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Your Reference: Workplace Policies
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Monday, 8 February 2021

Smart Co. Pty. Ltd.
1178 Hay Street
West Perth WA 6005
Australia

Dear Smart Co. Pty. Ltd.,

Build this legal document at
[https://www.legalconsolidated.com.au/
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Adj Professor, Dr Brett Davies – Partner

Workplace Policies for Smart Co. Pty. Ltd.

ABN 12 345 678 999

Thank you for instructing us to prepare the attached **Workplace Policies**.

The Importance of Policies in the Workplace

Policies reinforce and clarify the standards expected of employees and help employers manage staff more effectively as it defines what is acceptable and unacceptable in the workplace.

Benefits of Workplace Policies

Legally prepared Policies help businesses in many ways. Policies demonstrate that the organisation is operated in an efficient and business-like manner, raise stability and ensure consistency in the decision-making and operational procedures.

Policies are also beneficial in assisting employers to defend themselves in an unfair dismissal claim, Occupation Health & Safety (OHS) prosecution and liability claims.

Policies vs Employment Contracts

Policies should form part of each employee's employment contract.

Check your current Employment Contracts.

- The Employment Contract must expressly state that the employee is subject to the policies, as amended from time to time.
- The Employment Contract should expressly state that Smart Co. Pty. Ltd. can change the Policies, from time to time.

- When the Employment Contract is drafted correctly you are not bound by the Policies.

You cannot automatically direct an employee to obey Policies. Instead, incorporate them into the Employment Contract. For example, in *BHP Iron Ore Pty Ltd v Australian Workers' Union* (2000) 102 FCR 97, the Court held that a memo is not enough to bind the employee to the Policies. It is only possible to bind an employee to Policies by express reference in the Employment Contract.

If you are unsure you can build Employment Contracts which adopt these Workplace Policies here: <https://www.legalconsolidated.com.au/contract-of-employment-page/>

Summary of the main policies:

Absenteeism Policy

This policy provides information for employees for absenteeism, for whatever reason.

The policy sets out how you manage situations where an employee is absent from the workplace.

This policy is suitable for use in any business with persons who are:

- permanent employees (including full time and part time);
- fixed-term employees;
- casual employees; and
- temporary agency staff and contractors.

This policy may be used in conjunction with other policies, such as "Termination of employment policy" and "Annual leave policy".

Acceptable IT use policy

Information technology (IT) includes the use of computers to store, retrieve, transmit, and manipulate data and information. This policy is especially useful if you operate online IT facilities, including Internet and email.

The purpose of this policy is to give a clear statement to all users of the IT facilities (including employees, temporary staff, and contractors) of their responsibilities. This includes what constitutes acceptable and unacceptable use, and to manage the provision and modification of access to online services.

This policy is often used with the "Confidentiality policy", "Employee standard of conduct guidelines", "Harassment and bullying policy", and "Termination of employment policy".

Annual leave policy

The policy may be used to regulate the management, operation and use of annual leave.

This policy applies to all employees who are permanent and eligible to accrue annual leave.

Anti-discrimination policy

This precedent policy provides information for employees on their rights and obligations for discrimination in the workplace, and what is considered unlawful behaviour. The policy sets out how complaints are made to the employer.

It is suitable for use in any business with persons who are:

- permanent employees (including full time and part time);
- fixed-term employees;
- casual employees; and
- temporary agency staff and contractors.

Confidentiality policy

This policy provides information for employees for their obligations of confidentiality for sensitive information and intellectual property.

It is suitable for use in any business with persons who are:

- permanent employees (including full time and part time);
- fixed-term employees;
- casual employees; and
- temporary agency staff and contractors.

This policy works in conjunction with the "Termination of employment policy".

Conflict of interest policy

This policy is used if you engage employees or contractors. The purpose of this policy is to provide guidance on the management of conflicts of interest in relation to employees and contracted staff of the company, or its subsidiaries.

Drug and alcohol policy

This policy provides an outline of your policy on the use and or abuse of drugs and alcohol in the workplace.

This policy applies to employees and contractors.

Employee standard of conduct guidelines

The guidelines set out your standard conduct for employees. It guides employees on how to act, and clarifies how you expects employees to perform and behave in the workplace.

Grievance policy

The policy for all types of employers. It provides a process for the quick and effective resolution of workplace grievances, regardless of the size of the workplace.

Harassment and bullying policy

This policy provides information for employees on their rights and obligations for harassment. This includes sexual harassment and bullying in the workplace. This policy provides guidance as to what is considered unlawful behaviour and how complaints may be made to the employer.

It is suitable for use in any business with persons who are:

- permanent employees (including full time and part time);
- fixed-term employees;
- casual employees; and
- temporary agency staff and contractors.

In-vehicle monitoring policy

This policy provides information for employees on their rights and obligations when using of work-related vehicles and the associated data collected.

It outlines the general purpose of in-vehicle monitoring and details how data collected by the system is used by the employer.

The policy also regulates the management, operation and use of the in-vehicle monitoring system by employees.

Long service leave policy

It is used to regulate the management, operation and use of long service leave. This policy only applies to employees eligible to accrue long service leave.

Managing illness, injury & retention to work policy

It is used to regulate the employees who suffer an illness or injury.

No smoking policy

The policy:

- provides employers with an outline of the responsibilities of employees for smoking in the workplace;
- allows you to state places where smoking is not permitted in the workplace;
- promotes a smoke free workplace in recruitment and training for new employees; and
- authorises placement of “no smoking” signs.

The policy applies to all employees, contractors and visitors to the workplace and is used in conjunction with the “Grievance policy”.

Paid parental leave policy

This policy is used to regulate the management, operation and use of paid parental leave. This policy only applies to employees who are eligible to receive paid parental leave.

Performance management policy

This policy provides a structured process for employers to use to manage performance of your employees. In managing unsatisfactory performance of employees, this policy requires that the principles of natural justice and procedural fairness underpin all actions undertaken by supervisors or managers.

This policy is used regardless of the size of the business or organisation and is applicable for all employees.

This policy works in conjunction with the “Termination of employment policy”.

Personal leave policy

The policy is used to regulate the management, operation and use of personal leave.

This policy applies to all employees who are permanent and eligible to receive personal leave.

This policy is used in conjunction with other policies, such as the "Annual leave policy" and "Termination of employment policy".

Redundancy policy

This policy is used to implement a policy for the redundancy for employees. It regulates the management and operation redundancy or redeployment of employees.

This policy applies to all employees who are eligible for redundancy.

This policy may be used in conjunction with other policies, such as the "Termination of employment policy".

Social media policy

It is suitable for use in any workplace.

The policy provides definitions of social media, and a process for employees who may have a complaint. It also provides for sanctions if an employee breaches the policy.

Termination of employment policy

This policy regulates the management and processes surrounding the termination of employment.

This policy is used in conjunction with the "Redundancy policy" and the "Absenteeism policy".

Victimisation policy

This policy provides a framework for the employer to meet its legislative obligations in the workplace for victimisation. It also provides information to employees about their rights and obligations to victimisation.

This policy applies to all activities and all people involved in those activities, that take place on work premises and elsewhere where activities are undertaken in the course of employment, or at work-related activities, such as social functions. The policy applies to employees, contractors, customers, and visitors.

This policy is used in conjunction with the "Harassment and bullying policy", the "Anti-discrimination policy" and the "Grievance policy".

Whistle-blower policy

This policy provides a framework for whistle-blowers to disclose information. It deals with issues on misconduct, malpractice, internal controls and conflicts of interest, to ensure compliance with the laws and regulations applicable to the employer and its employees, and to deal with concerns that are likely to arise in the work environment. This policy applies to all employees.

This policy is used in conjunction with the “Employee standard of conduct guidelines”, and the “Grievance policy”.

Workplace surveillance policy

This policy is used to regulate the management, operation and use of surveillance equipment such as a closed-circuit television system.

This policy applies to all persons present at the workplace including employees, contractors, customers and visitors.

Anti-Slavery and Human Trafficking Policy

Modern slavery is a crime resulting in an abhorrent abuse of the human rights of vulnerable workers. It can take various forms, such as slavery, servitude, forced or compulsory labour and human trafficking.

Australian business must by law have a zero-tolerance approach to modern slavery and should be committed to acting ethically and with integrity and transparency in all of its business dealings and relationships and to implementing and enforcing effective systems and controls. This is to ensure that modern slavery and human trafficking are not taking place anywhere within either its own business or in any of its supply chains, consistent with its obligations under the Australian Modern Slavery Act (Cth).

Why these Policies are important

A policy is a statement which underpins how human resource management issues are dealt with at Smart Co. Pty. Ltd.. It communicates your values and expectations of employee behaviours and performance.

Workplace Policies reinforce and clarify standard operating procedures. They help you manage staff more effectively by clearly defining acceptable and unacceptable behaviour in the workplace and set out the implications of not complying with those policies.

If you wish to discuss any of these policies, please telephone me or any of our employment lawyers.

This now concludes the matter. Thank you for your instructions.

Yours sincerely,



Adj Professor, Dr Brett Davies, CTA, AIAMA, BJuris, LLB, LLM, MBA, SJD
National Taxation Partner
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Build the legal document at <https://www.legalconsolidated.com.au/workplace-policies/> – telephone us. We can help you answer the questions.

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Adj Professor, Dr Brett Davies – Partner

Workplace Policies for

Smart Co. Pty. Ltd.

ABN 12 345 678 999

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Absenteeism policy

1 Purpose

The Absenteeism Policy is designed to ensure that each employee is aware of his or her obligations to arrive at, and attend, work on the days and times required by his or her employment contract.

The policy also sets out how Smart Co. Pty. Ltd. will manage situations where an employee is absent from the workplace during required times, without authority, and for reasons within his or her control.

2 Application

The Absenteeism Policy applies to all of the following persons:

- (a) permanent employees (including full time and
- (b) fixed-term employees;
- (c) casual employees; and
- (d) temporary agency staff and contractors.

The absenteeism policy sets out how you manage situations where an employee is absent from the workplace.

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3 Absenteeism

An employee must attend work during required hours unless:

- (a) he or she (or a member of his or her immediate family or household) is affected by a medical or other serious emergency beyond his or her control; or
- (b) he or she has approval from Smart Co. Pty. Ltd. to be absent from work.

Failure to comply with this requirement is considered unauthorised absenteeism and may result in disciplinary action being taken against the employee. The disciplinary action may include written warnings or termination of employment or both.

Adj Professor, Dr Brett Davies - Partner

4 Notification of absence

In all instances where an employee is absent from work due to illness, injury, or carer's responsibilities, the employee must contact his or her manager directly and inform the manager of his or her absence.

When contacting the manager, the employee must advise:

- (a) the reason for his or her absenteeism; and
- (b) when he or she expect to return to work.

This requirement applies to all absences from work during required hours without approval, including absences due to:

- (a) personal illness or injury;
- (b) carer's responsibilities; or
- (c) transport or traffic problems.

The discussion between the employee and manager practical after, the scheduled commencement time.

If contact cannot be made directly with an employee's immediate manager, or if the immediate manager is not available, the employee is required to make contact with the next level manager.

If an employee is unable to return to work on the day he or she originally notified the manager, then he or she is again required to notify the manager using the same process above.

This policy is suitable for use in any business with persons who are:

- *permanent employees (including full-time and part-time)*

5 Medical certificates

The employee, when employees are required to, must provide medical certificates or other reasonable evidence, such as statutory declarations, for personal/carer's leave.

Failure to provide a medical certificate (or other acceptable evidence) as required by the Employee will result in the employee's absence for the relevant period being unauthorised, and therefore the absence will be a breach of this policy.

Smart Co. Pty. Ltd. may, as a result, withhold payment for the duration of the unauthorised leave and take disciplinary action. Disciplinary action may include the provision of warnings or termination of employment or both.

Please refer to the "Termination of Employment Policy" for more information.

6 Abandonment of employment

An employee who is absent from work for 5 or more consecutive working days without notifying his or her manager will be deemed by Smart Co. Pty. Ltd. to have abandoned his or her employment. This means the employee is deemed to have no intention to return to his or her employment.

However, Smart Co. Pty. Ltd. will not consider an employee to have abandoned his or her employment until Smart Co. Pty. Ltd. has taken, what it considers to be, reasonable steps to contact the employee to establish whether he or she intends to return to work.

7 A breach of this absenteeism policy

Any breach of this policy may result in Smart Co. Pty. Ltd. counselling, or taking disciplinary action against, an employee. This may include provision of warnings or termination of employment or both.

8 Further information

For further information, please speak with your manager.

- *fixed-term employees*
- *casual employees; and*
- *temporary agency staff and contractors*

*Adj Professor, Dr Brett Davies-
Partner*

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Workplace Policies
reinforce and clarify the
standards expected by
the employees.

Acceptable IT use policy

1 Overview

Smart Co. Pty. Ltd. seeks to provide its employees and visitors with secure and timely access to IT equipment, and the online services and resources necessary for undertaking their work.

The purpose of this policy is to:

- (a) give a clear statement to all users of IT facilities and services of Smart Co. Pty. Ltd. their responsibilities, including what constitutes acceptable and unacceptable use; and
- (b) manage the provision and modification of access to online services.

2 Application

This policy applies to all:

- (a) permanent employees (including full time and part time)
- (b) fixed-term employees;
- (c) casual employees; and
- (d) temporary agency staff and contractors.

They help employees manage
and guide staff more
effectively.

Workplace policies define what
is acceptable and unacceptable
in business.

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3 Email

All email is the property of Smart Co. Pty. Ltd. and may be managed by appropriately authorised Smart Co. Pty. Ltd. personnel.

Adj Professor, Dr Brett Davies -
Partner

All existing Smart Co. Pty. Ltd. policies apply to email usage, particularly (but not exclusively) those that relate to intellectual property protection, privacy, misuse of company resources, harassment, discrimination, bullying and victimisation, information and data security and confidentiality.

Email content must not be detrimental to, nor adversely affect, the reputation and operations of Smart Co. Pty. Ltd., its employees, clients or customers. Employees are responsible, and accountable, for their use of email and for the format and content of messages sent by them.

At times, employees may receive emails which they have not solicited or encouraged and which breach Smart Co. Pty. Ltd. email standards. In these instances, such emails must not be forwarded, but deleted, and reasonable steps to prevent a reoccurrence should be taken.

4 Internet

As a business tool, the internet represents a considerable commitment of telecommunications, networking, software and storage facilities. It therefore needs to be used primarily for business purposes.

Unnecessary or unauthorised internet usage can severely compromise Smart Co. Pty. Ltd., so Smart Co. Pty. Ltd. reserves the right to monitor and record internet usage and web browsing activity of all of its employees whilst at work.

All existing Smart Co. Pty. Ltd. policies apply to internet usage, particularly (but not exclusively) those that relate to intellectual property protection, privacy, misuse of company resources, harassment, discrimination, bullying and victimisation, information and data security and confidentiality.

Internet activity must not be detrimental to, nor adversely affect, the reputation and operations of Smart Co. Pty. Ltd., its employees, clients or customers.

5 Prohibited email and internet activity

Employees must not use, and must not allow others to use, the internet services of Smart Co. Pty. Ltd. for any of the following:

- (a) harassment of any group or individual;
- (b) accessing, downloading or distributing any pornographic or other offensive material;
- (c) trafficking in confidential customer or client information;
- (d) broadcasting e-mails of a defamatory nature;
- (e) hacking or entering into any email communications that may be deemed unlawful;
- (f) propagation of unsolicited bulk email (also known as spam);
- (g) distribution of material that is defamatory, abusive, menacing, threatening, harassing or illegal under legislation where transmissions are sent from, viewed or received;
- (h) transmission of unsolicited mail, advertising material or any other material which is offensive or indecent or otherwise contrary to law or relevant Smart Co. Pty. Ltd. policies;
- (i) unauthorised copy or distribution of material such as copyrighted works or confidential information;
- (j) commission of a crime, activity in the course of commission of a crime or for an unlawful purpose;
- (k) activities carried out in a manner which could expose Smart Co. Pty. Ltd., or any entity with which it conducts business, to loss or liability;
- (l) actions that may damage the network or systems or cause impairment of their quality and integrity; or
- (m) activities that do not comply with the operating procedures, policies and behavioural standards of Smart Co. Pty. Ltd..

Any employee found to have breached this policy in any way will be subject to disciplinary action. The disciplinary action may include termination of employment.

6 Further information

If you require additional information, please speak with your manager.

Information technology (IT) includes the use of computers to store, retrieve, submit and manipulate data and information.

This policy is especially useful if you operate online IT facilities, including internet and email.

Adj Professor, Dr Brett Davies-
Partner

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Annual leave policy

1 Purpose

- (a) Smart Co. Pty. Ltd. endorses an appropriate work/life balance. Smart Co. Pty. Ltd. encourages employees to have a break from the workplace by taking all annual leave available, in the year in which it accrues.
- (b) This policy aims to ensure that managers are able to meet workplace resourcing needs and give each employee the opportunity to take annual leave, at a time which is mutually convenient to both Smart Co. Pty. Ltd. and the employee.

2 Eligibility

This policy applies to:

- (a) permanent employees (including full time and part time)
- (b) fixed-term employees.

3 Entitlement

3.1 Permanent and fixed-term employees

Permanent and fixed-term employees are entitled to 4 weeks of paid annual leave for each completed year of service with Smart Co. Pty. Ltd. in accordance with the National Employment Standards. An employee's entitlement to annual leave accrues progressively during each year of service and accumulates from year to year.

3.2 Annual leave provision for shift employees

- (a) A shift worker is an employee who:
 - (i) is employed in an area where shifts are continuously rostered 24 hours a day for 7 days a week;
 - (ii) is regularly rostered to work those shifts; and
 - (iii) regularly works on Saturdays or Sundays and public holidays.
- (b) Shift workers will also be entitled to an additional 1 week of annual leave per completed year of service with Smart Co. Pty. Ltd..

If an employee is covered by an industrial instrument such as an award or enterprise agreement, your entitlements are as set out therein. And those clauses are subservient to those requirements.

4 Taking annual leave

- (a) An employee may take annual leave if:
 - (i) annual leave is credited to him or her; and

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- (ii) his or her manager approves the taking of leave.
- (b) An employee who takes a period of annual leave will receive payment during the period of leave at his or her normal hourly rate.

5 Applying for annual leave

- (a) Employees are encouraged to take annual leave as soon as practicable after the leave accrues, having regard to the needs of Smart Co. Pty. Ltd..
- (b) Employees are encouraged to take their respective annual leave in periods of at least 10 consecutive working days to ensure a sufficient break from work. Shorter periods, including single or half-days, may be taken by agreement between the employee and his or her manager.
- (c) To ensure adequate staffing during periods of leave, employees are expected to apply for leave as far as practicable ahead of the commencement of the leave.

6 Cancellation of annual leave

If an employee wishes to request to cancel an application for annual leave due to unforeseen circumstances, the employee should immediately advise his or her manager.

7 Excessive annual leave

Employees who have accrued excessive annual leave will be encouraged to take a portion of their leave. Smart Co. Pty. Ltd. may, subject to any applicable award or agreement provisions, direct any employee who has excessive accrued annual leave to take a portion of his or her annual leave.

8 Public holidays and annual leave

Any statutory public holidays that fall during a period of annual leave are recognised as a public holiday and not considered to be annual leave.

9 Illness or injury whilst on annual leave

- (a) If an employee suffers from a personal illness or injury while he or she is on a period of paid annual leave, the employee may take paid personal leave while on annual leave. The period during which the employee is taken to be on paid personal leave will not be considered annual leave and will be credited to the employee.
- (b) The usual notice and evidence requirements in relation to personal leave contained in the *personal leave policy* will apply.

10 Use of annual leave for family or sick leave reasons

In situations where an employee has exhausted all personal leave and he or she is ill or requires time off work for personal reasons, their manager may ask the employee to consider applying for annual leave rather than leave without pay. The manager cannot, however, force an employee to take annual leave.

11 Payment of annual leave on termination

- (a) On termination of employment, employees will receive payment for any accrued but untaken annual leave.

- (b) Where annual leave has been taken in advance of it accruing, resulting in a negative leave balance, then, to the extent permitted by law, this amount will be deducted from the employee's final pay.

12 Further information

If you require further information, please speak with your manager.

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Dr Brett Davies

Partner

Legal Consolidated Barristers & Solicitors

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Anti discrimination policy

1 Purpose

Smart Co. Pty. Ltd. is committed to providing a workplace free of all forms of discrimination. It is an employee's right to be treated with dignity and respect and it is also the employee's responsibility to treat others the same way.

Smart Co. Pty. Ltd. is committed to meeting its legislative obligations relating to discrimination, and will take all reasonable, practicable steps to provide and maintain a working environment free from behaviours and actions that may be discriminatory.

An internal grievance resolution process assists employees to raise issues of concern, and all complaints will be treated confidentially, seriously and sympathetically. No employee will be penalised or disadvantaged as a result of raising any genuine concern or complaint.

2 Application of this policy

This policy applies to all activities, and people involved in those activities, that take place

- (a) on work premises;
- (b) elsewhere where activities are undertaken in the course of employment; and
- (c) at work-related activities, such as social functions.

The policy applies to employees, contractors, customers and visitors.

Relevant and appropriate disciplinary action will be taken against anyone found to have breached this policy.

3 What is discrimination?

Discrimination occurs when a person is treated less favourably than another person as a result of that person's individual characteristics, or because that person belongs to a particular group.

Discrimination on the basis of the following characteristics is unlawful:

- (a) race (including colour, nationality, religion, ethnic or ethno-religious origin);
- (b) sex (including marital status, pregnancy or potential pregnancy, breastfeeding);
- (c) sexuality (including sexual preference, transgender status or homosexuality);
- (d) disability (including physical, psychiatric or intellectual disabilities);
- (e) age;
- (f) illness or injury;
- (g) parental status or responsibilities as a carer; or

Some policies may not be currently relevant to your business. Ignore these. Do not provide copies of them to your employees.

In other word, you do not need to use every policy. Just use the policies that are beneficial to your business.

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- (h) membership or non-membership of a union.

No employee is permitted to engage in discriminatory conduct in relation to his or her treatment of other employees, contractors, customers and visitors (including members of the public).

Discrimination can be either direct or indirect.

4 What should employees who have a complaint do?

Smart Co. Pty. Ltd. aims to resolve all complaints about discrimination which may arise at the workplace. Smart Co. Pty. Ltd. can only do this if employees inform the company about their complaints.

Smart Co. Pty. Ltd. aims to treat all complaints about discrimination seriously, quickly and as confidentially as is reasonably possible.

If you think you are being unlawfully discriminated against, you should not ignore the conduct, hoping it will go away. If you can, you should speak to the person responsible for the conduct and ask that person to stop. If you do not feel that you can do this, or it doesn't work, you should talk to your manager.

Your manager may be contacted at any time to discuss any complaint or enquiry. You may approach them for general advice or to discuss any issue.

Your manager may also investigate complaints. Depending on what you want and on the nature of the complaint, it might be appropriate for Smart Co. Pty. Ltd. to make a formal determination about what has happened, and to make a decision about what the consequences should be.

5 Conduct which breaches this policy

Conduct which breaches this policy is unacceptable and, depending on the severity and circumstances, may lead to disciplinary action. This will apply regardless of the seniority of the particular employee involved.

Smart Co. Pty. Ltd. must take appropriate disciplinary action against an employee who is responsible for, or engages in, any form of unlawful discrimination.

Disciplinary action might include any of:

- (a) demotion;
- (b) a requirement to provide a written or verbal
- (c) a formal warning;
- (d) a requirement to attend training or counselling; and
- (e) dismissal.

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6 Further information

If you require further information, contact your manager.

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Confidentiality policy

1 Obligation

It is a condition of the employment of all employees of Smart Co. Pty. Ltd. that employees agree to keep all Confidential Information (as defined in this policy) confidential.

Employees agree to not disclose or make public any Confidential Information without the prior written approval of Smart Co. Pty. Ltd..

Each employee of Smart Co. Pty. Ltd. acknowledges and agrees that the Confidential Information is, and remains at all times, the exclusive property of Smart Co. Pty. Ltd.. No employee may have, nor assert, any proprietary or intellectual interest or right in the Confidential Information

A breach of these obligations of confidentiality by any employee of Smart Co. Pty. Ltd. will be regarded by Smart Co. Pty. Ltd. as serious misconduct. Smart Co. Pty. Ltd. reserves the right, if an employee commits such breach, to commence disciplinary action or terminate the employee's employment without notice.

2 Definitions

Confidential Information means any trade secret belonging to, Smart Co. Pty. Ltd., or any Related including, but not limited to, any such information

- (a) customers or clients;
- (b) customer lists or requirements;
- (c) suppliers;
- (d) terms of trade;
- (e) pricing lists or pricing structures;
- (f) marketing information and plans;
- (g) Intellectual Property;
- (h) Inventions;
- (i) business plans or dealings;
- (j) technical data;
- (k) employees or officers;
- (l) financial information;
- (m) plans, designs, product lines;
- (n) any document identified as being confidential by Smart Co. Pty. Ltd.;

Confidentiality policy provides information for employees for their obligations of confidentiality for sensitive information and intellectual property.

[Build your Workplace Policies](#)

- (o) research activities; and
- (p) software and the source code of any such software.

Confidential Information does not include information which:

- (q) is generally available in the public domain; and
- (r) was known by you prior to the disclosure by Smart Co. Pty. Ltd., its employees, representatives or associates.

Intellectual Property means all intellectual proprietary rights, whether registered or unregistered, and whether existing under statute, at common law, or in equity throughout the world including, without limitation:

- (a) all trademarks, trade names, logos, symbols, brand names or similar rights, registered or unregistered designs, patents, copyright, circuit layout rights, trade secrets and the right to have confidential information kept confidential; together with
- (b) any application, or right to apply, for any rights referred to in (a) above.

Inventions means any invention, discovery, idea, development, process, plan, design, formula, specification, program or other matter or work whatsoever, including any and all improvements made to any matter or work.

Related Body Corporate has the meaning given in section 50 *Corporations Act 2001* (Cth).

3 Conduct which breaches this policy

Conduct which breaches this policy is unacceptable.

Depending on the severity and circumstances, breach of this policy may lead to disciplinary action, regardless of the seniority of the particular employee involved.

Disciplinary action might include any of:

- (a) demotion;
- (b) a formal warning; and
- (c) dismissal.

4 Further information

If you have any questions about this policy, please speak with your manager.

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Conflict of interest policy

1 Overview

Every employee owes a duty of loyalty to his or her employer. This duty arises from the employee's employment contract.

Employees of Smart Co. Pty. Ltd. must not act in a manner contrary to the interests of Smart Co. Pty. Ltd.. Where there is a conflict between an employee's personal interests or the interests of Smart Co. Pty. Ltd., the latter must prevail.

2 Purpose

This policy provides guidance on the management of conflicts of interest in relation to employees and contracted staff of Smart Co. Pty. Ltd., and its subsidiaries.

3 Application

This policy applies to all employees. For the purpose of this policy, an "employees" includes:

- (a) permanent employees (including full time and part time);
- (b) fixed-term employees;
- (c) casual employees;
- (d) temporary agency staff; and
- (e) contractors,

engaged by Smart Co. Pty. Ltd..

Conflict of interest policy is used if you engage employees or contractors.

4 What is a conflict of interest

A conflict of interest arises where the interests of employees are different to, and conflict with, the interests of Smart Co. Pty. Ltd.. A conflict of interest exists when it is likely that an employee could be influenced, or could be perceived to be influenced, by a personal interest in carrying out his or her duties as an employee of Smart Co. Pty. Ltd..

For the purposes of this policy, a reference to a "conflict of interest" includes:

- (a) actual conflicts of interest;
- (b) potential conflicts of interest; and
- (c) situations that may give rise to an appearance of conflicts of interest.

Employees must be particularly sensitive to potential conflicts of interest, and situations that could be perceived as a conflict of interest, due to the public interest in Smart Co. Pty. Ltd. and its status as a wholly-owned government company.

Conflicts may not necessarily be personal to employees. Conflicts of interest may arise where the interests of family, friends or close personal or business associates or business partners of employees conflict with those of Smart Co. Pty. Ltd..

5 What are some examples of situations where a conflict of interest may exist?

5.1 Conflicts of interest arise in a variety of circumstances

Because a conflict of interest can arise in a wide variety of circumstances, it is not possible to detail every situation that may lead to a conflict of interest.

However, some examples of actual or potential conflict situations are set out below.

5.2 Personal interest in third parties

A conflict may arise where an employee has a personal interest in a third party which has a business relationship with Smart Co. Pty. Ltd.. For example, an organisation that:

- (a) conducts business with, or seeks business from, Smart Co. Pty. Ltd.;
- (b) Smart Co. Pty. Ltd. seeks business from;
- (c) competes with Smart Co. Pty. Ltd..

An employee will have a personal interest in a third party if the third party is a family member, associate, director or shareholder of the third party.

The purpose of Conflict of interest policy is to provide guidance on the management of conflicts of interest in relation to employees and contracted staff of the company, or its subsidiaries.

5.3 Positions outside of Smart Co. Pty. Ltd.

In some cases, a conflict will arise where an employee holds a position outside of Smart Co. Pty. Ltd.. This does not necessarily mean that such outside positions are prohibited, however employees must notify Smart Co. Pty. Ltd. of any such position before it is accepted, so that an assessment can be made of whether a conflict exists and, if so, how to manage it.

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5.4 Employee and contractor referrals

An employee who introduces an associate to Smart Co. Pty. Ltd. as a potential employee must not be involved in the selection process. Smart Co. Pty. Ltd. should be informed of the situation, so that an assessment can be made of whether a conflict exists and, if so, how to manage it.

5.5 Procurement and business dealings

An employee who uses his or her position at Smart Co. Pty. Ltd. to do business with a third party with which he or she, or his or her associate, has an interest, may have a conflict. Smart Co. Pty. Ltd. should be informed of this, so that an assessment can be made of whether a conflict exists and, if so, how to manage it.

5.6 Accepting gifts and benefits

An employee who receives more than a token gift or benefit (including meals, hospitality, accommodation or travel, among other things) from a third party in connection with his or her duties for Smart Co. Pty. Ltd. may have a conflict. Smart Co. Pty. Ltd. should be informed, so that an assessment can be made of whether a conflict exists and, if so, how to manage it.

For the purpose of this policy, a gift or benefit will be regarded as being more than token if its value is more than \$200.

6 Roles and responsibilities

6.1 Considering and avoiding conflicts of interest

Each employee is responsible for ensuring that, in all of his or her dealings, he or she considers whether an actual or potential conflict of interest arises.

Employees must take all reasonable measures to avoid conflict of interest.

6.2 Reporting conflicts of interest

In some circumstances, it may not be possible to avoid a conflict of interest situation. There may be circumstances in which there is a reasonable basis on which to believe that a conflict of interest situation may arise, or in which there may be the appearance of a conflict of interest situation. In each of these circumstances, an employee must immediately disclose the conflict to Smart Co. Pty. Ltd. by:

- (a) emailing *the details of the conflict* to his or her manager

6.3 Reporting changes in conflicts of interest

Where a conflict of interest situation changes, an employee must immediately disclose the change by way of:

- (a) emailing *the details of the conflict* to his or her manager

Where there is any doubt as to whether a conflict may exist, employees should seek guidance from their managers and, if necessary, approval from Smart Co. Pty. Ltd., before engaging in the activity that may constitute a conflict of interest.

7 How will conflict of interest situations be handled?

Conflict of interest situations will be dealt with by Smart Co. Pty. Ltd. on a case by case basis.

Smart Co. Pty. Ltd. will maintain a confidential register of potential conflicts of interest that have been disclosed to Smart Co. Pty. Ltd..

In many cases, Smart Co. Pty. Ltd. may not require anything to be done after the interest is disclosed. However, in some cases Smart Co. Pty. Ltd. may find it necessary to direct the employee to take actions. Actions may include undertaking alternative duties, disposing of the interest, or both.

8 A breach of the policy

Failure to comply with the obligation to disclose actual or potential conflicts of interest may lead to disciplinary action being taken by Smart Co. Pty. Ltd., including the warnings, termination of employment, or both. This action is in accordance with the relevant applicable policies.

9 Further information

If you require additional information in relation to this policy, or you have any suggestions for improvement to this policy, please contact your manager.

Build this legal document at
<https://www.legalconsolidated.com.au/workplace-policies/>

Telephone us if you need help to complete the questions.

Adj Professor, Dr Brett Davies - Partner

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Drug and alcohol policy

1 Policy

Employees are expected to maintain the highest professional standards when conducting Smart Co. Pty. Ltd. business. The consumption of, or being under the influence of, alcohol during working hours, and the distribution, possession or use of illegal drugs, are detrimental to this goal.

Alcohol and substance abuse are a danger to the users, fellow employees and the general public. Such abuse impairs the health and judgment of the user and is a threat to the safety of others.

Smart Co. Pty. Ltd. is committed to providing an alcohol and drug free environment for all employees at all employment related locations. Accordingly, all employees acknowledge that no alcohol is to be consumed or illegal drugs used by employees during their working hours, including breaks.

Any legalised drugs or medically prescribed drugs which affect performance should be reported to the manager. It's important to respect the employee's right to privacy in discussions that touch on medical issues. The employee acknowledges that Smart Co. Pty. Ltd. has a legitimate interest in ensuring that any medications the employee takes are used in a responsible manner and will not affect job performance.

2 Guidelines

2.1 Alcohol

Reporting to work or working under the influence of a consumption of alcohol during working hours or on S

While it is a personal decision to lawfully use alcohol, interfere with the official and safe performance of the individual's duties, nor reduce his or her dependability, nor reflect on the employee or Smart Co. Pty. Ltd..

2.2 Drugs

The manufacture, distribution, possession, disposition, sale, purchase of or use of illegal drugs by Smart Co. Pty. Ltd. employees is prohibited.

An employee may not report to work, nor perform work, while under the influence of any illegal drug. An employee may not report to work, nor perform work, if his or her judgment, coordination, or performance could reasonably become impaired during work due to the use of an illegal drug or substance.

3 Testing

3.1 Reasonable suspicion of alcohol or illegal drug use

Where there is reasonable suspicion that an employee is under the influence of alcohol or is using illegal drugs during working hours, the employee must cease work immediately.

Drugs and alcohol policy provides an outline of your policy on the use and or abuse of drugs and alcohol in the workplace.

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Reasonable suspicion must be based on a reasonable and clearly definable belief that the employee is under the influence of alcohol or is using an illegal drug on the basis of specified, contemporary physical, behavioural, or performance indications of probable alcohol or drug use.

3.2 Testing

In consultation with the employee, and their nominated representative, Smart Co. Pty. Ltd. reserves the right to require the employee to participate in a drug or alcohol test. Smart Co. Pty. Ltd. may also require the employee to undertake counselling or rehabilitation before return to work is scheduled.

The presence of any detectable or observable amount of alcohol or drugs in an employee is prohibited, and any infraction of these rules will result in disciplinary action.

A breach of this policy may initiate appropriate action, including the termination of employment or subcontractor agreement.

4 Employee assistance

Smart Co. Pty. Ltd. recognises that drug and alcohol abuse can be successfully treated and is committed to helping employees who suffer from these problems, while holding them responsible for their own recovery.

The intent of this policy is to offer a helping hand to those who need it. Smart Co. Pty. Ltd. will provide any necessary information to employees who suffer from such abuse, and referral to an appropriate treatment provider in the event that treatment is required.

Personal or other leave may be made available for any incidental time

Arrangements to take appropriate leave will be made with the employee's supervisor for periods of time off work, based on the advice of a treatment provider and a medical certificate.

Any information regarding an employee's condition is treated in the strictest confidence in accordance with the *Privacy Act 1998* (Cth). No referrals are made to other parties without the permission of the employee involved.

5 Accommodating employee treatment options

Smart Co. Pty. Ltd. acknowledges that employees may be prescribed medication that may impact their ability to perform their role. These may include medically prescribed anti-psychotics.

In accordance with the *Disability Discrimination Act 1992*, Smart Co. Pty. Ltd. will make reasonable adjustments to accommodate the effects of an employee's illness, as long as the adjustments do not cause an unjustifiable hardship to the business.

Smart Co. Pty. Ltd. requires a medical certificate from employees who are affected by prescribed medication.

6 Employee use of legalised drugs

Should a drug or substance be decriminalised or legalised, it is essential that Smart Co. Pty. Ltd. should ensure such use does not interfere with the official and safe performance of the individual's duties, nor reduce his or her dependability, nor reflect on the employee or Smart Co. Pty. Ltd..

Drugs and alcohol policy applies to employees and contractors. It guides employees on how to act and clarifies how you expects employees to perform and behave in the

With the exception of medically prescribed substances, Smart Co. Pty. Ltd. does not tolerate employees consuming or being under the influence of drugs during work hours or in the workplace.

7 Further information

If you require further information, please speak with your manager.

*Policy statements are important.
Workplace policies underpin how human
resources management issues are dealt
with at your business. It communicated
your values and expectations of
employee performance and behaviour.*

[Build your Workplace Policies](#)

Adj Professor, Dr Brett Davies - Partner

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Employee standard of conduct guidelines

1 Introduction

Smart Co. Pty. Ltd. is committed to offering its employees an innovative and rewarding environment that encourages and fosters excellence.

These employee conduct guidelines help to guide employees on how to act, and clarify how Smart Co. Pty. Ltd. expects employees to perform.

2 Work ethic

Employees are expected to perform their duties to the maximum of their ability and deliver acceptable objectives to Smart Co. Pty. Ltd..

3 Safety

Employees are expected to follow health and safety guidelines and procedures and to be aware of, and report, any potential hazards.

4 Confidentiality

Unauthorised disclosure of Smart Co. Pty. Ltd. information, regarding either Smart Co. Pty. Ltd. or its employees, is prohibited.

5 Personal conduct

Employees are expected to act in a courteous, respectful manner at all times when dealing with fellow employees, suppliers, contractors, customers and the general public.

Employees are expected to adhere to dress and presentation standards in accordance with the Smart Co. Pty. Ltd. guidelines.

6 Fair business

Employees are expected to behave honestly and openly and with integrity in their dealings with Smart Co. Pty. Ltd.. Employees must not mislead or defraud fellow employees, customers, suppliers, contractors or Smart Co. Pty. Ltd. in general.

7 Working environment

All employees have a legal obligation not to discriminate or harass any employee, agent, contract worker, supplier or visitor.

Employees are not permitted to smoke on Smart Co. Pty. Ltd. premises, except in designated smoking areas.

8 Gifts, conflict of interest and ethical conduct

Other than in the course of routine business, employees must not accept cash, gifts or gratuities from a supplier, agent, customer or contractor for any reason. Employees must not put themselves in a position where their interests conflict with those of Smart Co. Pty. Ltd..

9 Obligation to disclose relevant information

Employees are obliged to inform Smart Co. Pty. Ltd. of any change in their circumstances that may affect their ability to perform their normal duties.

10 Use of company assets

Employees must not deliberately misuse or damage the property of Smart Co. Pty. Ltd. in their possession, care or custody. Employees must not use the assets, intellectual property or the services of other employees (including contractors) of Smart Co. Pty. Ltd. for private use or gain.

11 Change

Smart Co. Pty. Ltd. expects employees to remain open minded about change in the work place, and to collaboratively support and embrace new ideas and programs.

12 Environment

Employees are responsible for maintaining and protecting the environment.

Employees are expected to consider the impact of their actions on the environment and local community, including in relation to the disposal of waste, use and storage of chemicals, and use of natural resources.

13 Employee assistance program

Smart Co. Pty. Ltd. offers confidential access to members. The employee assistance program helps resolve or deal with personal problems and issues in life.

14 Further information

If you require further information, please speak

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Smart Co. Pty. Ltd.

ABN 12 345 678 999

Grievance policy

1 Intent

The intent of this policy is to provide a process for the quick and effective resolution of workplace grievances. Grievance resolution is the process by which solutions are sought in response to an employee complaining or expressing concerns about (or perceptions of) problems in the workplace.

2 Scope

This policy applies to all employees.

3 Policy and procedures

3.1 General Provisions

Smart Co. Pty. Ltd. has developed procedures for the resolution of complaints, grievances or problems raised by employees, where the complaints relate to work, the work environment or working relationships. These procedures emphasise a collegial approach to grievance resolution through informal procedures and mediation and are designed to lead to a prompt and fair resolution of difficult problems.

Smart Co. Pty. Ltd. and employees concerned are entitled to fair treatment in relation to these procedures.

3.2 Policy not available for discrimination

Grievance procedures are not available in matters of discrimination, workplace bullying and harassment or victimisation, for which specific Smart Co. Pty. Ltd. policies and complaint procedures apply.

While the parties to the grievance attempt to resolve the matter in accordance with this policy, work must continue as normal, other than with respect to bona fide health and safety issues, while the matter is being dealt with in accordance with this policy.

3.3 Common problems

Where two or more employees believe that they have an identical or common problem, they may take action together and the matter will be dealt with as a single grievance.

Where the employee and the manager agree, the time limits set out in this policy may be extended.

3.4 Other avenues of resolution

These procedures do not pre-empt, limit, or delay an employee or the manager the right to concurrently pursue other avenues of resolution.

These procedures do not pre-empt, limit, or delay the right of the employee to enter into direct negotiations with Smart Co. Pty. Ltd. to resolve grievances or to address matters of mutual concern.

Grievance policy provides a process for the quick and effective resolution of workplace grievances, regardless of the size of the workplace.

Where the employee and *manager* agree, the grievance process may begin at stage 3 (see section 32.1 of this procedure).

4 Informal grievance resolution

4.1 Attempt informal resolution first

Employees and Smart Co. Pty. Ltd. are encouraged to attempt informal grievance resolution prior to resorting to a more structured process.

This informal process does not require documentation. However, supervisors should make sufficient notes if they participate in the process.

4.2 Who should the employee contact?

Ideally, an employee raising a grievance should try to resolve the matter with the person against whom the grievance exists. Where the grievance is in relation to a process, and does not involve another person, the employee should involve his or her immediate supervisor. Either party to the grievance may choose to involve his or her supervisor to facilitate resolution at this informal level.

Where the matter is related to conditions of work (e.g. workload), the employee should attempt to resolve the matter with his or her supervisor, in consultation with the supervisor's manager. Where the supervisor is involved to facilitate resolution, the grievance may be lodged by the complainant verbally, or in writing. If in writing, it must be signed and dated.

4.3 Resolution process

Parties to the grievance should endeavour to:

- (a) amicably discuss the matter;
- (b) identify all perspectives of the issue at hand
- (c) come to a mutually agreeable conclusion.

Some policies may not be currently relevant to your business. Ignore these. Do not provide copies of them to your employees.

4.4 Outcome of resolution process

A successful outcome to an informal grievance process consists of all parties having had an opportunity to present their stories, consensus by all on the decisions made and any provisions for resolution of the grievance. The parties should feel capable of working together in a professional capacity.

If resolution is not achieved at the informal stage because:

- (a) the grievance is of a more complex nature;
- (b) the parties believe the informal process is not appropriate; or
- (c) the complainant feels uncomfortable about approaching the subject of the complaint;

then, formal grievance resolution should be undertaken.

5 Formal grievance resolution

Similar to the informal process, formal grievance resolution entails meetings and discussions between involved parties, facilitated and documented by management, to achieve grievance resolution.

5.1 Stage 1: Supervisor conciliation

Raising a grievance

In most instances, an employee who is raising a grievance (**complainant**) should first raise that grievance with his or her immediate supervisor (**immediate supervisor**). If the grievance is in relation to the immediate supervisor, the employee should raise the grievance with the supervisor's manager, and the process should escalate immediately to Stage 2: Management level conciliation.

The supervisor will determine the most appropriate process or intervention for the grievance. In making such determination, the nature of the grievance and the needs of all parties will be considered.

Lodgement of grievance

A formal grievance must be lodged in writing, containing sufficient information to be assessed. The employee can access support from his or her supervisor or manager or other person of his or her choice to write the grievance documentation. It must be signed and dated. Where there is more than one grievance, the employee must sign the document.

Negotiation

The immediate supervisor should then discuss the matter with the parties and other relevant individuals and attempt to informally negotiate a satisfactory solution. The immediate supervisor may elect to have one-on-one discussions, or to arrange a meeting of the relevant parties, depending on the nature of the grievance.

Documentation

The immediate supervisor must take sufficient notes to identify the nature of the complaint and the outcome of the process. When the situation has been resolved, all documentation should be provided to the manager for record keeping.

Resolution

Resolution may include general discussion and conciliation, or may involve action such as staff training, changing office seating arrangements, transferring staff, or reallocating work responsibilities.

At the resolution stage of the grievance, the supervisor must ensure that all parties are advised of the outcome. This communication should, where possible, take place in person. It may be appropriate for such outcomes to also be documented in writing to all parties.

Where a grievance cannot be resolved in this stage, it is to be referred to the immediate supervisor's manager (**manager**), who should work to resolve the matter.

5.2 Stage 2: Management level conciliation

The grievance should be referred to the manager, who should work to resolve the matter. The same steps as Stage 1: Supervisor conciliation should be followed.

The manager must notify his or her manager immediately upon a grievance being progressed to stage 2.

In other words, you do not need to use every policy. Just use the policies that are beneficial to your business.

*Adj Professor, Dr Brett Davies -
Partner*

5.3 Stage 3: Escalated conciliation

Where the grievance cannot be resolved at Stage 1: Supervisor conciliation or Stage 2: Management level conciliation, the manager involved in stage 2 must advise the complainant that the complaint will be referred to the manager of human resources or relevant position.

The manager or relevant position must provide the manager or relevant position with all relevant documentation on the grievance, together with a written report signed and dated by the manager, outlining the steps that have already been taken to resolve the matter.

The manager or relevant position will consider a range of options to resolve the grievance and may involve external agencies, such as a qualified investigator or mediator or both, in this process.

The manager or relevant position has responsibility for managing the successful conclusion of this process.

6 Timeframe for grievance resolution

Grievances should be addressed in a timely manner.

Each stage should provide for a timeframe of at least 5 working days. The immediate supervisor should advise the parties to the grievance of the specified resolution timeframe at the commencement of the resolution process if it is to be longer than 5 working days. If an extension to the prescribed timeframe is required due to the complexity of a grievance, this must be negotiated and communicated to all parties.

7 Roles and responsibilities

7.1 Complainant

In electing to lodge a grievance, a complainant accepts that he or she has a responsibility to seek and support resolution of the issue or issues, and to cooperate with the process. A complainant must be prepared to provide evidence of his or her assertions.

A complainant may withdraw a grievance at any time. Written grievances should be withdrawn in writing and the person responsible for that stage of the resolution process must be advised. All parties to the grievance will be advised by the immediate supervisor, manager or relevant department (as appropriate) that the grievance has been withdrawn.

The following rights apply to a complainant:

- (a) he or she must not be victimised for lodging a grievance;
- (b) he or she must be able to nominate his or her own witness or witnesses if there is an internal or external investigation into the complaint;
- (c) he or she must have the right to seek the support and advice of a support person, occupational health and safety representative, friend or colleague; and
- (d) he or she may have an interpreter present at an investigation interview if required.

If, at any stage of the grievance resolution process, Smart Co. Pty. Ltd. is satisfied that a grievance is frivolous, vexatious, misconceived or lacking in substance, the complaint may be dismissed. A finding that a complaint has been made frivolously or vexatiously may lead to disciplinary action against the complainant under the relevant discipline policy of Smart Co. Pty. Ltd..

7.2 Subject of the complaint

The subject of the complaint must have a commitment to seek and support resolution of the issue or issues and cooperate with the process.

The following rights apply to the subject of the complaint:

- (a) he or she must not be victimised for being the subject of a grievance;
- (b) where some sense of culpability may be attached to the grievance, the subject of the complaint will be treated as innocent until proven otherwise;
- (c) he or she is able to nominate his or her own witness or witnesses if there is an internal or external investigation into the complaint;
- (d) he or she must have the right to seek the support and advice of a support person, occupational health and safety representative, friend or colleague; and
- (e) he or she may have an interpreter present at an investigation interview if required.

7.3 Immediate supervisor

An immediate supervisor is responsible for:

- (a) receiving the grievance (either written or verbal);
- (b) coordinating and facilitating the resolution of the grievance;
- (c) advising the parties of their rights, obligations and the process as outlined above;
- (d) communicating regularly with the parties on the process and progress of the grievance;
- (e) maintaining an appropriate level of documentation which should be kept in a confidential file in secure storage;
- (f) notifying his or her superior immediately upon a grievance being progressed to Stage 2: Management level conciliation;
- (g) ensuring that the grievance resolution timeframe is adhered to or, if this is not possible, an alternate timeframe is to be negotiated with all parties; and
- (h) ensuring that the principles of natural justice and procedural fairness are applied to the resolution of all employee grievances.

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In relation to 7.3(h), above, each affected party must have the opportunity to answer, or otherwise deal with, any matter which is raised against him or her. Where concerns relating to bias or conflict of interest are raised by a party to a grievance, Smart Co. Pty. Ltd. is obliged to consider the issues that have been raised. The basis of the decision arising from consideration of the issues is to be communicated to the parties.

8 Confidentiality

Confidentiality means that, apart from the supervisor or manager involved, the only persons entitled to information about a grievance will be:

- (a) the complainant;
- (b) the subject of the complaint; and

- (c) others to whom the matter may be referred as part of the resolution process.

When dealing with a grievance, immediate supervisors and managers must ensure that all parties are aware that confidentiality must be maintained at all times.

A breach of confidentiality may result in disciplinary action under the relevant discipline policy of Smart Co. Pty. Ltd..

9 Documentation

The management and resolution of grievances must be documented appropriately. Documentation should:

- (a) describe clearly and concisely the process;
- (b) describe clearly and concisely the grounds on which decisions have been made;
- (c) be dated and signed by relevant parties.

10 Record keeping

All documentation associated with a grievance and a formal grievance resolution process will be kept in confidential files. These shall be kept separately from the personnel files of both the complainant and the subject of the complaint. Only when a complaint results in disciplinary action or involves substandard performance will any relevant grievance information be placed on a personnel file. If such documentation is to be placed on a personnel file, the immediate supervisor or manager must advise the employee.

11 Further information

If you required further information, please speak with your manager.

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Harassment and bullying policy

1 Application

1.1 Right to dignity and respect

It is an employee's right to be treated with dignity and respect, and it is an employee's responsibility to treat others the same way.

In this policy, the term "employee" includes employees, workers, contractors, outworkers, apprentices, trainees, work experience students and volunteers.

1.2 Application of policy

Smart Co. Pty. Ltd. is committed to providing a workplace free of all forms of harassment and bullying, as prescribed by Commonwealth and state legislation. Smart Co. Pty. Ltd. is committed to meeting its legislative obligations relating to harassment and bullying, and will take all reasonable, practicable steps to provide and maintain a working environment free from these behaviours.

This policy applies to all activities, and all people involved in those activities, that take place on work premises and where activities are undertaken in the course of employment, or at work-related activities, such as social functions. This policy covers employees, contractors, customers and visitors.

An internal grievance resolution process assists employees to raise issues of concern. All complaints will be treated confidentially, seriously and sympathetically. No employee will be penalised or disadvantaged as a result of raising any genuine concern or complaint.

Relevant and appropriate disciplinary action will be taken against anyone found to have breached this policy.

2 Harassment

2.1 What is harassment

Harassment is unwelcome behaviour which:

- (a) offends, humiliates or intimidates another person; or
- (b) is likely to offence, humiliate or intimidate another person.

The fact that no offence is intended by the behaviour does not mean that harassment has occurred. If the behaviour has the effect of being offensive, humiliating or intimidating, it is harassment, usually enough.

Harassment may occur as a single act, a series of incidents, or persistent innuendos or threats. It can take many forms, be silent or loud, subtle or openly hostile, and it may be private or public.

2.2 Examples of harassment

The following examples may constitute harassment in the workplace:

Harassment and bullying policy provides information for employees on their rights and obligations for harassment. This includes sexual harassment and bullying in the workplace.

- (a) swearing in the workplace;
- (b) gossiping about a person;
- (c) making, circulating or displaying jokes containing inappropriate or offensive content;
- (d) intrusive enquiries into another person's personal life, including his or her religion, family or private matters;
- (e) constantly monitoring what someone else is doing, giving negative criticism or "nitpicking";
- (f) openly displaying pictures, posters, graffiti or written materials which might be offensive to some; and
- (g) communications via phone, email or computer networks which are threatening, abusive or offensive to others.

3 Sexual harassment

3.1 What is sexual harassment?

Sexual harassment occurs when a person makes an unwelcome sexual advance, an unwelcome request for sexual favours or engages in any other unwelcome conduct of a sexual nature in relation to another person.

3.2 Examples of sexual harassment

Sexual harassment may take various forms, such as:

- (a) sexual advances and requests for sexual favours;
- (b) inappropriate physical contact or unnecessary familiarity;
- (c) offensive comments on physical appearance, dress or private life;
- (d) lewd jokes;
- (e) public display of pornography in the workplace, including on the internet by email, or on mobile phones;
- (f) wolf whistling;
- (g) unsolicited physical contact, such as patting or pinching;
- (h) public display of nudity; and
- (i) sexual violence, indecent or sexual assault.

Some of the above may also amount to a criminal offence.

Sexual harassment often relates to a misuse of power to create an unequal working relationship.

This policy is **not** about prohibiting friendships at work or genuine consenting relationships.

4 Bullying

4.1 What is bullying?

Workplace bullying is a form of harassment. It includes repeated, unreasonable behaviour that demeans, intimidates, victimises, threatens or humiliates people, either as individuals or as a group.

Bullying is not necessarily related to an attribute a person has. Bullying may involve a risk to the work, health and safety of employees.

4.2 Examples of bullying

Workplace bullying includes, but is not limited to, behaviours such as:

- (a) verbal abuse, threats, sarcasm or other forms of demeaning or intimidating language or communication;
- (b) psychological harassment;
- (c) physical intimidation;
- (d) putting employees through initiation rituals;
- (e) deliberate change of work duties for the purpose of
- (f) sabotage of another person's work;
- (g) placing unreasonable work demands on people;
- (h) ridiculing another's opinion;
- (i) exclusion from work activities of which the person was a part; and
- (j) threatening to take unjustified action against a person unless he or she complies with unreasonable requests.

This policy provides guidance as to what is considered unlawful behaviour and how complaints may be made to the employer.

4.3 What bullying does not include

Bullying does not cover situations where an employee feels aggrieved about legitimate and reasonable:

- (a) performance management processes;
- (b) disciplinary action in line with company policy; and
- (c) allocation of work in compliance with systems and role requirements.

5 What to do if you have a complaint?

Smart Co. Pty. Ltd. aims to resolve all complaints of harassment and bullying which may arise at the workplace. Smart Co. Pty. Ltd. can only do this if employees tell the company about their complaints.

Smart Co. Pty. Ltd. aims to treat all such complaints seriously, quickly and as confidentially as is reasonably possible.

If you think you are being harassed or bullied or both, you should not ignore the conduct, hoping it will go away. If you can, you should speak to the person responsible for the conduct and ask that person to stop. If you do not feel that you can do this, or it doesn't work, you should talk to your manager, the manager of human resource or relevant position.

The manager may also investigate complaints. Depending on what you want, and on the nature of the complaint, it might be appropriate for Smart Co. Pty. Ltd. to make a formal determination about what has happened, and to make a decision about what the consequences should be.

6 What to do if your complaint is not resolved or the bullying continues?

If the complaints process is completed and you are not satisfied that the bullying behaviour has ceased, then you may proceed to make an application to the Fair Work Commission for an order to stop the bullying. The Fair Work Commission will deal with all such applications within 14 days of lodgement.

In considering the application, the Fair Work Commission must take into account any matters the Commission considers relevant, including the:

- (a) outcomes of any investigation into the matter at a workplace level, whether undertaken by the workplace, or another person;
- (b) procedures available to resolve grievances or disputes; and
- (c) outcomes arising out of any procedure available to the employee to resolve grievances or disputes.

7 Conduct which breaches this policy

Conduct which breaches this policy is unacceptable. Depending on the severity and circumstances, breach of this policy may lead to disciplinary action, regardless of the seniority of the particular individuals involved.

Smart Co. Pty. Ltd. will take appropriate disciplinary action against an employee who is responsible for, or engages in, any form of harassment or bullying.

Disciplinary action might include any of:

- (a) demotion;
- (b) a requirement to provide a written or verbal apology;
- (c) a formal warning;
- (d) a requirement to attend training or counselling; and
- (e) dismissal.

8 Further information

If you require further information, please speak with your manager.

Smart Co. Pty. Ltd.

ABN 12 345 678 999

In-vehicle monitoring policy

1 Policy statement

In-vehicle monitoring systems will become operational in all Smart Co. Pty. Ltd. fleet vehicles.

This policy, and its subsequent distribution to all employees who have use of a Smart Co. Pty. Ltd. fleet vehicle, is intended to meet the obligations of Smart Co. Pty. Ltd. under the applicable legislation.

This policy outlines the purpose of in-vehicle monitoring, and details how data collected by the system will be used by Smart Co. Pty. Ltd.. It also regulates the management, operation and use of the in-vehicle monitoring system by Smart Co. Pty. Ltd. employees.

Employees who access surveillance data must comply with the applicable provisions of this policy and the Act. Surveillance implemented by Smart Co. Pty. Ltd. will only occur in accordance with the provisions of the Act and this policy.

2 Application

This policy applies to all employees with assigned Smart Co. Pty. Ltd. fleet vehicles.

3 Purpose

Tracking devices come in many forms and can be fixed to a vehicle or handheld. The devices are used by Smart Co. Pty. Ltd. to provide operational and safety information related to the exercise of the functions of Smart Co. Pty. Ltd..

Smart Co. Pty. Ltd. will install visible signs in all vehicles fitted with tracking devices which will inform all vehicle users that surveillance tracking is being carried out. The signs will state similar to the following:

"Tracking surveillance devices have been

The purpose of installing in-vehicle monitoring

(a) provide an automated booking service

(b) streamline the fieldwork process to

(i) customer service levels;

(ii) the ease and speed of information

(iii) and resource management (both human and capital);

(c) facilitate integrity assurance – to facilitate and reinforce the commitment of Smart Co. Pty. Ltd. to the relentless pursuit of best practice in integrity.

In-vehicle monitoring policy provides information for employees on their rights and obligations when using of work-related vehicles and the associated data collected.

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4 System overview

4.1 Monitoring system

The in-vehicle monitoring system will:

- (a) facilitate the efficient dispatch of employees into the field;
- (b) be used as an automated booking system for the purposes of scheduling field work for all employees with allocated fleet vehicles; and
- (c) allow management to view, track and report on fleet management and movements.

The new system includes an in-vehicle console that also acts as a GPS tracking system, designed to assist employees to plan, schedule and perform daily work activities. The console will also facilitate the transmission of messages between head office and fleet vehicles in all locations across your state.

4.2 Work and private use

Each vehicle will be fitted with a switch that will enable employees to differentiate between private and business use. Where employees are permitted to use the vehicle for private use, employees may select the private switch when using their vehicles outside of work hours. This switch will activate a light which will remain illuminated while the vehicle is in private use.

During normal work hours, employees will be required to de-activate the switch and corresponding light to indicate the vehicle is being used for work purposes. This function will facilitate reporting of private mileage for fringe benefits tax reporting, removing the requirement of manual log books.

4.3 Emergency

The in-vehicle monitoring system will also incorporate a duress facility by the way of a remote emergency pendant including driver ID, which will facilitate emergency response in times of crisis or accident.

5 Benefits

The new system and technology will deliver a range of benefits across a number of areas, including but not limited to:

- (a) work, health and safety;
- (b) risk management;
- (c) customer service;
- (d) work scheduling and allocation;
- (e) record keeping;
- (f) fatigue management;
- (g) manual processing;
- (h) route planning;
- (i) location of registered persons;

It outlines the general purpose of in-vehicle monitoring and details how data collected by the system is used by the employer.

- (j) maintenance of integrity;
- (k) substantiation and audit of fringe benefits tax;
- (l) fleet management;
- (m) emergency response; and
- (n) security and protection from litigation.

6 Data collection

The in-vehicle monitoring system will provide both live and historical reporting, collecting a range of data that will be used to generate two types of reports. These will be detail reports and summary reports.

7 Reports

7.1 Detail reports

Detail reports analyse vehicle activity and performance for

7.2 Summary reports

Summary reports compare vehicle performance and production

8 How data will be used

The data will only be used for legitimate work purposes or in connection with suspected corruption, illegal activity, maladministration, misuse of Smart Co. Pty. Ltd. resources and imminent threat of serious violence to persons or substantial damage to property, in accordance with section relevant applicable legislation.

Usage of fleet vehicles will be monitored centrally by Smart Co. Pty. Ltd. during work hours. In most cases, the system will not be monitored live. Rather, the system will be accessed as required, to book and allocate jobs, respond to urgent customer issues, and locate employees in cases of emergency.

The detail and summary reports may be used as part of the performance appraisal process. More specifically, to monitor the efficiency of employees during allocated work hours and to ensure that both capital and human resources are being used productively. Smart Co. Pty. Ltd. may also conduct a yearly audit of usage data as part of the fringe benefits tax audit process.

Data collected may also be used by Smart Co. Pty. Ltd. as part of investigations for disciplinary purposes and as evidence during any disciplinary interviews. If an incident or complaint against an employee is made by a member of the public, Smart Co. Pty. Ltd. may access data and historical reports to substantiate claims in the interests of maintaining the integrity of the activities of Smart Co. Pty. Ltd..

9 Data security

Smart Co. Pty. Ltd. will take all reasonable steps to protect the data it collects and the information it holds from misuse and loss from unauthorised access, modification or disclosure.

The policy also regulates the management, operation and use of the in-vehicle monitoring system by employees.

10 Access

There will be different levels of access to the in-vehicle monitoring system within Smart Co. Pty. Ltd.. Steps will be taken to restrict access to the information to only those employees who require access, and to develop an audit trail to detect unauthorised access.

Employees with fleet vehicles will be provided with limited access via a personal user profile. Users will be able to view their own details, work schedules and vehicle movements, as well as access other generic functions including route planning, message exchange and the location of registered persons (as explained in system training).

11 Privacy policy

The relevant privacy policy of Smart Co. Pty. Ltd. accords with the national privacy principles in the *Privacy Act 1988* (Cth), to protect the privacy of the information collected and is based on the *Privacy Act 1988* (Cth). Smart Co. Pty. Ltd. understands the importance of your personal information and its privacy.

Smart Co. Pty. Ltd. respects that individuals have the right to know what information it holds about them. For more information in relation to privacy policies, please contact your manager.

12 Disclosure

Smart Co. Pty. Ltd. will not use or disclose your personal information for a purpose other than the primary purpose of collection outlined in this policy.

The only exception to this is:

- (a) if the personal information is requested by a member or officer of a law enforcement agency for use in connection with the detection, investigation or prosecution of an offence; or
- (b) if the personal information is required for use or disclosure for a purpose that is directly or indirectly related to the taking of civil or criminal proceedings.

Smart Co. Pty. Ltd. will not disclose information to any external parties (except those outlined in this policy) unless consent is sought from the individual

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Telephone us if you need help to complete the questions.

Adj Professor, Dr Brett Davies - Partner

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Long service leave policy

1 Purpose

Smart Co. Pty. Ltd. recognises long service by the provision of long service leave which is accessible after the period set by the applicable legislation.

Long service leave helps to assist with maintaining an energetic and healthy workforce.

Smart Co. Pty. Ltd. encourages, and supports, long serving employees to take their available long service leave when it falls due.

2 Eligibility

This policy applies to:

- (a) permanent employees (including full time and part time)
- (b) casual employees.

3 Entitlement

As per the applicable legislation.

4 Taking long service leave

Long service leave should be taken as soon as practicable after becoming due, having regard to the business needs of Smart Co. Pty. Ltd..

Employees are encouraged to take their long service leave in 1 continuous period, to ensure a substantial break from work. By agreement, an employee may take long service leave in shorter periods, depending on the amount of leave available.

5 Payment of long service leave

Long service leave entitlements must be taken as leave. Payment for long service leave entitlements can only be made on termination of employment.

6 Employment during long service leave

Employees must not engage in any form of employment for reward during a period of long service leave without the express written consent of Smart Co. Pty. Ltd..

7 A breach of this policy

Any breach of this policy may result in Smart Co. Pty. Ltd. counselling, or taking disciplinary action against, an employee, which may include provision of warnings or termination of employment.

Long service leave policy is used to regulate the management, operation and use of long service leave. This policy only applies to employees eligible to accrue long service leave.

8 Further information

For further information, please speak with your manager.

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Managing illness/injury & retention to work policy

1 Purpose

Smart Co. Pty. Ltd. is committed to:

- (a) ensuring the health, safety and welfare at work of all employees;
- (b) facilitating the prompt, safe and durable return to work of injured or ill employees, regardless of whether the injury or illness sustained is non-compensable or non-work-related;
- (c) the prevention of accidents, injuries and diseases by providing a safe working environment (however, if, and when, a work-related injury occurs, Smart Co. Pty. Ltd. will assist injured staff to return to satisfying, productive work) and
- (d) ensuring that no employee is disadvantaged or prejudiced by their return to work plan.

Managing illness/injury & retention to work policy is used to regulate employees who suffer an illness or injury.

2 Early notification of significant injuries

Employees are to notify their supervisor or manager, as soon as possible, of any injury or illness. Smart Co. Pty. Ltd. will notify the insurer of significant injuries.

The relevant legislation stipulates that Smart Co. Pty. Ltd. must notify the insurer within 48 hours after becoming aware that an employee has sustained a workplace injury that appears to be a significant injury, that is, an injury which requires more than 7 days off work.

The insurer will contact the employee, representative from Smart Co. Pty. Ltd. (**Injury Management Coordinator**), and the nominated treating doctor within 3 working days. The employee is required to supply the name of a nominated treating doctor who will be authorized to provide relevant information to the insurer, Smart Co. Pty. Ltd., and other service providers to facilitate the injury management process.

For non-significant injuries, the Injury Management Coordinator will notify the insurer within 7 days.

3 Early commencement of injury management

Should an employee require injury management, Smart Co. Pty. Ltd. will ensure the process is commenced as soon as possible after an injury, in a manner consistent with all relevant facts, including medical advice. Early commencement of injury management will be facilitated by:

- (a) prompt reporting of injury/illness to the insurer;
- (b) accurate medical diagnosis and early commencement of treatment;
- (c) liaison by the Injury Management Coordinator with the insurer's injury management adviser; and
- (d) supporting the implementation of an injury management plan, prepared by the insurer (for an employee with a significant injury).

If an employee suffers a significant injury, the services of an accredited rehabilitation provider may be sought, with the consent of the injured employee, and the nominated treating doctor. The rehabilitation provider's role is to establish a return to work plan suitable for ensuring the injured employee's early return to work.

The Injury Management Coordinator will identify accredited rehabilitation providers in consultation with the relevant parties. Notwithstanding such a selection, injured employees are entitled to nominate any accredited rehabilitation provider to assist in their return to work plan.

4 Identification of return to work options

The injured employee's return to work should take place as soon as possible, in accordance with the medical advice. This may include a staged process and/or may require modification of the employee's working environment, duties and/or hours of duty. The injured employee and his or her supervisor should have a clear understanding of all work restrictions and observe any limitations imposed by the nominated treating doctor and rehabilitation provider (if involved). The supervisor is responsible for ensuring that other employees are aware of any restrictions.

Following the report of injury, and worker's compensation claim being lodged (pending liability being accepted), and if the employee is still at work, a return to work plan shall be developed by the Injury Management Coordinator in consultation with the parties. It will include:

- (a) identification of return to work options by the nominated treating doctor, the Injury Management Coordinator, the employee and his/her supervisor, the insurer's Injury Management Adviser and rehabilitation provider (if involved);
- (b) provision of suitable duties;
- (c) documentation of the return to work plan; and
- (d) ongoing review and monitoring by the Injury Management Coordinator.

Some policies may not be currently relevant to your business. Ignore these. Do not provide copies of them to your employees.

5 Provision of suitable duties

Provision of suitable duties is an essential part of this policy. Careful individual assessment is required before the employee returns to work and each of the parties must be involved in the assessment. Choice of return to work duties will be made on the basis of:

- (a) the nature and severity of the illness/injury;
- (b) restrictions imposed by the nominated treating doctor;
- (c) the predicted time frame for the Return to Work Plan;
- (d) duties available in the employee's division, section, department, or available elsewhere within Smart Co. Pty. Ltd.; and
- (e) the employee's skills, career aspirations, competence and training, current and potential skill level.

Wherever possible, the employee's substantive job will be modified and a graded return to pre-injury duties planned. If this is not possible, other suitable duties will be provided, where practicable. Some retraining may be required to equip the employee to undertake any alternative duties.

When suitable duties have been identified and agreed upon by the parties, details will be specified in writing on the return to work plan and will, where applicable, include:

- (a) the nature of the duties;

- (b) any restriction to be observed;
- (c) any changes in work methods;
- (d) hours and days of duty;
- (e) anticipated progression toward full duty;
- (f) date of commencement and date/s for termination;
- (g) any changes in conditions of employment.

In other words, you do not need to use every policy. Just use the policies that are beneficial to your business.

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Adj Professor, Dr Brett Davies – Partner

6 Review of return to work plan

The employee's progress on the return to work plan shall be formally reviewed every period of time set out by the applicable legislation. In addition, the injured employee's supervisor shall undertake reviews on a day-to-day basis, liaising with the Injury Management Coordinator, where necessary. Changes to suitable duties will only be initiated (in writing) after consultation between the parties.

If satisfactory progress is being maintained, the employee may continue in the substantive position while the return to work plan is in place. In some circumstances, particularly if a return to pre-injury duties is considered unlikely, or inadvisable, the employee may be transferred temporarily to a position during the return to work process. Employees who transfer to a temporary position retain their salary and conditions of employment while undergoing a return to work plan. Income and benefits for an employee participating in a return to work plan is subject to the relevant legislation (**Act**). The Injury Management Coordinator will advise injured employees of their rights and obligations under this Act.

The injury management plan will cease when the injury is either no longer impacting upon the employee's employment or, a long term accommodation has been made. The circumstances may include when the injured employee:

- (a) returns to full employment in the substantive position, but with modified duties acceptable to the workplace;
- (b) is appointed to another position within Smart Co. Pty. Ltd.;
- (c) is deemed by Smart Co. Pty. Ltd. to be unlikely to gain further benefit, or to gain only minimal benefit, from continued participation in the return to work plan;
- (d) withdraws from the return to work plan; or
- (e) ceases to be employed by Smart Co. Pty. Ltd..

Smart Co. Pty. Ltd. shall try to assist employees with long-term disabilities to find suitable alternative positions. If, after a reasonable time, the injured employee is unable to perform productive work of a kind normally available within Smart Co. Pty. Ltd., Smart Co. Pty. Ltd. may consider medical retirement or termination of employment.

7 Confidentiality

Information relating to an employee on a return to work plan will be confidential and restricted to those involved in providing rehabilitation, treatment and occupational health services. Smart Co. Pty. Ltd. shall adhere to the guidelines set by *relevant government authority* in this regard.

8 Open consultation

Smart Co. Pty. Ltd. will consult with the employee and/or a representative of his/her choice (if applicable) on any matters arising from the employee's return to work plan. A representative will not be a barrister or solicitor in private practice.

Any disagreement about the return to work procedures for an injured employee will be discussed at meetings between the parties involved.

9 Definition

Return to work plan means a written statement of the steps that will be taken to help the injured employee return to work. It outlines details about suitable duties, restrictions, hours and days of return to work and monitoring arrangements.

10 Further information

If you require further information, contact your manager.

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Adj Professor, Dr Brett Davies- Partner

Smart Co. Pty. Ltd.

ABN 12 345 678 999

No smoking policy

1 Purpose of policy

The purpose of this policy is to protect the health of the employees of Smart Co. Pty. Ltd., contractors and visitors by eliminating exposure to environmental tobacco smoke in and around all Smart Co. Pty. Ltd. buildings and facilities, including vehicles.

2 Objectives

The objectives of this policy are to:

- (a) specify places where smoking is
- (b) outline the responsibilities of staff, including managers;
- (c) promote a smoke free workplace policy in recruitment and training for new employees; and
- (d) authorise the placement of "no smoking" signs.

No smoking policy provides employers with an outline of the responsibilities of employees for smoking in the workplace.

3 Policy statement

Smart Co. Pty. Ltd. has a legal obligation to provide a safe and healthy workplace set out by relevant occupational health safety legislation. A workplace includes both indoor and outdoor places, including Smart Co. Pty. Ltd. motor vehicles.

4 Areas affected by the policy

A smoke free environment must be maintained in all Smart Co. Pty. Ltd. buildings, including, all Smart Co. Pty. Ltd. vehicles, storage areas, restrooms and toilets, lifts, workshops and lunch rooms.

To prevent drift of smoke into smoke free environments, no smoking will be permitted within 10 metres of Smart Co. Pty. Ltd. premises. There should be no smoking in thoroughfares or access paths, which means that no person should have to inhale smoke walking in or out of a building or on paths between Smart Co. Pty. Ltd. buildings. Every care should be taken to prevent the drift of smoke into workplaces.

5 Approved smoking areas

Smoking is not permitted within 10 metres of Smart Co. Pty. Ltd. premises. "No smoking" signs may be erected near the entry to buildings.

Employees are only permitted to smoke in approved smoking areas during approved work breaks. Staff should not smoke in outdoor areas which are visible to the public.

6 Responsibilities

All employees are responsible for ensuring that Smart Co. Pty. Ltd. is maintained as a smoke free environment by complying with the provisions of this policy and reporting any incidents which breach this policy.

In particular, managers and team leaders are responsible for ensuring that all employees under their control fully understand the requirements and provisions of the policy.

7 Environmental waste reduction

Employees are responsible for ensuring that any waste, such as cigarette butts, is properly disposed of.

Employees are reminded that cigarette butts take up to 5 years to break down, therefore used butts must be properly disposed.

8 Disciplinary action

Any contravention of this policy will lead to counselling and possible disciplinary action.

9 Right to vary

Smart Co. Pty. Ltd. reserves the right to vary this policy at any time without notice to employee representatives.

10 Further questions

If you have any questions, please speak to your manager or the HR department.

No smoking policy allows you to state places where smoking is not permitted in the workplace.

It promotes a smoke-free workplace in recruitment and training for new employees.

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Paid parental leave policy

1 Introduction

- (a) Under the National Employment Standards (**NES**) contained in the *Fair Work Act 2009* (Cth) certain employees are entitled to unpaid parental leave.
- (b) Smart Co. Pty. Ltd. also offers paid parental leave to qualifying employees, in addition to the minimum entitlements that are prescribed by law.
- (c) This policy sets out the parental leave policy of Smart Co. Pty. Ltd., and explains:
 - (i) what an employee's parental leave entitlements are (if any); and
 - (ii) the procedure for taking parental leave.

2 Unpaid parental leave

2.1 Entitlement

- (a) Under the NES, unpaid parental leave is only available to employees who have, or will have, responsibility for the care of a child. The leave must be associated with:
 - (i) the birth of a child to the employee, the employee's spouse, or the employee's de facto partner; or
 - (ii) the placement of a child under 16 years of age with the employee for adoption.
- (b) In addition, the employee must have (or will have) a responsibility for the care of the child.
- (c) If an employee has completed at least 12 months' continuous service with Smart Co. Pty. Ltd., the employee will be entitled to up to 52 weeks unpaid parental leave.
- (d) Casual employees are also entitled to take 12 months' unpaid parental leave if they have been employed with Smart Co. Pty. Ltd. on a regular and systematic basis for at least 12 months and have a reasonable expectation of continuing employment with Smart Co. Pty. Ltd..

2.2 Notice of leave

In order to apply for parental leave, an employee must give written notice of at least 10 weeks before the start date of the intended leave and specify the intended start and end dates of the parental leave. The employee is required to confirm the leave dates with Smart Co. Pty. Ltd. at least 4 weeks before commencement of the leave.

2.3 Changing the leave

If an employee needs to make any changes to his or her leave dates, he or she should inform Smart Co. Pty. Ltd. immediately. Where the change is unforeseeable (eg due to a premature birth or a miscarriage) no notice is required.

2.4 Medical evidence

Smart Co. Pty. Ltd. has the right to request that employees provide evidence, such as a medical certificate or statutory declaration, of the expected date of birth, or date of placement of adoption.

2.5 Return to work

- (a) The employee should confirm the date he or she wishes to return to work through a letter to his or her manager. Any notice of intention of return to work should be sent at least 14 days prior to re-commencement.
- (b) After parental leave has been taken, the employee is entitled to his or her pre-parental leave position. If, for some reason, this position no longer exists, the employee is entitled to an available position for which he or she is qualified and suited, which is nearest in status and pay to his or her pre-parental leave position.
- (c) Smart Co. Pty. Ltd. may replace an employee whilst absent on parental leave. The replacement employee must be advised of the temporary nature of the position and the period of employment. For this reason, it is important to ensure communication between the employee and Smart Co. Pty. Ltd. is both open and clear during the period of parental leave.
- (d) Employees may request to return to work on a part-time basis. Smart Co. Pty. Ltd. is not obliged to provide part-time work but will consider any request having regard to the operational requirements at the time.

2.6 Accruing and taking other types of leave

- (a) Parental leave does not break an employee's continuity of accrual of leave during the unpaid parental leave period.
- (b) During the period of parental leave, employees may take a service leave, which will, in effect, increase the total amount of leave accrued during the period of absence.
- (c) The following table summarises the statutory entitlements.

2.7 Extending the period of unpaid parental leave

- (a) Employees may make a request to extend the 12-month period of unpaid parental leave to an additional 12 months, in accordance with the conditions set out in the table below.
- (b) If an employee wishes to request an additional period of leave, he or she must notify his or her manager, in writing, at least 4 weeks before the end date of the original period of leave. Smart Co. Pty. Ltd. must respond to that request, in writing, within 21 days.

Paid parental leave policy is used to regulate the management, operation and use of paid parental leave. This policy only applies to employees who are eligible to receive paid parental leave.

3 Government funded payments

- (a) The paid parental leave scheme is an entitlement for working parents of children born, or adopted, from 1 January 2011 to receive some financial assistance from the Federal Government. It is your responsibility to confirm your entitlements (if any) under the paid parent leave scheme with the Department of Human Services.
- (b) Broadly, government payments are available to working parents, whether full-time, part-time or casual, who:
 - (i) have at least 12 months' continuous service; and

- (ii) meet the paid parental leave scheme's eligibility criteria.
- (c) Eligible working parents are entitled to receive up to 18 weeks of government funded parental leave pay.
- (d) For further information regarding eligibility, payments and application, please view the Department of Human Services website.

4 Further information

For further information, please speak to your manager.

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Smart Co. Pty. Ltd.

ABN 12 345 678 999

Performance management policy

1 Purpose

Smart Co. Pty. Ltd. expects all employees to show competence, care, good faith and compliance with instructions, policies and procedures in the performance of their duties and to conduct themselves in a manner which respects the rights and welfare of other employees of Smart Co. Pty. Ltd..

Where an employee's work performance does not meet a satisfactory standard, an appropriate process of investigation and corrective action must be taken. The action taken will conform to the relevant legislation and accord with the principles of natural justice and procedural fairness. Smart Co. Pty. Ltd. is committed to ensuring that fair and effective systems exist for managing unsatisfactory work performance.

2 Application

This policy is applicable in the management of all employees of Smart Co. Pty. Ltd..

3 Managing unsatisfactory performance

3.1 Natural justice and procedural fairness

The management of unsatisfactory performance requires the principles of natural justice and procedural fairness to underpin all actions undertaken by supervisors.

The principles of natural justice are that:

- (a) all parties will have the right to be heard and judged
- (b) all issues will be investigated thoroughly and justly

The principles of procedural fairness are that:

- (a) the standards of work performance required will be made clear to the employee by documentation or during counselling;
- (b) the employee will be made aware of the likely next steps if satisfactory performance is, or is not, maintained;
- (c) the employee will be afforded the right to be accompanied by a support person (or employee representative) at discussions or counselling interviews, at any level of the process; and
- (d) when a complaint about performance is brought to the supervisor's attention by a third party, the substance of the complaint will be verified before any action is taken on the matter.

Performance management policy provides a structured process for employers to use to manage the performance of your employees.

3.2 Responsibilities of supervisors

These procedures do not replace the normal responsibilities of issues with employees, to ensure that employees have a clear expected of them and to provide appropriate feedback on their

The emphasis should always be on early intervention and information opposed to a more formal intervention at a later time.

Unless the matter is of a serious nature, the formal process of:

- (a) stage 1: managing for performance; and
- (b) stage 2: managing unsatisfactory performance;

should only be commenced when it becomes clear to the supervisor that the problem has not been corrected through informal discussion between the supervisor and employee.

Nothing in this policy precludes Smart Co. Pty. Ltd. from terminating the employment of an employee for unsatisfactory performance.

In managing the unsatisfactory performance of employees, this policy requires that the principles of natural justice and procedural fairness underpin all actions undertaken by supervisors or managers.

4 Stage 1: managing for performance

4.1 Overview

This stage should be followed where informal discussions between the employee and the supervisor, about the employee's performance, have not been successful, and where there are ongoing concerns regarding the employee's performance.

While it is expected that the matter will be managed at the local level, the supervisor may discuss this part of the process with a more senior manager.

4.2 Raising issues

- (a) As soon as problems or concerns regarding the employee's performance appear, the supervisor should raise them with the employee.
- (b) When approaching the employee about the need to meet and discuss his or her poor performance, the supervisor should:
 - (i) attempt to put the employee at ease;
 - (ii) approach the employee respectfully and discreetly, making sure that he or she is not humiliated or embarrassed in front of colleagues;
 - (iii) let the employee know, in advance, the purpose of the meeting; and
 - (iv) invite the employee to bring a support person to the meeting.
- (c) The supervisor must provide the employee with clear evidence or examples to demonstrate that the employee's performance is unsatisfactory.
- (d) The supervisor will ensure the employee knows what is required of him or her in the work, and that he or she has the skills, resources and tools to do the job.
- (e) The supervisor must ensure that the employee understands the supervisor's expectations with respect to work performance, and try to seek agreement from the

employee around those expectations. The supervisor must ensure that these expectations are reasonable. Where the employee feels that the expectations are unreasonable, the supervisor must allow for the opportunity for discussion.

- (f) The supervisor must explore the possibility of any personal problems, health problems or other factors which may be impinging on the employee's ability to perform his or her work. The supervisor may consider suggesting the employee assistance program (**EAP**) or other resources, if appropriate.
- (g) The supervisor must attempt to provide workable solutions and identify training and support requirements, where appropriate.
- (h) The supervisor must document the discussions with the employee, detailing areas of concern, mitigating factors, a defined and agreed period of time for improvement, and an improvement plan. A copy, signed by the employee, of these notes is to be kept by the supervisor, and a copy given to the employee.

4.3 Monitoring performance

- (a) The supervisor must monitor the employee's performance against the agreed expectations.
- (b) The supervisor must meet with the employee at the agreed intervals.

Performance management policy is used regardless of the size of the business or organisation and is applicable for all employees.

4.4 Outcome of stage 1

- (a) If, after a reasonable amount of time, it appears that the employee has reached the agreed expectations, then the process will come to an end.
- (b) If, after a reasonable amount of time, it appears that satisfactory progress is not being made, the supervisor should liaise with his or her manager. A "reasonable amount of time" will vary depending on the nature of the job and the commitment of the employee to improving his or her performance. It may be 4 weeks or it may be up to 2 or three 3 months. The supervisor, in conjunction with his or her manager, will determine if it is appropriate to move to stage 2: managing unsatisfactory performance, or continue with stage 1: managing for performance.

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5 Stage 2: managing unsatisfactory performance

5.1 The first meeting

- (a) The supervisor must advise the employee that the process is moving into stage 2: managing unsatisfactory performance, and arrange for a meeting. Depending on the number of issues that need to be covered, this meeting may become a number of meetings.
- (b) At the meeting or meetings:
 - (i) the employee must be told in clear and precise terms exactly what is the concern with his or her performance (for example, too many inaccuracies in production of reports);
 - (ii) the supervisor will ask the employee to respond to each example raised, record and consider the responses and, where responses require further investigation, investigations will be conducted and follow up on those matters will take place at a subsequent meeting;

- (iii) the supervisor may again investigate whether there is an underlying cause of the problems (personal, health or other) and may offer EAP assistance, but at the same time reiterate the standard of work required;
 - (iv) the supervisor will consider whether the employee's responses excuse the performance issues, and if they do, consider other courses of action;
 - (v) if the supervisor considers the responses unsatisfactory, he or she must inform the employee that the responses do not justify the poor performance, and clearly specify the performance expectations that are required;
 - (vi) the supervisor will advise the employee that the purpose of this process is to assist the employee to meet the performance expectations which have been discussed and that failure to improve and achieve the required standards of performance will lead to disciplinary action; and
 - (vii) the supervisor will then explain that the performance will be reviewed within a specified time.
- (c) The supervisor will conclude the meeting ensuring that:
- (i) the employee clearly understands the issues that have been discussed and what is required of him or her; and
 - (ii) an improvement plan has been mutually agreed (if possible) that meets both parties' needs.
- (d) New matters should not be raised during the review period, unless considered of a serious nature.

5.2 Follow up from the first meeting

- (a) Following the meeting, and preferably within 5 working days, the employee is provided with a letter, or record of meeting, confirming the matters discussed and a copy of the proposed improvement plan.
- (b) The improvement plan should include:
 - (i) the areas of concern;
 - (ii) the performance standards to be met and how these will be assessed;
 - (iii) any agreed training and development requirements; and
 - (iv) the time frame for the process.
- (c) It is recommended that, in addition, a working review plan is used to document the feedback which will be provided to the employee at the regular review meetings. This may include the tasks set for the review period (eg, a week or a fortnight), the anticipated time required to complete the task, and feedback on the tasks.
- (d) The employee should sign a copy of the documentation to indicate receipt and that it is a true and accurate record of what was discussed between the parties. If the employee disagrees with the content of the document, or wishes to make additional comments, he or she may provide a written statement in response. Any such additional documentation submitted by the employee must stay with the original record of meeting.

5.3 Regular review meetings

- (a) The employee's performance is monitored on a regular basis as per the agreed timeframe in the improvement plan. Where necessary, documentation is reviewed by the supervisor with the employee present, to ensure that the employee understands the plan and the possible consequences of not meeting the supervisor's expectations.
- (b) Where the employee has met the supervisor's expectations, this will be confirmed in a letter stating that the process has been completed.
- (c) If there is not satisfactory improvement within the agreed timeframe, the employee is to be provided with a written warning outlining the areas of concern and the lack of improvement.

5.4 Final warning

- (a) When the employee has been given a reasonable number of opportunities to improve his or her performance and has not done so, a final counselling session will be conducted and a final warning issued.
- (b) This step is to take place in consultation with the supervisor's manager.
- (c) The final warning will again provide the employee with a specified period to improve his or her performance, and the warning will advise that the consequences of failing to perform satisfactorily are understood.
- (d) If sufficient improvement has occurred, the review period will continue.
- (e) If, after issuing a final warning, sufficient improvement has not occurred in the specified period, another meeting is to be held with the supervisor and the employee.
- (f) If the employee's response at the meeting is unsatisfactory as to why his or her performance has not achieved the required standard, the supervisor will inform the employee that further disciplinary action or termination of employment, or both, may follow. The supervisor will invite the employee to offer any mitigating circumstances as to why his or her employment should not be terminated.
- (g) The supervisor must record and give consideration to matters raised by the employee, as well as factors including the employee's length of service and past record.

Performance management policy works in conjunction with the "Termination of employment policy".

5.5 Disciplinary action

- (a) If the decision is to recommend disciplinary action or termination of the employee, the supervisor will consult with his or her manager.
- (b) The supervisor, in consultation with his or her manager, may decide to:
 - (i) extend the period of time for the improvement plan;
 - (ii) reprimand or censure the employee;
 - (iii) withhold an increment of salary, where applicable, for a period not exceeding 12 months; or
 - (iv) terminate the employment.

5.6 Further information and advice

For further information, refer to other related policies or contact your manager.

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Adj Professor, Dr Brett Davies – Partner

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Personal leave policy

1 Purpose

Smart Co. Pty. Ltd. provides paid personal leave to assist employees who may be unable to attend work due to personal or family related illness or injury. This policy is designed to ensure that employees are treated fairly and sympathetically.

For the purpose of this policy, personal leave includes sick leave a

2 Eligibility

This policy applies to the following persons:

- (a) permanent employees (including full time and part time);
- (b) fixed-term employees; and
- (c) casual employees (but only in the case of unpaid personal/c

Personal leave policy is used to regulate the management, operation and use of personal leave.

3 Entitlement

Employees are entitled to personal or carer's leave, in accordance with national employment standard under the *Fair Work Act 2009* (Cth) (**National Employment Standard**).

Employees receive 10 days of personal/carer's leave per year with an additional 2 days of unpaid leave if this is exhausted. The personal/carer's leave may be taken because of a personal illness or injury, or to provide care or support to a member of an employee's immediate family or household because of an illness, injury or unexpected emergency affecting the member.

Employees receive personal/carer's leave that has accrued but has not been taken will accumulate from year to year. No payment will be made with respect to any accrued but untaken personal/carer's leave upon termination of employment.

Employees are also entitled to a period of up to 2 days of unpaid carer's leave for each occasion when a member of an employee's immediate family or household requires care or support because of an illness, injury or unexpected emergency affecting the member.

Casual employees are not entitled to any paid personal/carer's leave. However, casuals are entitled to unpaid personal/carer's leave.

4 Sick leave

4.1 Paid leave

Employees are entitled to take paid personal leave (sick leave) when they are ill or injured and unable to attend work.

4.2 Unpaid leave

Where an employee has used his or her accrued entitlement to paid personal leave, any further period of personal leave is to be approved as leave without pay, and a medical certificate must be provided in order to substantiate the reason for being away from the workplace. If medical evidence is not provided, an employee's absence may be regarded as absence without authority and subject to disciplinary action.

If an employee has no personal leave available but has accrued paid annual leave, the manager may ask the employee to consider applying for annual leave rather than leave without pay. The manager cannot, however, force an employee to take annual leave.

5 Carer's leave

5.1 Paid leave

Each employee is entitled to take paid or unpaid carer's leave to provide care or support of a member of his or her immediate family or household who is temporarily ill or injured, or if there is an unexpected emergency affecting an immediate family member.

5.2 Unpaid leave

Where an employee has used his or her accrued entitlement to paid personal leave, he or she may take up to 2 days of unpaid carer's leave on each occasion, subject to providing appropriate supporting documentation.

If an employee has no personal leave available but has paid annual leave, the manager can ask an employee to consider applying for annual leave rather than leave without pay. The manager cannot, however, force an employee to take annual leave.

5.3 Unpaid leave for casual employees

A casual employee is entitled to a period of up to 2 days of unpaid leave on each occasion when a member of the employee's immediate family or household requires support due to personal illness or injury, or for an unexpected emergency.

This policy applies to all employees who are permanent and eligible to receive personal leave.

6 Using leave

6.1 Evidence of need for leave

In normal circumstances, employees must not take carer's leave where another person has taken leave to care for the same person. The employee must, if required by the manager, provide satisfactory evidence that the leave is taken for the reason stated above, which may include:

- (a) a medical certificate, if the leave is taken because of an illness, stating the illness of the person concerned and the period of the illness; and
- (b) a statutory declaration, if the leave is taken due to an unexpected emergency, stating that the employee requires leave to care or support the immediate family or household member.

6.2 Notification of absence

In all instances where an employee is absent from work due to illness, injury or carer's responsibilities, he or she must contact his or her manager or designated contact directly and inform them of his or her absence, including:

- (a) the reason why he or she is absent; and
- (b) when he or she expects to return to work.

This discussion is to take place prior to, or as soon as practical after, the employee's scheduled commencement time.

If contact cannot be made directly with the immediate manager, or if the immediate manager is not available, employees are required to make contact with the next level manager.

If an employee is unable to return to work on the day originally notified to the manager, then the employee must again notify his or her manager using the same process above.

6.3 Leaving work due to illness, injury or carer's responsibilities

An employee may leave work because of personal illness or injury, or carer's responsibilities, with the consent of his or her manager (where reasonably practicable).

Smart Co. Pty. Ltd. is required to ensure the safety of an ill employee whilst at work, travelling to or from work, and when he or she reaches home. In cases when an employee is not well enough to remain at work, consideration must be given to whether he or she will be able to travel home safely either on public transport or by taxi. Depending upon the severity of the illness, consideration should also be given to having a family member collect the ill employee or ensuring that care can be provided upon reaching the home.

When an employee leaves work on personal leave during the day, a leave application is to be submitted for the hours not worked.

6.4 Unused personal/carer's leave

Unused personal/carer's leave accumulates from year to year. There is no maximum to the amount of personal/carer's leave that may accrue. Personal/carer's leave may not be cashed out and is not payable on termination of employment.

7 Medical certificates

If an employee is absent for 2 or more consecutive days, he or she is required to provide a medical certificate from a registered health practitioner in order to qualify for payment of the period of leave. If it is not reasonable to do so, a statutory declaration made by the employee is required.

Failure by an employee to notify his or her manager of any absence, or failure to provide a required medical certificate in the appropriate timeframe, may result in disciplinary action including written warnings or termination of employment.

Please refer to the "Absenteeism Policy" for more information.

8 Work-related illness or injury

If an employee suffers a workplace injury or illness, the employee or his or her manager must complete the relevant occupational health and safety injury log / illness or injury log.

Employees are not entitled to personal leave if they are receiving workers' compensation payments.

9 Monitoring long term or excessive absences

Managers will take a proactive approach to addressing situations of excessive or long-term absences.

Long-term absences include those greater than 1 month. Excessive absences include total leave taken in broken periods in excess of 15 days within a 12 month period.

10 A breach of the personal leave policy

Any breach of this policy may result in Smart Co. Pty. Ltd. counselling or disciplinary action against, an employee. This may include provision of warnings or termination of employment or both.

Personal leave is used other policies, such as the "Annual leave policy" and "Termination of employment policy".

11 Definition of immediate family

For the purposes of this policy, "immediate family" includes:

- (a) an employee's spouse, former spouse, defacto spouse, former partner;
- (b) child (including adopted children, step-children and ex-nuptial children);
- (c) parent (including spouse's and defacto spouse's parents);
- (d) grandparent (including spouse's and defacto spouse's grandparents);
- (e) grandchild (including spouse's and defacto spouse's grandchildren); and
- (f) sibling (including spouse's and defacto spouse's siblings).

12 Further information

If you require further information, please speak with your manager.

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Redundancy policy

1 Purpose

Smart Co. Pty. Ltd. is a continuously evolving business and, as such, its business strategy and structure may change from time to time. Consequently, there may be a need to restructure operations, resulting in positions becoming redundant and employees being redeployed or retrenched.

Smart Co. Pty. Ltd. will make every reasonable effort to avoid retrenchment through workforce planning, internal recruitment, appropriate redeployment and retraining.

If retrenchment does occur, this policy aims to ensure that a common set of standards, reasonable benefits, fairness and compliance with relevant legislation are applied, and that employees leave Smart Co. Pty. Ltd. with dignity and respect.

2 Application

This policy applies all permanent employees, including full time and part time.

3 Redundancy

Redundancy refers to a situation where Smart Co. Pty. Ltd.:

- (a) no longer requires the job which is performed by the employee to be performed by anyone, because of changes in the operational requirements of the business; and
- (b) where this is not due to the ordinary and customary turnover of labour.

This situation may occur as a result of re-organisation, restructuring, changed business practices, technological change or a down-turn in business.

When a position becomes redundant, the employee is not automatically retrenched. Smart Co. Pty. Ltd. will consider redeployment opportunities whenever it is reasonable to do so.

All redundancy and retrenchment situations must be discussed with the senior manager.

4 Consultation

Once a definite decision has been made that a position is to be made redundant, Smart Co. Pty. Ltd. will consult with the affected employee (and relevant representatives) for a period after the decision is made.

This consultation will include discussion about:

- (a) the redundancy;
- (b) what effects the changes are likely to have on the employee;
- (c) measures to avert or mitigate any adverse effects.

Redundancy policy is used to implement a policy for the redundancy for employees. It regulates the management and operation redundancy or redeployment of employees.

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This consultation will also provide the opportunity for the affected employee (or his or her representative, or both) to raise any matters for Smart Co. Pty. Ltd. to consider.

5 Redeployment with Smart Co. Pty. Ltd.

5.1 Redeployment options

Where there has been a redundancy, Smart Co. Pty. Ltd. will consider redeployment options within Smart Co. Pty. Ltd..

The employee will remain employed for the period during which Smart Co. Pty. Ltd. and the employee seek to identify alternative roles. The alternative redeployment options include those options outlined in the following table.

Alternative option	Position attributes
Employee accepts re-deployment into a comparable alternative position with Smart Co. Pty. Ltd.	A position that: <ul style="list-style-type: none">(a) is at substantially the same level or status;(b) requires similar skills and competencies;(c) does not involve a significant reduction in remuneration or duties;(d) does not entail unreasonable changes in hours of work; and(e) is at the same location or another reasonable location as the employee's existing position.
The employee accepts re-deployment into a non-comparable alternative position with Smart Co. Pty. Ltd.	A position that may: <ul style="list-style-type: none">(f) be of a lower level of status or require different skills to the employee's current skills and competencies;(g) be at a lower level than the employee's current level; and(h) involve a reduction in remuneration or duties

For redeployment to be successful, the employee must accept either a comparable alternative position, or a non-comparable position.

Where an employee accepts a comparable alternative position, Smart Co. Pty. Ltd. will appoint him or her into the comparable alternative position.

5.2 Trial period after redeployment

Where an employee accepts a non-comparable position, the redeployment will be subject to a 4 week trial period for both parties to assess ongoing suitability.

If the non-comparable position is at a lower rate of pay, the employee is entitled to continue to receive the same payment as he or she did in the former position for the duration of the trial period. If either party finds the arrangement unacceptable during the trial period, that party may notify the other party, in writing, that the non-comparable position is not an acceptable redeployment option. Where this notice is given, it may lead to the retrenchment of the employee.

If, however, when the trial period ends, both parties agree to make this arrangement permanent, the new position will become permanent and a new employment contract shall be issued, with continuity of employment.

6 Retrenchment

Retrenchment means the termination of employment as a result of redundancy and Smart Co. Pty. Ltd. considers that redeployment options with Smart Co. Pty. Ltd. are unreasonable, unsuitable or unavailable.

Circumstances where an employee may be retrenched may include, but are not limited to, where:

- (a) Smart Co. Pty. Ltd. no longer requires the job done by the employee to be done by anyone; or
- (b) the job has changed to such an extent that the employee no longer has the knowledge, skills and attributes to fill the role, nor the capacity to acquire the required skills within a reasonable timeframe; and

there is no comparable alternative position available for the employee and he or she has not accepted any non-comparable alternative positions that may have been offered.

Employees who are retrenched may be eligible to receive a retrenchment payment in accordance with this policy, as amended from time to time, and any applicable legislative provisions.

7 Redeployment with an associated entity

If it appears that redeployment within Smart Co. Pty. Ltd. is not reasonably available, Smart Co. Pty. Ltd. may explore, or assist an employee to explore, whether redeployment opportunities are available with an associated entity of Smart Co. Pty. Ltd..

This will not require Smart Co. Pty. Ltd. to delay any retrenchment that would otherwise occur.

8 Transfer of business

Retrenchment payments may not be applicable if the business, or part of the business of Smart Co. Pty. Ltd., is transferred to another person or entity (**Second Employer**) and an employee:

- (a) accepts an offer of employment with the Second Employer which recognises the employee's period of continuous service with Smart Co. Pty. Ltd.; or
- (b) rejects an offer of comparable employment with the Second Employer which intended to recognise the employee's service with Smart Co. Pty. Ltd..

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Policies assist
employers to
defend themselves
in an unfair
dismissal claim,
Occupation
Health and Safety
(OHS) prosecution
and liability
claims.

Retrenchment payments are also not payable where Smart Co. Pty. Ltd. procures an offer of comparable alternative employment for the employee with the second employer.

9 Retrenchment payments

9.1 Genuine redundancies

Retrenchment payments are only payable if there is a genuine redundancy. These payments do not apply where employment is terminated due to unsatisfactory performance, or the employee accepts an offer of a comparable alternative position.

Retrenchment payments also do not apply to casual or fixed term employees.

9.2 Notice period

Retrenchment payments include a notice period of not less than the periods set out in any Employment Contract or mandatory legislation.

Smart Co. Pty. Ltd. may choose to make payment in lieu for part, or the whole, of the notice period. Where a redeployment trial period is agreed between Smart Co. Pty. Ltd. and the employee, the notice includes this trial period.

9.3 Retrenchment payment

In addition to any notice period, a retrenchment payment may be paid based on the employee's continuous years of service, and, in accordance with the any mandatory legislation.

However, this is subject to:

- (a) a pro-rated payment for each completed month of service in the final part year of continuous service;
- (b) the amount of retrenchment payment is inclusive of any statutory or other industrial entitlement for retrenchment and is capped at a maximum of a week or weeks set by the relevant policy;
- (c) the notice and retrenchment payments are calculated using the employee's base salary, which does not include bonuses or incentive-based payments, shift loadings, allowances, overtime or penalty rates or any other separately identified amounts; and
- (d) if an employee would be entitled to a greater amount at law than under this policy, the employee will receive the greater amount.

10 Other termination payments

10.1 Annual leave

Any annual leave accrued and not taken will be paid on termination, calculated to the date of leaving (this will not include any period paid in lieu of notice or the retrenchment payment period).

Smart Co. Pty. Ltd. has the right to set off any annual leave taken in advance of it accruing from the employee's final pay, subject to law.

10.2 Long service leave

Employees with more than 5 years of continuous service will be paid pro-rated long service leave for any leave accrued, but untaken, at the date of termination of employment.

11 Independent advice

It is strongly recommended that an employee obtain independent professional tax or financial advice from an accountant or adviser prior to receiving a retrenchment payment.

12 Outplacement

Smart Co. Pty. Ltd. may offer an employee access to outplacement support to assist with job searching and career transition.

Where outplacement support is offered, Smart Co. Pty. Ltd. will select a recognised provider and pay for the associated cost. If the employees choose not to accept any outplacement services offered, he or she will not be entitled to any equivalent cash payment.

13 References

Smart Co. Pty. Ltd. does not issue written references to employees leaving Smart Co. Pty. Ltd., nor are employees authorised to issue a written reference for another employee, either using Smart Co. Pty. Ltd. letterhead or implying an official statement on behalf of Smart Co. Pty. Ltd..

Smart Co. Pty. Ltd. will provide an employee with a statement of service specifying the period of employment and stating the position title and type of work performed.

14 Company assets

All Smart Co. Pty. Ltd. assets must be returned to Smart Co. Pty. Ltd. at the time an employee leaves Smart Co. Pty. Ltd.. This includes Smart Co. Pty. Ltd. owned including *credit cards, security passes, stationery, cars, computer, phones etc.*

15 Further information and advice

For further information, refer to other related policies or contact your manager.

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Telephone us if you need help to
complete the questions.

Adj Professor, Dr Brett Davies - Partner

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Social media policy

1 Policy

1.1 Background

Smart Co. Pty. Ltd. respects the right of its employees, as private citizens, to engage in public debate on political and social issues, whether on the radio, the internet, in newspapers or on television. This extends to employees' use of social media sites.

At the same time, Smart Co. Pty. Ltd. expects all of its employees to fulfil their obligations as employees, and uphold the expected level of professional conduct and ethical behaviour when using social media. It is critical that employees of Smart Co. Pty. Ltd. exhibit a high standard of professional conduct, in order to maintain public confidence in the operations of Smart Co. Pty. Ltd. and to reinforce the corporate values.

1.2 Restrictions on social media

The use of social media during work hours is prohibited, unless employees have appropriate authorisation for work-related use.

Further, in relation to the use of social media outside of work hours, Smart Co. Pty. Ltd. will take disciplinary or other action against its employees in regards to inappropriate use of social media even when the employee is not on duty. Accordingly, action can be taken against employees in relation to content that is posted on social media sites outside of work hours.

Employees need to be mindful that content posted on such sites is as public as if it were published in a newspaper or discussed at a public forum, and has the potential to be broadcast across the entire internet.

2 Purpose

The purpose of this policy is to ensure that Smart Co. Pty. Ltd. employees understand their obligations when using social media (such as Facebook). This policy ensures that employees are informed of the importance of managing the risks associated with use of social media that may:

- (a) impact the reputation of Smart Co. Pty. Ltd.;
- (b) impact the safety of its employees; and
- (c) result in a breach of the policies, procedures

This policy is for the mutual protection of Smart Co. Pty. Ltd. and is not intended to prevent, discourage or unduly limit employees' participation in online activities.

3 Scope

3.1 Application of policy

This policy applies to all employees of Smart Co. Pty. Ltd..

Social media policy provides definitions of social media and a process for employees who may have a complaint. It also provides for sanctions if an employee is breaching the policy.

3.2 Definition of social media

Social media includes the various internet-based applications that allow the creation and exchange of user-generated content. Social media enables individuals to communicate via the internet, sharing information and resources. Sites such as Facebook are a social utility that connect people with family and friends.

This policy covers, but is not limited to, the sites and services mentioned below, and is also intended to cover other social media services as they develop in the future. The sites and services are:

- (i) social networking sites (eg Facebook, Instagram);
- (ii) professional networking services (eg LinkedIn);
- (iii) video and photo sharing websites (eg YouTube, Instagram, Flickr);
- (iv) micro-blogging (eg Twitter);
- (v) forums and discussion boards (eg Google Groups);
- (vi) online collaborations (eg Wikipedia);
- (vii) podcasting;
- (viii) blogs including corporate blogs and personal blogs; and
- (ix) blogs hosted by traditional media outlets.

Some policies may not be currently relevant to your business. Ignore these. Do not provide copies of them to your employees.

3.3 What is content

Content is the information that is put onto social media sites, which includes images, podcasts and other multimedia communications.

4 Procedural instructions regarding employee use of social media

4.1 Public comment

Smart Co. Pty. Ltd. employees, as private citizens, can engage in public debate on political and social issues, whether on the radio, the internet, in newspapers, on the television or social media sites.

In such circumstances, an employees should not:

- (a) make comment as a representative of Smart Co. Pty. Ltd. unless authorised to do so;
- (b) identify his or herself as an employee of Smart Co. Pty. Ltd. unless authorised to do so; or
- (c) make comment, regardless of the connection with the employee's duties, that amounts to criticism sufficiently strong or persistent to give rise to a public perception that an employee is not prepared to implement or administer the policies of Smart Co. Pty. Ltd. as they relate to his or her duties.

4.2 Bullying and harassment

Just as bullying and harassment will not be tolerated in the workplace, nor will it be tolerated where it occurs on a social media site. This is regardless of whether it occurs on duty or outside of work hours.

Employees are not to post any adverse or critical content about any other employee or individual on social media sites, including material which is offensive, obscene, bullying, discriminatory, hateful, racist, sexist, abusive, harassing, threatening or defamatory.

If a bullying or harassing post is made, it likely that disciplinary action will be taken against the perpetrator (which could include dismissal). Such content may also amount to civil proceedings and give rise to the perpetrator being sued for damages, or even charged with a criminal offence. Employees may be held personally liable in relation to any ensuing litigation arising from such content being posted.

Smart Co. Pty. Ltd. reserves the right to request that certain posts and inappropriate comments be removed from an employee's social media site.

4.3 Conflicts of interest

A conflict of interest may arise from associations made by an employee where his or her personal interest could influence, or be influenced by, the performance of his or her official duties and responsibilities.

This relates to associations that may be considered to be in the best interests of the operations of Smart Co. Pty. Ltd..

Employees are required to declare any conflict of interest to their manager.

In other words, you do not need to use every policy. Just use the policies that are beneficial to your business.

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Adj Professor, Dr Brett Davies - Partner

4.4 Confidentiality of information

Employees are not to divulge or discuss any confidential or personal information obtained as an employee of Smart Co. Pty. Ltd.. This includes information regarding Smart Co. Pty. Ltd. operations, business, clients, services, prices, financial position, security, or activities.

Employees are not to identify any other employee or publish personal details or images about another employee without his or her permission.

4.5 Use of Smart Co. Pty. Ltd. email or logo

Under no circumstances are employees to use Smart Co. Pty. Ltd. email addresses or logos as part of their personal social media activities or post images of themselves or any other employee in uniform or exercising official duties.

5 Security risks

Social media sites can contain a significant amount of personal information. Accordingly, it is in the best interests of employees to ensure appropriate and effective security and privacy settings are established, where available, to allow only restricted access to their sites. Employees, however, need to be mindful that regardless of the security and privacy settings, content may still be made public (eg, a contact may cut and paste comments onto another site) or may be illegally accessed by cybercriminals.

Furthermore, unintended invitees may gain access to a social network site through a linked association (eg, friend of a friend). Some individuals and organisations, including criminal organisations, use social media to mask their true identity and obtain personal information.

It is recommended that employees exercise caution with respect to the type of information that they post on such sites.

6 Reporting

It is expected that all employees will comply with this policy. Employees who fail to comply with this policy may be subject to counselling, directions to withdraw posted material, or disciplinary action, which may include dismissal.

All employees have an obligation to immediately report any breach of this policy to their managers.

7 Further information

If you have any concerns or questions about this policy, please speak with your manager.

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Termination of employment policy

1 Purpose

This policy addresses situations where Smart Co. Pty. Ltd. initiates the termination of employment of an employee.

The purpose of this policy is to make managers aware of the principles and legal obligations involved in terminating employment. It also aims to ensure that employees are afforded a fair and consistent process.

This policy acknowledges that a variety of circumstances may lead to a decision to terminate employment. Termination of employment will only result after consideration of the situation and assessment of any appropriate alternative action.

2 Application

This policy applies to:

- (a) permanent employees, including full time
- (b) fixed term employees; and
- (c) casual employees.

Termination of employment policy regulates the management and processes surrounding the termination of employment.

3 Legal obligations

This policy focuses on how to ensure procedural fairness in the termination of employment, and how to ensure that the termination is neither unfair nor unlawful.

A decision to terminate an employee must be both substantially and procedurally fair.

Substantive fairness means that there is a valid reason for terminating employment. Procedural fairness means that Smart Co. Pty. Ltd. has complied with due process and provided an employee with the opportunity to respond to any allegations raised, and has given full consideration to those responses, prior to terminating the employment.

4 Authorisation for termination

Managers must consult with their supervisors prior to terminating an employee's employment. Termination should only take place after all other alternatives have been explored with their supervisors.

In the case of employees on probation, managers are authorised to terminate employment after seeking input from their superior.

Managers are accountable for following the appropriate procedures leading up to the termination, as well as the process for terminating the employment of the employee.

5 Reasons for termination

Circumstances leading to termination will vary. Some of these circumstances may include, but are not limited to those listed in 5.1 to 5.7, below.

5.1 The result of disciplinary action

Disciplinary action may be taken by Smart Co. Pty. Ltd. against an employee in a number of circumstances including, but not limited to, breach of Smart Co. Pty. Ltd. policy or procedure, serious misconduct, unacceptable behaviour and ongoing unsatisfactory performance.

The decision to terminate employment as a result of disciplinary action may be made with regard to any of the policies of Smart Co. Pty. Ltd. which outlines a range of disciplinary outcomes, up to, and including, termination.

The counselling and warning steps set out in the policies apply in circumstances justifying summary dismissal for misconduct.

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5.2 Abandonment of employment

When an employee is absent from work for a period of 5 consecutive working days without notifying his or her manager, and without the consent of Smart Co. Pty. Ltd., this will be indicative of the employee having abandoned his or her employment.

In such circumstances, the employee will be deemed to have left the employment with no intention of returning. Although this termination is at the initiative of the employee, Smart Co. Pty. Ltd. will demonstrate it has taken reasonable steps to confirm the employee's abandonment of employment by contacting the absent employee.

5.3 End of a probation period

Unless otherwise stated in an employee's employment contract, a new employee of Smart Co. Pty. Ltd. are initially engaged on a 3 month probation period during which his or her performance is formally assessed under the Employment Contract as mandatory legislation requires a different length of period.

Permanent employment is only offered at the end of the probation period (or extended probation period where applicable) where performance has been satisfactory. If, during the formal probation period, the employee's performance or behaviour is not acceptable, the probationary employment may be terminated.

Termination may occur at any time during the probation period, subject to giving the required notice. Once the probation period is completed and employment has been confirmed, termination of employment must otherwise be in accordance with this policy.

5.4 End of fixed term contract

Fixed term contracts are for a specified period, as stated in the employee's employment contract. To avoid any misunderstanding, however, a discussion should take place between the manager and the fixed term employee at least 2 weeks prior to the completion of the contract confirming that the contract will not continue.

5.5 Casual employment

Each occasion a casual employee works forms a separate contract of employment which ceases at the end of that engagement. A casual employee's employment may be terminated at any time by providing the employee with notice, to apply at the end of the current engagement.

However, in the case of long term (ie, 6 months or more), where the casual employee has a legitimate expectation of ongoing employment, the procedures appropriate to permanent employees should be adopted.

5.6 Serious illness or injury

Termination of employment due to long term illness or injury can occur after analysis of the circumstances, and in accordance with the applicable legal obligations, and consideration and assessment of alternative actions.

For non-work related injuries or illnesses, where the employee is absent for a period in excess of 1 month, or has exhausted all paid leave entitlements managers are to discuss the options available.

5.7 Redundancy

Redundancy occurs when re-organisation, restructuring, changed business practice, technological change, or down turn in business occurs, resulting in the work performed by an employee (or the major portion of it) in a position being no longer required.

Only when the organisation is no longer able to provide a role which will productively utilise the skills and capabilities of an employee, will termination in the form of redundancy occur.

Such circumstances may include:

- (a) where:
 - (i) the role filled by an employee is no longer required by the business; or
 - (ii) the role has changed to such an extent that the employee no longer has the knowledge, skills and attributes to fill the role, nor the capacity to acquire the required skills within a reasonable period of time.
- (b) there is no acceptable alternative position available to the employee.

6 Types of Termination

6.1 Summary dismissal

Summary or instant dismissal means dismissal without notice or payment in lieu of notice.

Summary or instant dismissal will be actioned when an employee's actions or behaviour seriously affects the employment relationship and involves serious or wilful misconduct. Examples include, but are not limited to, theft, assault, intoxication, serious and persistent breach of Smart Co. Pty. Ltd. policy or procedure.

6.2 Dismissal with notice

Dismissal with notice means the employee will be given notice of the intention of Smart Co. Pty. Ltd. to terminate his or her employment.

The period of notice, or the amount of payment in lieu of notice, is determined by the employee's contract of employment or mandatory legislation.

Dismissal with notice will occur, in most circumstances, where the employment relationship has broken down, but where the conduct does not warrant summary dismissal. Examples include,

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but are not limited to, disciplinary action for unacceptable performance or conduct, or a breach of Smart Co. Pty. Ltd. policy.

7 Notice of termination

In accordance with the relevant legislation, if Smart Co. Pty. Ltd. terminates a permanent employee's service, other than by summary dismissal, the following minimum period of notice required is set out in the Employment Contract or mandatory legislation:

If, at the date of termination, the employee is over the age of 45 and has completed at least 2 years' continuous service with Smart Co. Pty. Ltd., the employee will be entitled to a further 1 week's notice.

If an employee's contract of employment period will apply.

Smart Co. Pty. Ltd. may choose to make

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8 Basis of Termination Payment

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Employees who have their employment terminated will receive all entitlements due, if any, on, or within, 7 days of the employment ceasing with Smart Co. Pty. Ltd..

Employees will receive payment for any annual leave accrued and not yet taken. Any annual leave taken in advance of it accruing (ie, negative leave balance) will be deducted from the employee's final pay, regardless of whether the termination was employee or Smart Co. Pty. Ltd. initiated.

Any monies paid by Smart Co. Pty. Ltd. in advance of work being performed will be deducted from any accrued entitlement.

Any long service leave entitlements which have not been taken will be paid to eligible employees in accordance with the relevant legislation. Any long service leave taken in advance of it falling due will be deducted from the employee's final pay.

Accrued and untaken personal leave is not paid out on termination of employment.

9 References

Smart Co. Pty. Ltd. does not issue written references to employees leaving Smart Co. Pty. Ltd., nor are employees authorised to issue a written reference for another employee, either using Smart Co. Pty. Ltd. letterhead or implying an official statement on behalf of Smart Co. Pty. Ltd..

Smart Co. Pty. Ltd. will provide an employee with a statement of service specifying the period of employment and stating the position title and type of work performed.

10 Company assets

All Smart Co. Pty. Ltd. assets must be returned to Smart Co. Pty. Ltd. at the time an employee leaves Smart Co. Pty. Ltd.. This includes Smart Co. Pty. Ltd. owned *such as credit cards, security passes, stationery, cars, computer, phones etc.*

11 Further information and advice

For further information, refer to other related policies or contact your manager.

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Victimisation policy

1 Background

It is every employee's right to be treated with dignity and respect and it is also every employee's responsibility to treat others the same way. Smart Co. Pty. Ltd. is committed to providing a workplace free of all forms of victimisation.

Smart Co. Pty. Ltd. is committed to meeting its legislative obligations relating to victimisation and will take all reasonable, practicable steps to provide and maintain a working environment free from behaviours and actions that may victimise or vilify.

An internal grievance resolution process assists employees to raise issues of concern. All complaints will be treated confidentially, seriously and sympathetically. No employee will be penalised or disadvantaged as a result of raising any genuine concern or complaint.

This policy applies to all activities, and all those involved in those activities, throughout the work premises and elsewhere, where activities are undertaken in the course of employment or at work-related activities, such as social functions. This policy includes employees, contractors, customers and visitors.

Relevant and appropriate disciplinary action will be taken against anyone found to have breached this policy.

2 Victimisation

Victimisation occurs when one person(s) subjects another person to a detriment or when one person(s) incite hatred, contempt or ridicule in relation to another person or a group of people. Smart Co. Pty. Ltd. considers all victimisation or vilification to be inappropriate and will not tolerate this kind of behaviour.

The following examples may constitute victimisation or vilification in the workplace:

- (a) refusing to work with, or cooperate with, someone because he or she has made a complaint of bullying;
- (b) making statements or wearing symbols or attire which incite hatred or intolerance; or
- (c) allocating someone all the undesirable tasks because he or she has refused to work overtime.

Genuine operational decisions (such as disciplining someone because of inappropriate workplace behaviour or allocating jobs appropriate to a person's skills or experience or position), or making a complaint against someone because of a genuine belief that they have engaged in inappropriate conduct, does not constitute victimisation or vilification.

Victimisation policy provides a framework for the employer to meet its legislative obligations in the workplace for victimisation. It also provides information to employees about their rights and obligations to victimisation.

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3 What to do if you have a complaint?

3.1 How will complaints be resolved?

Smart Co. Pty. Ltd. aims to resolve all complaints about victimisation which may arise at the workplace. Smart Co. Pty. Ltd. can only do this if employees tell Smart Co. Pty. Ltd. about their complaints.

Employees will not be disadvantaged or victimised for making a complaint.

Smart Co. Pty. Ltd. aims to treat all complaints seriously, quickly and as confidentially as is reasonably possible.

3.2 Who to contact

If you think you are being victimised, you should not ignore the conduct, hoping it will go away. If you can, you should speak to the person responsible for the conduct and ask that person to stop. If you do not feel that you can do this, or it doesn't work, you should talk to your manager.

Your manager may be contacted at any time to discuss any complaint or enquiry. You may approach the relevant person for general advice or to discuss any issue.

Your manager may also investigate complaints. Depending on what you want, and also on the nature of the complaint, it might be appropriate for Smart Co. Pty. Ltd. to make a formal determination about what has happened, and to make a decision about what the consequences should be.

4 Conduct which breaches this policy

Conduct which breaches this policy is unacceptable and, depending on the severity and circumstances, may lead to disciplinary action, regardless of the seniority of the particular employee involved.

Smart Co. Pty. Ltd. will take appropriate disciplinary action against any employee responsible for, or engages in, any form of victimisation.

Disciplinary action might include:

- (a) demotion;
- (b) a requirement to provide a written or verbal apology;
- (c) a formal warning;
- (d) a requirement to attend training or counselling; and
- (e) dismissal.

This policy applies to all activities and all people involved in those activities, that take place on work premises and elsewhere where activities are undertaken in the course of employment, or at work-related activities, such as social functions.

5 Further information

If you have any questions in relation to this policy, please contact your manager.

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Whistleblower policy

1 Purpose

- (a) Smart Co. Pty. Ltd. is committed to a culture of good commercial practice and highly ethical behaviour.
- (b) This policy deals with issues relating to those employees (or others) who wish to raise issues about whether Smart Co. Pty. Ltd. or its employees have complied with applicable laws and other standards of behaviour (such as the policies or codes of conduct of Smart Co. Pty. Ltd.).

2 Application

This policy applies to all employees of Smart Co. Pty. Ltd.. Other persons (such as third party contractors, suppliers and customers) may use the procedures in this policy.

3 Objectives

The objectives of this policy are to:

- (a) encourage employees to disclose any malpractice, misconduct or conflicts of interest of which they become aware;
- (b) provide protection for employees who disclose allegations of malpractice, misconduct or conflicts of interest; and
- (c) indicate when such disclosures will be investigated.

4 Policy

4.1 Whistleblower protection

- (a) This policy is designed to give guidance so that honesty and integrity are maintained at all times at Smart Co. Pty. Ltd..
- (b) To the maximum extent practicable, a person who genuinely discloses an allegation or concern about compliance with laws or other standards of behaviour (a **whistleblower**) will be protected from any adverse action (such as dismissal, demotion, suspension, harassment, or other forms of discrimination) because they have raised such allegations. Subject to this policy, a whistleblower is protected, even if the allegations prove to be incorrect or unsubstantiated (although a person who maliciously or vexatiously makes disclosures or makes false disclosures may be subject to disciplinary action).
- (c) Employees who participate, or assist in, an investigation will also be protected. Every effort will be made to protect the anonymity of the whistleblower, however, there may be situations where anonymity cannot be guaranteed. In such situations, the whistleblower will be informed.

4.2 Reportable conduct

- (a) This policy does not apply to general employment grievances and complaints by a person about their own employment or situation.
- (b) Below are some examples of conduct which may be the subject of disclosure:
 - (i) dishonesty;
 - (ii) fraud;
 - (iii) corruption;
 - (iv) illegal activities (including theft, drug sale/use, violence, threatened violence, or criminal damage against Smart Co. Pty. Ltd. assets/property);
 - (v) discrimination, vilification, sexual harassment, harassment, bullying and victimisation;
 - (vi) acts or omissions in breach of commonwealth or state legislation or local authority by-laws;
 - (vii) unethical behaviour;
 - (viii) other serious improper conduct (including gross mismanagement, serious and substantial waste of Smart Co. Pty. Ltd. resources, or repeated breaches of administrative procedures);
 - (ix) unsafe work-practices;
 - (x) any other conduct which may cause financial or non-financial loss to Smart Co. Pty. Ltd. or be otherwise detrimental to the interests or reputation of Smart Co. Pty. Ltd., or any of its employees; or
 - (xi) the deliberate concealment of information to the above.

Whistleblower policy provides a framework for whistleblowers to disclose information.

5 Protection of whistleblower

5.1 When the policy will operate

This policy protects the whistleblower against any reprisals, provided that the whistleblower identifies himself or herself to Smart Co. Pty. Ltd., and the disclosure is:

- (a) submitted in good faith and without any malice or intentionally false allegations;
- (b) based on the whistleblower's reasonable belief that the alleged conduct, or issue related to the alleged conduct constitutes, or may constitute, a material breach of a law or other standard of behaviour; and
- (c) does not result in a personal gain or advantage for the whistleblower.

5.2 No reprisals

- (a) The company will not take any adverse action against a whistleblower because they have made a disclosure which meet the above-mentioned conditions, unless the whistleblower is a participant in the prohibited activities with respect to which the complaint is made.

- (b) If the whistleblower was involved in the conduct which was the subject of the disclosure, the fact that the whistleblower has made the disclosure may be taken into account in determining the severity of the disciplinary measures, if any, that may eventually be taken against such whistleblower.
- (c) Any reprisals against a whistleblower are a serious breach of this policy and may result in disciplinary action, including dismissal. This protection applies to anyone providing information related to an investigation pursuant to this policy.

6 Confidentiality

- (a) Smart Co. Pty. Ltd. recognises that maintaining appropriate confidentiality is crucial in ensuring that potential whistleblowers come forward and make disclosures in an open and timely manner and without fear of reprisals being made against them.
- (b) Smart Co. Pty. Ltd. will take all reasonable steps to protect the identity of the whistleblower and will adhere to any statutory requirements in respect of the confidentiality of disclosures made. In appropriate cases, disclosure of the identity of the whistleblower, or the allegation made by them, may be unavoidable, such as if court proceedings result from a disclosure pursuant to this policy.

7 Reporting procedures

- (a) Any person who has reasonable grounds to suspect that a breach of a law or other standard of behaviour has occurred, is encouraged to report that suspicion to his or her manager. If this is considered inappropriate, he or she should raise the concern with senior manager, by phone or email, or in writing.
- (b) All disclosures should provide specific, adequate and pertinent information with respect to, among other things, dates, places, persons, witnesses, amounts, and other relevant information, in order to allow for a reasonable investigation to be conducted. If the whistleblower discloses his or her name, the person receiving the disclosure will acknowledge having received the disclosure and may initiate a follow-up meeting. However, if the disclosure is submitted on an anonymous basis, there will be no follow-up meeting regarding the disclosure and Smart Co. Pty. Ltd. will be unable to communicate with the whistleblower if more information is required, or if the matter is to be referred to external parties for further investigation.
- (c) Please remember that all disclosures received will be dealt with on a confidential basis and whistleblowers are encouraged to disclose their identities, to obtain the protection afforded to them at law.

8 Procedures following disclosure

- (a) Once a disclosure has been received from a whistleblower Smart Co. Pty. Ltd. will consider the most appropriate action. This might include an investigation of the alleged conduct.
- (b) Any investigation in relation to a disclosure will be conducted promptly and fairly, with due regard for the nature of the allegation and the rights of the persons involved in the investigation.
- (c) Any evidence gathered during an investigation, including any materials, documents or records, must be held by the investigator, and held securely. During the investigation, the investigator will have access to all of the relevant materials, documents, and records. The directors, officers, employees and agents of Smart Co. Pty. Ltd. must cooperate fully with the investigator.

9 Communications to the whistleblower

Smart Co. Pty. Ltd. will ensure that, provided the disclosure was not made anonymously, the whistleblower is kept informed of the outcomes of the investigation of his or her allegations, subject to the considerations of privacy of those against whom allegations are made.

10 Further information and advice

For further information, refer to other related policies or contact your manager.

Whistleblower policy deals with issues on misconduct, malpractice, internal controls and conflicts of interest, to ensure compliance with the laws and regulations applicable to the employer and its employees, and to deal with concerns that are likely to arise in the work environment. This policy applies to all employees.

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Workplace surveillance policy

1 Purpose

This policy, and its subsequent distribution to all current and new employees, is intended to meet obligations of Smart Co. Pty. Ltd. for notification of workplace surveillance of employees under the *relevant legislation*.

Surveillance implemented by Smart Co. Pty. Ltd. will only occur in accordance with the provisions of the Act, this policy and on the authority of the manager. Surveillance is used for the general security of Smart Co. Pty. Ltd. property and assets, operational needs and for the protection and safety of Smart Co. Pty. Ltd. employees and the general public.

2 Application

This policy applies to all workplace areas under the control and responsibility of Smart Co. Pty. Ltd., where the surveillance may directly or indirectly monitor an employee, contractor, person performing voluntary work or any person authorised to undertake a function or activity while in the workplace.

A reference to employee for the purposes of this policy includes contractors, persons performing voluntary work without remuneration, reward or obligation and any person authorised to undertake a Company function or activity while in the workplace.

3 Overview of surveillance

3.1 Types of surveillance

The kind of surveillance to be carried out by Smart Co. Pty. Ltd. may include:

- (a) camera,
- (b) computer, and
- (c) tracking surveillance.

3.2 How the surveillance will be carried out

Smart Co. Pty. Ltd. will use overt cameras, email filters, internet devices, and tracking devices, and any other similar surveillance devices, in accordance with relevant legislation, deemed appropriate, from time to time.

Audits of surveillance information may be conducted by the manager. The results of the audits of surveillance information and the results will be provided to managers and directors.

If surveillance information is required at any other time by a manager or director, he or she must gain authority from the manager to access that information for a specific purpose and an approved period.

Workplace surveillance policy is used to regulate the management, operation and use of surveillance equipment such as a closed-circuit television system.

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3.3 Other information

The surveillance will be a combination of both continuous and intermittent, dependent upon *the means of surveillance being used*. The various means of surveillance covered by this policy will be ongoing.

Notification to employees of this policy will be in writing, or by email, which constitutes notice in writing for the purpose of complying with the relevant legislation.

Any new or upgraded software or computers will not require staff notification unless the new or upgraded software or computers is for a purpose other than that specified in this policy. The introduction of new or additional tracking devices shall be implemented in accordance with this policy.

4 Camera surveillance

4.1 Use of camera surveillance

- (a) Cameras may be used to monitor activities within the workplace.
- (b) Smart Co. Pty. Ltd. may require designated areas to be under surveillance for operational, security or protection or safety reasons.
- (c) Information or knowledge secured or obtained as a result of surveillance will not be used for any commercial purpose.
- (d) Cameras will be placed such that they are visible to people in the workplace.
- (e) Camera surveillance will not be carried out in change rooms, toilets, showers or other bathing locations.
- (f) Where Smart Co. Pty. Ltd. intends to introduce surveillance, employees working in the designated area or areas will be advised in writing or by email 14 days prior to its commencement, by their supervisors in accordance with the Act.
- (g) Where camera surveillance is proposed for safety reasons, such as remote work sites or hazardous work activities Smart Co. Pty. Ltd. will consult with the relevant employees, before commencing the camera surveillance.
- (h) Smart Co. Pty. Ltd. will erect visible signs informing people who enter or leave a workplace that camera surveillance is being carried out. The signs will state similar to the following: "Closed Circuit Television Cameras are in 24 hour operation in this building, complex or property".

4.2 System operations

The camera surveillance will be administered and managed by the manager in accordance with the principles and objectives expressed in this policy and the Act.

The camera surveillance system will be operated 24 hours each day, every day of the year.

In most cases, the surveillance will not be monitored live, but recordings will be examined if an incident is reported.

4.3 Use of recorded information

- (a) Camera surveillance information may be used by Smart Co. Pty. Ltd. as part of investigations for disciplinary purposes and as evidence during any disciplinary interviews in compliance with your disciplinary procedures.
- (b) The camera surveillance information will only be used or disclosed for:
 - (i) legitimate employment or business purpose;
 - (ii) in connection with suspected corrupt use of resources of Smart Co. Pty. Ltd.;
 - (iii) imminent threat of serious violence to persons or property in accordance with the Act.
- (c) Information recorded by camera surveillance:
 - (i) will be used properly in accordance with the Act after appropriate use;
 - (ii) may only be viewed by the manager, authorised staff, and the police;
 - (iii) which is required as evidence will be properly copied, with the copying and packaging witnessed before copies are released to the police;
 - (iv) will not be made available to the media for commercial or entertainment purposes; and
 - (v) will be disposed of securely by incineration after a period of 6 months.
- (d) Any breaches of this policy will be investigated by the manager. An independent investigation may be conducted for serious breaches.

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Telephone us if you need help to complete the questions.

Adj Professor, Dr Brett Davies - Partner

5 Complaints

Any complaints about workplace surveillance should be addressed to the manager.

6 A breach of this policy

Any breach of this policy may result in the Smart Co. Pty. Ltd. counselling, or taking disciplinary action against, an employee, which may include provision of warnings and termination of employment.

7 Further information

For further information please speak with your manager

Smart Co. Pty. Ltd.

ABN 12 345 678 999

Anti-Slavery and Human Trafficking Policy

1 Purpose of the Anti-Slavery and Human Trafficking Policy

Smart Co. Pty. Ltd. operate an Anti-Slavery and Human Trafficking Policy which applies to all employees.

Modern slavery is a crime resulting in an abhorrent abuse of the human rights of workers. It can take various forms, such as slavery, servitude, forced labour and human trafficking.

Australian business must by law have a zero-tolerance approach to modern slavery and should be committed to acting ethically and with integrity and transparency in all of its business dealings and relationships and to implementing and enforcing effective systems and controls.

2 Requirements of the Modern Anti-Slavery Policy

Smart Co. Pty. Ltd. has a zero-tolerance approach to modern slavery and is committed to acting ethically and with integrity and transparency in all of its business relationships and to implementing and enforcing effective systems and controls to ensure that modern slavery and human trafficking are not taking place anywhere in the business or in any of its supply chains, consistent with its obligations under the *Modern Slavery Act (Cth)*.

3 Standards of persons who we deal with

Smart Co. Pty. Ltd. also expects the same high standards from all our suppliers and other business partners and, as part of its contracting processes, includes prohibitions against the use of modern slavery, and expects that its suppliers require their own suppliers to the same standards.

4 Identifying potential victims of modern slavery

Identifying potential victims of modern slavery can be a challenge because it can manifest itself in many different ways. There is a spectrum of abuse and at what point, for example, poor working practices and lack of health and safety become instances of human trafficking, slavery or forced labour in Australia or abroad.

In addition, some suppliers may go to great lengths to hide the fact that they are using forced labour. However, Smart Co. Pty. Ltd. accepts that it has a responsibility to conduct due diligence processes to ensure that workers are not being exploited and that relevant employment, health and safety and human rights laws and standards are being adhered to, including freedom of movement and communications.

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5 Application of Anti-Slavery and Human Trafficking Policy

This policy applies to all individuals working for Smart Co. Pty. Ltd. or on its behalf in any capacity, including but not limited to employees, directors, officers, contractors, consultants and business partners.

6 Compliance of the Anti-Slavery and Human Trafficking Policy

The prevention, detection and reporting of modern slavery in any part of the business of Smart Co. Pty. Ltd. or supply chains, whether in Australia or abroad, is the responsibility of all those working for Smart Co. Pty. Ltd. or under its control. You are required to avoid any activity that might lead to a breach of this policy.

7 Reporting

If you believe or suspect a breach of or conflict with this policy has occurred or may occur, you must notify your manager. You are encouraged to raise concerns about any issue or suspicion of modern slavery in any part of the business of Smart Co. Pty. Ltd. or supply chains as soon as possible. If you are unsure about whether a particular act, the treatment of workers or their working conditions within any of the supply chains of the Smart Co. Pty. Ltd. constitutes any of the various forms of modern slavery, raise it with your manager.

Smart Co. Pty. Ltd. aims to encourage openness and will support anyone who raises genuine concerns in good faith under this policy. Smart Co. Pty. Ltd. is committed to ensuring no one suffers detrimental treatment or victimisation as a result of reporting in good faith their suspicion that modern slavery is or may be taking place in any part of its business or supply chains.

8 A breach of the Anti-Slavery and Human Trafficking Policy

Any breach of this policy may result in the Smart Co. Pty. Ltd. counselling, or taking disciplinary action against, an employee, which may include provision of warnings and termination of employment.

Smart Co. Pty. Ltd. may terminate its commercial relationship with suppliers, contractors and other business partners if they breach this policy or are found to have been involved in modern slavery.

9 Further information

For further information please speak with your manager.

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<https://www.legalconsolidated.com.au/workplace-policies/>

For a full list of documents you can build on our law firm's website see

here. <https://www.legalconsolidated.com.au/areas-of-law/>