination? 22

2.4 Workplace rights 22

2.5 Sexual harassment 23

2.6 Workplace harassment and bullying 24

2.7 Consequences of breaching this policy 25

2.8 What can I do if I believe I have been harassed, bullied or discriminated against? 26

3 WORK HEALTH AND SAFETY POLICY 29

3.1 General 29

3.2 Safety rules and regulations 29

3.3 Workers compensation 29

3.4 Security and fire safety procedures 30

4 EMAIL AND INTERNET POLICY 30

4.1 Introduction 30

4.2 What does this policy cover? 30

4.3 Email protocol and guidelines for proper use 30

4.4 Internet protocol 31

4.5 System protocol 32

4.6 Software 32

4.7 Practice’s surveillance policy 32

5 PRIVACY POLICY 33

5.1 Purpose 33

5.2 Collection of personal information 34

5.3 Method of collection 35

5.4 The purposes for which the information is collected 35

5.5 Disclosure of personal information 36

5.6 Disclosure of personal information overseas 36

5.7 Quality, access and correction 37

5.8 Security 37

5.9 Updating this privacy policy 38

5.10 Complaints and Feedback 38

5.11 More Information 38

6 GENERAL EMPLOYEE GRIEVANCES 38

6.1 Introduction to grievances 38

6.2 Procedures for dealing with employee conflict 38

6.3 Procedure for dealing with employee/client conflict 39

7 OFFICE FORMS 42

7.1 Incident report form 42

7.2 Application for leave 43

7.3 Bank account details 44

7.4 Employee appraisal sheet\* 45

7.5 Travelling expenses claim form 47

7.6 Overtime sheet 48

7.7 Reimbursement expense form 49

# INTRODUCTION

## General introduction

It is not possible for the Staff Manual to cover all aspects of the operation and administration of **[#INSERT NAME OF PRACTICE]** (**Practice**). However, in respect of those issues dealt with in it, the Staff Manual sets out how all employees are to conduct themselves and the processes which are to be followed. Employees must comply with the policies and procedures contained in this Staff Manual.

Employees must comply with the Staff Manual as amended from time to time. Where there is an inconsistency between the Staff Manual and an employee’s letter of appointment, the letter of appointment prevails to the extent of any inconsistency. The Staff Manual also forms part of the Practice’s Quality Control System and should be read in conjunction with APES 320 (Quality Control for Firms), which is included on the CPA Australia website.

To meet the changing environment in which the Practice operates, it will be necessary to amend the Staff Manual from time to time. The Practice will give employees notice of any substantial changes to the Staff Manual, and employees will be required to follow the changed policies and procedures.

The contents of the Staff Manual are confidential and should not be disclosed or discussed outside the Practice without the Practice’s prior consent.

## The Practice’s history

**[#INSERT DETAILS]**

## The Practice’s objectives

**[#INSERT DETAILS]**

## Administrative structure

The Practice’s administration systems and the people responsible are set out in the table below. Employees should raise any concerns about areas of administration with:

### initially, the employee’s supervisor;

### if the employee’s supervisor cannot resolve the matter, with the specified person responsible in the table below:

|  | Area of administration | Person responsible |
| --- | --- | --- |
| 1. | **Finance**  A. Debtors  B. Creditors and Payment of Accounts  C. Customer Evaluation  D. Internal Financial Data:   Budgets   Monthly reports  E. Insurances  F. Financial Computer Systems | **[#specify positions here rather than particular employees. e.g. ‘The Staff Partner’, ‘The Office Manager’]** |
| 2. | **Office**  A. Technology:   Computer System   Telephone System   Office Equipment  B. Consumables:   Stationery   Amenities  C. Motor Vehicles | **[#specify positions here rather than particular employees. e.g. ‘The Staff Partner’, ‘The Office Manager’]** |
| 3. | **Business Development**  A. Marketing:   Advertising   Public Relations   Functions   Circulars  B. Training and Development | **[#specify positions here rather than particular employees. e.g. ‘The Staff Partner’, ‘The Office Manager’]** |
| 4. | **People**  A. Recruitment and Selection  B. Salaries  C. Discrimination and Sexual Harassment | Please refer to the complaints processes set out in the Practice’s equal employment opportunity policy in this Staff Manual. |
| 5. | **Quality Assurance**  A. Quality Manager | **[#specify positions here rather than particular employees. e.g. ‘The Staff Partner’, ‘The Office Manager’]** |

## Performance of duties

Employees’ duties are set out in their letters of appointment or employment agreements and include any other duties advised by the Practice from time to time.

Whenever employees experience difficulty in understanding or performing any aspect of their duties they should seek assistance from:

### their supervisor;

### if their supervisor is not available, another employee with a similar level of authority to their supervisor; or

### if neither their supervisor nor an employee with a similar level of authority is available, another employee more experienced than themselves.

All employees should perform their duties and represent the Practice in a professional and courteous manner.

Employees must at all times act in the best interests of, and promote the interests of, the Practice.

Employees should behave professionally towards clients at all times. Behaving professionally towards clients is a matter of commonsense. It includes being polite when dealing with clients (whether in person, on the phone, or via written communications, including email). It also includes refraining from speaking critically about, or defaming the Practice’s clients.

Employees should maintain an awareness of the services offered by the Practice. Employees should be alert to opportunities to ‘add value’ to the Practice’s clients by providing additional services.

Employees should reply promptly to any client enquiries. Employees are to address clients formally (for example, Mr, Ms, Mrs, Madam or Sir) unless invited to do otherwise by the client.

All employees represent the Practice, both during and outside working hours. Employees should not at any time engage in conduct which could damage or discredit the Practice’s reputation. If any employee’s out-of-work conduct has a relevant connection with their employment, or is contrary to the Practice’s interests, the Practice may take disciplinary action to address an employee’s out-of-work conduct, following appropriate investigations (if relevant).

If an employee knows or suspects that a client:

### is dissatisfied with the Practice’s services; or

### is reluctant to provide information necessary for the Practice to supply services,

the employee should report the matter as soon as possible to their supervisor.

## General obligations and conditions of employment

There is an Application for Leave form included in the Office Forms section of this Manual.

**#Optional:** for all States and Territories (excluding non-constitutional employers in Western Australia)

Annual leave

A full-time employee is entitled to four weeks of paid annual leave. Part-time employees are entitled to annual leave on a pro-rata basis. Casual employees do not receive paid annual leave.

This entitlement accrues progressively during a year of service according to the employee’s ordinary hours of work, and accumulates from year to year. Award-covered employees may only cash out annual leave in accordance with the relevant award or an enterprise agreement (not just a common law contract). Annual leave, including excessive annual leave, must be taken in accordance with the relevant award.

An award-free employee (such as an accountant) may agree with the Practice in writing to cash out some of their annual leave, as long as they retain a credit of at least four weeks accrued annual leave.

Award-free employees may be directed to take annual leave in accordance with the *Fair Work Act 2009* (**FW Act**)*.*

Long service leave

If an employee is employed under an instrument such as a modern award or an enterprise agreement, which contains terms relating to long service leave, then an employee is entitled to long service leave in accordance with those terms.

Otherwise, generally, an employee will be entitled to long service leave in accordance with long service leave legislation in their State or Territory.

Personal/carer’s and compassionate leave

A full-time employee is entitled to 10 days of personal/carer’s leave for each year of service with their employer. Part-time employees are entitled to personal/carer’s leave on a pro-rata basis. Casual employees do not receive paid personal/carer’s leave. An employee’s entitlement to personal/carer’s leave accrues progressively during a year of service according to the employee’s ordinary hours of work, and accumulates from year to year.

An employee can take personal/carer’s leave either because they are not fit for work because of personal illness or injury or to provide care or support to a member of the employee’s immediate family or household who requires support because of personal illness or injury or an unexpected emergency.

An employee is also entitled to two days unpaid carer’s leave for each occasion when a member of the employee’s immediate family or household requires such care or support.

Employees are also entitled to two days of compassionate leave for each occasion when a member of the employee’s immediate family, or a member of the employee’s household:

### contracts or develops an illness that poses a serious threat to their life;

### sustains a personal injury that poses a serious threat to their life; or

### dies.

Compassionate leave can also be taken in certain circumstances regarding stillbirth of children or miscarriages.

Family and Domestic Violence Leave

All employees are entitled to five (5) days unpaid family and domestic violence leave per year. The employee’s entitlement to unpaid family and domestic violence leave crystallises from the day they commence employment, rather than accruing like annual leave or personal/carer’s leave.

Family and domestic violence leave does not accumulate from year to year.

An employee can take family or domestic violence leave if they need to do something to deal with the impact of family and domestic violence and it’s impractical to do so outside of their ordinary hours of work.

Family and domestic violence means violent, threatening or other abusive behaviour by an employee’s close relative that seeks to coerce or control the employee or causes them harm or fear.

A close relative is an employee's:

### spouse or former spouse

### de facto partner or former de facto partner

### child

### parent

### grandparent

### grandchild

### sibling

### an employee's current or former spouse or de facto partner's child, parent, grandparent, grandchild or sibling, or

### a person related to the employee according to Aboriginal or Torres Strait Islander kinship rules.

Community service leave

The National Employment Standards (**NES**) provides an entitlement for employees to be absent for periods of ‘eligible community service activity’. An eligible community service activity includes:

### jury service (including attendance for the purpose of jury selection);

### carrying out a voluntary emergency management activity; or

### an activity prescribed by the *Fair Work Regulations 2009* (Cth) (**FW Regulations**).

A voluntary emergency management activity is a voluntary activity that involves dealing with an emergency or natural disaster. The employee must be a member of a recognised emergency management body.

A recognised emergency management body is:

### a body that has a role or function under a plan prepared by Commonwealth, State or Territory government to cope with emergencies and/or disasters;

### a fire fighting, civil defence or rescue body or part of such a body;

### a body that has a substantial purpose of responding to an emergency or natural disaster; or

### a body or part of a body prescribed by the FW Regulations.

The period of leave will consist of time when the employee engages in the activity, the reasonable travelling time associated with the activity and reasonable rest time immediately following the activity.

Unless the activity is jury service, the employee’s absence must be reasonable in all the circumstances.

Notice must be given to the Practice as soon as reasonably practicable and the employee must advise the Practice of the period, or expected period, of the absence.

If the Practice requires, the worker must provide evidence that would satisfy a ‘reasonable person’ that the absence is because of the employee’s engagement in an eligible community service activity.

Jury service

If an employee receives notification of prospective jury service, they should notify their supervisor as soon as possible after receiving the notice. Unless otherwise agreed, the employee must provide their supervisor with a copy of the notice, as well as any indication the employee has received from the court about the possible length of the jury service.

The employee must discuss the matter with their supervisor before completing any court documentation and before attending court as requested in the notification. For the avoidance of doubt, this obligation applies to all employees, including casual employees. If the absence of the employee would be inconvenient to the Practice, the employee may be provided with a letter to attach to the court documentation setting out the reasons why the employee’s absence would be inconvenient to the Practice.

Employees (other than casual employees) who participate in jury service are required to provide the Practice with proof of any payments made to them in respect of jury service. If this requirement is met, the Practice will pay the difference between the employee’s ordinary pay (excluding overtime and other allowances) and the payment from the court for the first ten days of the employee’s absence on jury duty, or such other payments as required in any applicable award or enterprise agreement. If the employee fails to provide the requested evidence, the employee will not be entitled to payment from the Practice. No payment will be made to casual employees.

Public holidays

A full-time or part-time employee is entitled to be absent from their employment on a day or part-day that is a public holiday in the place where the employee is based for work purposes. For part-time employees, they are entitled to be absent from work and paid their base rate for the hours of work they would have performed if the day was not a public holiday. An employer may only request an employee to work on a public holiday if the request is reasonable.

Unpaid parental leave

Subject to the requirements of the FW Act, employees are entitled to up to 12 months continuous unpaid parental leave with a right to request an extension of unpaid parental leave up to a total of 24 months. The written notice must specify the intended start and end dates of the leave and must be given to the Practice at leave 10 weeks before starting their unpaid parental leave. An employee’s request for an extension of parental leave beyond the 12 month entitlement, must be made in writing at least four weeks before the end of the employee’s available parental leave period.

A pregnant employee is able to commence unpaid parental leave more than six weeks before the expected date of birth, with her employer’s agreement.

The Practice will give consideration to the request for extension of an employee’s unpaid parental leave and will provide its response as soon as practicable but no later than 21 days after the request is made. The Practice may refuse the request only on reasonable grounds and must provide details of the reasons for the refusal.

In 2020 the FW Act was amended to include still birth, premature birth, infant death and reasons to access unpaid parental leave. In 2021, the FW Act was amended to include miscarriage as a reason to access compassionate leave.

Employees can take up to 12 months’ unpaid parental leave if they experience a stillbirth or the death of a child during the first 24 months of life. During their unpaid parental leave after the still birth or death of a child, an employee cannot be recalled to work or have their unpaid parental leave cancelled by their employer. To return to work while on unpaid parental leave, employees are required to give their employer at least four weeks’ written notice before returning to work.

Paid parental leave

Employees who are the primary carer of a newborn or adopted child may also be entitled to up to 18 weeks of paid parental leave or partner pay plus a maximum of 30 flexible days under the *Paid Parental Leave Act 2010* (Cth) if they meet the eligibility requirements. This entitlement is in addition to any employer funded paid parental leave which may be available.

These payments do not affect or replace unpaid parental leave.

Eligible working dads and partners (including same-sex partners) may also be entitled to 2 weeks’ leave paid under the *Paid Parental Leave Act 2010* (Cth).

An employee should consult the Practice to determine whether they are entitled to unpaid and paid parental leave or partner pay.

Flexible working arrangements

Under the FW Act, some employees are entitled to request flexible working arrangements. They are full-time or part-time employees who have worked for the Practice continuously for 12 months, or regular casual employees who have been employed by the Practice for a sequence of periods during a period of at least 12 months, who:

### are the parent, or have responsibility for the care of, a child of school age or younger;

### are a carer;

### have a disability;

### are 55 years of age, or older;

### are experiencing violence from a member of their family, or provide care or support for a member of their immediate family or household because the member is experiencing such violence.

All requests for flexible working arrangements must be made in writing, stating the nature of the flexibility sought and the reasons for the request. The Practice will give consideration to an employee’s request and will provide written reasons of its decision to either approve or refuse an employee’s request no later than 21 days after the request is made. The Practice may refuse the request only on ‘reasonable business grounds’.

**#Optional:** For non-constitutional employers in Western Australia

Annual leave

An employee is entitled to four weeks of paid annual leave. This entitlement to paid annual leave accrues pro rata on a weekly basis according to the employee’s ordinary hours of work, and accumulates from year to year.

Award covered employees may be required or may require annual leave to be taken in accordance with the relevant award.

Leave for illness or injury or family care

An employee, other than a casual employee, is generally entitled to be paid two weeks of leave each year, up to a maximum of 76 hours per year which can be used as paid sick leave or paid carer’s leave (subject to certain conditions). .

This entitlements accrues pro rata on a weekly basis and accumulates from year to year.

Long service leave

Under the *Long Service Leave Act 1958 (WA)* employees are entitled to take 8 2/3 weeks of paid leave after 10 years of continuous employment. For every five years of continuous employment after this initial 10 years, employees are entitled to 4 1/3 weeks of paid leave.

Employees are entitled to a proportionate entitlement after seven years (but less than 10 years) of continuous employment if the employment is terminated by his or her death or for any other reason other than serious misconduct.

Jury service

The *Juries Act 1957* (WA) generally provides that an employee is entitled to be paid for the duration of time the employee is required to do jury service.

Community service leave

The *Emergency Management Act 2005* (WA) provides that if an employee is absent from work because the employee is carrying out an emergency management response, they are entitled to be paid at their ordinary remuneration for the ordinary time which would have been worked if the employee had not been absent.

‘Emergency management’ means the management of the adverse effects of an emergency including:

### prevention – the mitigation or prevention of the probability of the occurrence of, and the potential adverse effects of, an emergency;

### preparedness – preparation for response to an emergency;

### response – the combating of the effects of an emergency, provision of emergency assistance for casualties, reduction of further damage, and help to speed recovery; and

### recovery – the support of emergency affected communities in the reconstruction and restoration of physical infrastructure, the environment and community, psychosocial and economic wellbeing.

Unpaid Parental Leave

Under the *Minimum Conditions of Employment Act 1993* (WA) (**Minimum Conditions of Employment**), employees are entitled to up to 52 consecutive weeks of unpaid parental leave. To be eligible an employee must have completed 12 months of continuous service and the employee must provide at least ten weeks’ written notice of their intention to take leave. An employee also has a right to request an extension of unpaid parental leave up to a further consecutive period of 52 consecutive weeks.

An employee is not entitled to take unpaid parental leave at the same time as their spouse or de facto partner, however this does not apply when an employee and their spouse or de facto partner take one week’s parental leave immediately after the birth of the child or after a child has been placed with them with a view to the adoption of the child. An employee may ask their employer for additional concurrent parental leave for a further consecutive period of not more than seven consecutive weeks of unpaid parental leave at the same time as their spouse or partner takes a period of unpaid parental leave immediately after the birth or adoption of their child.

An employee who has given notice of his or her intention to take parental leave or who is actually taking parental leave must notify the Practice of particulars of any period of parental leave taken or to be taken by the employee’s spouse or de facto partner if their spouse of de facto partner is taking or has taken parental leave in respect of the same child. This notice is to be supported by a statutory declaration by the employee as to the truth of the particulars notified.

The Practice must give consideration to a request for an extension of unpaid parental leave and the Practice may only refuse the request if the Practice is not satisfied the request is genuinely based on the employee’s parental responsibilities, or on grounds relating to the adverse effect on the conduct of the operations or business of the Practice, that would satisfy a reasonable person. .

Subject to theMinimum Conditions of Employment Act, on finishing parental leave, an employee is entitled to the position he or she held immediately before starting parental leave. Employees must comply with all necessary notice requirements.

Paid Parental Leave

Employees may also be entitled to up to 18 weeks of paid parental leave or partner pay under the *Paid Parental Leave Act 2010* (Cth). This entitlement is in addition to any employer funded paid parental leave which may be available. An employee should consult the Practice to determine whether they are entitled to unpaid and paid parental leave or partner pay.

**#End optional text**

Reimbursement of expenses

The Practice will reimburse employees for pre-approved expenses properly incurred by employees in the proper performance of their duties. Reimbursement will be subject to employees providing the Practice with receipts or other evidence of payment and of the purpose of each expense, in a form reasonably required by the Practice. Employees will also be required to complete the Expense Reimbursement Form which is included in the Office Forms section of this Manual.

Travel

Reasonable travelling expenses, where incurred in the performance of an employee’s duties, will be reimbursed, provided that all claims are made on the appropriate form, signed by the appropriate supervisor and supported with the necessary substantiating documentation. The payment of expenses is at all times subject to the prior authorisation of, and at the discretion of, the Practice.

Employees should arrange travel and accommodation through the Practice’s preferred travel supplier prior to departure. Generally air travel will be by economy class, with a carrier chosen by the Practice.

There is a Travelling Expenses Claim Form included in the Office Forms section of this Manual.

Dress and conduct

Employees are expected to observe a standard of dress, personal appearance and grooming fitting for employees of a professional organisation, subject to the necessary requirements of the duties of each employee’s position.

The Practice may, on occasion, provide alcoholic beverages which are available for consumption at the workplace or elsewhere during work-related social functions, for example at a Christmas party or client lunch. Employees remain at all time responsible for their decision to drink alcoholic beverages on such occasions, and undertake to act responsibly at all times during these occasions.

Employees represent the Practice, both during and outside working hours. Employees should not at any time engage in conduct which could damage or discredit the Practice’s reputation and interests, including during work-related social functions. The conduct of an employee during a work-related social function or after hours may result in the Practice taking disciplinary action against an employee where the conduct of the employee reflects badly on the business, interests or reputation of the Practice.

Pay-roll processing

Pay-roll processing is conducted by the accounts department or such other authorised representative of the Practice. For those employees who may be entitled to overtime, penalty rates or other allowances in accordance with an applicable award or enterprise agreement, work outside normal rostered hours is only to be performed if authorised in advance by the employee’s supervisor.

There is a Bank Account Details Sheet and an Overtime Sheet included in the Office Forms section of this Manual.

If you have any questions with respect to payroll, please contact [#insert name or title].

Change of address

Each employee’s current address is required for the purpose of issuing annual pay summaries. In addition, it may be necessary for the Practice to contact an employee or their next of kin, for example, in the event of an unexplained absence or emergency. For this reason all employees are required to keep the Practice updated in relation to changes to their address or personal telephone number, as well as the contact details of their next of kin.

## Practice Motor Vehicles

The Practice may make available to Practice employees, contractors and work experience staff (**Persons**) company motor vehicles for use on work-related business (**Practice Motor Vehicles**).

The use of Practice Motor Vehicles is, where possible, to be booked in advance through the Practice’s vehicle booking system. **[#INSERT DETAILS OF ANY PARTICULAR PRACTICE SYSTEM HERE]**

Practice Motor Vehicles remain at all times the property of the Practice.

All Persons driving a Practice Motor Vehicle must:

### be in possession of a current, valid driver’s licence, and must not drive a Practice Motor Vehicle if not licensed or authorised to drive it;

### observe and comply with all relevant traffic laws and regulations;

### operate the Practice Motor Vehicle in a manner which is safe and responsible in respect of themselves, any passengers and the general public and with due care and skill;

### not drive or permit the driving of a Practice Motor Vehicle by a person under the influence of alcohol or drugs. This means having a zero breath and blood alcohol level (notwithstanding that there are legal limits for breath and blood alcohol), and not being under the influence of prescription or recreational drugs;

### show courtesy and consideration to all other road users;

### not authorise or allow any other person to drive the Practice Motor Vehicle without the written authorisation of the Practice;

### not drive or permit the driving of a Practice Motor Vehicle in a careless, reckless or dangerous manner;

### be at least 21 years of age;

### comply with the provisions of all statutes, rules and regulations in respect of the use or driving of a Practice Motor Vehicle. Persons are responsible for the consequences of any breaches of those statutes, rules and regulations during the period employees have the use of a Practice Motor Vehicle, including any speeding fines, penalties or claims.

In the event a Person’s driver’s licence is suspended or cancelled, a Person must not drive a Practice Motor Vehicle under any circumstances.

It is the responsibility of any Person driving a Practice Motor Vehicle to ensure before use that:

### a current registration sticker is in place;

### tyre pressures are correct;

### water, oil, battery and fuel levels are correct; and

### all items in the vehicle are secure.

If any Person using a Practice Motor Vehicle detects or suspects any problem or defect in relation to a Practice Motor Vehicle, the problem or defect must be reported immediately to that Person’s supervisor. If requested, the Person must complete any requested documentation in respect of the suspected problem or defect. If any Practice Motor Vehicle appears unroadworthy, it should not be used.

The Person driving a Practice Motor Vehicle at the time that the fuel tanks becomes less than a quarter full is required to refill the fuel tank with the appropriate fuel at a service station approved by the Practice or at which the Practice has a fuel account.

Whenever a Person leaves a Practice Motor Vehicle unattended, the Person must ensure that the vehicle has been properly locked and secured and, if possible, protected from the weather.

If Persons are involved in an accident or incident and a Practice Motor Vehicle requires towing, the police must be advised immediately. Similarly, if Persons are injured in an accident or incident, the police must be called immediately.

Persons must report any accident/incident to transport services as soon as practicable. An accident/incident report form must also be completed and forwarded to the Person’s supervisor at the earliest possible opportunity. There is an Incident Report Form included in the Office Forms section of this Manual. The Practice takes no responsibility whatsoever for any fines, infringements or penalties incurred by Persons driving Practice Motor Vehicles. The payment of fines and penalties incurred by Persons will be the responsibility of the Persons driving the Practice Motor Vehicle at the time the fine or penalty is incurred. Unless otherwise notified, the fine or penalty will be the responsibility of the Person who originally booked the Practice Motor Vehicle.

## Practice Motor Vehicle Insurance and Liability

If insurance cover is provided for loss or damage to the Practice Motor Vehicle then the Practice’s insurer may bring, defend or settle any legal proceedings in its sole discretion. The Practice’s insurer shall have the sole conduct of any proceedings. Any such proceedings shall be brought or defended in the driver’s name.

In the event that a Person is involved in and is deemed to have caused an accident by the Practice’s insurer, the Practice will bear the cost of the insurance excess unless the accident results from the Reckless or Illegal Actions of a Person. ‘Reckless or Illegal Actions’ that may invalidate the insurance policy include:

### driving a vehicle when the driver has a breath or blood alcohol or drugs content in excess of the legal limit;

### driving a vehicle while not licensed or authorised to drive it;

### driving a vehicle in an unsafe condition;

### using the vehicle in a trial, race, test or contest; or

### driving a vehicle in breach of traffic laws or regulations.

If a Person is using a Practice Motor Vehicle for work-related purposes and due to Reckless or Illegal Actions of the Person the Practice is exposed to liability, directly or indirectly due to the use of the motor vehicle, the Person agrees to indemnify the Practice for any liability for which the Practice is not covered by insurance.

Persons must ensure that if they are involved in a motor vehicle accident in a Practice Motor Vehicle, or if a Practice Motor Vehicle is stolen or otherwise damaged, that they do not breach or invalidate any insurance cover and, in addition, must:

### report the accident or theft immediately to the Practice so that the insurer (and in the case of theft, the police) can be notified;

### not admit liability for any accident, or make any attempt to settle or compromise any claims;

### not make any statements to the Practice or its insurer which are not truthful and frank;

### provide any assistance to the Practice or its insurer as requested to enable the Practice and its insurer to defend or bring any claim in relation to the accident or theft; and

### deliver to the Practice immediately upon receipt every summons, complaint or paper in relation to an accident or theft.

Practice Motor Vehicles are not to be used for personal use without the Practice’s prior consent. If a Person is using a Practice Motor Vehicle for personal use (whether the motor vehicle is part of their remuneration package entitlements or not), the Person agrees to indemnify the Practice for any liability incurred directly or indirectly due to the Person’s personal use of the motor vehicle which the Practice is not otherwise covered for by insurance.

## Mobile telephones

If an employee is provided with a mobile telephone:

### the mobile telephone is provided so that the employee can properly perform their work-related duties. During any period in which the employee is unable, or not required to perform their duties, the employee may be required to return the mobile telephone to the Practice;

### the employee will use the mobile telephone for business purposes only;

### the Practice will pay for reasonable work-related costs associated with the mobile telephone. Employees will reimburse the Practice for the costs associated with personal use of the mobile telephone;

### it is the employee’s responsibility to ensure the mobile telephone is fitted with a charged battery in working condition;

### it is the employee’s responsibility to advise the Practice of any problems or defects which the employee detects or suspects in relation to the mobile telephone; and

### the employee will maintain and take care of the mobile telephone and return it immediately (in good working condition) to the Practice upon request.

The mobile phone remains at all times the property of the Practice.

## Charge accounts

No employees are to make private purchases on Practice accounts, unless, on each occasion:

### prior authorisation has been granted to the employee by the Practice;

### an official order form has been completed by the employee and approved by the Practice; and

### a written authorisation or other agreement in the terms of the following clause has been agreed to between the employee and the Practice.

On each occasion employees are permitted to make private purchases on Practice accounts, those purchases must be paid for by employees by the end of the next pay period. Unless alternative arrangements are discussed and agreed in writing between the employee and the Practice, employees will be required to authorise the Practice in writing to deduct from their pay, the amount attributable to the particular private purchase.

## Personal telephone calls

Employees are encouraged to limit personal telephone calls during work hours. Making or receiving personal calls during work breaks is acceptable.

The Practice discourages the receipt of personal telephone calls at work other than in cases of genuine emergency. Employees are to discourage their friends or family from contacting them at work, other than during breaks or in cases of emergency.

## Appropriate internet and email usage

The Practice provides employees with access to computer systems, email and the internet to assist with the performance of their duties. All computer systems and data belong to the Practice and may only be used for authorised purposes.

Because of the opportunity for misuse of these resources, the Practice’s rules for the proper use of its computer systems, internet and email resources are set out in the email and internet policy in Section 4 of this Staff Manual.

It is every employee’s responsibility to ensure that computer systems and internet and email facilities are used responsibly and in accordance with this policy.

The Practice reserves the right to monitor its workplaces, computer, email, internet and IT systems, and any communications or data used, stored, sent or received using its IT system, through use of camera and computer network surveillance.

## Lateness for work

Any absence or late arrival due to illness, injury or any other reason, and the expected duration of leave must be personally reported via telephone to an employee’s supervisor as soon as practicable (and prior to their normal starting time wherever possible). If an employee is unable to do this personally, they are requested to ask someone to telephone on your behalf.

Subsequent to this, employees must keep the Practice informed of their progress.

It is essential that employees are ready to commence work at their normal commencement time as other employees and the Practice depend upon them and their contribution.

## Medical examination

If the Practice reasonably suspects that an employee is unable to perform their duties because of illness or injury, whether or not they are absent from work or on paid leave:

### the Practice may direct the employee, and the employee consents to the Practice, instructing a medical practitioner to examine the employee and reporting to the Practice on their condition and capacity for work; and

### the employee will attend the examination.

The Practice will not disclose the information provided to the Practice by the medical practitioner to any person, other than to the relevant employee, for the purpose of managing their employment, or to the Practice’s legal and other professional advisors.

If an employee fails to comply with a direction to attend a medical examination without reasonable excuse, this may result in disciplinary action, including termination of employment.

## Property of the Practice

It is the responsibility of employees to ensure that any Practice property in their custody or possession is kept secure and maintained.

Practice property must not under any circumstances be abused, damaged or destroyed by employees, and employees must not permit others to abuse, damage or destroy Practice property.

Any employee found abusing, damaging or destroying Practice property, or permitting someone else to do so, may be subject to disciplinary procedures, up to and including termination of employment.

It is the responsibility of each employee to ensure that any Practice property in their possession is used only according to product specifications or instructions. Employees agree to indemnify the Practice for any loss or damage occurring to Practice property in employees’ possession if the loss or damage occurs otherwise than in accordance with product specifications or instructions.

As provided for in individual letters of appointment or employment agreements, employees also authorise the Practice to deduct from any sum payable to employees on termination of employment, any amount attributable to damaged or destroyed Practice property, provided such deduction is lawful.

## Security

Entry to the Practice’s premises [#during and/or outside of normal business hours] will be by way of [#security access card / keys].

It is the responsibility of every Practice employee to ensure that this **[#access card/key]** is kept in safe custody. It must be returned to the Practice on demand.

If building access **[#cards/keys]** are lost or misplaced, employees must notify their supervisor immediately so that the **[#card/key]** can be cancelled.

## Car parking

Due to the limited availability of car parking spaces, it is not possible to allocate a car parking space to all Practice employees. For this reason, only a certain number of employees will be allocated a car parking space. Employees who are required to use their vehicle in the course of performing their work duties may be given preference for parking spaces.

Any employee who has an allocated parking space must advise their supervisor if they are going to be absent from the office for one or several days so that the parking space may be utilized by another employee on a temporary basis.

Under no circumstances should an employee who does not have an allocated car parking space park their vehicle in the Practice’s car park, unless prior authorisation has been granted.

## Annual review

The Practice will endeavour to formally review each employee’s conduct, capacity and performance annually. However, the Practice encourages employees to raise any query or concern regarding their employment soon after the query or concern arises, and not await an annual review.

The Practice will also endeavour to formally review employees’ terms and conditions of employment at least annually. Any increases in remuneration or benefits will be at the Practice’s discretion.

There is an Employee Appraisal Sheet included in the Office Forms section of this Manual.

## Termination of employment

General

Except in cases involving summary termination for serious misconduct, if the Practice dismisses an employee (other than casuals), the Practice will provide the employee with notice of termination (or payment in lieu) in accordance with the employee’s letter of appointment, FW Act and any applicable award or enterprise agreement.

Counselling and disciplinary processes

It will be sometimes necessary for employees to be counselled/warned or disciplined with regard to their conduct, capacity or performance.

Counselling processes need not be formal or in writing.

A failure to improve in accordance with counselling or disciplinary processes may result in a warning or dismissal.

Counselling and disciplinary processes may be combined with other meetings such as an employee’s annual review.

Redundancy

Employees covered by an award or enterprise agreement whose roles are redundant may be entitled to a redundancy payment in accordance with that award or enterprise agreement.

**#Optional:** for all employers (excluding non-constitutional employers in Western Australia)

In accordance with the NES, there is a statutory obligation to pay redundancy pay to all employees, in accordance with the table set out below.

**#End optional text:**

**#Optional:** for non-constitutional employers in Western Australia

There is an obligation under the Redundancy General Order to pay redundancy pay to all employees, in accordance with the table set out below.

**#End optional text:**

| Your period of continuous service | Redundancy pay entitlement |
| --- | --- |
| At least one year but less than two years | 4 weeks |
| At least two years but less than three years | 6 weeks |
| At least three years but less than four years | 7 weeks |
| At least four years but less than five years | 8 weeks |
| At least five years but less than six years | 10 weeks |
| At least six years but less than seven years | 11 weeks |
| At least seven years but less than eight years | 13 weeks |
| At least eight years but less than nine years | 14 weeks |
| At least nine years but less than ten years | 16 weeks |
| At least 10 years | 12 weeks |

References

Written references are not provided by the Practice.

Following termination of employment and upon request, all employees will be issued with a simple statement of service setting out:

### the name and address of the employee;

### the duration and periods of the employee’s employment with the Practice;

### the position held by the employee at the time of termination, and any other positions held during the employee’s employment with the Practice;

### the classification or type of work performed by the employee;

### the location at which the employee performed their duties;

### a general statement of the tasks and duties performed by the employee for the Practice, and any specific responsibilities held; and

### the contact person at the Practice who is available to confirm the content of the simple statement of service.

Employees may choose to issue personal references for other employees. However, employees must not do so on Practice letterhead, nor in any capacity as a representative of the Practice. The Practice takes no responsibility for any personal references that its employees may choose to provide in respect of other employees. The Practice recommends that employees treat references, especially written references, with a degree of caution in the current climate of litigation.

## Smoke-free environment

For health and safety reasons, the Practice operates a smoke-free work environment. Employees are prohibited from smoking in or about the Practice’s premises.

Smoking is also prohibited in any of the Practice’s Motor Vehicles and in or around any of the Practice’s client’s premises.

## Quality assurance system

The Practice’s Quality Assurance System is to be complied with by all employees. If for any reason an employee does not think that it is appropriate or possible to comply with the Quality Assurance System in the particular circumstances, they should consult their supervisor in the first instance.

A hard copy of the Quality Assurance System documentation is located **[#Insert where hard copy kept- e.g. ‘in the Managing Partner’s office’]**. The Quality Assurance System documentation can also be accessed on the Practice’s computer network.

## Work for employees and family

The Practice may accept instructions to perform work for employees and their families however, it retains the right to refuse to perform work for employees and their families in the event of any conflict of interest. Depending on the type and the complexity of work required in each particular case, the Practice may be willing to reduce the costs for employees and members of their immediate family.

In all cases in which instructions are received from other employees or their immediate family members, the professional employee/s who will be performing the services must consult with their supervisor prior to accepting any instructions, to determine the terms and conditions under which the services will be performed, as well as the estimated fee.

# EQUAL OPPORTUNITY, DISCRIMINATION, BULLYING AND HARASSMENT POLICY

## Introduction

All employees are required to familiarise themselves with the following policy and ensure that they conduct themselves in compliance with its terms. The reasoning for this is two-fold:

### the Practice wishes to ensure that all persons have an opportunity to fully participate in the Practice’s workforce, including by giving prospective and current employees the opportunity to make choices regarding their careers and by making fair and reasonable decisions based on merit; and

### by acting contrary to the principles set out in this policy and anti-discrimination legislation, both the Practice and individual employees can be liable for acts of discrimination and harassment against prospective and fellow employees, and clients.

The Practice is an equal opportunity employer. The underlying principle of equal opportunity is the notion of merit. It is on this basis that the Practice undertakes to make appointments and promotions. This means that the Practice aims to ensure that prospective and current employees are not subject to detrimental treatment on the basis of irrelevant attributes or characteristics.

The Practice is also committed to fostering a work environment which is free from sexual harassment and workplace harassment.

The prevention of discrimination and harassment is important because, as well as the obvious risk of litigation:

### work performance can suffer as a result of these behaviours creating an intimidating and hostile work environment;

### the detrimental effects on work output are seldom limited to one person and are often spread across a section or work unit;

### service delivery to clients may subsequently be negatively affected;

### the health of people subjected to discriminatory behaviours, harassment and sexual harassment may suffer, resulting in increased sick leave or compensation claims as well as personal duress to the individuals concerned; and

### such behaviours may result in employees resigning. This incurs a loss of the investment made in those people and it may lead to increased recruitment and retraining costs.

The Practice requires its employees to comply with the terms of this policy in order for the Practice to achieve its goal that:

### employees treat each other with respect and trust;

### employees are able to work in an environment free from discrimination and harassment;

### the Practice is protected against vicarious liability for the actions of its employees; and

### the Practice’s policy of equal employment opportunity is practised as well as preached.

## Discrimination

Various pieces of anti-discrimination legislation exist at both the federal and state levels to prohibit discrimination and harassment in the pre-work and work areas.

Such legislation also applies to the provisions of goods and services. To this extent, this policy applies equally to the Practice and its employees’ dealings with clients. In other words, both the Practice and individual employees can be liable for acts of discrimination against clients that the Practice and its employees may deal with in the course of employment.

Generally speaking, discrimination occurs when a person with an ‘attribute’ is treated less favourably than another person without the attribute is or would be treated in the same or similar circumstances. Federal and State anti-discrimination legislation prohibits discrimination against someone (either directly or indirectly) on the basis of certain attributes, summarised in the following table.

| Discrimination categories generally | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Cth | ACT | NSW | NT | QLD | SA | TAS | VIC | WA |
| • sex, sexual orientation  • gender identityintersex status  • marital or relationship status  • pregnancy or potential pregnancy  • breastfeeding  • family responsibilities  • age  • race (including colour, descent, national or ethnic origin,racial hatred)  • physical disability  • impairment  • mental, intellectual or psychiatric disability  • association with a person with a disability  • criminal record  • religion  • political opinion,  • national extraction or social origin | • accommodation status  • age  • race  • employment status  • genetic information  • immigration status  • industrial activity  • sex, sex characteristics  • sexuality or intersex status  • physical features  • gender identity  • record of a person’s sex having been altered  • relationship status  • breastfeeding or pregnancy  • parent, family, carer or kinship responsibilities  • disability, including requiring a guide dog or other assistance animal  • religious or political conviction  • profession, trade, occupation or calling  • subjection to domestic or family violence  • irrelevant criminal record  • having had one of these attributes in the past  • being a relative or associate of a person who is identified with any of the above attributes | • disability  • sex, or sex characteristics  • sexual harassment expressly prohibited  • pregnancy  • breastfeeding  • age  • race  • homosexuality  • transgender (including vilification)  • marital or domestic status  • compulsory retirement  • carer’s responsibility  • HIV/Aids (vilification)  • relative or associate of person who is identified with one of above attributes | • race  • sex  • sexuality  • age  • marital status  • pregnancy  • parenthood  • breastfeeding  • impairment  • trade union or employer association activity  • religious belief or activity;  • political opinion, affiliation or activity  • irrelevant medical record  • irrelevant criminal record  • a person’s details being published under section 66M of the *Fines and Penalties (Recovery) Act 2001* (NT)  • association with a person who has, or is believed to have, an attribute referred to in this section | • age  • sex  • race  • impairment  • breastfeeding  • relationship status  • pregnancy  • parental status  • lawful sexual activity  • sexuality  • gender identity  • family responsibilities  • religious belief or religious activity  • political belief or activity  • trade union activity  • association with, or relation to, a person identified on the basis of any of the above attributes | • age  • disability  • sex  • pregnancy  • race  • intersex status  • sexual orientation  • gender identity  • marital or domestic partnership status  • association with a child  • caring responsibilities  • religious appearance or dress  • spouse or domestic partner’s identity | • race  • age  • sexual orientation  • lawful sexual activity  • gender  • gender identity  • intersex variations of sex characteristics  • 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  • association with a person who has, or is believed to have, any of these attributes | • age  • disability  • pregnancy and breastfeeding  • gender identity, lawful sexual activity and sexual orientation  • political belief or activity  • religious belief or activity  • race  • industrial activity or employment activity  • parental status or carer status  • physical features  • sex  • sex characteristics  • marital status  • an expunged homosexual conviction  • personal association with a person who is identified by reference to any of the above attributes | • sex  • sexual orientation  • sexual harassment prohibited  • marital status  • family responsibilities and family status  • pregnancy  • breastfeeding  • gender history  • race  • religious or political conviction  • age  • racial harassment  • impairment  • publication of relevant details on Fines Enforcement Registrar’s website  • relative or associate of a person who is identified with certain of the above attributes |

## What is discrimination?

Direct discrimination occurs when someone with one of the above attributes is treated less favourably than another person without the attribute would be treated in the same or similar circumstances. For example:

*Two employees perform the same job and have similar qualifications and experience. One is a male with no family responsibilities. The other is a female with family responsibilities. A development opportunity arises and is given to the male on the basis that, as a male with no family responsibilities, he is presumed to be more reliable and will be able to work longer hours.*

Other examples of treating someone less favourably on the basis of an attribute they possess or by an act involving a distinction, exclusion or preference, include:

### judging someone on their political or religious beliefs rather than their work performance;

### using stereotypes or assumptions to guide decision-making about a person’s career;

### undermining a person’s authority because of their race, gender or sexual preference;

### making offensive jokes or comments about another worker’s racial or ethnic background, gender, sexual preference, age, disability or physical appearance; or

### denying further training to employees on the basis of impairment.

Indirect discrimination occurs when a requirement is imposed:

### with which a person with the attribute does not or is not able to comply;

### with which a higher proportion of people without the attribute comply or are able to comply; and

### that is not reasonable.

It may initially appear that the requirement is fair because the same rules are applied to everyone, but a closer look at the effect of the requirement being imposed will show that some people are disproportionately affected by the requirement. For example:

An employer requires all employees to wear a uniform that includes a cap. This is not a requirement for any safety or hygiene reason, but is done for appearance only. Whilst the requirement appears not to be discriminatory, because everyone must comply, the requirement may be indirectly discriminatory against persons who are required by religious or cultural beliefs to wear particular headdresses.

If an employee believes that they have been treated less favourably because of a personal attribute which is not a requirement of their position, the employee should raise their concerns in accordance with the complaints mechanisms set out in this policy.

Do not ignore discrimination thinking that it will just go away.

**#Optional:** for all employers (excluding non-constitutional employers in Western Australia)

## Workplace rights

In addition to the categories of discrimination under State and Federal law, the FW Act provides for additional protection in the workplace for employees where they have a ‘workplace right’. Broadly, these rights include the entitlement to, and the freedom to exercise entitlements to:

### the benefit of a workplace law, workplace instrument or order;

### the ability to make complaints or enquiries in relation to their employment or to a body to seek compliance with a workplace law or workplace instrument; and

### the ability to participate in a process or proceedings under a workplace law or workplace instrument, including permitted industrial action.

Neither employers nor any other persons may take any adverse action against an employee because the employee has, exercises or proposes to exercise their workplace rights. Nor may any adverse action be taken in order to prevent the exercise of a workplace right. These protections apply to all employees.

‘Adverse action’ is an action taken by an employer which may be unlawful depending on the reason for the action such as:

### injury to employment;

### dismissing an employee;

### discrimination between employees;

### discrimination in the terms and conditions of employment offered to a prospective employee;

### alteration of an employee’s position to his or her prejudice;

### refusal to employ an employee; and

### discrimination in the terms and conditions of employment offered to a prospective employee

and includes threatening to take action or organising such action.

There are also prohibitions on taking adverse action against employees because:

### they engage in industrial activity (e.g. organising for a union); or

### of a protected attribute (i.e. the attributes that must not form the basis of discrimination).

There is no distinction between direct and indirect discrimination under the FW Act*.* There are exemptions from liability where the alleged discriminatory conduct is not unlawful under any relevant State or Federal anti-discrimination law or where the discrimination is taken because of the inherent requirements of the relevant position.

**#End optional text**

## Sexual harassment

Federal, State and Territory legislation make sexual harassment unlawful.

Sexual harassment is essentially unwelcome sexual attention or unwelcome conduct of a sexual nature. It encompasses situations where a person is subjected to unsolicited and unwelcome sexual conduct by another person.

It may take the form of unwelcome touching or physical contact, remarks with sexual connotations, requests for sexual favours, leering or display of offensive material.

Sexual harassment will not be tolerated by the Practice under any circumstances.

More specifically, sexual harassment occurs when a person:

### subjects another to an unsolicited act of physical intimacy (e.g. patting, pinching or touching in a sexual way or unnecessary familiarity such as deliberately brushing against a person);

### makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person (e.g. sexual propositions);

### makes a remark with sexual connotations relating to the other person (e.g. unwelcome and uncalled for remarks or insinuations about a person’s sex or private life or suggestive comments about a person’s appearance or body); or

### engages in any other unwelcome conduct of a sexual nature in relation to the other person (e.g. offensive telephone calls or indecent exposure),

and the person engaging in the conduct does so:

### with the intention of offending, humiliating or intimidating the other person; or

### in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

Examples of conduct which could amount to sexual harassment include:

### kissing, attempts at sexual intercourse or overt sexual conduct;

### sexually explicit conversations or references to sexual activity;

### gender based insults, teasing or taunting;

### intrusive questions of a sexual nature;

### proposals of marriage or declarations of love; or

### innuendos and crude jokes.

Sexual harassment is not behaviour which is based on mutual attraction, friendship or respect. If the interaction is consensual, welcome and reciprocated, it is not sexual harassment.

Sexual harassment does not need to be repeated. A single act of sexual harassment is sufficient to give rise to a complaint.

If you are unsure whether particular conduct or actions would amount to sexual harassment, it is best to refrain from such conduct or actions.

From 11 November 2021 employees will be able to make an application to the stop-bullying jurisdiction of the Fair Work Commission for orders stopping sexual harassment at work.

## Workplace harassment and bullying

Employers have obligations to ensure the health and safety of employees under relevant work health and safety legislation.

Workplace harassment (also known as bullying) has the potential to harm the health and safety of employees. Consequently, the Practice is serious about minimising the risk of bullying occurring in the workplace.

All employees are expected to abide by state and federal legislation, codes, regulations, rules and standards of the workplace relating to harassment.

Generally, a person is subjected to workplace harassment or bullying if they are subjected to **repeated behaviour** (other than behaviour amounting to sexual harassment) by a person that is unreasonable, including the person’s employer or a co-worker or a group of co-workers of the person that:

### is unwelcome and unsolicited;

### the person considers to be offensive, intimidating, humiliating or threatening; and

### a reasonable person would consider to be offensive, humiliating, intimidating or threatening.

Some examples of behaviour which, if they occur repeatedly, may amount to workplace harassment include:

### abusing a person loudly, usually when others are present;

### repeated threats of dismissal or other severe punishment for no reason;

### constant ridicule, teasing, practical jokes and being put down;

### leaving offensive messages on email or the telephone;

### pressuring someone to behave inappropriately;

### sabotaging a person’s work, for example, by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages and getting a person into trouble in other ways;

### maliciously excluding and isolating a person from workplace activities;

### persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters;

### unreasonable work demands;

### humiliating a person through gestures, sarcasm, criticism and insults, often in front of other people;

### racial sledging; and

### spreading gossip or false, malicious rumours about a person with an intent to cause the person harm.

Some bullying could also be the subject of criminal prosecution.

Workplace harassment does **not** include:

### reasonable management action taken in a reasonable way by a person’s employer in connection with the person’s employment, for example, conducting disciplinary action or managing unsatisfactory performance; or

### a single incident of harassing type behaviour. Whilst a single incident will not amount to workplace harassment, it may still be unacceptable and may result in disciplinary action.

## Consequences of breaching this policy

If an employee engages in unlawfully discriminatory or harassing behaviour, a court or tribunal can hold that person personally liable for their behaviour and they may be liable to pay damages to a complainant. The Practice, as an employer, is also at risk of being held vicariously responsible for the employee’s conduct.

If an employee is not the direct perpetrator of the behaviour, they may still be held liable for causing, instructing, inducing, aiding or permitting another person to engage in the behaviour.

If an employee engages in discrimination, sexual harassment or workplace harassment there will also be serious consequences for their ongoing employment. The Practice will not tolerate behaviour of this kind. If it occurs, it may result in disciplinary action against the relevant employee or employees. Such action will depend upon the circumstances but may involve a warning, transfer, counselling, demotion or dismissal.

## What can I do if I believe I have been harassed, bullied or discriminated against?

Allegations of discrimination or harassment will be treated seriously and investigated promptly, confidentially and impartially by the Practice. A written complaint is not required.

If an employee believes that they have been the subject of unlawful discrimination, bullying, sexual harassment or workplace harassment, the Practice encourages the employee to take steps immediately to address the matter in accordance with the paths set out below. The situation is unlikely to improve if the employee does nothing about it. By not objecting to the conduct (or informing your supervisor or another senior employee of the Practice), the person responsible may continue the harassment or behaviour, not knowing how it makes others feel. The Practice will use its best endeavours to ensure that no parties to a complaint are victimised.

There are a number of ways that an employee can take action to deal with a complaint.

Internal complaints procedure:

### An affected employee may choose to approach the person who is perpetrating the behaviour with a view to discussing your concerns with them and asking them to cease their behaviour.

### Alternatively, an affected employee may approach their supervisor to report the matter and to ask for assistance. If an employee does not feel comfortable approaching their supervisor, then they may choose to approach another senior employee to report the matter.

### Every complaint will be treated seriously and investigated promptly, confidentially and impartially.

### Disciplinary action may be taken against employees who are found to have unlawfully discriminated against, or harassed, other employees.

External complaints procedure:

### If an employee believes that they have been the subject of unlawful discrimination, harassment or sexual harassment, they may at any time lodge a complaint with one of the organisations set out below.

### While the Practice encourages employees to use the in-house complaints procedure before taking this action, an employee may do this at any time.

### The organisations set out below are statutory bodies and, if an complaint is accepted, they will notify the alleged perpetrators of the discrimination or harassment. The affected employee and the alleged perpetrators will usually be required to attend a conciliation conference conducted by the organisation to attempt to resolve the complaint. If the complaint is not resolved, it may be dealt with through more formal legal processes.

Organisations

An employee is able to lodge a complaint through various Federal and State or Territory agencies

| **Cth** | **ACT** | **NSW** | **NT** | **Qld** | **SA** | **TAS** | **VIC** | **WA** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Australian Human Rights Commission**  Level 3, 175 Pitt Street, SYDNEY NSW 2000  GPO Box 5218 SYDNEY NSW 2001  Telephone: (02) 9284 9600  National Information Service:  1300 656 419  Internet: https://humanrights.gov.au/  Email: [complaintsinfo@humanrights.gov.au](mailto:complaintsinfo@humanrights.gov.au) | **ACT Human Rights Commission**  Linlay Crisp Centre, Level 1/5 Constitution Ave, CANBERRA 2601  Telephone:  (02) 6205 2222  TTY:  (02) 6205 1666  Email: human.rights@act.gov.au  Internet: <http://www.hrc.act.gov.au> | **Anti-Discrimination Board of NSW**  **Parramatta**  Level 7/10 Valentine Avenue, Parramatta NSW  PO Box W213, Parramatta Westfield NSW 2150  Telephone:  (02) 9268 5555  **Toll free:**  1800 670 812  Email: [adbcontact@justice.nsw.gov.au](mailto:adbcontact@justice.nsw.gov.au)  Internet: https://antidiscrimination.nsw.gov.au/ | **Northern Territory Anti-Discrimination Commission**  Level 9, NT House 22 Mitchell Street, Darwin, NT 0800  Postal Address: LMB22, GPO Darwin NT 0801  Telephone:  (08) 8999 1444  **Free Call:**  1800 813 846  General enquiries and to submit a complaint: antidiscrimination@nt.gov.au  Internet: https://adc.nt.gov.au/ | **Queensland Human Rights Commission**  **Brisbane**  Level 20, 53 Albert Street, Brisbane  City East Post Shop, PO Box 15565, City East QLD 4002  **Cairns**  Ground Floor, 10 Grove Street, Cairns  PO Box 4699, Cairns QLD 4870  **Rockhampton** First Floor, State Government Centre, 209 Bolsover Street, ROCKHAMPTON  PO Box 1390, Rockhampton QLD 4700  **Townsville**  Ground Level, 187-209 Stanley Street Townsville  **Free Call:** 1300 130 670  General email: [info@qhrc.qld.gov.au](mailto:info@adcq.qld.gov.au)  Internet: https://www.qhrc.qld.gov.au/ | **Equal Opportunity Commission South Australia**  Level 15, GPO Exchange, 10 Franklin Street, Adelaide, SA  Postal address: GPO Box 464, ADELAIDE, SA 5001  Telephone:  (08) 8207 1977  Country callers: 1800 188 163  Email: OCEO@sa.gov.au  Internet: https://www.eoc.sa.gov.au/ | **Office of the Anti-Discrimination Commissioner, Equal Opportunity Tasmania**  Level 1, 54 Victoria Street, Hobart 7000  Postal address: Equal Opportunity Tasmania GPO Box 197 HOBART, TAS 7001  Telephone:  (03) 6165 7515  Statewide local call:  1300 305 062  Text: 0409 401 083  Email: office@equalopportunity.tas.gov.au  Internet: https://equalopportunity.tas.gov.au/home | **Victorian Equal Opportunity and Human Rights Commission**  Level 3, 204 Lygon Street, Carlton 3053  Telephone:  1300 891 848  Email: [complaints@veohrc.vic.gov.au](mailto:complaints@veohrc.vic.gov.au)  [enquiries@veohrc.vic.gov.au](mailto:enquiries@veohrc.vic.gov.au)  Internet: https://www.humanrights.vic.gov.au/ | **Equal Opportunity Commission Western Australia**  Albert Facey House, 469 Wellington StreetPERTH  Postal Address: PO Box 7370, Cloisters Square, Perth WA 6850  Telephone: (08) 9216 3900  TTY: (08) 9216 3936  Country callers: 1800 198 149  Email: eoc@eoc.wa.gov.au  Internet:  https://www.wa.gov.au/organisation/equal-opportunity-commission |
|  |  |  |  | **Queensland Civil and Administrative Tribunal**  Level 9, Bank of Queensland Building, 259 Queen Street, BRISBANE  Postal address: GPO Box 1639, Brisbane, Qld 4001  Telephone:  1300 753 228  Internet: http://www.qcat.qld.gov.au |  |  |  |  |
|  | **Fair Work Commission**  Level 3, 14 Moore Street, Canberra, ACT, 2600  GPO Box 539, Canberra City ACT 2601  Telephone: 1300 799 675  Facsimile: (02) 6247 9774  Email: [canberra@fwc.gov.au](mailto:canberra@fwc.gov.au) | **Fair Work Commission** [**Sydney**](http://www.fwc.gov.au/index.cfm?pagename=aboutvirtualtour&page=contact&state=nsw)  Level 10, Terrace Tower 80 William St, East Sydney, NSW 2011,  Telephone: 1300 799 675  Facsimile: (02) 9380 6990  Email: sydney@fwc.gov.au  [**Newcastle**](http://www.fwc.gov.au/index.cfm?pagename=aboutvirtualtour&page=contact&state=nsw&anch=newcastle)  Level 3, 237 Wharf Road, Newcastle, NSW 2300 | **Fair Work Commission**  10th Floor, Northern Territory House, 22 Mitchell Street, Darwin NT0800  GPO Box 969, Darwin, NT 0801  Telephone: 1300 799 675  Facsimile: (03) 9655 0420  Email: [darwin@fwc.gov.au](mailto:darwin@fwc.gov.au) | **Fair Work Commission**  Level 14, Central Plaza Two, 66 Eagle Street, Brisbane QLD 4000  GPO Box 5713, Brisbane, QLD 4001  Telephone: 1300 799 675  Facsimile: (07) 3000 0388  Email: [brisbane@fwc.gov.au](mailto:brisbane@fwc.gov.au) | **Fair Work Commission**  Level 6, Riverside Centre, North Terrace, Adelaide SA 5000  PO Box 8072, Station Arcade, Adelaide, SA 5000  Telephone: 1300 799 675  Facsimile: (08) 8410 62054  Email: [adelaide@fwc.gov.au](mailto:adelaide@fwc.gov.au) | **Fair Work Commission**  1st Floor, 39–41 Davey Street, Hobart, TAS 7000  GPO Box 1232, Hobart, TAS 7001  Telephone: 1300 799 675  Facsimile: (03) 6214 0202  Email: [hobart@fwc.gov.au](mailto:hobart@fwc.gov.au) | **Fair Work Commission**  Level 4, 11 Exhibition Street, Melbourne, VIC 3000  GPO Box 1994, Melbourne, VIC 3001  Telephone: 1300 799 675  Facsimile: (03) 9655 0401  Email: [melbourne@fwc.gov.au](mailto:melbourne@fwc.gov.au) | **Fair Work Commission**  Floor 16, 111 St Georges Tce, Perth, WA 6000  GPO Box X2206, Perth, WA 6001  Telephone: 1300 799 675  Facsimile: (08) 9481 0904  Email: [perth@fwc.gov.au](mailto:perth@fwc.gov.au) |

# WORK HEALTH AND SAFETY POLICY

## General

The Practice has a general duty of care to ensure the health and safety of its employees and visitors in connection with the Practice’s operations, in accordance with relevant State or Territory and Federal legislation, codes, regulations and standards.

Employees also have obligations to ensure their own health and safety and that of their co-workers. Each employee is personally responsible for working in a safe manner and co-operating with each other to ensure work health and safety. The co-operation of all employees to adhere to safe work practices and observe safety rules and regulations at all times is vital for the success of the Practice’s commitment to health and safety.

All employees agree to abide by State or Territory and Federal legislation, codes, regulations, rules and the Practice’s Work Health and Safety Policy, which is set out below. All employees must read this policy and raise any concerns they have with their supervisor immediately upon commencing employment.

Any breach of this policy, or an employee’s obligations of health and safety towards themselves or others may result in disciplinary action being taken against employees, up to and including dismissal.

If any employee has any concern or query regarding work health and safety, they should notify the Practice’s designated health safety officer or their Supervisor as soon as possible so that the issue can be considered without delay.

## Safety rules and regulations

Employees must report all accidents and near misses immediately to the designated health and safety officer or their supervisor. An [accident report](#ACCIDENT_REPORT) (in the Incident Report Form Office Forms in this Manual) must be completed as soon as possible following the accident or near miss.

Employees must keep their immediate work areas and amenities clean and tidy. Clean up anything which could cause a person to trip or fall. Check stability of tables and chairs.

Running and horse play within the workplace is strictly forbidden.

Any protective clothing provided or required to be worn by the Practice must be worn.

Presenting at the workplace in an intoxicated state is strictly forbidden.

Employees must follow directions from the designated health and safety officer and their supervisor in relation to health and safety matters.

Any employee with a suggestion or comment regarding health and safety should raise the issue with the designated health and safety officer or their supervisor as soon as possible so that the matter can be considered and addressed as appropriate.

## Workers compensation

Workers compensation is a form of insurance payment paid to employees if they are injured at work or become sick due to their work. Workers compensation includes payments to employees to cover their: wages while they are not fit for work and/or medical expenses and rehabilitation.

If an employee suspects that they are entitled to a claim under work heath and safety, the Employee should refer to and consider any relevant workers’ compensation and injury management entitlements in their relevant state or territory.

## Security and fire safety procedures

[#INSERT DETAILS OR REFER TO LOCATION OF INSTRUCTION CARD OF THE RELEVANT PROCEDURES FOR THE PRACTICE’S PREMISES]

# EMAIL AND INTERNET POLICY

The Practice sets out the rules for the proper use of its computer systems, internet and email resources as follows. Because of the opportunity for misuse of these resources, the Practice believes that it is necessary to set down some basic rules.

It is every employee’s responsibility to ensure that computer systems and internet and email facilities are used responsibly and in accordance with this policy.

## Introduction

All users of the Practice’s computer systems, email and internet facilities (including employees), consultants, contractors, work experience students and other authorised users (**Practice Users**), are responsible for using computer systems, email and Internet facilities in a professional, ethical and lawful manner. Practice Users are provided with access to computer systems, email and the internet to assist with the performance of their duties. All computer systems and data belong to the Practice and may only be used for authorised purposes.

All of the Practice’s Users are required to comply with this policy.

The objectives of this policy are to:

### set out the responsibilities associated with the use of internet and e-mail via the Practice’s systems, for the benefit of all who use it; and

### minimise the risks associated with improper use of the internet and e-mail.

## What does this policy cover?

This policy covers access and use of the following:

### searching the web;

### internal e-mail (sent or received); and

### external e-mail (sent or received).

Breaches of this policy may lead to disciplinary action, up to and including termination of employment.

## Email protocol and guidelines for proper use

Practice Users will be allocated a password to access the Practice’s network and e-mail facilities. This password is not to be disclosed to any other person(s). The system administrator will be the only other party with knowledge of user login information. Treat your login and password details with the same care that you would your bank account PIN number.

All communications sent via external e-mail must contain the standard disclaimer provided by the Practice in relation to the content of the e-mail message or attachments.

Practice Users may send ‘personal emails’, that is, non-work related e-mails provided that:

### only minimal periods of e-mail access (that is read, sent, or forwarded) during office hours, and only during designated breaks or rest periods or after hours; and

### all guidelines set out in this policy are complied with.

Email at the Practice:

### is not private – it belongs to the Practice;

### can be monitored and read at anytime by the Practice;

### uses the Practice’s name and address and therefore may give the impression that the sender is speaking with the authority of the Practice (even though this may not be the case and the Practice may not have authorised this); and

### can in certain circumstances be inspected by parties outside of the Practice (for example, in the event of litigation).

The following activities are strictly prohibited:

### sending, receiving, displaying, printing or otherwise disseminating material that is fraudulent, illegal, embarrassing, sexually explicit, obscene, intimidating, defamatory, or that would amount to harassment;

### using the Practice’s internet resources for unauthorised commercial or personal advertisements, solicitations, promotions, political material or any other similar use unless it is expressly authorised by your supervisor or the Practice;

### accessing the internet other than through the Practice’s security system, for example, accessing the internet directly by modem is strictly prohibited;

### allowing external access to your computer via a modem;

### subscribing to mailing lists, sending unsolicited email messages and participating in chain letters;

### sending emails using somebody else’s email address unless such use is expressly authorised; and

### violating the intellectual property rights of others, such as breaching copyrights by copying graphics or text material, or using other licensed software without proper authorisation.

Breaches of the email and internet policy may result in disciplinary action being taken against Practice Users ranging from the withdrawal of system access to dismissal.

All external e-mails (other than ‘personal e-mails’) must be conducted in accordance with the following protocol:

### client-related emails should only be sent after supervisor/partner authorisation or sign off has been obtained (as appropriate);

### a hard copy of all outgoing e-mail messages containing accounting advice or substantial accounting commentary must be signed by the appropriate partner or other person with authority prior to the e-mail being sent;

### a hard copy of all outgoing e-mail messages must be placed on the client’s file; and

### all e-mails received must be printed and stored on the relevant file.

## Internet protocol

Accessing web sites which contain material that is illegal, embarrassing, sexually explicit, obscene, intimidating, defamatory, racist or sexist, or that are generally inappropriate, is strictly prohibited.

Accessing internet chat rooms is strictly prohibited.

Internet ‘surfing’ must only be conducted outside ordinary working hours, unless it is for a specific work-related purpose.

Access to the Internet is restricted to Practice Users who have been given express authority and permission by management for the use of the Internet for research purposes.

Practice Users with access to the internet acknowledge that the system administrator may from time to time check the cache folders on their computers to ensure that prohibited materials are not being viewed.

## System protocol

No Practice Users shall introduce any external data to the Practice’s computer network in any media form whatsoever unless the media has been checked and approved by the system administrator for use on the network. All media is to be virus scanned by the system administrator or a person appointed by the system administrator to carry out such checks.

No Practice Users shall make any changes whatsoever to the structure or setup of their computers operating system or associated applications. Such changes include the alteration of screensavers, background images/wallpapers, sound schemes, desktop folders or shortcuts,. If any Practice User has difficulty working with certain colours, screen resolutions or setups, they should speak to the system administrator to arrange the necessary changes. The Practice's system has been designed and configured for optimal efficiency, any changes to this configuration may adversely affect the operation of the system.

No Practice User is to carry out any form of maintenance or repair to their workstation, software or hardware related, without the consent of the system administrator.

## Software

Any computer software the Practice uses on its computer network is available through agreement with the owners of the software. As such, it is imperative that Practice Users use the software strictly in accordance with the Practice’s directions to ensure that the agreements with the software owners are not breached.

Unauthorised copying of software used on the Practice’s computer network is illegal and no duplicate should be taken.

No Practice User is to use the Practice’s computer network to access or use other software in breach of the rights of the software owners.

No Practice Users should introduce any software, USB sticks, external harddrives, computer discs orcomputer programs to the Practice’s computer network if they are unsure of the source of that material or whether it is contaminated in any way. Before any of the above are introduced to the Practice’s computer network, the Practice’s computer virus protection programm should be applied.

## Practice’s surveillance policy

The Practice may, upon provision of notice required by law, monitor Practice Users’ use of email or Internet facilities, in accordance with such notice.

Where there is no requirement at law to provide notice of intended email or Internet surveillance, the Practice may monitor Practice Users’ use of these facilities without the provision of notice.

Email surveillance undertaken by the Practice may include, but is not limited to, monitoring and reading email traffic both sent from and received by any email address owned by the Practice or an email address that is accessed from a Practice computer.

Internet surveillance undertaken by the Practice may include, but is not limited to:

### monitoring the Internet sites that are accessed by Practice Users;

### monitoring the type of information downloaded from the Internet to any Practice computers or data drives;

### monitoring the importing and exporting of any data to or from any Practice computers by any portable media storage device, for example, floppy disks, CDs, USB memory sticks, hard drives or zip drives.

For any issues not covered by this policy, use common sense as the guiding principal. If you have any queries in respect of Internet or email use, please contact your supervisor.

[#Note: The Australian Privacy Principles do not apply to small businesses with turnover of less than $3 million a year, unless the business provides a health service, discloses personal information for a benefit, provides a benefit to collect personal information or is a contracted service provider with the Government. If this small business exemption applies to your Practice, the following Privacy Policy may be deleted. Delete this note before the Staff Manual is implemented]

# PRIVACY POLICY

[#Throughout this template, there are spaces for you to fill in the relevant information depending on your own business model and data flows. It is important that this policy accurately reflects what information you are collecting, and how you deal with that information. If the policy is not accurate, it may be both a breach of the privacy law, as well as a breach of the Competition and Consumer Act for misleading and deceptive conduct.]

This policy relates to personal information held about employees, contractors, work experience staff, volunteers and candidates for employment only. We use the term ‘workers’ to refer to these individuals throughout the policy. This policy does not relate to personal information held in respect of any other individuals.

## Purpose

[#insert company name and ABN/ACN] and its related bodies corporate recognise that your privacy is very important, and we are committed to protecting the personal information we collect about you. To the extent the *Privacy Act 1988* (Cth) (**Privacy Act**) governs the way in which we must manage your personal information, this Privacy Policy explains how we collect, use, disclose and handle your Personal Information.

Personal Information is defined by the Privacy Act to mean information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not and whether recorded in material form or not.

We are required by the *Fair Work Act 2009* (Cth) (FW Act) to collect certain information about employees, including name, basis of employment, rate of pay, information about deductions and entitlements, superannuation fund details and information about our payments into that fund, and information relating to an employee’s termination. This information must be retained by us for a period of 7 years. This will not apply to all workers, as not all workers are employees.

The handling of some personal information by us is exempt from certain obligations under the Privacy Act where it directly relates to a current or former employment relationship, and an employee record held by us (where ‘employee record’ means a record of personal information relating to the employee’s employment). This will not apply to all workers, as not all workers are employees.

## Collection of personal information

We may collect and hold Personal Information about you that is necessary for our functions or activities and otherwise relevant to providing you with information, resources, goods, and services.

Depending on your potential or actual position with us, we will generally collect the following personal information about you:

[#insert relevant types of information collected about workers. We have included some examples below that are generally relevant to workers.]

### names and contact information;

### date of birth;

### personal information contained within an application and CV/resume;

### employment history;

### personal information derived from a reference;

### personal information derived from an interview;

### personal information derived through testing (including psychometric or aptitude testing);

### licences and other certificates and qualifications;

### information included in a passport, birth certificate, visa or other documentation demonstrating a worker’s right to work in Australia;

### *if you are a current employee or volunteer*, we are also likely to collect:

#### information collected during the engagement and on-boarding process (including identity verification processes);

#### bank account and superannuation fund information;

#### TFN;

#### wage and entitlement information and other payroll information;

#### drivers licence number;

#### emergency contact information;

#### information relating to your performance or conduct;

#### information relating to your engagement, training, disciplining, and resignation/termination;

#### the terms and conditions applicable to you;

#### photographs, videos, and other recordings.

### In addition, if you are a current employee or volunteer, we are likely to collect and hold sensitive information about you during your engagement with us, including health and medical information, racial or ethnic background, sexual orientation or practices, criminal record and other information provided in a police check, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association or trade union, biometric information, and biometric templates.

Except as otherwise permitted by law, we only collect sensitive information about you if you consent to the collection of the information and if it is reasonably necessary for the performance of our functions and activities. Consent may be implied by the circumstances existing at the time of collection. There may also be circumstances under which we may collect sensitive information without your consent, as required or authorised by law.

If you choose not to provide us with the information requested, or it’s incomplete or inaccurate, we may not be able to provide you with the information and services you are seeking. If you are an applicant for a volunteer or employment position, refusal to provide personal information may mean we are unable to process your job application. If you are a worker, refusal to provide personal information or consent to sensitive information being collected or held for the purposes set out in this privacy policy and any privacy collection statement may adversely affect our ability to comply with our legal obligations and our ability to continue our relationship with you.

## Method of collection

Generally, we will endeavour to collect personal information about you directly from you through a variety of ways, including [#insert the methods via which you collect information from workers, e.g.: interviews (via any method), correspondence, the use of our standard forms, over the internet, by telephone, via our employment and volunteer application process,, and our surveys (where applicable)]. There may however be some instances where personal information about you will be collected indirectly because it is unreasonable or impractical to collect it directly from you. We are likely to collect personal information about you from [#insert any third parties from whom you are likely to collect information about workers, such as: referees when they provide references, academic institutions or training and certification providers, providers of licence and background-checking services, recruiters and other service providers who assist in the engagement process, and other publicly available sources such as social media platforms]. We may also collect Personal Information about you from third parties with your consent or where otherwise required or authorised by law. We will usually notify you about these instances in advance, or where that is not possible, as soon as reasonably practical after the information has been collected.

## The purposes for which the information is collected

We collect and deal with your personal information if it is reasonably necessary for or related o the performance of our functions and activities, and for the following purposes [#insert below the purposes for which you collect worker personal information. Some examples have been included below]:

### facilitatating various internal accounting and administration procedures and operations, including:

#### enabling us to properly assess whether you are suitable for a position within our organisation;

#### establishing our relationship with you;

#### making contact with you or your next of kin;

#### maintaining and managing our relationship with you, and terminating that relationship;

#### purposes related to the engagement of workers, and providing information, resources, and internal products and services to workers;

#### sharing information about you with other workers, as required for our internal business operations or otherwise with your consent;

#### organising and facilitating events;

#### ensuring that information we have collected from you and which we hold is accurate, complete and up-to-date;

#### fulfilling our legal requirements, including ensuring that we are complying with our work health and safety obligations; and

### analysing our business operations with a view to developing new or improved business operations.

In addition to these purposes, other uses and disclosures may be conveyed to you from time to time.

## Disclosure of personal information

We generally disclose your Personal Information for the purposes for which it was collected (set out above). We may disclose Personal Information about you to [#insert below the usual disclosures for personal information. Some examples have been included below]:

### our related corporations or offices for the purposes we have described above;

### our employees, contractors, consultants, and volunteers (workers) who require the information to assist us with the purposes for which it was collected;

### government departments and agencies, such as the Australian Taxation Office;

### travel service providers (if we organise travel on your behalf);

### third party service providers who assist us in operating our business (including payroll processors, superannuation funds, insurers, IT and technology service providers, off-site security storage providers, event organisers, and professional advisers such as lawyers, accountants, and auditors);

### third parties to whom you have agreed we may disclose your information and where the information was collected from you (or from a third party on your behalf) for the purposes of passing it on to the third party; and

### any other entity as otherwise required or authorised by law, including regulatory bodies.

### We may expand or reduce our business and this may involve the sale and/or transfer of control of all or part of our business. Personal Information, where it is relevant to any part of the business for sale and/or transfer, may be disclosed to a proposed new owner or newly controlling entity for their due diligence purposes, and upon completion of a sale or transfer, will be transferred to the new owner or newly controlling party to be used for the purposes for which it was provided.

Sensitive information is only used and disclosed for the purposes for which it was collected, unless your further consent is obtained or otherwise as permitted or required by law.

## Disclosure of personal information overseas

[#Note that under Australian privacy law, disclosure overseas includes where you engage technical services providers, such as using Microsoft’s 365 products, Google’s Gmail services, Amazon’s data storage services, Xero’s accounting packages, or Workday’s HR management software, as the parent companies are based overseas and may in some circumstances have access to data. In today’s world, it would be unusual for an employer not to use at least one service provider who was based overseas. You should take reasonable steps to ensure that the service providers you use will appropriately protect the personal information you hold. Insert the relevant information below based on your circumstances]

We are assisted by a variety of external service providers to operate our business. Some of these service providers may be located overseas, including [#insert – what service providers do you use who are located overseas?], located in [#insert – what country/countries are the service providers located in?]. We take reasonable steps to ensure these service providers have appropriate security for your Personal Information.

## Quality, access and correction

We will endeavour to take all reasonable steps to ensure that the personal information we use is up-to-date, complete and accurate. You may request access to personal information about you and held by us or a copy of this Privacy Policy by contacting:

[#Insert name, contact number and contact address of the Practice’s privacy officer, or personal responsible for compliance with the requirements of the Privacy Act].

When we receive a written request for access, we will acknowledge receipt of the request within 14 days and will endeavour to provide you with access to the relevant information within 30 days. We may charge you a reasonable fee for processing your request (but not for making a request for access). You will be required to verify your identity prior to us providing you with any personal information.

Subject to our obligations under the FW Act (with respect to current and former employees), we may decline a request for access to personal information in circumstances prescribed by the Privacy Act and if we do, we will provide you with a written notice that sets out the reasons for the refusal (unless it would be unreasonable to provide those reasons), including details of the mechanisms available to you to make a complaint.

Employee records prescribed by the FW Act must be made available to an employee or their representative upon request. These employee records include general employment details, pay records, records relating to leave entitlements, records relating to superannuation contributions, records relating to individual flexibility arrangements, records relating to guarantees of annual earnings, and termination of employment records. Under the Fair Work Regulations 2009 (Cth), we must make a copy of an employee record available in a legible form for inspection and copying on request by an employee or former employee to whom the record relates. If the employee record is kept at the premises at which the employee works or the former employee worked, we will make a copy available at the premises within 3 business days after receiving a request, or will post a copy of the employee record within 14 days after receiving a request. If the employee record is not kept at the premises, we will, as soon as practicable after receiving a request, make a copy available at the premises or post a copy of the employee record to the employee or former employee. This paragraph will not apply to all workers, as not all workers are employees.

If you believe that any of the information held is incomplete, inaccurate, irrelevant, misleading or not current, you should notify us in writing immediately and if we agree that it is incomplete, inaccurate, irrelevant, misleading or not current (having regard to the purposes for which it is held), we will take reasonable steps to correct the information so that it is accurate, complete, relevant, not misleading, and up to date.

If we refuse to correct your personal information, we will provide you with a written notice that set out the reasons for our refusal (unless if would be unreasonable to provide those reasons), including details of the mechanisms available to you to make a complaint.

## Security

We store your personal information in different ways, including in paper and in electronic form.

We will take reasonable steps to protect the personal information we hold from misuse, interference and loss and from unauthorised access, modification or disclosure, including electronic and physical security measures. Personal information that is no longer required will be destroyed or, where appropriate, de-identified. Generally, personal information will be held by us for a minimum of 7 years, unless legislation requires us to destroy or permanently de-identify it sooner.

Your personal and information will be stored on servers located in [#insert country].

## Updating this privacy policy

The content of this Privacy Policy may be updated from time to time.

## Complaints and Feedback

If you have any queries or concerns about our privacy policy or the way we handle your personal information, please contact our [#privacy officer/legal department/company secretary] using the details below.

If you wish to make a complaint about a breach of the Privacy Act, Australian Privacy Principles or a privacy code that applies to us, please contact us as set out below and we will take reasonable steps to investigate the complaint and respond to you.

|  |  |
| --- | --- |
| **Street address:** | [insert address details of appropriate officer – head office, legal or company secretary office is generally best] |
| **Email address:** | [insert details of appropriate officer – a generic address may be best to avoid emails being missed during annual leave and sick leave] |
| **Telephone:** | [insert details of appropriate officer – switchboard or communal number may be best to ensure continuity of service through annual leave and sick leave] |

If after this process you are not satisfied with our response, you can submit a complaint to the Office of the Information Commissioner, Australia. To lodge a complaint, visit the ‘Complaints’ section of the Information Commissioner’s website, located at http://www.oaic.gov.au/privacy/privacy-complaints, to obtain the relevant complaint forms, or contact the Information Commissioner’s office.

## More Information

For more information about privacy in general, you can contact our privacy officer using the details set out above, or you can visit the Office of the Australian Information Commissioner’s website at www.oaic.gov.au.

# GENERAL EMPLOYEE GRIEVANCES

## Introduction to grievances

For the purposes of this policy, a grievance should be treated broadly as a concern or complaint an employee may have relating to work or the work environment. A grievance may be about any act, omission, situation or decision by the Practice or a co-worker/co-workers, that the aggrieved employee considers to be unfair, inappropriate or unreasonable.

**Note:** in the case of complaints of discrimination, workplace harassment or sexual harassment, employees should refer to the complaints mechanisms in section 2 of this Staff Manual.

## Procedures for dealing with employee conflict

In all cases, until the grievance is determined, the employee with the grievance should continue in normal work.

The below procedures are subject to any requirements in an applicable award or other industrial instrument.

Direct resolution

If the behaviour of an employee is causing conflict with another employee it is recommended that the employee with the grievance approach the person directly and try to work out a mutual resolution. The employee with the grievance should tell the person who is acting in an unfair or inappropriate way why his or her behaviour is unfair or unacceptable, and request that they alter or refrain from their behaviour.

If the employee with the grievance is unwilling to approach the person directly, then they can refer their concern to their supervisor or another senior member of the Practice in accordance with the following paragraphs.

Referral to supervisor or another senior member of the Practice

If the problem remains unresolved, the employee with the grievance should approach their supervisor to seek to resolve the issue.

There are some situations where an employee with a grievance may not want to take a complaint to their supervisor, for example, where concern relates to the supervisor, or where there is a personality conflict. In this case, the employee with the grievance can refer their complaint to another senior member of the Practice.

If a supervisor is approached to deal with a complaint, but considers that it would be improper for them to consider the grievance (because, for example, they have a particular relationship with the employee with the grievance, or the person the complaint is about), the complaint should be referred to another senior member of the Practice.

The supervisor or senior member of the Practice (as the case may be – referred to in the remainder of this policy as ‘supervisor’) should fully discuss the aggrieved employee’s concerns, to get a full understanding of the issues. The supervisor has the responsibility to listen, investigate, evaluate and respond to the aggrieved employee.

It may be necessary for the supervisor to talk to other people involved and to impartially hear their side of the story, before taking any steps to seek to resolve the matter.

Following a full consideration of the matter, the supervisor should offer suggestions as to how the dispute can be resolved. For example, a conflict may be resolved by:

### compromise;

### seeking an apology from the party complained about; or

### offering a change of working arrangements, if practicable.

However, no action should be taken without first talking to the aggrieved employee and getting their agreement.

All stages of the grievance process should be documented and file notes provided to the parties involved as appropriate.

Grievance paths beyond the Practice

If the employee with the grievance is not satisfied with the Practice’s response, then the Practice may need to consider other forms of dispute resolution, for example, the use of mediation through a third party provider.

## Procedure for dealing with employee/client conflict

Employees should never involve themselves in an argument with a client. At all times, employees must be courteous and professional towards clients.

If an employee is involved in a discussion with a client which becomes heated, or if an employee receives a complaint from a client, they should refer the issue to their supervisor. Becoming involved in an altercation with a client is not acceptable and may result in disciplinary action being taken if the incident is serious enough or if certain behaviour re-occurs.

After speaking with the relevant employee, the Practice may seek to engage the employee and client in a discussion in an attempt to resolve the matter.

**OFFICE**

**FORMS**

# OFFICE FORMS

## Incident report form

INCIDENT REPORT FORM

Date:

Time of incident:

Employee’s name:

Description of incident:

**Witnesses of incident:**

Name:

Name:

Name:

Name:

**Action taken by employee to treat injury:**

**Was additional medical aid required/sought by the injured employee** (i.e.: doctors visits, hospital treatment, etc). Please indicate the dates and description of additional treatment given as a result of this injury.

**Please specify or describe the bodily location of the injury**

## Application for leave

APPLICATION FOR LEAVE

**EMPLOYEE NAME:**

DATES

From: To:

**TOTAL NUMBER OF DAYS:**

REASON FOR LEAVE

Annual Leave Compassionate / Bereavement Leave

Personal / Carer’s Leave Study Leave

Personal / Sick Leave Long Service Leave

Other:

**EMPLOYEE’S SIGNATURE DATE OF APPLICATION**

**AUTHORISATION:**

**DATE OF AUTHORISATION:**

## Bank account details

BANK ACCOUNT DETAILS

|  |  |
| --- | --- |
| SURNAME: | GIVEN NAMES: |
|  |  |
|  |  |
| ACCOUNT 1: | ACCOUNT 2: |
|  |  |
|  |  |
| BANK: | BANK: |
|  |  |
|  |  |
| BRANCH: | BRANCH: |
|  |  |
|  |  |
| ADDRESS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | ADDRESS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| BSB - NO: | BSB - NO: |
|  |  |
|  |  |
| A/C NO: | A/C NO: |
|  |  |
|  |  |
| AMOUNT: $ | AMOUNT: $ |
|  |  |
|  |  |

## Employee appraisal sheet\*

EMPLOYEE APPRAISAL SHEET\*

|  | Unsatisfactory Performance | Occasionally performing below job requirements | Meeting job requirements | Occasionally exceeding job requirements | Consistently exceeding job requirements |
| --- | --- | --- | --- | --- | --- |
|  | 1 | 2 | 3 | 4 | 5 |
| **PERSONAL CHARACTERISTICS** | | | | | |
| Dress |  |  |  |  |  |
| Punctuality |  |  |  |  |  |
| Willing to undertake professional development |  |  |  |  |  |
| Communication skills |  |  |  |  |  |
| Responsible with confidential information |  |  |  |  |  |
|  | | | | | |
| **RELATIONSHIPS** | | | | | |
| Relationships with supervisors and managerial employees |  |  |  |  |  |
| Relationships with co-workers |  |  |  |  |  |
| Relationships with persons under their control |  |  |  |  |  |
| Relationships with clients |  |  |  |  |  |
|  | | | | | |
| **SKILLS** | | | | | |
| Ability to supervise |  |  |  |  |  |
| Ability to deal with problems |  |  |  |  |  |
| Time management |  |  |  |  |  |
| Able to market themselves |  |  |  |  |  |
| Able to market the Practice |  |  |  |  |  |
| Use of initiative |  |  |  |  |  |
| Able to follow instructions |  |  |  |  |  |
| Able to give instructions to co-workers |  |  |  |  |  |
| Able to handle client concerns |  |  |  |  |  |
| Able to make and write reports |  |  |  |  |  |
| Awareness of current policies and procedures |  |  |  |  |  |
|  | | | | | |
| **TECHNICAL SKILLS** | | | | | |
| Word processing |  |  |  |  |  |
| Email |  |  |  |  |  |
| Typing speed/accuracy |  |  |  |  |  |
| Filing |  |  |  |  |  |
| Listening comprehension |  |  |  |  |  |
| Phone manner |  |  |  |  |  |
|  | | | | | |
| **PROFESSIONALISM** | | | | | |
| Loyalty to employer |  |  |  |  |  |
| Loyalty to other employees |  |  |  |  |  |
| Willingness to promote the Practice |  |  |  |  |  |
|  | | | | | |
| **TOTAL** |  |  |  |  |  |

**\* Delete any items that are not applicable to a particular employee’s position.**

## Travelling expenses claim form

TRAVELLING EXPENSES CLAIM FORM

NAME:

DATE:

PURPOSE:

CLIENT NAME:

FILE NUMBER:

TRAVEL BY VEHICLE

VEHICLE ENGINE CAPACITY

TRAVELLING FROM:

TRAVELLING TO:

TOTAL KMS:

CALCULATION OF ALLOWANCE: -

kms X $0 ¢ per km = $

AIR TRAVEL

FLIGHTS FROM:

FLIGHTS TO:

ACCOMMODATION

SIGNATURE OF EMPLOYEE:

COPY TO BE RETAINED BY EMPLOYEE FOR TAX PURPOSES

## Overtime sheet

OVERTIME SHEET

Employee’s Name:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| DAY | DATE | START | | FINISH | TOTAL HOURS | | AUTHORISED |
| **Monday** |  |  | |  |  | |  |
| **Tuesday** |  |  | |  |  | |  |
| **Wednesday** |  |  | |  |  | |  |
| **Thursday** |  |  | |  |  | |  |
| **Friday** |  |  | |  |  | |  |
| **Saturday** |  |  | |  |  | |  |
| **Sunday** |  |  | |  |  | |  |
|  | | | | | | | |
|  | | | | | | | |
|  | | | | | | | |
| **TOTAL NUMBER OF HOURS** | | |  | | |  | |

## Reimbursement expense form

REIMBURSEMENT EXPENSE FORM

NAME:

DATE:

TYPE OF EXPENSE:

(Please tick appropriate box)

 Taxi  Entertainment/Marketing  Other (please specify)

Purpose of Expenditure:

Client Name:

File Number:

Date Expense incurred:

Amount Spent: $

Partner Authorisation:

Date: