

# Worker Handbook

WHS policies, procedures, and terms of employment



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**A copy of the Company Policy Manual is available on the internal webapp site  
<https://www.scaff.net.au/>**

**Disclaimer:** *This document contains material to assist in addressing Work Health and Safety management obligations. Although every effort has been made to ensure the accuracy of this information at the time of publication, it is provided as guidance only and does not provide legal advice on meeting your obligations.*

## 1) Introduction

**Welcome:** Anderson's Scaffolding Services, the Persons Conducting a Business or Undertaking – (PCBU) would like to wish you every success during your employment, whether you recently joined or whether you are an existing employee. It is hoped that your experience of working with us is positive and rewarding.

**Purpose Of The Worker / Employee Handbook:** The Worker / Employee Handbook sets out the PCBU's rules and regulations, the policies and procedures relating to your employment and contains information on your benefits and protections. If you require any clarification or additional information, please speak to your manager. All employees are required to comply with the Worker / Employee Handbook. Therefore, we ask that you read the content carefully as you may be subject to appropriate disciplinary action (up to and including termination) if you breach the Worker / Employee Handbook.

**Principle Of Equality:** Anderson's Scaffolding Services is committed to providing equal opportunities and the principle of equality in accordance with relevant legislative provisions. We are confident that you share our commitment in implementing these policies.

We will not tolerate any unlawful discriminatory act or attitude during your employment or in your dealings with our participants, suppliers, contractors, members of the public or fellow colleagues. Acts of unlawful discrimination, harassment or victimisation will result in disciplinary action.

**General:** Amendments to this Worker / Employee Handbook will be issued from time to time. This Worker / Employee Handbook does not form part of your contract of employment, unless expressly stated otherwise. However, in any event, the Worker / Employee Handbook may be considered when interpreting your rights and obligations under your terms of employment.

## 2) Joining The Organisation

**Probationary Period:** The length of your probationary period is set out in your contract of employment. Casual employees are not subject to a probationary period. During this period, your work performance and general suitability will be assessed and, if it is satisfactory, your employment will continue. However, if your work performance is assessed as generally unsuitable, Anderson's Scaffolding Services may either take remedial action (provide further training and assessments of work performance) or terminate your employment at any time. We reserve the right not to apply full capability and disciplinary procedures during your probationary period.

**Hours Of Work:** You may be rostered to work Monday to Friday, and occasionally on weekends. Currently, the usual business hours are 6:00am to 6:00pm, but these hours may change from time to time.

**Breaks:** Breaks are to be taken when arranged by Anderson's Scaffolding Services. You are required to adhere to the break length as directed by management and be ready to commence work at the end of the break. In regard to specified break times, please refer to your individual letter of offer.

**Punctuality:** You are required to be present and ready to commence work at your rostered starting time. Anderson's Scaffolding Services considers lack of punctuality a serious conduct issue.

**Availability:** Availabilities are to be provided to Anderson's Scaffolding Services in writing. Any changes to your availabilities must be provided to management in writing. Changes to casual staff's availability may result in less hours being offered and permanent changes to availability may only occur by agreement with Anderson's Scaffolding Services.

**Worker / Employee Training:** At the commencement of your employment, you will receive any training necessary for your specific job. As your employment progresses, your role may be extended to encompass new activities within Anderson's Scaffolding Services. You are expected to participate in any training deemed necessary for you to perform your role at the required standards.

**Training Agreement:** Anderson's Scaffolding Services has a policy of encouraging its employees to undertake training to advance their career to the benefit of both Anderson's Scaffolding Services and the individual. Anderson's Scaffolding Services may agree to contribute to the cost of the training or pay for it in full. In this event, you may be asked to enter into a specific agreement for training (***the Training Agreement***). However, where Anderson's Scaffolding Services has contributed to your training and your employment is terminated, for whatever reason, Anderson's Scaffolding Services will seek reimbursement of the costs in line with the Training Agreement. Further details are available separately in the training agreement.

**Inductions:** At the start of your employment, you may be required to complete an induction, during which all our policies and procedures (including, where relevant, those relating to Health and Safety) will be explained and/or provided to you, as necessary. Information relating to these will be given to you at the induction. You may also be required to complete site inductions for specific clients, which may also include having to complete police checks and 100 points of ID. Anderson's Scaffolding Services will provide all necessary information and assist in the completion of all required inductions during the course of your employment. Where Anderson's Scaffolding Services has paid the cost of obtaining Police checks, these documents will remain the property of Anderson's Scaffolding Services, unless otherwise agreed.

**Job Description:** You may be provided with a job description to help illustrate your role. Amendments may be made to your job description from time to time in relation to Anderson's Scaffolding Services changing needs and your own ability.

**Performance And Review:** Anderson's Scaffolding Services' policy is to monitor your work performance on a continual basis so that we can maximise your strengths and help you with any development areas.

**Job Flexibility:** Whenever necessary, you will transfer to alternative duties within Anderson's Scaffolding Services business. During holiday periods, for example, it may be necessary for you to take over duties normally performed by colleagues. This flexibility is essential for operational efficiency as the type and volume of work is always subject to change.

**Mobility:** It is a condition of your employment that you are prepared, whenever applicable, to travel to any other of our sites or participants sites within a reasonable travelling distance. This mobility is essential to the smooth running of the business.

**Convictions And Offences:** During your employment, you are required to immediately report to Anderson's Scaffolding Services any convictions or offences with which you may be potentially or have been charged. This is intended to include all Traffic and Criminal Offences and relates to Anderson's Scaffolding Services' requirement to perform criminal history checks on employees for some contract works.

### 3) SALARIES AND WAGES

**Payment:** Anderson's Scaffolding Services pay week is from Thursday to Wednesday, with wages being processed weekly on Thursday mornings. Wages will be paid in arrears, and you will receive a payslip showing how the total amount of your pay has been calculated. It will also show the deductions that have been made and the reasons for them, for example, tax and agreed deductions. Any pay queries that you may have should be raised with management. On occasion, wages may be processed earlier than usual eg. Due to public holidays. You will be notified in advance if this is the case.

**Overpayments:** If you are overpaid for any reason, the total amount of the overpayment will normally be deducted from your next payment. If this would cause hardship, arrangements may be made for the overpayment to be recovered over a longer period.

**Tax:** Wages are reported to the ATO Weekly, and at end of financial year all reports are submitted to the ATO, and the ATO will upload a payment summary to your MyGov account. If you do not have a MyGov account, an Accountant or the ATO can assist with this.

**Overtime:** Additional hours will be required to work from time to time, these hours will be worked at the direction of your supervisor or manager. All overtime will be paid and calculated in consideration of relevant awards and Fair Work legislation.

**Superannuation:** Superannuation contributions will be made on your behalf in accordance with legislation.

### 4) LATENESS/ABSENTEEISM

You must attend work punctually at the time(s) specified in your contract of employment or as otherwise advised. You are required to comply strictly with any time recording procedures relating to your work. You must return to work following authorised breaks, punctually and at the time you are to resume work.

In the event you are going to be late to work, or following an authorised break, you are required to notify your supervisor / manager as soon as possible and indicate when you expect to arrive.

All absences due to illness must be notified in accordance with the sickness reporting procedures set out in this Worker / Employee Handbook. Lateness or unauthorised absence may result in disciplinary action and/or loss of pay.

**Shortage Of Work:** If there is a temporary shortage of work for any reason, we will try to maintain your continuity of employment. With your agreement, we may place you on reduced hours, or alternatively, temporary leave. If you agree to be placed on reduced hours, your pay will be reduced according to time worked. If you are placed on leave, this will be processed as leave without pay unless you elect to utilise any accrued leave entitlements if eligible.

**Stand Down:** Anderson's Scaffolding Services may send you home where there is no useful work for you to do, such as during:

- Breakdown Of Equipment.
- Industrial Action; or
- A Cause Which the Anderson's Scaffolding Services Cannot Reasonably Be Held Responsible, Such As Natural Disaster.

This list is not exhaustive. Generally, you will not be paid for this time. However, by agreement you may be able to access accrued leave.

## 5) ANNUAL LEAVE

**Annual Holidays:** You are entitled to accrue annual leave in accordance with the National Employment Standards (NES), unless otherwise stated in your contract of employment. For the avoidance of doubt, casual employees are not entitled to annual leave. Your annual leave pay will be at your normal base pay rate plus industry allowances, unless shown otherwise in your contract of employment. You will also receive annual leave loading in addition to this and this will be listed separately on your payslip. It is Anderson's Scaffolding Services policy to encourage you to take all your holiday entitlements in the current year.

You must complete the Leave Request Form, and have it signed by management before you make any firm holiday arrangements. Workers / Employees must give at least four weeks' notice of your intention to take annual leave of a week or more and one week's notice is required for odd single days. Annual leave dates will normally be allocated on a "first come, first served" basis whilst ensuring that operational efficiency and appropriate staffing levels are maintained throughout the year.

Anderson's Scaffolding Services may experience busy periods during the year and therefore may not be able to accommodate any requests for annual leave during these periods. Due to the nature of the business, Anderson's Scaffolding Services can only accommodate a limited number of employees taking annual leave at the same time.

**Public Holidays:** Your entitlement to public holidays is in accordance with the NES, unless otherwise stated in your individual contract of employment. However, due to the nature of Anderson's Scaffolding Services work, you may be reasonably required to work a public holiday. You will be given advance notice if work on a public holiday is required.

## 6) PERSONAL LEAVE

**Entitlements:** You are entitled to be paid for personal leave in accordance with the NES, unless otherwise stated in your contract of employment. For the avoidance of doubt, casual employees are not entitled to paid personal leave. Paid personal leave accrues over the course of your employment. Full time employees will accrue up to ten days of paid personal leave for each year of continuous service.

Part time and fixed-term employees are entitled to this entitlement on a pro-rata basis. Personal leave accrues, and will be credited to you, progressively throughout the year. Unused leave will not be paid out on termination.

You are entitled to take personal leave:

- Because you are not fit for work due to a personal illness or personal injury affecting you; or
- To provide care or support to a member of your immediate family, or a member of your household who requires your care and support because of:
  - a personal illness or injury affecting the member; or
  - a sudden or unexpected emergency affecting the member.

If your entitlement to personal leave is exhausted, you may take two days' unpaid carer's leave for each occasion when a member of your immediate family or a member of your household requires your care and support because of:

- A Personal Illness or Personal Injury Affecting The Member; Or
- A Sudden or Unexpected Emergency Affecting The Member.

An immediate family member is a:

- Spouse.
- De Facto Partner.
- Child.
- Parent.
- Grandparent.
- Grandchild.
- Sibling, Or
- Child, Parent, Grandparent, Grandchild or Sibling Of The Employee's Spouse Or De Facto Partner.

**A household member is any person who lives with you.**

**Notification Of Personal Leave:** You must notify Anderson's Scaffolding Services by telephone on the first day of incapacity or at the earliest possible opportunity and, in any case, by no later than 2 hours before your usual start time.

Text messages and e-mails are not a preferred method of notification. Other than in exceptional circumstances notification should be made personally to your supervisor / manager. You should try to give an indication of your expected return date and notify Anderson's Scaffolding Services as soon as possible if this date changes. The notification procedures should be followed on each day of absence, unless you are covered by a doctor's medical certificate. If your incapacity extends to more than seven days you are required to notify us of your continued incapacity once a week thereafter, unless otherwise agreed.

**Evidence:** Anderson's Scaffolding Services retains the discretion to require a doctor's certificate or statutory declaration for any absence, including carer's leave. For the purpose of clarity, a certificate provided by a pharmacy is not sufficient.

**Return To Work:** You should notify the manager as soon as you know on which day you will be returning to work, if this differs from a date of return previously notified. On return to work after any period of personal leave, you may be required to attend a return-to-work interview to discuss the state of your health and fitness for work. Information arising from such an interview will be treated with strictest confidence.

You may be required to provide a certificate from your own doctor stating that you are fit to return to your duties. This will always be required where you have suffered a workplace injury/illness that required medical treatment. If you have been suffering from an infectious or contagious disease or illness such as rubella or hepatitis, you must not report for work without clearance from your own doctor.

**General:** Submission of a medical certificate may not always be regarded as sufficient justification for accepting your absence. Sickness is just one of a number of reasons for absence and although it is understandable that if you are sick, you may need time off, continual or repeated absence through sickness may not be acceptable to Anderson's Scaffolding Services.

In deciding whether your absence is acceptable, Anderson's Scaffolding Services will consider the reasons for your absences and extent of them, including any absence caused by sickness/injury. We cannot operate with an excessive level of absence as all absence, for whatever reason, reduces Anderson's Scaffolding Services ability to operate successfully.

Anderson's Scaffolding Services will not tolerate any non-genuine absences, and any such instances will result in disciplinary action being taken. If considered necessary, we reserve the right to ask your permission to contact your doctor and/or for you to be independently medically examined.

## **7) OTHER LEAVE**

**Parental Leave:** If you or your partner become pregnant or are notified of a match date for adoption purposes, you should notify management at an early stage so that your entitlements and obligations can be explained to you.

Under the NES, employees who will have at least 12 months of continuous service as at the expected date of birth of the child, are entitled to 52 weeks of unpaid parental leave. Casuals with regular on-going work are also entitled to unpaid parental leave. You may request an additional 52 weeks of leave which will only be refused by Anderson's Scaffolding Services on reasonable business grounds.

Other forms of leave, such as annual leave and long service leave, may be taken concurrently with parental leave, but when combined with the unpaid parental leave must not exceed the 52-week period. Any other leave is calculated in consideration with the National Employment Standards and Fair Work Act.

You must give Anderson's Scaffolding Services at least ten weeks prior notice of your intention to take unpaid parental leave. This can be done in accordance with Anderson's Scaffolding Services leave application procedures. When advising of your intention to take unpaid parental leave you must provide the following:

- A medical certificate indicating the expected date of birth of the child, or, where the leave is adoption related, the expected date of placement.
- An expected return date; and
- Details of any parental leave your partner intends to take.

You may be entitled to government funded parental leave. The Paid Parental Leave scheme is fully funded by the Australian Government. Employees who are expecting a child or adopting a child are eligible for up to 18 weeks of paid Parental Leave at the rate of the National Minimum Wage if they meet the Eligibility criteria. For further details, eligibility criteria and to apply for this payment please refer to the Department of Human Services.

From 1 January 2013, two weeks of Dad and Partner Pay will be paid by the Government at the minimum wage if you're on unpaid leave from work, after having a baby or adopting a child. Requests are to be made via the Parental Leave Request Form, and the Worker / Employee and Anderson's Scaffolding Services will need to reach an agreement as to your unpaid leave period. For further details and to apply for this payment please refer to the Department of Human Services.

#### **Compassionate Leave:**

Full time and part time employees are entitled to two days paid compassionate leave for each occasion when a member of your immediate family, a member of your household or your spouse's immediate family:

- Contracts or develops a personal illness that poses a serious threat to their life; or
- Sustains a personal injury that poses a serious threat to their life; or dies.

**Long Service Leave:** You are entitled to long service leave in accordance with the relevant laws of the state in which you are employed. Long service leave should be taken as soon as reasonably practicable after you become entitled to it and should be discussed with Anderson's Scaffolding Services Management at least 10 weeks prior to taking any such leave.

**Community Service Leave:** You are entitled to community service leave in certain circumstances. Community service leave is for eligible community service activities such as SES and volunteer fire fighting. Community service is generally unpaid. Your entitlement for payment for Jury Duty will depend on the relevant state and federal legislation.

**Time Off:** Circumstances may arise where you need time off for medical/dental appointments, or for other reasons. Where possible, such appointments should be made outside normal working hours. If this is not possible, time off required for these purposes may be granted at the discretion of management and will normally be without pay.

## **8) SAFEGUARDS / INFORMATION & TECHNOLOGY (IT)**

**Rights Of Search:** We have the right to carry out searches of you and your property (including vehicles) whilst you, or your property, are on our premises or during the performance of your duties. Where practicable, searches will be carried out in the presence of a colleague of your choice who is available on the premises at the time of the search. You may be asked to remove the contents of your pockets, bags, vehicles, etc. Whilst you have the right to refuse to be searched, such refusal will constitute failure to follow a reasonable

management instruction, which may result in disciplinary action being taken against you. We reserve the right to call the police at any stage.

### **Information & Technology (It) And Computer Use:**

#### **a) Virus Protection**

To prevent the introduction of virus contamination into the software system, the following rules must be observed:

- Unauthorised Software Including Public Domain Software, Magazine Cover Disks/CD's, Applications, Or Internet Downloads Must Not Be Used; and
- All Software Must Be Virus Checked Using Standard Testing Procedures before being used.

#### **b) Use Of Computer Equipment**

In order to control the use of the Anderson's Scaffolding Services computer equipment and reduce the risk of contamination, the following rules will apply:

- The introduction of new software and applications must first be checked and authorised by management before general use will be permitted.
- Only authorised employees are permitted access to the Anderson's Scaffolding Services computer equipment.
- Only software that is used for business applications may be used on the Anderson's Scaffolding Services computer equipment.
- No software may be brought onto or taken from the Anderson's Scaffolding Services premises without prior authorisation.
- Unauthorised access to computing facilities will result in disciplinary action up to and including termination; and
- Unauthorised copying and/or removal of computer equipment and/or software will result in disciplinary action up to and including termination.

#### **c) Internet**

Authorised employees are encouraged to make use of the internet as part of their professional activities. This includes, but is not limited to, accessing the internet on Anderson's Scaffolding Services devices. Attention must be paid to ensuring that published information has relevance to normal professional activities before material is released in the Anderson's Scaffolding Services name. Where personal views are expressed, a disclaimer stating that this is the case should be clearly added to all correspondence.

The availability and variety of information on the internet means that it can be used to obtain material reasonably considered to be offensive. The use of the internet to access and/or distribute any kind of offensive material, or material that is not work-related, leaves an individual liable to disciplinary action up to and including termination. Anderson's Scaffolding Services will not tolerate the use of the internet at work for unofficial or inappropriate purposes, including:

- Accessing websites which put Anderson's Scaffolding Services at risk of viruses, compromising copyright or intellectual property rights.
- Using Anderson's Scaffolding Services devices to access the internet for inappropriate or illegal purposes.
- Using social media in breach of the Anderson's Scaffolding Services social media policy.
- Accessing the Anderson's Scaffolding Services internet on personal devices.
- Connecting, posting, or downloading any information unrelated to their employment and in particular pornographic or other offensive material; and
- Engaging in computer hacking and other related activities or attempting to disable or compromise the security of information contained on Anderson's Scaffolding Services computers.

You are reminded that these activities may constitute a criminal offence.

#### **d) Email**

The use of the work email system is encouraged as its appropriate use facilitates efficiency. Used correctly, it is a facility that is of assistance to Anderson's Scaffolding Services. However, inappropriate use causes several problems, including distractions, time wasting and legal claims. The policy sets out the Anderson's Scaffolding Services position on the correct use of work email. Unauthorised or inappropriate use of work email may result in disciplinary action up to and including summary termination. Work email is available for communication and matters directly concerned with the legitimate business of Anderson's Scaffolding Services. Employees using work email should:



- Comply with Anderson's Scaffolding Services communication standards.
- Only send emails to those to whom they are relevant.
- Not use email as a substitute for face-to-face communication or telephone contact.
- Not send inflammatory emails (i.e., emails that are abusive or may be perceived as abusive);
- Be aware that hasty messages sent without proper consideration can cause upset, concern or misunderstanding.
- If the email is confidential, ensure that the necessary steps are taken to protect confidentiality; and
- Be aware that offers or contracts transmitted by email are as legally binding on Anderson's Scaffolding Services as those sent on paper.

Anderson's Scaffolding Services will not tolerate the use of work email for unofficial or inappropriate purposes, including:

- Any messages that could constitute bullying, harassment or other detriment.
- Personal use (e.g., social invitations, personal messages, jokes, cartoons, chain letters or other private matters).
- On-line gambling.
- Accessing or transmitting pornography.
- Social media.
- Transmitting copyright information and/or any software available to the user; or
- Posting confidential information about other employees, Anderson's Scaffolding Services or its customers or suppliers.

#### **e) Monitoring**

Anderson's Scaffolding Services considers any, and all data created, stored or transmitted upon the computer systems as work product and as such, expressly reserves the right to monitor and review any data upon the Systems, including your usage and history, on an intermittent basis without notice. In addition to this, the Anderson's Scaffolding Services has the right to protect its business interests and confidentiality. This includes the right to survey, audit and/or monitor the Systems, including but not limited to:

- Monitoring sites users visit on the internet.
- Monitoring time spent on the internet.
- Reviewing material downloaded or uploaded; and
- Reviewing emails sent and received.

Information reports will be available to Anderson's Scaffolding Services which can subsequently be used for matters such as system performance and availability, capacity planning, cost re-distribution and the identification of areas for personal development. For the avoidance of doubt, Anderson's Scaffolding Services reserve the right to monitor all internet and email activity by you for the purposes of ensuring compliance with Anderson's Scaffolding Services policies and procedures and for ensuring compliance with the relevant regulatory requirements and you hereby consent to such monitoring. Information acquired through such monitoring may be used as evidence in disciplinary proceedings.

#### **9) Social Media:**

Whilst social media can be used to strengthen the Employer's brand and overall image of the business, work related issues or materials being placed on social media can adversely affect the Employer, a customer/client, colleague, or others. Social media is a mechanism for communication and sharing, rather than one specific program, activity or object. It is often a website or other electronic application that enable users to create and share content or to participate in social networking.

To protect the mutual interest of all involved, unless otherwise authorised, work related matters must not be placed on social media at any time either during or outside of working hours and this includes access via any mobile computer equipment, including mobile phone or other devices.

Employees are prohibited from befriending any clients or customers on all social media. Work-related usually means that the Employer, its suppliers, employees, contractors, or any other associated parties can be identified and be in some way connected back to your relationship with the Employer.

Likewise, all employees are strictly prohibited from using social media (whether on the Employer's devices or their own personal device) during work time. You may be granted access to the Employer's social media to complete your duties as directed by the Employer. Any access to the Employer's social media must be approved, in writing, by management prior to any work performed.

During this access, you must not bring the Employer, its participants, suppliers, contractors, or any other associated parties into disrepute through the content of your usage. While representing the Employer on social media, it is expected that you will exhibit a professional and courteous attitude with customers, your colleagues, suppliers, and other members of the public and ensure that you always act in the Employer's best interests. Any breach of this policy will be considered serious and may result in disciplinary action.

**Phones and Other Devices:** Anderson's Scaffolding Services maintain a specific mobile phone policy which addresses personal phone usage on Anderson's Scaffolding Services worksites. Anderson's Scaffolding Services phones, computers, laptops, and other devices are to be used for business purposes and where approved, reasonable incidental personal use. Personal calls to international numbers or other high-cost numbers are not permitted. Any unauthorised personal use may be repayable by you and may result in disciplinary action up to and including termination.

Anderson's Scaffolding Services reserves the right to request to deduct the appropriate sums from your salary if repayments are not made. Personal mobile phones, mp3 players and other personal devices should not be used during work time, other than in emergencies and when completing site documents, or to make and receive calls with management. Devices should be stored away when not required for these reasons.

**Surveillance:** Surveillance may be conducted in the workplace. If you are a new employee, the surveillance may already be in place and could start immediately on commencement of work. Surveillance may be conducted using:

- Internet usage recording devices, such as data capture, web browsing and email history captured on servers, and keystroke recognition.
- Any form of visual recording devices including all types of cameras, such as CCTV cameras;
- Vehicle tracking devices;
- Any form of audio recording devices; and
- Electronic recording devices in any part of the workplace.

The surveillance may be conducted at any time and any Worker / Employee may be subject to surveillance. The surveillance may be continuous or intermittent at Anderson's Scaffolding Services discretion. Anderson's Scaffolding Services may, at their discretion, disclose the surveillance records for any reason that is not barred by privacy legislation. Anderson's Scaffolding Services reserves the right to review and use the CCTV in disciplinary proceedings.

**Cash Handling Procedures:** If your position requires handling payment of client invoices, or making payments on behalf of the business, you must adhere to all of Anderson's Scaffolding Services invoicing and payment procedures.

## **10) STANDARDS OF WORK:**

### **Behaviour At Work:**

You should behave in a civil manner towards fellow colleagues, participants, and members of the public, whilst at work. Rudeness will not be permitted. Objectionable or insulting behaviour or bad language may result in disciplinary action up to and including termination. You should use your best endeavours to promote the interests of Anderson's Scaffolding Services and shall, during normal working hours, devote the whole of your time, attention and abilities to Anderson's Scaffolding Services and its affairs. Any involvement in activities which could be construed as being in competition with Anderson's Scaffolding Services is not allowed.

**Friends And Family In The Workplace:** Friends and family must not be in the workplace, unless approved in advance by Anderson's Scaffolding Services, due to an emergency or for genuine business reasons. It is your responsibility to ensure that friends and family are not in the workplace for longer than necessary.

### **Conflict Of Interest:**

You may not be involved, employed, or engaged in any activity which may be or is likely to create a conflict of interest. Anderson's Scaffolding Services may take whatever action it determines appropriate to avoid the actual or potential conflict of interest. Such action may include transfers, reassignments, changing shifts, or, where Anderson's Scaffolding Services deems such action appropriate, termination of employment.

**Wastage:** We maintain a policy of "minimum waste", which is essential to the cost-effective and efficient running of the business. You can promote this policy by taking extra care during your normal duties by avoiding unnecessary or extravagant use of services, time, energy, etc. The following points are illustrations of this:

- Handle machines, equipment, and stock with care.
- Turn off any unnecessary lighting and heating.
- Keep doors closed whenever possible.
- Double side printing, including re-using scrap paper, where possible.
- Ask for other work if your job has come to a standstill; and
- Start with the minimum of delay after arriving for work and after breaks.
- Any damage to vehicles, stock, or property (including non-statutory safety equipment) that is the result of your carelessness, negligence or deliberate vandalism will render you liable to pay the full or part of the cost of repair or replacement.
- Any loss to Anderson's Scaffolding Services that is the result of your failure to observe rules, procedures, or instruction, or is because of your negligent behaviour or your unsatisfactory standards of work, will render you liable to reimburse to us the full or part of the cost of the loss; and
- In the event of an at fault accident whilst driving one of Anderson's Scaffolding Services vehicles you may be required to pay the cost of the insurance excess.
- In the event of failure to pay, Anderson's Scaffolding Services reserves the right to deduct such costs from your pay.

**Dress and Appearance:** Consistent with the culture of Anderson's Scaffolding Services, you will be expected to present a professional image regarding your appearance and standards of dress and maintain excellent standards of personal hygiene at all times. Where uniforms are provided, these must be always worn whilst at work and cleaned on a regular basis.

Personal protective equipment (PPE) and clothing may be issued for your protection because of the nature of your job and if issued must be worn and used at all appropriate times. Failure to do so could be a contravention of your health and safety responsibilities. Once issued, this protective wear/equipment is your responsibility.

If you arrive for work in a manner that does not comply with this policy, your manager will advise you that you are not dressed or groomed appropriately to perform your duties. As a result, you may be sent home to change with any resulting lost time being unpaid. Any deliberate or persistent breaches of this policy may result in disciplinary action being taken against you. If you are in any doubt whether any aspect of your appearance or attire is appropriate for your job role you should contact management.

## 11) GENERAL TERMS

**Changes In Personal Details:** You must notify Anderson's Scaffolding Services of any changes in your personal details including but not limited to your name, address, telephone number, emergency contact; so that we can maintain accurate records.

**Secondary Employment:** You are expected to devote the whole of your time and attention during working hours to our business. If you propose taking up additional employment with an Employer or pursuing separate business interests or any similar venture, you must discuss the proposal with your manager to establish the likely impact of these activities on both yourself and Anderson's Scaffolding Services. You will be asked to give full details of the proposal and consideration will be given to:

- Working hours.
- Competition, reputation, and credibility.
- Conflict of interest; and
- Health, safety, and welfare.

Anderson's Scaffolding Services may refuse to consent to your request. You will be notified in writing of the Anderson's Scaffolding Services decision. If you work without consent this could result in the termination of your employment.

You may not under any circumstances, whether directly or indirectly, undertake any other duties of any kind for another business or entity during your hours of work with Anderson's Scaffolding Services or whilst on Anderson's Scaffolding Services premises. Unless approved by Anderson's Scaffolding Services, you may not under any circumstances perform services similar to what are performed for Anderson's Scaffolding Services at your residence or at any other site in exchange for compensation.

**Expenses:** We will reimburse you for any reasonable expenses incurred where these are authorised by management. You must provide receipts for any expenditure. If you are required to charge expenses to a

supplier account on behalf of Andersons Scaffolding, you are required to ensure that the use is limited to business related expenses and is completed in a safe and secure manner.

**Worker / Employee Property and Lost Property:** We do not accept liability for any loss of, or damage to, property that you bring onto the premises. You are requested not to bring personal items of value onto the premises and not to leave any items overnight.

**Whistle-Blowers:** If you believe that Anderson's Scaffolding Services or any of its officers or employees is involved in any form of wrongdoing such as:

- Committing A Criminal Offence.
- Failing To Comply with A Legal Obligation.
- Endangering The Health and Safety of An Individual.
- Environmental Damage; Or
- Concealing Any Information Relating to The Above,

Workers should, in the first instance, report your concerns to management who will treat the matter with complete confidence. If you are not satisfied with the explanation or reason given to you, you should raise the matter with the appropriate organisation or body, e.g., the police, the Environment Protection Agency or the health and safety regulator.

You will not suffer any detriment because of any genuine attempt to bring to light matters of concern. However, if this procedure has not been invoked in good faith (e.g., for malicious reasons or in pursuit of a personal grudge), then you may be subject to disciplinary action up to and including termination.

## **12) CAPABILITY**

We recognise that during your employment with us you may find yourself less capable of conducting your duties. This might commonly be because either the job changes over a period of time and you fail to keep pace with the changes, or you change (perhaps because of health reasons) and you can no longer cope with the work. We retain discretion in respect of the capability procedures to take account of your length of service and to vary the procedures accordingly.

**Job Changes/General Capability Issues:** If we have general concerns about your ability to perform your job or if the nature of your job changes, we will try to ensure that you understand the level of performance expected of you and that you receive adequate training and supervision. Concerns regarding your capability will normally first be discussed in an informal manner and you will be given time to improve. If your standard of performance is still not adequate, you will be warned in writing that a failure to improve and to maintain the performance required could lead to your termination.

We will also consider the possibility of a transfer to more suitable work if possible. If there is still no improvement after a reasonable time and we cannot transfer you to more suitable work, or if your level of performance has a serious or substantial effect on Anderson's Scaffolding Services to its detriment, you will be dismissed with the appropriate notice.

**Personal Circumstance/Health Issues:** Personal circumstances may arise which do not prevent you from attending work, but which prevent you from carrying out your normal duties (e.g., a lack of dexterity or general ill health). If such a situation arises, we will normally need to have details of your medical diagnosis and prognosis so that we have the benefit of expert advice.

Under normal circumstances, this can be most easily obtained by asking your own doctor for a medical report. Your permission is needed before we can obtain such a report and we will expect you to co-operate in this matter should the need arise. When we have obtained as much information as possible regarding your condition and after consultation with you, a decision will be made about your future employment with

Anderson's Scaffolding Services in your current role or, where circumstances permit, in a more suitable role. There may also be personal circumstances which prevent you from attending work, either for a prolonged period or for frequent short absences. Under these circumstances, we will need to know when we can expect your attendance record to reach an acceptable level.

This may again mean asking your own doctor for a medical report or by making whatever investigations are appropriate in the circumstances. When we have obtained as much information as possible regarding your condition, and after consultation with you, a decision will be made about your future employment with Anderson's Scaffolding Services in your current role or, where circumstances permit, in a more suitable role.

## **13) DISCIPLINARY MEASURES**

**Introduction:** This policy sets standards of performance and behaviour expected by Anderson's Scaffolding Services, together with the procedure to be followed in the event of disciplinary issues. The policy aims to help promote fairness and order in the treatment of individuals.

It is Anderson's Scaffolding Services aim that the rules and procedures should emphasise and encourage improvement in the conduct of individuals where they are failing to meet the required standards, and not be seen merely as a means of punishment. We reserve the right to amend these rules and procedures where appropriate. Every effort will be made to ensure that any action taken under this procedure is fair, with you being given the opportunity to state your case.

The following rules and procedures should ensure that:

- The correct procedure is used when requiring you to attend a disciplinary hearing.
- You are fully aware of the standards of performance, action and behaviour required of you.
- Disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner.

You will only be disciplined after careful investigation of the facts and the opportunity to present your side of the case.

- At all disciplinary hearings, rather than investigatory meetings, you have the right to be accompanied by a support person at all stages of the formal disciplinary process.
- You will not normally be dismissed for a first breach of discipline, except in the case of serious misconduct; and
- If you are disciplined, you will receive an explanation of the penalty imposed.

On some occasions temporary suspension on contractual pay may be necessary in order that an uninterrupted investigation can take place. This should not be regarded as disciplinary action or a penalty of any kind.

**Disciplinary Rules:** It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action, as they may vary depending on the nature of the work. In addition to the specific examples of unsatisfactory conduct, misconduct and serious misconduct shown in this policy, a breach of other specific conditions, procedures and practices set out elsewhere in this Worker / Employee Handbook or that have otherwise been made known to you, will also result in this procedure being used to deal with such matters.

**Rules Covering Unsatisfactory Conduct and Misconduct:** You will be liable to disciplinary action if you are found to have acted in any of the following ways:

- Failure to abide by Anderson's Scaffolding Services health and safety policies and procedures and your general health and safety responsibilities.
- Actions which could threaten the health and safety of yourself, your colleagues, or others.
- Persistent absenteeism and/or lateness.
- Unsatisfactory standards or output of work.
- Rudeness towards customers/participants, members of the public or your colleagues, objectionable or insulting behaviour, harassment, bullying or bad language.
- Failure to devote the whole of your time, attention and abilities to our business and its affairs during your normal working hours.
- Unauthorised use of email, internet and/or social media.
- Failure to carry out all reasonable instructions or follow our rules and procedures.
- Use of Anderson's Scaffolding Services vehicles without approval or the private use of our commercial vehicles without authorisation.
- Failure to report any incident whilst driving Anderson's Scaffolding Services vehicles, whether personal injury or vehicle damage occurs.
- If your work involves driving, failure to report immediately any type of driving conviction, or any summons which may lead to your conviction.
- Carrying unauthorised goods or passengers in Anderson's Scaffolding Services commercial vehicles or the use of Anderson's Scaffolding Services vehicles for personal gain.
- Loss of driving licence where driving on public roads forms an essential part of the duties of the role.
- Unauthorised use or negligent damage or loss of our property; and
- Failure to report immediately any damage to property or premises caused by you.

**The above list is not exhaustive.**

**Serious Misconduct:** Occurrences of serious misconduct are significant because the penalty may be termination without notice, even without any previous warning being issued. It is not possible to provide an exhaustive list of examples of serious misconduct. However, any behaviour or negligence resulting in a

fundamental breach of your contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute serious misconduct. Examples of offences that will normally be considered to be serious misconduct include serious instances of:

- Theft or fraud.
- Physical violence or bullying.
- Deliberate damage to property.
- Deliberate acts of unlawful discrimination or harassment.
- Asking any client for cash or monetary compensation of any form.
- Possession, or being under the influence, of illegal drugs at work; and
- Breach of Anderson’s Scaffolding Services health and safety policies and procedures and your general health and safety responsibilities or any actions that endangers the lives of, or may cause serious injury to, employees or any other person.

**Disciplinary Procedure:** Disciplinary action taken against you may be based on the following procedure:

| Offence                | 1 <sup>st</sup> occasion | 2 <sup>nd</sup> occasion | 3 <sup>rd</sup> occasion | 4 <sup>th</sup> occasion |
|------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Unsatisfactory conduct | Formal verbal warning    | Written warning          | Final written warning    | Termination              |
| Misconduct             | Final written warning    | Termination              |                          |                          |
| Serious misconduct     | Termination              |                          |                          |                          |

We retain discretion in respect of the disciplinary procedures to take account of your length of service and the severity of the misconduct to vary the procedures accordingly. If you have a short amount of service, you may not be in receipt of any warnings before termination, but you will retain the right to a disciplinary hearing. If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a formal verbal warning, written warning, final written warning, or termination, and full details will be given to you.

There may be occasions where the performance or conduct of a Worker / Employee is serious enough to bypass one of the above steps and move immediately to a first and final written warning but not a summary termination. This option might be used in circumstances where Anderson’s Scaffolding Services policy is breached but it is not so serious as to warrant instant termination. In all cases, warnings will be issued for misconduct, irrespective of the precise matters concerned and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to termination if the warnings do not change behaviour.

**General Notes:** If you are in a supervisory or managerial position then demotion to a lower status at the appropriate rate of pay may be considered as an alternative to termination, except in cases of serious misconduct.

In exceptional circumstances, suspension from work without pay for up to five days as an alternative to termination (except termination for serious misconduct) may be considered by the person authorised to dismiss. Serious misconduct offences will result in termination without notice.

**14) GRIEVANCE**

It is important that if you feel dissatisfied with any matter relating to your employment you should have an effective means by which to raise such a grievance and, where appropriate, have it resolved. Nothing in this procedure is intended to prevent you from informally raising with your manager any matter you may wish to mention. Informal discussion can frequently solve problems without the need for a written record. However, if you wish to raise a formal grievance you should normally do so in writing from the outset.

If you feel aggrieved at any matter relating to your work (except harassment, for which there is a separate procedure), you should first raise the matter with your manager, explaining fully the nature and extent of your grievance. You will then be invited to a meeting at a reasonable time and location at which your grievance will be investigated fully. You must take all reasonable steps to attend this meeting. You will be notified of the decision, in writing, normally within ten working days of the meeting.

**15) PRIVACY**

While the operation of the Privacy Act does not apply to Anderson's Scaffolding Services regarding any acts which directly relate to:

- The employment relationship between Anderson's Scaffolding Services and the individual; and
- A Worker / Employee record held by Anderson's Scaffolding Services,

Anderson's Scaffolding Services treats the handling of your personal information very seriously. Accordingly, the purpose of this policy is to ensure the protection of your privacy in relation to the handling of your personal information.

**Collection Of Personal Information:** Personal information may be collected during the recruiting process and throughout your employment with Anderson's Scaffolding Services. This personal information may be disclosed to other areas within the business for administrative purposes and for the progression of your application. All confidential information will be used for legitimate purposes in accordance with relevant legislation.

Personal information includes information relating to:

- The engagement, training, disciplining or resignation of the employee.
- Termination of the employment of the employee.
- Terms and conditions of employment of the employee.
- Employee's personal and emergency contact details.
- Employee's performance or conduct.
- Employee's hours of employment; employee's salary or wages.
- Employee's membership of a professional or trade association.
- Employee's trade union membership.
- Employee's recreation, long service, sick, personal, maternity, paternity, or other leave, and
- Employee's taxation, banking, or superannuation affairs.
- Documents relating to confirming an employees identification (100 points of ID).

All reasonable attempts will be made to keep this information relevant, complete, and current. You must ensure that any personal information provided is accurate and current.

**Your Responsibilities:** Considering the above objective, every Worker / Employee is responsible for the appropriate handling of such information and to prevent unlawful disclosure. If you have access to this information or such any personal information belonging to another Worker / Employee or a client of Anderson's Scaffolding Services, you must ensure that you maintain the confidence of any confidential information that you have access to, or become aware of, during your employment and will prevent its unauthorised disclosure or use by any other person.

You will not use the confidential information for any purpose other than for the relevant and related Anderson's Scaffolding Services processes during or after your employment. Any action in breach of this policy may result in disciplinary action being taken.

## **16) EQUAL OPPORTUNITIES AND ANTI-DISCRIMINATION**

We recognise that discrimination is unacceptable and, although equality of opportunity has been a long-standing feature of our practices and procedure, we have made the decision to adopt a formal equal opportunities policy. Breaches of the policy will lead to disciplinary proceedings and, if appropriate, disciplinary action. The aim of the policy is to ensure that no job applicant or Worker / Employee is discriminated against either directly or indirectly on the grounds of age, disability, gender identity, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation. The policy will be communicated to all private contractors reminding them of their responsibilities in respect of equality of opportunity. We will maintain a neutral workplace in which no Worker / Employee or other worker feels under threat or intimidated.

**Recruitment And Selection:** The recruitment and selection process are crucially important to any equal opportunities policy. We will endeavour through appropriate training to ensure that employees making selection and recruitment decisions will not discriminate, whether consciously or unconsciously, in making these decisions. Promotion and advancement will be made on merit and all decisions relating to this will be made within the overall framework and principles of this policy.

We will adopt a consistent, non-discriminatory approach to the advertising of vacancies. We will not confine our recruitment to areas or media sources which provide only, or mainly, applicants of a particular group. All applicants who apply for jobs with us will receive fair treatment and will be considered solely on their ability to do the job. All employees involved in the recruitment process will periodically review their selection criteria

to ensure that they are related to the job requirements and do not unlawfully discriminate. Short listing and interviewing will be carried out by more than one person where possible. Interview questions will be related to the requirements of the job and will not be of a discriminatory nature. Selection decisions will not be influenced by any perceived prejudices of other staff. All promotions will be in line with this policy.

## 17) MOTOR VEHICLES

**General Requirements:** You may be required to use a motor vehicle to enable you to efficiently perform your duties. Where travelling in the course of duties, the motor vehicle is considered to be a workplace and Anderson's Scaffolding Services recognises it has health and safety obligations in respect of this. Anderson's Scaffolding Services will ensure that company motor vehicles are registered and insured in accordance with the relevant legislation, and are in good working order.

You must always comply with the Motor Vehicles policy in this Handbook. It is your responsibility to see that any Anderson's Scaffolding Services motor vehicle is not used by anyone other than authorised persons. If you are driving a motor vehicle with Anderson's Scaffolding Services branding on display, you are representing Anderson's Scaffolding Services at any time whilst driving or on the road. You must therefore drive in a manner that is considerate of other road users. Any complaint about a driver will be investigated and disciplinary action may result.

**Worker / Employee Responsibilities:** You are responsible for ensuring you comply with any Anderson's Scaffolding Services policies and procedures relating to motor vehicles and their use. In particular you must:

- Possess a current driving licence and management's authority to drive during the performance of your duties.
- Produce your driving licence for scrutiny by management at any time as requested; and
- Inform Anderson's Scaffolding Services immediately if you are disqualified from driving.

When operating a motor vehicle in the performance of your duties, you must observe and obey the relevant road laws in the state or territory in which you are driving. In particular, you must:

- Always adhere to the appropriate speed limit.
- Wear the restraints provided at all times when travelling in the motor vehicle.
- Ensure that you are not affected by alcohol and/or drugs at the time of driving.
- Report any defects or issues with the motor vehicle to Anderson's Scaffolding Services as soon as reasonably practical.
- Ensure that the motor vehicle is in safe working order.
- Ensure that only authorised passengers are transported and are kept safe while doing so; and
- Ensure that authorised passengers use the restraints provided.

**Using A Private Vehicle for Anderson's Scaffolding Services Purposes:** When using your own vehicle in the performance of your duties, you are responsible for ensuring the vehicle is roadworthy and in a presentable condition. You will be responsible to register, insure and service any private motor vehicles used in the performance of your duties. You must ensure that whilst driving your motor vehicle to perform your duties, it is clean, free of rubbish and personal items at all times, and in a safe and good working order. You are responsible for washing the motor vehicle, and for ensuring that appropriate levels of oil, water and tyre pressure are maintained.

**Use Of Mobile Phone While Operating a Motor Vehicle:** You must operate mobile phones in compliance with all road rules and in particular ensure:

- You do not use a mobile phone whilst driving unless via an approved hands free or cradle device.
- You limit your usage whilst using an approved device to short conversations only.
- You do not use SMS, video and/or email whilst driving; and
- You do not hold or touch a phone at any time whilst driving unless the motor vehicle is legally parked (even if you are just passing it to a passenger).

**Fixtures, Fittings and Modifications:** No fixtures such as aerials, roof racks, towing apparatus, or stickers may be attached to any Anderson's Scaffolding Services vehicles without prior written permission. No change or alterations may be made to the manufacturer's mechanical or structural specification of the vehicle.

**Cleaning And Maintenance:** When you drive one of Anderson's Scaffolding Services vehicles, it is your responsibility to ensure that it is always kept clean and tidy and free from rubbish and personal items and that it is returned to Anderson's Scaffolding Services in that condition after use. Smoking in Anderson's Scaffolding Services vehicles is not permitted. Any maintenance or repair work, or replacement of parts,



including tyres, must be approved in advance by Anderson's Scaffolding Services management, and reimbursement will only be made against production of a receipt. When requested by Anderson's Scaffolding Services you must ensure servicing is carried out. Full details of the work required, and the cost involved must be given. Before you use one of Anderson's Scaffolding Services vehicles, and on its return, you are responsible for assisting with the maintenance of our fleet. Anderson's Scaffolding Services reserves the right to request to deduct the cost of the valet from your pay where you fail to adequately clean the vehicle.

**Fuel Cards:** Fuel cards are to be used for business related travel only. Odometer readings are to be entered at the time of the purchase of fuel with the fuel card. Fuel cards are to be always kept safe and secure. You must ensure that you adhere to all business requirements for fuel related purchases which may include, but is not limited to, specific locations for purchases, type of products that can be purchased and spend limits on purchases. Fuel related requirements – Company fuel cards will only accept payment for e10 or 91 unleaded fuel not premium fuels i.e., 95 or 98 premium unleaded fuel. Employee's must ensure company vehicles are filled with the appropriate fuel – NO Premium Fuel will be paid for by Anderson's Scaffolding Services.

**Fines:** We will not be held responsible for any fines (e.g. parking, speeding, tolls etc) incurred by you whilst working for Anderson's Scaffolding Services, regardless of driving our vehicles.

**Tolls/Tags:** Unless contrary arrangements exist in writing, Anderson's Scaffolding Services will only reimburse you for road pass/tolls/tags used on Anderson's Scaffolding Services business. Any use of a toll road pass/tag outside of work may result in the amount of the toll being deducted from your wage.

**Accident Procedure:** If you are involved in an accident, you must follow the Emergency Procedures policy and notify management as soon as possible in accordance with the Reporting Injury or Incidents Policy.

**Loss:** In the case of theft of one of Anderson's Scaffolding Services vehicles, the police and Anderson's Scaffolding Services management must be informed immediately. Full details of the contents of the vehicle must also be given. If any contents are stolen from the vehicle, the police and Anderson's Scaffolding Services should be notified immediately. Please note that only Anderson's Scaffolding Services property is insured by Anderson's Scaffolding Services, and you should make your own arrangements to cover your personal effects.

You must always secure the vehicle and its contents and turn on any alarm system that is fitted to the vehicle. The contents should be stored out of sight, preferably in the boot or rear. If a vehicle is stolen, we are required to prove to the insurance company that there has been no negligence and, therefore, we must hold you responsible in the event of such negligence.

**Permitted Use:** Subject to the restrictions already stipulated, Anderson's Scaffolding Services vehicles may only be used for authorised business, unless previous arrangements for private domestic or social use have been agreed in advance. They may not be used for the carriage of passengers for hire or reward, nor may they be used for any type of motoring sport, including racing, rallying or pace making, whether on the public road or on private land. On periods of leave, you may be required to return the Anderson's Scaffolding Services vehicles, unless otherwise agreed with management.

**Personal Liability:** In the event of an at fault accident whilst driving one of Anderson's Scaffolding Services vehicles or where any damage to an Anderson's Scaffolding Services vehicle is due to your negligence or lack of care, Anderson's Scaffolding Services reserves the right to insist on you rectifying the damage at your own expense or paying the excess part of any claim. Repeated instances may result in disciplinary action/and or the use of Anderson's Scaffolding Services vehicles being withdrawn.

## **18) WORKPLACE IN GENERAL**

**Introduction:** Along with the specific guidelines and procedures outlined throughout this Handbook, there are some simple day to day measures that can be adopted by management and employees alike to reduce the risks to health and safety in the workplace.

**General:** Management and employees alike must ensure:

- No plant, equipment, or safety device (including PPE) is altered or removed from the workplace without express management authority.
- All safety signs, policies and procedures are complied with in full.
- Illegal drugs are not brought into, or used, in the workplace; and
- Persons affected by alcohol or drugs are not permitted to access, or remain at, the workplace.

You must ensure that you wear and use any personal protective equipment and clothing issued for your protection at all appropriate times.

**Housekeeping:** Failure to ensure that the workplace is kept neat, and tidy may create unnecessary hazards. Management and employees alike are responsible for maintaining a neat and tidy workplace. This involves:

- Ensuring emergency exits, thoroughfares and pedestrian access points are not obstructed.
- Ensuring aisles and work areas are clear and free from obstruction at all times so as not to cause additional hazards including slip, trip, or fall hazards.
- Placing rubbish in the bins provided; and
- Ensuring all work, communal areas and facilities are always kept clean and tidy.

**Hygiene:** Any exposed cut or burn must be covered with a first-aid dressing. If you are suffering from an infectious or contagious disease or illness such as rubella or hepatitis you must not enter the workplace without clearance from your own doctor. Contact with any person suffering from an infectious or contagious disease must be reported before commencing work.

**Fitness For Work:** If you arrive for work and, in Anderson's Scaffolding Services opinion, you are not fit to work, Anderson's Scaffolding Services reserves the right to exercise its duty of care, particularly where Anderson's Scaffolding Services believes that you may not be able to undertake your duties in a safe manner or may pose a safety risk to others.

We may send you away for the remainder of the day with or without pay and, dependent on the circumstances, if you are a Worker / Employee you may be liable to disciplinary action. You may be required to provide a certificate from your treating doctor stating your fitness for duties before being permitted to return to work.

## **19) BULLYING AND HARASSMENT**

**Introduction:** Anderson's Scaffolding Services is committed to the provision of a fair, healthy and safe workplace in which everyone is treated with dignity and respect and in which no individual or group feels bullied, threatened or intimidated. Bullying or harassment in any form is unacceptable behaviour and will not be permitted or condoned. We recognise that bullying and harassment can exist in the workplace, as well as outside, and that this can seriously affect workers' working lives by detracting from a productive working environment and can impact on the health, confidence, morale, and performance of those affected by it, including anyone who witnesses or has knowledge of the unwanted or unacceptable behaviour.

**Harassment:** The intention of these procedures is to inform workers of the type of behaviour that is unacceptable and to provide procedural guidance. We recognise that we have a duty to implement this policy and all workers are expected to comply with it.

Harassment is any unwanted physical, verbal or non-verbal conduct based on grounds of age, disability, gender identity, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation which affects the dignity of anyone at work or creates an intimidating, hostile, degrading, humiliating or offensive environment. A single incident of unwanted or offensive behaviour can amount to harassment. Harassment can take many forms and individuals may not always realise that their behaviour constitutes harassment. Examples of harassment include:

- Insensitive jokes and pranks.
- Lewd or abusive comments about appearance.
- Deliberate exclusion from conversations.
- Displaying abusive or offensive writing or material.
- Unwelcome touching; and
- Abusive, threatening, or insulting words or behaviour.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of harassment. Appropriate action in relation to a worker will include disciplinary action in accordance with Anderson's Scaffolding Services disciplinary and disciplinary termination procedure. For other workers, appropriate action may include termination of their engagement with Anderson's Scaffolding Services.

**Bullying:** Bullying is repeated, offensive, abusive, intimidating, insulting or unreasonable behaviour directed towards an individual or a group, which makes the recipient(s) feel threatened, humiliated or vulnerable. Note single incidents of bullying will not be tolerated.

Bullying can occur in the workplace and outside of the workplace at events connected to the workplace, such as social functions or business trips. Bullying can be a form of harassment and can cause an individual to suffer negative physical and mental effects. Bullying can take the form of physical, verbal and non-verbal conduct. As with harassment, there are many examples of bullying, which can include:

- Abusive, insulting, or offensive language or comments.
- Unjustified criticism or complaints.
- Physical or emotional threats.
- Deliberate exclusion from workplace activities.
- The spreading of misinformation or malicious rumours; and
- The denial of access to information, supervision, or resources such that it has a detrimental impact on the individual or group.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of bullying. Appropriate action in relation to a Worker / Employee will include disciplinary action in accordance with Anderson's Scaffolding Services disciplinary and disciplinary termination procedure. For other workers, appropriate action may include termination of their engagement with Anderson's Scaffolding Services.

**Reasonable Management Action Taken in a Reasonable Way:** It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on a worker's performance. These actions are not considered to be workplace bullying or harassment if they are carried out lawfully and in a reasonable manner, taking the particular circumstances into account. Examples of reasonable management action can include but are not limited to:

- Setting reasonable performance goals, standards, and deadlines.
- Rostering and allocating working hours where the requirements are reasonable.
- Transferring a worker for operational reasons.
- Deciding not to select a worker for promotion where a reasonable process is followed.
- Informing a worker of their unsatisfactory work performance.
- Meeting with a worker to discuss performance and/or conduct.
- Informing a worker of their unreasonable or inappropriate behaviour in an objective and confidential way.
- Implementing organisational changes or restructuring; and
- Taking disciplinary action including suspension or termination of employment.

### **Bullying And Harassment Complaint Procedures:**

**Informal complaint:** We recognise that complaints of bullying, harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a supervisor (whether or not that person has a direct supervisory responsibility for you) as a confidential helper.

If you are the victim of minor bullying or harassment you should make it clear to the alleged bully or harasser on an informal basis that their behaviour is unwelcome and ask the individual to stop. If you feel unable to do this verbally then you should hand a written request to the individual, and your confidential helper can assist you in this.

**Formal complaint:** Where the informal approach fails or if the bullying or harassment is more serious, you should bring the matter to the attention the Manager as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the bullying or harassment so that the written complaint can include:

- The name of the alleged bully or harasser.
- The nature of the alleged incident of bullying or harassment.
- The dates and times when the alleged incident of bullying or harassment occurred.
- The names of any witnesses; and
- Any action already taken by you to stop the alleged bullying or harassment.

On receipt of a formal complaint, we will act to separate you from the alleged bully or harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged bully or

harasser to another work area or suspension of employees (with contractual pay) until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend.

Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter. On conclusion of the investigation which will normally be within ten working days of the meeting with you, a report of the findings and of the investigator's decision will be sent, in writing, to you and to the alleged bully or harasser.

**General Notes:** If the report concludes that the allegation is well founded, appropriate action will be taken against the bully or harasser. If you bring a complaint of bullying or harassment you will not be victimised for having brought the complaint. However, if the report concludes that the complaint is both untrue and has been brought with malicious intent, appropriate action will be taken against you. Appropriate action in relation to a Worker / Employee will include disciplinary action in accordance with the Anderson's Scaffolding Services disciplinary and disciplinary termination procedure. For other workers, appropriate action may include termination of their engagement with Anderson's Scaffolding Services.

**Sexual Harassment:** Anderson's Scaffolding Services recognises the right of every worker and to be able to attend work and to perform their duties without being subjected to any form of sexual harassment. It is the obligation and responsibility of every worker to ensure that the workplace is free from sexual harassment and is fully committed to its obligation to eliminate sexual harassment in the workplace.

Sexual harassment means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances. Examples of sexual harassment include, but are not limited to,

- Staring or leering
- Unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching
- Suggestive comments or jokes
- Insults or taunts of a sexual nature
- Intrusive questions or statements about your private life
- Displaying posters, magazines, or screen savers of a sexual nature
- Sending sexually explicit emails or text messages
- Inappropriate advances on social networking sites
- Accessing sexually explicit internet sites
- Requests for sex or repeated unwanted requests to go out on dates
- Behaviour that may also be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications

Behaviour that is based on mutual attraction, friendship and respect is not sexual harassment. Both federal and state Equal Employment Opportunity legislation provide that sexual harassment is unlawful and establish minimum standards of behaviour for all workers. This policy applies to conduct that takes place in any work-related context, including conferences, work functions, social events, and business trips. No worker at any level should subject any other worker, client, volunteer, customer, or visitor to any form of sexual harassment.

A breach of the Anderson's Scaffolding Services Sexual Harassment Policy will result in disciplinary action, up to and including termination of employment. Anderson's Scaffolding Services strongly encourages any worker who feels they have been sexually harassed to take immediate action. If a worker feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion. The worker should identify the harassing behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

Alternatively, or in addition, they may report the behaviour in accordance with the relevant procedure. Once a report is made the organisation has the right to determine how the report should be dealt with in accordance with its obligations and this policy. Any reports of sexual harassment will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential up to the point where a formal or informal complaint is lodged against a person, at which point that person must be notified under the rules of natural justice.

Complainants have the right to determine how to have a complaint treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process. The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

No worker will be treated unfairly because of rejecting unwanted advances. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of sexual harassment, or against any worker who has been alleged to be a harasser. All workers have the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns. Managers or Supervisors who fail to take appropriate corrective action when aware of harassment of a person will be subject to disciplinary action.

## **20) DRUGS AND ALCOHOL**

**Zero Tolerance Policy:** The use of drugs or alcohol jeopardises a safe workplace. Anderson's Scaffolding Services has a zero-tolerance policy regarding drugs and alcohol and the workplace. Employees are not permitted to work while under the influence of drugs or alcohol. Non-compliance with this policy and any associated procedure by employees may result in disciplinary action up to and including termination.

Anderson's Scaffolding Services recognises alcohol and other drug dependencies as treatable conditions and encourages those persons who may be subject to such dependency to seek assistance from appropriate organisations or support groups. Workers and visitors must not be adversely affected by drugs or alcohol at work or while at work functions and must always be fit to perform their work safely. Alcohol may be consumed at Anderson's Scaffolding Services events. Where this is the case, Anderson's Scaffolding Services encourages responsible alcohol consumption. At no time should you be drunk or behave in a manner which is inappropriate.

**Prescribed/Over-The-Counter Medication:** Employees who are taking any prescribed/over-the-counter medication or drugs which may affect their ability to perform their work must notify management as soon as possible. You may be required to produce a medical certificate stating that you are fit for work or specifying any restrictions.

**Screening:** Anderson's Scaffolding Services may require screening for alcohol and drugs. For employees, this may include pre-employment testing. Testing may be conducted based on reasonable suspicion or following an incident or accident. Anderson's Scaffolding Services reserves the right to carry out random testing across all levels of employees.

The following provides examples of activities which may result in disciplinary procedures, up to and including termination of your employment or engagement with Anderson's Scaffolding Services. If you:

- Are removed from the workplace due to impairment or reasonable suspicion of impairment.
- Return a positive result following testing.
- Return a blood alcohol level of more than 0.00 or the equivalent in urine or breath samples.
- Refuse reasonable direction to undertake drug and alcohol screening; or
- Are in possession of illegal drugs for supply or consumption in the workplace or Anderson's Scaffolding Services vehicles.
- This list is not exhaustive.

If you perform work on a client site which conducts regular or random drug and alcohol testing, you will be required to participate. Where you are suspected of being affected by drugs or alcohol, you may be required to participate in appropriate testing. Positive readings at any time will result in disciplinary procedures up to and including termination of your employment or engagement with Anderson's Scaffolding Services.

If you return a positive result or refuse to participate in testing, you will be required to cease work immediately and leave the workplace. This time will be unpaid until such a time that you are fit to return to work. You will not be able to return to the workplace until you return a negative result. If you are required to leave the workplace, you will be required to report to management on your return or when you are no longer under the influence of drugs or alcohol, to discuss the incident.

**Smoke Free Workplace:** Under Work Health and Safety legislation a Person Conducting a Business or Undertaking (PCBU) must ensure that the working environment is safe and without risks to health. Smoking and passive smoking pose serious health risks; therefore, Anderson's Scaffolding Services is committed to

providing a smoke-free work environment. Objective: To achieve a smoke-free workplace to protect all workers, participants, contractors, and visitors from the effects of environmental cigarette smoke.

Policy: Smoking is prohibited on the premises including:

- During working hours (working on paid shifts)
- Enclosed or partially enclosed areas
- Work vehicles
- Near doorways, windows, or vent ducts
- The presence of the public or on client premises

Persons who wish to smoke during work hours must only do so outside the workplace and in their scheduled breaks or other approved times. Anderson's Scaffolding Services may promote quit programs, provide assistance with advice and information to quit smoking. Adherence to this policy is a condition of employment. Workers who breach this policy will face disciplinary action, which will result in termination of your job as this is breach of health safety to the client, and in some cases, prosecution under the State Tobacco Acts and relevant WHS legislation.

**21) TERMINATION OF EMPLOYMENT**

**Resignations:**

All resignations must be provided in writing, stating the reason for resigning your post.

**Terminating Your Employment Without Notice:** If you terminate your employment without giving or working the required period of notice, as indicated in your contract of employment, you will have an amount equal to any additional cost of covering your duties during the notice period not worked deducted from any termination pay due to you.

**Return Of Anderson's Scaffolding Services Property:** On the termination of your employment, you must return all Anderson's Scaffolding Services property which is in your possession or for which you have responsibility. Failure to return such items within 7 days will result in the cost of the items being deducted from any monies outstanding to you. All Anderson's Scaffolding Services property should be returned to management.

**22) FAIR WORK INFORMATION AND THE NATIONAL EMPLOYMENT STANDARDS (NES)**



**Fair Work Information Statement and the National Employment Standards**

**Australia's new workplace relations system**

From 1 July 2009, most Australian workplaces are governed by a new system created by the *Fair Work Act 2009*.

The Fair Work Ombudsman helps employees, employers, contractors and the community to understand and comply with the new system. We provide education, information and advice, help to resolve workplace complaints, conduct investigations, and enforce relevant Commonwealth workplace laws.

The provision of the Fair Work Information Statement (the Statement) forms part of the National Employment Standards (NES). As of 1 January 2010, the NES apply to all employees covered by the national workplace relations system, regardless of the applicable industrial instrument or contract of employment.

Terms in awards, agreements and employment contracts cannot exclude or provide for an entitlement less than the NES, and those that do have no effect. An employer must not contravene a provision of the NES.

A contravention of a provision of the NES may result in penalties of up to \$10,800 for an individual and \$54,000 for a corporation.

**Overview:**

**The Statement must be given to each new employee commencing employment from 1 January 2010.**

The Statement is published by the Fair Work Ombudsman and must be published in the *Commonwealth Government Notices Gazette* (the *Gazette*). If the Fair Work Ombudsman changes the Statement in any way, they must publish the new version in the *Gazette*.

**What information must be contained in the Statement?**

**The Statement contains information about the following:**

- The NES
- Modern awards
- Agreement-making under the *Fair Work Act 2009*
- The right to freedom of association
- The role of the Fair Work Commission and the Fair Work Ombudsman
- Termination of employment
- Individual flexibility arrangements
- Right of entry (including the protection of personal information by privacy laws)
- An explanation of the effect on an employee's entitlements under the NES if both of the following occur:
  - A transfer of a business occurs as described in the Fair Work Act 2009
  - The employee becomes a transferring employee.

**Fair Work Infoline: 13 13 94**

**[www.fairwork.gov.au](http://www.fairwork.gov.au)**

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**Who must receive the Statement?**

An employer must give each new employee the Statement before (or as soon as practicable after) the employee starts his or her employment.

The employer is not required to give the employee the Statement more than once in 12 months. Employers must give the Statement to an employee.

This may occur by any means, for example:

- The employer gives it to the employee personally
- The employer sends it by pre-paid post to:
  - The employee's residential address or
  - A postal address nominated by the employee
- The employer sends it to:
  - The employee's work email address or
  - Another email address nominated by the employee
- The employer sends to the employee's work email address (or to another email address nominated by the employee):
  - An electronic link to the fair work ombudsman website on which the statement is located or
  - An electronic link that takes the employee directly to a copy of the statement on the employer's intranet
- The employer faxes it to:
  - The employee's work fax number or
  - The employee's home fax number or
  - Another fax number nominated by the employee.

**Further Information:**

The Fair Work Ombudsman has published a fact sheet on each NES entitlement. For further information on a specific NES entitlement, please see the relevant fact sheets at [www.fairwork.gov.au](http://www.fairwork.gov.au).

The requirement to provide new employees with a Fair Work Information Statement is provided for by sections 124 & 125 of the *Fair Work Act 2009*.

You can access a copy of the Fair Work Information Statement at [www.fairwork.gov.au/fwis](http://www.fairwork.gov.au/fwis).

For further information, visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or contact Fair Work Infoline **13 13 94**.

**Related Publications:**

- *Introduction to the NES*
- *Maximum working hours and the NES*
- *Requests for flexible working arrangements and the NES Parental leave and related entitlements and the NES Annual leave and the NES*
- *Personal/carer's leave and compassionate leave and the NES Community service leave and the NES*
- *Long service leave and the NES Public holidays and the NES*
- *Notice of termination and redundancy pay and the NES*

**Contact us:**

- Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)
- Fair Work Infoline: **13 13 94** Need language help?
- Contact the Translating and Interpreting Service (TIS) on 13 14 50

**Hearing & speech assistance**

- Call through the National Relay Service (NRS):
- For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94
- Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94