



# **Wujal Wujal Aboriginal Shire Council**

## **Special Council | Meeting Agenda**

Date: Wednesday 22 March 2023  
Time: 1.00pm  
Venue: Council Chambers, 1 Hartwig Street, Wujal Wujal

## **1. Opening of Meeting**

### **1.1 Welcome | Opening of Meeting**

Declaration of opening of meeting by Mayor Bradley Creek

### **1.2 Acknowledgement of Traditional Owners**

## **2. Attendance, Leave of Absence and Apologies**

### **2.1 Attendance**

Councillors:

Councillor Bradley Creek, Mayor

Councillor Regan Kulka, Deputy Mayor

Councillor Robert Bloomfield

Councillor Vanessa Tayley

WWASC Staff Representatives

Chief Executive Officer, Kiley Hanslow

Manager of Works and Building Services, Perry Gould

Manager of Finance, Micah Nkiwane (attending on behalf of Joanne Gowans)

Executive Assistant, Tania Edwards

Presenters

No presentation

### **2.2 Leave of Absence | Apologies**

## **3. Declarations of Interest in the matters on the Agenda**

- Declaration of Prescribed Conflict of Interest of any Item of Business
- Declaration of Declarable Conflict of Interest of any Item of Business
- Councillors to review existing Registers of Interest and Related Parties Disclosures

## 4. Policy Review

The following policies are due for review. Councillors are asked to consider the following policies for adoption.

### 4.1 Anti-Discrimination Workplace Bullying and Harassment Policy Summary

#### 4.1.1 Anti-Discrimination Workplace Bullying and Harassment Policy Summary



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## Anti-Discrimination, Workplace Bullying and Harassment Policy Summary

Wujal Wujal Aboriginal Shire Council takes the matter of discrimination, workplace bullying, sexual harassment, vilification and victimisation very seriously and will not tolerate behaviours inconsistent with the Policy, legislation or Code of Conduct in the workplace.

### Discrimination

- Discrimination is where someone is treated less favorably than another person, due to an identified attribute, which include (but not limited to):
  - ✓ Sex;
  - ✓ Age;
  - ✓ Race;
  - ✓ Religion;
  - ✓ Parental status;
  - ✓ Family responsibilities;
  - ✓ Political beliefs.
- Discrimination can be both direct and indirect, with indirect discrimination occurring where an unreasonable condition, applying to everyone, has an unfair impact on a person or group of persons with an identified attribute.
- Discrimination is unlawful under the Anti-Discrimination Act 1991 (and various Commonwealth legislation) and the Industrial Relations Act 2016.

### Workplace Bullying

- Workplace bullying is repeated, unreasonable behaviour, directed towards a worker or a group of workers that creates a risk to health and safety. It does not need to be intentional.
- Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten.
- Where bullying type behaviours towards another worker is not repeated, it does not meet the definition of workplace bullying, however, may still constitute a breach of the Code of Conduct.
- Workplace bullying may include:
  - ✓ Language or comments that are abusive, insulting and/or offensive;
  - ✓ Unjustified criticism or complaints;
  - ✓ Setting unreasonable timelines or constantly changing deadlines;
  - ✓ Setting tasks that are unreasonably below or beyond a person's skill level;



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- Workplace bullying does not include reasonable management action taken in a reasonable way, for example:
  - ✓ Directing an employee to operate within the Code of Conduct
  - ✓ Directing a worker to carry out the requirements of their position
  - ✓ Setting reasonable performance goals, standards and deadlines;
  - ✓ Informing a worker of their unsatisfactory work performance;
  - ✓ Deciding not to select a worker for promotion where a reasonable process was followed;
  - ✓ Informing a worker of their inappropriate behaviour in an objective and confidential way;
  - ✓ Performance managing a worker for unsatisfactory work performance or conduct.

### Sexual Harassment

- Sexual harassment is any unwanted or unwelcome sexual attention which makes a person feel humiliated, offended or intimidated. It does not have to be repeated or ongoing.
- Sexual harassment may constitute a criminal offence and, in such instances, may be reported to the Queensland Police.
- Whilst not an exhaustive list, sexual harassment may include:
  - ✓ Unwelcome physical touching;
  - ✓ Sexual or suggestive comments, jokes or taunts;
  - ✓ Unwelcome requests for sex or dates;
  - ✓ The display of sexual material.

### Victimisation

- Victimisation is where a person has caused or threatened a detriment to someone because they:
  - ✓ Refused to do something that would contravene any anti-discrimination laws or made a complaint, or intend to make a complaint about a contravention;
  - ✓ Are or have been involved in a proceeding under anti-discrimination laws; or
  - ✓ Are believed to have done or intend to do any of the above.
- Detriment means loss, damage, or injury to the person.
- Victimisation is unlawful under the Anti-Discrimination Act 1991.

### Vilification

- Vilification is when someone publicly targets a person or a group of people by inciting hatred toward them, serious contempt for them, or severe ridicule of them because of their race, religion, sexuality, gender identity or any other identified attribute protected by law (the Anti-discrimination Act 1991).
- Vilification has to occur in public where others can hear or see the conduct, and may include:
  - ✓ someone shouting threats or comments;
  - ✓ leaflets, stickers, graffiti or posters; or
  - ✓ written articles or comments online or in the media.
- Where Council becomes aware of serious vilification, including threats of harm or harm to property, this may be reported to the Queensland Police.





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### Breaches of Policy

- As an employee of Council, it is expected that you comply with this Policy and do not engage in any conduct in breach of the policy, Code of Conduct or legislation. Any breach may result in Council taking disciplinary action against you.
- Workers should be aware that they can be held liable/legally responsible for their unlawful conduct.
- Where any worker witnesses conduct in breach of this policy, they are to immediately report it to their supervisor.

### Complaints

- Where a worker feels that they have been discriminated against, subjected to workplace bullying, sexual harassment, victimisation or vilification, they are encouraged to take action as follows:
  - ✓ Try to resolve the matter with the person involved in the first instance. Council acknowledges that employees may not always feel confident with this approach or that this may not resolve the matter.
  - ✓ Where a worker feels they cannot address the matter directly with the person involved, or they have done so, and this has not stopped the conduct/behaviour, they can make a complaint to their manager, Human Resources, or a Director.
  - ✓ Matters of sexual harassment or serious vilification inciting harm, should be reported immediately to the Director or the Chief Executive Officer.
- Where a worker is involved in a complaint or investigation into a breach of this policy, they are directed to keep the matter confidential and to not discuss the matter with anyone other than their support person/union representative, unless otherwise approved by the Chief Executive Officer.



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## Anti-Discrimination, Workplace Bullying and Harassment Policy

### Document Control

Document Reference Number: 2304

Version Number: 1

### Version History

Version Number	Date	Signature	Reason / Comments
1	13 January 2023		Created – Chief Executive Officer
2	19 January 2023		Adopted – Resolution of Council Meeting 19/01/2023
3	19 January 2023		Executed by Chief Executive Officer 19/01/2023

## **PURPOSE OF POLICY**

Wujal Wujal Aboriginal Shire Council (Council) is committed to providing a safe and healthy work environment in which all workers are treated fairly, with dignity and respect. The purpose of this policy is to outline Council's position on discrimination, workplace bullying, sexual harassment, victimisation and vilification.

## **COMMENCEMENT OF POLICY**

This policy will commence from 19 January 2023. It replaces all other Anti-Discrimination, Workplace Bullying and Harassment Policies (whether written or not).

## **APPLICATION OF THE POLICY**

This policy applies to all employees, volunteers and contractors (workers) of Council.

This policy covers all behaviour considered discrimination, workplace bullying, sexual harassment, victimisation and vilification within and external to the workplace.

This Policy does not form part of any employee's contract of employment. The Policy is not intended to override the terms of any Award or contract that applies to an employee.

Council undertakes to regularly review this policy to take account of changes in legislation, activities, services and products. As a result of this review, changes may be made to this policy from time to time and all employees and contractors are required to comply with those changes.

## **POLICY STATEMENT**

In accordance with legislation discrimination, workplace bullying, sexual harassment, victimisation and vilification are unlawful and strictly prohibited.

Discrimination, workplace bullying, sexual harassment, victimisation and vilification can create risks to the health and safety of workers in the workplace. It is unacceptable and will not be tolerated by Council.

Relevant legislation may include:

- *Industrial Relations Act 2016*
- *Anti-Discrimination Act 1991*
- *Work Health and Safety Act 2011*
- *Local Government Act 2009*
- *Local Government Regulations 2012*
- *Sex Discrimination Act 1984 Cth*
- *Age Discrimination Act 2004 Cth*
- *Racial Discrimination Act 1975 Cth*
- *Disability Discrimination Act 1992*
- *Human Rights Commission Act 2019*
- *Public Sector Ethics Act 1994*

## 1. DISCRIMINATION

Discrimination can be direct or indirect. Direct discrimination occurs when a person with an identified attribute (such as their race, sex or pregnancy) is treated less favourably than a person without that attribute, in the same or similar circumstances.

Indirect discrimination occurs when an unreasonable policy or condition, which applies to everyone, has an unfair impact on a person or group of persons because of a certain attribute.

Legislation prohibits discrimination on the basis of a number of identified attributes, including but not limited to:

- Sex;
- Relationship status;
- Pregnancy;
- Parental status;
- Breastfeeding;
- Age;
- Race;
- Impairment;
- Religious belief or religious activity;
- Political belief or activity;
- Trade union activity;
- Lawful sexual activity;
- Gender identity;
- Sexuality;
- Family responsibilities; and
- Association with, or relation to, a person identified on the basis of any of these attributes.

Discrimination can not occur in any aspect of the workplace. Employees have rights to equal employment opportunities, and to be treated fairly as they go about their daily duties, irrespective of their association with an identified attribute.

## 2. WORKPLACE BULLYING

Workplace bullying is repeated, unreasonable behaviour, directed towards a worker or a group of workers that creates a risk to health and safety. It does not need to be intentional.

'Repeated behaviour' refers to the persistent nature of the behaviour and can refer to a range or pattern of behaviours over a period of time.

'Unreasonable behaviour' means behaviour that a reasonable person, having regard to all circumstances, would expect to victimise, humiliate, undermine or threaten another person.

Workplace bullying can be either direct or indirect. Examples of workplace bullying include, but are not limited to:

- Language or comments that are abusive, insulting and/or offensive;
- Unjustified criticism or complaints;
- Deliberately excluding someone from workplace activities;
- Not sharing important information that a person needs to work effectively;
- Setting unreasonable timelines or constantly changing deadlines;
- Setting tasks that are unreasonably below or beyond a person's skill level;
- Spreading misinformation or malicious rumours;
- Changing rosters or leave to deliberately inconvenience someone.

A person's intention is irrelevant when determining if bullying has occurred. A single incident of unreasonable behaviour does not constitute bullying; however, it may constitute inappropriate conduct and therefore will not be tolerated by Council.

**What does NOT constitute workplace bullying?**

Reasonable management action taken in a reasonable way is not workplace bullying.

Reasonable management action can include:

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

Whilst workplace bullying requires the conduct to be repeated, unreasonable conduct or behaviour towards another worker or member of the public that occurs only once, can still be considered, and treated, as a breach of Council's Code of Conduct or related policies.

### 3. SEXUAL HARASSMENT

Sexual harassment is any unwanted or unwelcome sexual attention which makes a person feel humiliated, offended or intimidated. It does not have to be repeated or ongoing. Sexual harassment includes, but is not limited to,:

- Unwelcome physical touching;
- Sexual or suggestive comments, jokes or taunts;
- Unwelcome requests for sex;
- The display of sexual material (e.g. photos or pictures);
- Sexual reading matter (e.g. emails, faxes or letters).

Sexual harassment applies to all genders. Sexual harassment such as obscene phone calls, indecent exposure or sexual assault may be a criminal offence. Where such conduct occurs, Council may report the conduct to the Queensland Police, as well as take action in accordance with this policy, associated policies and legislation.

### 4. VICTIMISATION

Victimisation is where a person has caused or threatened a detriment to someone because they:

- Refused to do something that would contravene any anti-discrimination laws;
- Complained, or intends to complain, about something that would contravene anti-discrimination laws;
- Are or have been involved in a proceeding under the *Anti-Discrimination Act 1991*, including as a witness, or supplying information to the Commission or tribunal; or
- Are believed to have done or intend to do any of the above.

Detriment means loss, damage, or injury to the person. It must be real and not trivial, and something that a reasonable person would consider to be a detriment.

The *Anti-Discrimination Act 1991* makes victimisation unlawful.

### 5. VILIFICATION

Vilification is when someone publicly targets a person or a group of people by inciting hatred toward them, serious contempt for them, or severe ridicule of them because of their race, religion, sexuality or gender identity.

For something to be vilification under the law, it has to happen in public. This means things other people can hear or see, such as:

- someone shouting threats or comments at you
- leaflets, stickers, graffiti or posters
- written articles or comments online or in the media
- flags, emblems and symbols
- t-shirts or other clothing
- making gestures



The law only protects people from vilification if they are targeted because of certain characteristics (called 'attributes' under the law). The protected attributes are currently:

- race
- religion
- sexuality
- gender identity

Vilification is different to discrimination. Vilification is more serious and involves someone expressing hatred, disrespect, or ridicule for people because of who they are, and encouraging other people to think and do the same.

Vilification can be considered a criminal offence where there is a threat of harm to someone or to their property, or urging harm to a person or their property. Where such conduct occurs, Council may report the conduct to the Queensland Police, as well as take action in accordance with this policy, associated policies and legislation.

The *Anti-Discrimination Act 1991* makes vilification unlawful.

## **6. RIGHTS AND RESPONSIBILITIES**

All workers must:

- ensure they do not engage in any unlawful and/or unacceptable conduct towards other workers, members of the public or others with whom they come into contact with through work or whilst representing Council;
- ensure they do not aid, abet or encourage other persons to engage in unlawful and/or unacceptable conduct;
- follow the complaint procedure in this Policy and other relevant Policies if they experience or witness any unlawful and/or unacceptable conduct;
- report any unlawful and/or unacceptable conduct they see occurring to others in the workplace in accordance with the complaint procedure in this Policy and other relevant Policies; and
- maintain confidentiality if they are involved in the complaint procedure.

Workers should be aware that they can be held legally responsible for their unlawful conduct.

Workers, who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable.

In addition to the responsibilities of workers, managers and supervisors must:

- understand that as a leader at Council their obligations to model acceptable and appropriate workplace conduct and behaviour is an expected requirement of their position;
- ensure that they do not discriminate against, bully, harass, victimise or vilify (unacceptable behaviour) workers, members of the public or others with whom they come into contact with through work or whilst representing Council;
- ensure that they do not aid, abet or encourage other persons to engage in unlawful and/or unacceptable behaviour;



- ensure all staff who report to them are aware and understand this policy and their responsibility to comply with it, including reporting of unlawful and/or unacceptable conduct;
- ensure that all staff who report to them are appropriately trained and understand that partaking in any of the above mentioned unlawful and/or unacceptable behaviour, or any unacceptable conduct anticipated by the Code of Conduct, will not be tolerated by Council;
- act promptly and appropriately if they observe unacceptable conduct as detailed in this policy or as anticipated under the Code of Conduct;
- act promptly if a complaint is made. If this is not possible, or is inappropriate, inform Human Resources, as soon as possible, and put risk mitigation measures in place to ensure the safety and wellbeing of those impacted.

## 7. BREACH OF THIS POLICY

Discrimination, workplace bullying, sexual harassment, victimisation and vilification is taken very seriously by Council and will not be tolerated. Employees found in breach of this policy and to have participated or abetted discrimination, workplace bullying, sexual harassment, victimisation and/or vilification of another worker, or member of the public in the carrying out of their duties or whilst identifiable as a Council employee, may be subject to disciplinary action up to and including dismissal. Agents and contractors who are found to have breached this Policy may have their contracts with Council terminated or not renewed.

## 8. COMPLAINT HANDLING PROCEDURE

If a worker feels that they have been discriminated against, subjected to workplace bullying, sexually harassed, victimised or vilified, they should not ignore it. Workers are instructed to follow the below steps:

- (i) Council encourages workers to try to resolve the matter with the person involved in the first instance. However, Council acknowledges that employees may not always feel confident with this approach or that this may not resolve the matter.
- (ii) Where a worker feels they cannot address the matter directly with the person involved, or they have done so, and this has not stopped the conduct/behaviour, they can make a complaint to their manager, Human Resources, or a Director.
- (iii) Matters of sexual harassment or serious vilification inciting harm, should be reported immediately to the Director or the Chief Executive Officer.

If a worker witnesses discrimination, workplace bullying, sexual harassment, victimisation or vilification in the workplace they should encourage the other person to speak up or seek support. Where the witness is uncertain as to whether the incident has been reported, they should report the matter to their manager.

All complaints will be dealt with confidentially and all participants must maintain confidentiality, subject to clause 9.

No worker will be subject to adverse actions or victimisation, as a result of making a complaint.

Workers can also make a complaint and seek remedies or orders from an external organisation, depending on the specifics of their matter.

External complaints can be directed to:

- Queensland Industrial Relations Commission;
- Work Health and Safety Queensland;
- Human Rights Commission; and
- the Police.

#### **9. CONFIDENTIALITY**

Human Resources will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other workers to determine what happened, to afford procedural fairness to those whom the complaint has been made against and to resolve the complaint. If a complaint is raised and it appears that unlawful and/or unacceptable conduct has potentially occurred, Council will take appropriate action in relation to the complaint.

All workers involved in the complaint must also maintain confidentiality, including the complainant, witnesses and the respondent to the complaint. Spreading rumours or gossip, victimising or taking any form of reprisal action against a worker because of a complaint or their involvement in an investigation will not be tolerated. Workers involved in a complaint or investigation may discuss the complaint with a designated support person or representative (who must not already be involved in the matter as a witness, complainant, respondent or the support person of another witness, complainant or respondent). The support person or representative must also maintain confidentiality.

#### **10. QUESTIONS**

If a worker is unsure about any matter covered by this Policy, the worker should seek the assistance of their manager or Human Resources.

#### **VARIATIONS**

Council reserves the right to vary, replace or terminate this policy from time to time.

#### **ASSOCIATED DOCUMENTS**

- Code of Conduct for Employees
- Performance and Misconduct Policy /Disciplinary Procedure
- Work Health & Safety Policy
- Personal Grievance Policy

## 4.2. Attendance and Absenteeism Policy

### 4.2.1 Summary



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# Attendance and Absenteeism Policy Summary

Regular attendance at work and appropriate notice when you are going to be absent is essential to the efficient workflow and productivity of Council.

- Employees will only be paid for absences where there is an accrued paid leave entitlement and the leave has been approved. Where this doesn't occur, the absence will be recorded as an unauthorised absence.
- Where an employee needs to be absent from work, and pre-approval has not been obtained, unless there are exceptional circumstances, Council expects that: ✓ You contact your direct supervisor by telephone, in the first instance, at least one hour prior to ordinary commencement time;
  - ✓ Advise of the reason for the leave and likely duration;
  - ✓ Advise of what leave entitlement you will be seeking approval to utilise.
- Where there is a need to be absent for more than 2 days, evidence that would satisfy a reasonable person that the leave is taken for personal leave reasons, must be provided.
- This may include a certificate from a health practitioner, statutory declaration etc.
- Where the expected period of leave exceeds a week, the evidence should be provided to the direct supervisor via email, mobile or other acceptable means, to allow approval of the leave and processing of pay.
- The employee is responsible for maintaining in regular contact with their supervisor to provide updates on the likely duration of the leave period.

#### **Breach of Policy**

- Unauthorised absence/s from the workplace without notice, or repeated late attendance, is in breach of this policy and may result in disciplinary action being taken.
- Where an employee has been absent without notice for a period of 7 days, and attempts to contact them have been unsuccessful, steps may be taken to terminate their employment on the basis of abandonment.

#### 4.2.2 Attendance and Absenteeism Policy



## WUJAL WUJAL ABORIGINAL SHIRE COUNCIL

# Attendance and Absenteeism Policy

### Document Control

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Business Unit: Chief Executive Officer

### Version History

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1	13 January 2023		Created – Chief Executive Officer
2	19 January 2023		Adopted – Resolution of Council Meeting 19/01/2023
3	19 January 2023		Executed by Chief Executive Officer 19/01/2023

## **PURPOSE OF POLICY**

This policy outlines what is expected of Wujal Wujal Aboriginal Shire Council (Council) employees in terms of their attendance at work, and details what actions need to be taken where an employee needs to be absent from work and where leave has not been pre-approved. Council is committed to supporting employees to ensure that they are fit for duty and that the operational requirements of their position are achieved.

## **COMMENCEMENT OF POLICY**

This Policy will commence from 19 January 2023. It replaces all other specific Attendance and Absenteeism policies of Council (whether written or not).

## **APPLICATION OF THE POLICY**

This Policy applies to employees of Council. It does not form part of any employee's contract of employment. This policy is not intended to override the terms of any Award or contract that applies to an employee.

Council undertakes to regularly review this policy to take account of changes in legislation, activities, services and products. As a result of this review, changes may be made to this policy from time to time and all employees and contractors are required to comply with those changes.

## **POLICY STATEMENT**

### **1. ATTENDANCE**

Regular attendance is essential to the efficient workflow and productivity of Council. Employees will only be paid for absences where there is an accrued paid leave entitlement and the leave has been approved.

### **2. ABSENCE**

Employees must comply with any Award that applies to their employment and addresses attendance or absence. They must also comply with any requirements set out in their contract of employment in respect of attendance or absence.

If an employee is absent for any reason, they must notify their supervisor or line manager as soon as practicable, but as a minimum, one hour before the commencement of their shift unless there is an emergency. The employee must contact their supervisor by telephone – text message or email is generally unacceptable unless this is required for emergency reasons. An indication of the reason for leave and an anticipated length of absence is required to be provided at this stage.

In the circumstance where the supervisor is unavailable on telephone, a detailed message should be left covering:

- reasons for absence;
- expected length of absence;
- the type of leave the employee will be seeking to access, i.e. sick leave; and
- any other relevant information, such as contactability.



Where there is a requirement for an absence of more than two days, evidence that would satisfy a reasonable person that the leave is taken for personal leave reasons, must be provided to their supervisor in accordance with the Leave Policy. Where the employee is unable to return to work, following two days absence, this evidence must be provided to their supervisor via email, mobile or some other means acceptable to Council.

Where an employee requires an extended absence, for example in excess of one week, the employee must contact their supervisor regularly to keep Council updated on the continuing absence and anticipated timeframe.

Depending on the circumstances of the absence, the leave of absence may be approved, unauthorised, paid or unpaid. Where an employee is absent for a reason specified in another Council policy such as the Leave Policy, the employee must comply with any requirements set out in that policy.

Where an employee is absent from work for a period of seven days and reasonable steps have been made to contact them without success, the employee will be deemed to have abandoned their employment. A letter will be sent to the employee advising of their period of absence, steps that have been taken by Council to contact them and requesting that the employee contact Council to explain their absence, within three business days. The employee will be advised that failure to make contact, within the designated period, will result in Council finding that the employee has abandoned their employment and therefore their employment is terminated.

Should the employee fail to contact Council or return to their usual duties, the employee's employment will be terminated, and their accrued entitlements will be paid out via electronic transfer to the employee's nominated bank account. The employee will not be entitled to payment of notice in lieu.

### **3. DISCIPLINARY ACTION**

Repeated late attendance and/or unauthorised absence from work, without a valid reason, may be cause for disciplinary action, which may include termination of the employee's employment.

### **4. VARIATIONS**

Council reserves the right to vary, replace or terminate this policy from time to time.

### **5. ASSOCIATED DOCUMENTS**

- Leave Policy
- Code of Conduct for Employees

### 4.3. Code of Conduct

#### 4.3.1 Code of Conduct



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## Code of Conduct for Employees

#### Document Control

Document Reference Number: 2303

Version Number: 1

#### Version History

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1	13 January 2023		Created – Chief Executive Officer
2	19 January 2023		Adopted – Council Meeting 19/01/2023
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## PURPOSE OF CODE OF CONDUCT

As employees of a public organisation, Wujal Wujal Aboriginal Shire Council (Council) and our behaviour frequently comes under close scrutiny, meaning that Council employees must all behave ethically and with integrity, consistent with laws made by both the State and Commonwealth Governments. In addition, we are bound by:

- (a) ethical principles in the *Public Sector Ethics Act 1994*;
- (b) local government principles in the *Local Government Act 2009*; and
- (c) sound contracting principles in the *Local Government Act 2009*.

A Code of Conduct is a set of standards and behaviours related to the way we do our work. It puts a responsibility on each of us to use sound judgement while at work.

It aims to deliver best practice by ensuring those standards are clear and guided by sound ethics. By consistently applying these standards, we enhance public trust and confidence in each of us. Nothing in this Code interferes with your rights as a private citizen or a resident.

The Code does not cover every situation. However, the values, ethics, standards and behaviours it outlines are a reference point to help make decisions in situations it does not cover. If you act in good faith and in keeping with the spirit of the Code, you can expect to be supported by your colleagues, your supervisor/manager and by Council.

A 'Guide for ethical decision-making' is included in the Code to help you in situations not covered by this Code of Conduct.

## APPLICATION

The Code of Conduct applies to all Council employees. For the purposes of this document any reference to employees is taken to include a reference to all persons performing work in a Council workplace including, directly employed members of Council, contractors, consultants, labour hire workers, employees of other organisations who are working at Council workplaces, work experience students and volunteers.

## CODE OF CONDUCT

### *Ethics Principals*

The four Ethics Principles, as established in the *Public Sector Ethics Act 1994*, are fundamental to good public administration, guide our behaviour as public officials and form the basis of this Code of Conduct. These principals are:

- (a) Principle 1: Integrity and impartiality
- (b) Principle 2: Promoting the public good
- (c) Principle 3: Commitment to the system of government
- (d) Principle 4: Accountability and transparency

The *Local Government Act 2009* sets out the way in which a local government is constituted and the nature and extent of its responsibilities and powers. The *Local Government Act 2009* requires that a council's actions are consistent with the following local government principles:

- (a) transparent and effective processes, and decision-making in the public interest;
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services;
- (c) democratic representation, social inclusion and meaningful community engagement;
- (d) good governance of, and by, local government; and
- (e) ethical and legal behaviour of councillors and local government employees

**Principle 1: Integrity and Impartiality**

(a) Ethic Value

In recognition that working for Council involves public trust, employees are expected to promote public confidence in the integrity of Council and:

- (i) are committed to the highest ethical standards; and
- (ii) accept and value their duty to provide advice which is objective, independent, apolitical and impartial; and
- (iii) show respect towards all persons, including employees, clients and the general public; and
- (iv) acknowledge the primacy of the public interest and undertake that any conflict of interest issue will be resolved or appropriately managed in favour of the public interest; and
- (v) are committed to honest, fair and respectful engagement with the community.

(b) Standard of Conduct

i. *Behaviour towards each other*

We must all treat others with trust, respect, honesty, fairness, sensitivity, and dignity.

Council values diversity and expects all employees to accommodate and respect different opinions and perspectives, and to manage interpersonal disagreements in a rational manner. Employees must not behave towards any other person in a way that could be perceived as disrespectful, rude, intimidating, overbearing, or harassing. This includes use of inappropriate language, spreading gossip or rumours about others and sending emails which contain inappropriate material.

Effective teamwork is an essential part of a productive workplace culture. Each team member needs to work co-operatively with fellow employees and actively and willingly take part in team activities.

Working with others means that employees must be conscious of their behaviour and how it impacts on others.

Conversation amongst employees that is negative and critical of the actions or decisions of Council is not acceptable. A condition of an employee's appointment is that they accept the decisions of the elected Council and carry out its wishes to the best of their ability. Negativity is detrimental to performance and can have a negative effect on others.

#### *ii. Conflict of Interest*

When making decisions, employees must declare any conflicts of interest that could affect their objectivity in carrying out their duties. A conflict of interest involves a conflict between an employee's official duties and responsibilities in serving the public interest and their private interests. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage – whether financial or otherwise. This includes advantages to relatives and friends.

If employees believe or are in any doubt that they have a conflict of interest, whether real, potential, or perceived, they must report this in writing to their manager promptly who will provide further direction on how to resolve the matter giving rise to the conflict of interest.

Until the matter is resolved, employees must make sure they are not part of any decision-making processes related to the matter.

If employees feel they have a conflict between professional and corporate values, they should also discuss it with their manager.

#### *iii. Influences on Decision Making*

Employees should make decisions and make recommendations in an impartial manner with the prime aim of promoting the public interest and achieving best value for money. Employees must be seen to act impartially, as even the appearance of bias may damage Council's reputation and its ability to act effectively within the local community.

Employees must not knowingly provide false or misleading statements or assessments of the merits or performance of a person or organisation.

Employees must not influence any person in an improper way to try to obtain any advantages or favours.

Employees must not deliberately mislead decision-makers by providing them with false, biased, incomplete, or inaccurate information.

All decisions employees make must be, and be seen to be, fair and transparent. This can be achieved by:

- following Council's procedures, policies, and processes;
- keeping clear, accurate and complete records;
- recording how and why decisions were made; and
- Saving records on Councils record management system in accordance with the established process.

Employees must not in any way misrepresent their qualifications, experience, expertise, or authority, which includes during a recruitment process.

A guide to ethical decision-making is contained in section 6 and should be used to guide decision making.

*iv. Accepting gifts and benefits*

Employees must not ask for a personal payment, gift, or other benefit for doing something as a Council employee.

Employees can accept gifts or benefits in certain circumstances; however, they must not accept any gifts or benefits if there is a possibility that in doing so, they could create a real or perceived conflict of interest. Employees cannot accept cash or any item that is readily convertible to cash.

Employees are required to formally declare any gifts and benefits they receive to their manager, no matter what the value or nature of the gift or benefit is. These should be declared on the register of gifts and benefits in accordance with Council policy.

Your manager can advise you about the receipt of gifts, gratuities and benefits and advise on the requirements of Council policy.

*v. Employment outside Council (including operating a personal business or hobbies/pastimes with a relationship with Council business)*

Generally, employees can undertake a second job, operate a business, or be involved in commercial interests outside their role with Council (secondary employment) provided:

- that no conflict of interest or potential conflict of interest exists between private employment and official duties; and
- that the private employment has no negative effect on the performance of official duties.

Employees must seek written approval from the Chief Executive Officer before commencing any secondary employment not associated with Council duties. Approval will not be unreasonably withheld.

In considering requests to undertake secondary employment, a balance must be sought between the legitimate interests of Council to protect its integrity and the rights of Council employees to lead their private lives free from unnecessary intrusion by the Council.

Approval for secondary employment will be given provided it: -

- does not provide any commercial advantage from information obtained during employment with the Council;
- does not create a real or perceived conflict of interest;



- has no effect on the performance of official duties, including effects from a safety/fatigue management perspective and possible increased risk of an illness or injury;
- does not use Council resources; and
- is not likely to bring Council's reputation into disrepute.

If employees undertake voluntary work or a hobby, they must ensure that these activities also meet the above requirements. If employees are unsure, they must discuss the matter with their manager.

#### *vi. Public comments on Council business*

Employees are not to make public comment about Council business without prior approval of Council or in accordance with the specific requirements of their position at Council.

If employees are asked to comment on any Council matter by the media or external organisations, they should refer the agency to their manager or the Chief Executive Officer. Employees should seek formal approval before any comment is made.

This requirement may potentially include comments made and information shared by employees in personal activities such as when using personal social media.

#### *vii. External activities*

Employees are not to take part in political affairs while on duty. The use of Council's computer systems, communications devices, internet, or email, for political messages, making public comment or circulating defamatory or disparaging remarks against individuals or groups is not permitted.

Employees are free to engage in party-political, professional, interest group, charity activities, or alike, outside of work hours. Employees must make sure that their participation in such activities does not cause a conflict of interest, and that it does not restrict or impact on the performance of their duties with Council.

If employees comment publicly about such activities, they must make it clear that the comment is their opinion as a member of those organisations. Employees must not give their unauthorised opinion as a Council employee.

Employees must not place negative or disparaging posts or make political comments on Council's official social media channels. Employees should not make public comment on personal social media such as Facebook or Twitter regarding Council business, employees, or events.

Employees must not use their role in Council, Council information, or information gained during their duties, to advance their position or standing within an external organisation, nor for the benefit or promotion of an external organisation. Employees must not provide

Council information to members of other groups or related persons, except where this information is publicly available.

Employees are the face of Council in the community. If employees identify themselves or can be identified as a Council employee, their out-of-work behaviour and personal opinions are likely to come under public scrutiny. When using social media outside of work hours, assume that material posted online can be made public at any time and may be permanent. Be aware that posts and photos may be shared by others in ways beyond their control and may reach unintended audiences. Even when material is posted anonymously or on private social media, employees must continue to uphold this Code of Conduct.

#### *viii. Speaking out in public on personal views*

The rights of employees to free speech are acknowledged. Where an employee wishes to speak out in public on a matter and the Council has a different view it should be made clear that it is the employee's personal views that are being expressed and not those of Council. Any views expressed should not disparage of Council officers or representatives or the activities of the Council.

It is also important that in presenting personal views, employees do not use information gained in their role at Council or misuse information that is confidential and has not been released to the public.

Employees must not contribute to public comment on Council policy or administration unless:

- providing the information or making the comment is part of, or consistent with, the employee's duties or has been appropriately authorised; and
- the facts concerning the matter are not misrepresented; and
- they have proper approval from Council to make the comments.

Unauthorised release of any non-public Council information may be an offence at law and breach of Council policy.

Employees must recognise that taking part in a public discussion about Council policy or administration in a private capacity may be speaking from a privileged position and representative of Council.

Any Officer approached to comment on Council business should decline to comment and refer the matter to their manager or the Chief Executive Officer.

#### *ix. Confidentiality of information*

Employees must preserve the confidentiality of Council's information.

If an employee is unclear about whether information is confidential or not, the employee should seek advice from their manager.

Information held by the Council must not be released to any person without the written approval of a Senior Manager or the Chief Executive Officer.

Unauthorised release of any non-public Council information is a breach of Council policy and may be an offence at law.

Employees who leave Council are obliged to respect the confidentiality of non-public Council information which they are aware of because of their employment with Council.

*x. Identifying and promoting the public interest*

When making decisions or recommendations, employees should consider the interests of all parties impacted.

When preparing reports, all facts and issues must be outlined in an objective manner so that Council can make the best decisions in an informed and appropriate manner.

Decisions and recommendations should promote the best interest of the wider community.

*xi. Non-discriminatory workplace*

Council is committed to workplace equity, free from unlawful discrimination.

Employees of Council are responsible to ensure that discrimination is not part of our workplace practices.

Should employees witness discriminatory behaviour, they have an obligation to report this to their manager. If their manager is involved in the discriminatory behaviour, they should report the matter to another senior officer.

All employees must also comply with the Anti-Discrimination, Workplace Bullying and Harassment Policy.

*xii. Workplace Harassment*

Council is also committed to the prevention of any form of harassment in the workplace/or associated with work activities, including at social functions. Employees are expected to proactively contribute to building a workplace that is free from harassment and respect the rights of fellow employees.

All employees must also comply with the Anti-Discrimination, Workplace Bullying and Harassment Policy.

**Principle 2: Promoting the Public Good**

**(a) Ethics Value**

In recognition that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of Queensland, public service agencies, public sector entities and public officials:

- (i) accept and value their duty to be responsive to both the requirements of government and to the public interest; and



- (ii) accept and value their duty to engage the community in developing and effecting official public sector priorities, policies, and decisions; and
- (iii) accept and value their duty to manage public resources effectively, efficiently, and economically; and
- (iv) value and seek to achieve excellence in service delivery; and
- (v) value and seek to achieve enhanced integration of services to better service clients.

(b) Standard of Conduct

i. *Using Council assets*

Council's assets include property (physical and intellectual property), plant, equipment, information technology assets and systems, ID and access cards, goods, products, and valuables (this includes surplus material, waste material, and off-cuts). All employees share the responsibility for looking after Council assets.

Employees who oversee assets must take good care of them while they are in their possession or use, ensure they are used economically and efficiently and within their design capabilities and purpose. It is an offence to allow the unlawful destruction, damage or misuse of Council property or assets.

Employees must make sure assets in their control are secured against theft and properly stored, maintained and repaired.

Employees must abide by Council's security procedures and rules for accessing Council's assets and not allow anyone else unauthorised access to Council assets.

Employees must ensure that they use Council assets only for official Council business, unless written approval has been granted by their manager.

If employees use a Council vehicle, they must not use it for private or non-official purposes, unless those circumstances are specifically allowed by Council or prior written approval from the CEO.

When employees leave Council, they must return any Council assets they have on loan and all work-related documents.

ii. *Information Technology and Information Systems*

Any file stored on, or information accessed using Council's information technology assets, is discoverable by Council. All devices (including personal devices) or systems connected to Council's corporate information technology network may be subject to scrutiny.

1. Employees can use Council's information technology assets for:
  - accessing data, information, websites, etc. for official purposes and as necessary where it supports or informs the work they do;
  - limited personal use in accordance with the Council policy procedure, providing they comply with Council's rules and guidelines about acceptable use of

information technology. Limited personal use means use that is infrequent and brief, and is performed during non-paid time, that is, before and after work and during lunch breaks.

2. Employees can use Council's telephones, messaging systems or computer systems for limited private purposes that they cannot reasonably do outside working hours. This must be done in an appropriate manner and within the scope of this Code of Conduct and other Council policy.
3. Employees must not use Council's information technology assets to:
  - store large quantities of personal data or photos or non-work documents;
  - download, stream or store music, movies, video clips, pictures, or other material not associated with their work;
  - make unauthorised copies of software, music, videos, games, etc.;
  - introduce, download or use unauthorised software;
  - connect any personal information technology device to Council's corporate information technology network, e.g., iPods, cameras, USB thumb drives, and mobile phones, without prior approval from Council; and/or
  - access or circulate inappropriate material.
4. Employees must not download or store Council's electronic files in an unauthorised location, e.g., on a home computer, personal USB memory stick or a personal information technology device.
5. Employees must adhere to Council's security requirements and not attempt to bypass or modify any restriction or security measure put in place by Council or third parties.

#### *iii. Public money*

Employees must maintain high standards of accountability if they collect and use public money.

Employees are not to borrow or use Council money for private purposes. This also applies to items such as corporate credit cards, vouchers, or taxi charge dockets.

#### *iv. Intellectual property*

Employees must obtain written approval before arranging to publish or disclose any articles or materials they produced as part of their official duties. Any original work, invention, or product they contributed to in association with their work remains Council property.

Employees must not publish or disclose any matters relating to Council's intellectual property without appropriate authority.

Employees must respect the copyrights, trademarks and patents of suppliers and customers of Council. This requires that employees do not reproduce or quote suppliers' material unless they are authorised to do so.

Employees must not store or copy audio, video or image files, printed media, and software on Council assets without an appropriate license or approval. Where this is unclear, employees must seek written approval before arranging to publish, disclose or reproduce any articles or materials as part of their official duties.

This does not stop employees from sharing with other organisations information relating to their official duties. If information is shared, employees must make sure that this does not breach the confidentiality of Council information, its employees or its clients, or compromise Council's intellectual property rights.

Employees must also respect the intellectual property rights of individuals and organisations outside Council. For example, they must not copy, quote, or reproduce their work unless they have been given permission to do so. Where reference to the work of others is made it must cite or acknowledge the source.

Employees must not infringe Copyright Law, including the intellectual property, of any individual or organisation. For example, employees must not store or copy audio, video or image files, printed media and software without appropriate license or approval on Council assets.

#### *v. Personal Presentation*

Employees are expected to present a professional image always. Integral to promoting this image is the personal presentation of Council employees.

Council employees are employed in a diverse range of occupations and dress standards will reflect the requirements of work areas.

Council understands that the work undertaken by some employees may result in their clothing becoming stained. That said, employees must present for work each day in a clean and tidy manner and not wear clothing which others might find offensive.

Employees must wear personal protective clothing and equipment where required.

Should employees find themselves in a public place, and still in uniform when off duty, they must be aware that they may be perceived by others as continuing to represent Council and must act accordingly.

Any corporate uniform supplied must be worn in accordance with Council's uniform policy.

If the employee is unable to wear required PPE for any reason, they must advise their supervisor immediately.

#### *vi. Concern for the environment*

Council has legal responsibilities to protect and manage the environment. Council is also committed to lead the community by example by ensuring that all services and activities are conducted in an environmentally sustainable and responsible manner.

Employees must not carry out any activity that causes, or is likely to cause, environmental harm. Employees must take all reasonable and practical measures to prevent or minimise environmental harm. Employees who become aware that environmental harm has been caused or has been threatened by someone else's act or omission must immediately advise their manager.

We all share the responsibility to achieve Councils commitment to protect our natural environment, creating healthy surroundings for our community, and for managing the impacts of air, water, land, and noise pollution. This includes individual responsibility for our own actions in how we dispose of waste and use and store chemicals, efficiently use energy and reduce waste, and applying high standards for environmental protection.

### **Principle 3: Commitment to the system of government**

#### **(a) Ethics Value**

In recognition that the public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and local government, public service agencies, public sector entities and public officials:

- (i) accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and local government; and
- (ii) are committed to effecting official public sector priorities, policies, and decisions professionally and impartially; and
- (iii) accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.

These requirements do not limit the responsibility of a public service agency, public sector entity or public official to act independently of government if the independence of the agency, entity or official is required by legislation or government policy, or is a customary feature of the work of the agency, entity or official.

#### **(b) Standards of Conduct**

##### ***i. Acting within the law***

Employees of Council are expected to comply with legislation applicable to the completion of their work, local laws, industrial instruments, Council policies, procedures, guidelines, directives, and this code of conduct.

Employees have the right and responsibility to respectfully question how work is done, particularly if they think there is an imminent risk to their safety and the safety of others, or there is a better way of doing something, or if they think that a direction may be in breach of the law. When they have recorded their suggestion or concern, they are required to work as directed by their immediate supervisor or manager. Should a matter not be resolved within the workgroup, it should be immediately referred to a higher level of management.



Employees charged with having committed any indictable offence, are subject to an indictable offence conviction, or are subject to a summary conviction, must immediately report the circumstances to their manager, which may include the details of the offence, charge and/or conviction.

*ii. Act in accordance with delegations and authority*

Prior to exercising any power or authority, employees must ensure there exists an appropriate delegation and regulatory ability for them to take that action.

*iii. Raising Concerns*

Employees have the right to comment on or raise concerns with their manager about Council policies, practices, or priorities where these impact on their employment. Employees must do this in a respectful, reasonable, and constructive way and take responsibility for how their comments and views are expressed. Employees should raise their concerns initially with their direct manager, in accordance with the relevant policy or procedure.

Employees must accept that Council has the right to determine its policies, practices, and priorities and that they must comply with all reasonable and lawful directions, whether they personally agree with a given policy direction or not.

When raising complaints or grievances, employees are expected to act with honesty and in good faith. Complaints that are considered vexatious or frivolous will not be progressed, and such complaints may be managed as acts of misconduct in accordance with the Council's disciplinary processes.

*iv. Privacy*

Council maintains information about individuals, businesses and commercial issues which is private and sensitive, and which could harm a person's interest if released. Employees should only access personal information and records they require to perform their official Council duties.

Employees must ensure that the collection, storage, and use of personal information is done so in accordance with the Privacy Principles outlined pursuant to the Information Privacy Act 2009.

As a general rule employees can maintain privacy by:

- not discussing work matters with persons not entitled to know such information;
- taking responsibility to safeguard confidential files and information;
- ensuring collected information is only used in a manner consistent with the purpose for which it was originally collected; and
- ensuring that they comply with Right to Information legislation and other relevant policy, in relation to maintaining privacy of personal information.

It may be appropriate to share information based on an employee's personal and professional experience. However, in sharing their experiences, employees must ensure that where personal information is involved, they don't breach Council's privacy obligations. Employees may breach this obligation even if comments are made or personal information other than their own is shared in their personal life, including via social media outlets such as 'Facebook' or 'Twitter'.

*v. Appropriate relationships with Councillors*

Communication between Councillors and employees must be in accordance with Council policy.

Where required employees must give Councillors advice within the scope of Council policy that is appropriate, thorough, responsive, and unbiased so that Councillors can appropriately carry out their community responsibilities. If employees are unsure on how to respond to a Councillor, they should discuss this with their manager.

Councillors may seek advice directly from the Chief Executive Officer or officers delegated by the Chief Executive Officer.

Employees should always seek advice from their manager if they have any concerns about what they are being asked to do.

Employees must not approach Councillors with queries relating to employment matters. Employees should approach their manager about any employment matter or in accordance with relevant policy.

Employees may communicate directly with Councillors on any issue affecting them as a private citizen outside of normal working hours. Employees should be clear about the difference between their actions as a private citizen and that of a Council employee.

If employees believe there is conflict between a request from an elected official and Council policies, they should refer this to their manager for advice.

*vi. Public comments on Council business*

Should employees be asked to comment on any Council matter from any source external to Council, including the media or press, they should first obtain the approval of their manager or CEO.

**Principle 4: Accountability and Transparency**

**(a) Ethics Value**

In recognition that public trust in public office requires high standards of public administration, public service agencies, public sector entities and public officials:

- (i) are committed to exercising proper diligence, care and attention;
- (ii) are committed to using public resources in an effective and accountable way;

- (iii) are committed to managing information as openly as practicable within the legal framework;
- (iv) value and seek to achieve high standards of public administration;
- (v) value and seek to innovate and continuously improve performance; and
- (vi) value and seek to operate within a framework of mutual obligation and shared responsibility between public service agencies, public sector entities and public officials.

(b) Standards of Conduct

i. *Diligence, care and attention*

Council conducts its business with integrity, honesty, and fairness, and to achieve the highest standards in service delivery. Employees contribute to this by carrying out their duties honestly, responsibly, in a conscientious manner, and to the best of their ability. This includes:

- giving priority to official duties over personal activities during work time;
- helping Council achieve its mission and goals by acting to improve systems and practices;
- conducting themselves in a way so others gain confidence and trust in the way Council does business and within the law, Council policy and procedures and standards;
- not allowing their conduct to distract or prevent others from working;
- not exposing Council to a judgment for damages against it, because of their negligence or breach of any law or ordinance;
- ensuring that they carry out their work diligently, accurately, and to the required performance standards and timeframes;
- proactively seeking assistance if they are experiencing difficulties with their work; and
- ensuring their personal conduct does not reflect adversely on Council's reputation.

Employees who are responsible for managing or supervising others must also ensure that:

- they model the values and principles outlined in this Code, and ensure that employees within their area of responsibility understand and comply with the Code;
- they do not come under a financial obligation to any employee they supervise or manage;
- their work and the work of those they supervise contributes to the achievement of Council's goals;
- employee performance is monitored and individuals are given constructive and regular feedback on their performance in line with procedures;



- workloads are fairly distributed;
- resourcing for a work team is neither excessive nor inadequate for the job;
- employees who collect, handle or disburse public money are properly supervised;
- employee work times, overtime, allowances and absences are correctly recorded on timesheets and pay summary reports, and time is accurately costed;
- they do not exercise their delegations until they have considered all the necessary information and they are satisfied that all legislative or procedural requirements are met; and
- appropriate action is taken if breaches of this Code occur.

#### *ii. Attendance at and absence from duty*

Employees are expected to comply with Council policy relating to attendance and absence at work and leave. This includes notifying their manager of any unscheduled absences prior to the beginning of their shift (where practicable), not being absent without approval, and accurately and truthfully recording work and leave periods.

Absence without approval and without reasonable excuse can create concerns for employee safety and impact productivity and efficiency of Council operations.

#### *iii. Comply with reasonable instructions*

Employees are expected to comply with all reasonable and lawful directions within their skill and capability. Employees must comply with the requirements of this Code of Conduct, legislation and other guidelines about conduct which may be embodied in a variety of Council policies and procedures.

#### *iv. Continuing development*

Employees are expected to maintain and strive towards continuous improvement in their work performance and in delivery of customer service. Employees have a continuing responsibility to maintain and enhance their skills and expertise and keep up to date with the knowledge required to undertake their duties.

Council will assist employees by providing equitable access to training and development opportunities.

Should employees require any authorisations, qualifications or licenses to perform their role, they should ensure that these are current before undertaking work relating to these requirements. If all authorisations, qualifications, and licenses required to perform their role are not current, employees must advise their manager of this immediately. Employees must not undertake work for which they do not hold legally required licences and authorisations to perform. Where an employee has failed to maintain authorisations, qualifications or licenses to perform their role, Council may take action to terminate their employment on

the basis that the employee no longer possesses the ability to perform the inherent requirements of their role.

*v. Workplace health and safety*

Employees must comply with the requirements of Councils workplace health and safety system, including relevant policies, and take all reasonable steps to ensure the safety, health, and welfare of themselves, as well as that of others in the workplace. Employees also have a duty of care to both fellow employees and members of the public. This duty of care extends to both psychological and physical health and wellbeing.

Employees must report any workplace injury, illness, incident, hazard or risk to their supervisor or safety representative.

The workplace must be drug and alcohol free if Council is to maintain the trust and confidence of customers and the health and safety of all employees. The use of drugs or alcohol adversely affects productivity, judgment, attendance, and on-the-job safety.

The use of or being impacted by illegal substances or alcohol during work time is not permitted.

Some prescription and over the counter medication can also affect work performance. Employees must use these in accordance with directions given and disclose to Council the use of an medications which may impair their ability to safely perform their duties.

Employees must abide by any Drug and Alcohol Policy and be aware of their responsibilities.

Employees and Council have a duty of care to ensure that work is performed safely and where there are concerns should proactively act to minimise the risk of injury or an accident.

Council is committed to a smoke free workplace with smoking prohibited in the workplace and in Council vehicles.

Employees must support employee participation on Workplace Rehabilitation Programs and must not act in a discriminatory or harassing way to employees involved in return-to-work programmes. Employees participating in a Workplace Rehabilitation Program must comply with all reasonable and lawful directions, including providing access to relevant medical information, participation in medical assessments, following workplace modification plans etc.

All employees must follow Council work, health safety systems and policies and:

- identify hazards and manage risks to health and safety;
- perform all work safely and follow safe work practices;
- use personal protective equipment if required;
- report any incidents or hazards immediately and support investigations; and
- take corrective action to 'make safe' and implement improvements.

### ***Breaches of the Code of Conduct***

A breach of the Code damages business, public and work relationships. Any act or lack of action that contravenes the Code is a breach of your obligations as a Council employee.

Suspected breaches will be treated individually, and all relevant circumstances will be considered. Suspected breaches will be treated in line with the relevant policies and procedures and in accordance with procedural fairness/natural justice.

Where Council becomes aware of corrupt or suspected corrupt conduct, as defined under the *Crime and Corruption Act 2001*, Council has an obligation to report such conduct to the Crime and Misconduct Commission. Examples of corrupt conduct may include, but are not limited to, theft of Council property or a customer's property; accepting a bribe; fraud; assault of a co-worker or customer; failure to follow procurement of financial policies and delegations etc.

Employees may be suspended on full pay:

- if the Chief Executive Officer has a reasonable suspicion that the employee will be subject to disciplinary action;
- while an investigation is progressed; and/or
- while charges are determined by the relevant court.

Any subsequent disciplinary action will be in accordance with the Performance, Misconduct, and Disciplinary Procedures Policy.

### ***If employees have a concern***

The *Public Interest Disclosure Act 2010* and the *Public Sector Ethics Act 1994*, along with this Code of Conduct, aim to create a work environment where public sector employees understand and maintain appropriate standards of conduct.

If employees have a concern, or suspect a breach of the Code of Conduct, involving a Council employee, they are to report the breach to their manager. In certain circumstances, the *Public Interest Disclosure Act 2010* gives employees the right and the protection to report issues using:

- internal channels (e.g. team leader, supervisor, manager, Chief Executive Officer); or
- external channels (e.g. Crime and Corruption Commission, Anti-Discrimination Commission, Queensland Ombudsman).

## GUIDE TO ETHICAL DECISION MAKING

The following guide is designed to help employees reach an ethical decision based on the relevant facts and circumstances of a situation.

### Step 1: Assess the situation

- What is your aim?
- What are the facts and circumstances?
- Does it break the law or go against Council policy?
- Is it in line with the Code's principles?
- What principles does it relate to? Why?
- Who is affected? What rights do they have?
- What are your obligations or responsibilities?

### Step 2: Look at the situation from Council's viewpoint

- As a public official, what should you do?
- What are the relevant laws, rules, and guidelines?
- Who else should you consult?

### Step 3: How would others see your actions?

- Would a reasonable person think you used your powers or position improperly?
- Would the public see your action or decision as honest and impartial?
- Do you face a conflict of interests?

### Step 4: Consider the options.

- Ask your supervisor, manager, or any person who can give sound, relevant advice.
- What options and consequences are consistent with Council's Values, the four Principles and your obligations?
- What are the costs and long-term consequences?
- How would the public view each option?

### Step 5: Choose your course of action

Make sure your actions are:

- within your power to take, legal and in line with legislation, policy and this Code of Conduct;
- fair and able to be justified to your manager and the public;
- documented so a statement of reasons can be supplied; and
- consistent with Council's mission, goals and values backed by advice from Council specialists, if this is appropriate.

## 4.4 Drug and Alcohol Policy Summary

### 4.4.1 Drug and Alcohol Policy Summary



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## Drug and Alcohol Policy Summary

The Drug and Alcohol policy applies to all workers in the workplace, at work functions and when identifying as a Council employee.

- Workers must be fit for work to perform their duties safely and diligently.
- Where a worker is required to take prescription medications, they must:
  - ✓ Seek direction from the medical practitioner;
  - ✓ Take as directed (not misuse);
  - ✓ Advise your supervisor;
  - ✓ Obtain medical certificate to confirm fitness for duty;
- Where a work function is to be held during which alcohol is to be served and/or consumed, prior approval must be obtained from the CEO.
- At work functions and when consuming alcohol, workers must:
  - ✓ Consume alcohol in a responsible manner, without becoming intoxicated or drunk;
  - ✓ Continue to comply with Council Code of Conduct and policies;
  - ✓ Do not operate Council vehicles or machinery;
  - ✓ Comply with road/transport laws;
  - ✓ Identify and organise other forms of transportation.
- Workers may be required to participate in drug and alcohol testing in the following circumstances:
  - ✓ Pre-employment;
  - ✓ Random testing;
  - ✓ Where there is reasonable suspicion.
- Refusal to undergo a drug or alcohol test or tampering with a sample is a breach of this policy.

### Drug Testing

- If the worker produces a negative result – the worker can return to work as usual.
- If the worker has declared medication being taken and the worker produces a non-negative sample for a substance known to be contained in the declared medication – the worker can return to work as usual (may require medical certificate to confirm fitness).
- If work has declared medication being taken OR has not declared any medication being taken, and the worker produces a non-negative sample for a substance either not known to be contained in the declared medication or know to be an illicit drug – the worker will be stood down on full pay will confirmation testing is undertaken.
- If confirmation testing confirms a negative result – the worker can return to work as usual.
- If confirmation testing confirms a positive result for an illicit drug, then this is considered a breach of this policy and disciplinary action may be taken.



**Alcohol Testing**

- If the worker produces a sample with a BAC result less than 0.005 (or 0.00 where operating machinery or vehicles that require it) – the worker can return to work as usual.
- If the worker produces a sample with a BAC result in excess of 0.005 (or 0.00 as required), they will be retested after 20 minutes.
- If the worker continues to produce a sample with a BAC in excess of 0.005 (or 0.00 as required) – the worker will be stood down on full pay.
- Having a BAC in excess of 0.005 (or 0.00 as required) is a breach of this policy and disciplinary action may be taken.
- At the CEO's discretion the worker may attend work the following day but must produce a sample that shows that they have a BAC of less than 0.005 (or 0.00 as required).

**Possession of Drugs and/or Alcohol**

- Workers are prohibited from possessing drugs and/or alcohol on Council premises, unless otherwise approved by the CEO or in the circumstances of declared prescription medication.
- Where Council suspects that there are drugs and/or alcohol on Council premises, Council may:
  - ✓ Investigate;
  - ✓ Search Council property, including a worker's locker, Council vehicle etc;
  - ✓ Request permission to search a worker's personal property, including private vehicle etc

#### 4.4.2 Drug and Alcohol Policy



**WUJAL WUJAL ABORIGINAL SHIRE COUNCIL**

## Drug and Alcohol Policy

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### **PURPOSE OF POLICY**

The purpose of this policy is to outline Wujal Wujal Aboriginal Shire Council's (Council) expectations regarding the consumption of alcohol and/or drugs which can impair an employee's ability to perform work in a safe manner, creating a risk to their health and safety as well as other workers and members of the public. Impairment, as a result of alcohol and/or drugs, can also lead to unacceptable behaviour towards others and impact productivity and efficiency.

### **COMMENCEMENT OF POLICY**

This Policy will commence on and from 19 January 2023. Implementation of this policy will be at the discretion of the Chief Executive Officer. It replaces all other policies dealing with alcohol and or other drugs (whether written or not).

### **APPLICATION OF THE POLICY**

This policy applies to all employees, agents, labour hire employees and contractors (including temporary contractors or subcontractors) of Council (and its related entities), collectively referred to in this policy as 'workers'.

This policy does not form part of any employee's contract of employment. The Policy is not intended to override the terms of any award, certified agreement or contract that applies to an employee.

Council undertakes to regularly review this policy to take account of changes in legislation, activities, services, and products. As a result of this review, changes may be made to this policy from time to time and all workers are required to comply with those changes.

This policy is not restricted to the workplace or work hours. The obligations contained in this policy extend to all functions and places that are work-related or where the employee can be identified as a Council representative. A "work-related function" is any function that is connected to work. For example, conferences, work lunches or meetings, Christmas parties, client functions etc. Workers must comply with this Policy at all work-related functions. Any reference to work in this Policy includes a work-related function.

This policy also applies to workers travelling to and from the workplace and when workers go to other workplaces in connection with their work duties, for example when visiting a customer, client or supplier.

## POLICY STATEMENT

In this Policy:

**“Council”** includes the Chief Executive Officer, Directors, Managers or line Supervisors.

**“Drugs”** includes Illegal drugs and Prescription and Pharmacy Medications as defined below.

**“Illegal drugs”** includes synthetic drugs and any drug prohibited by any State, Territory or Federal law in Australia or any other laws (including foreign and international laws) to which Council is subject or which apply to the work performed by workers for Council. For the purposes of this policy, marijuana or synthetic/medical marijuana is an illegal drug. In this Policy, “Illegal drugs” includes Prescription and Pharmacy Medications (as defined below) which are used without the necessary prescription or for purposes for which they were not intended.

**“Prescription and Pharmacy Medications”** Council recognises that workers may have legitimate medical reasons for taking some medications. This includes where a medical practitioner has properly prescribed lawful medications for a diagnosed medical purpose or where the medication is lawfully available at Australian pharmacies (without a prescription) and is required for the treatment of a legitimate condition.

**“Council Supervisor”** includes CEO, Directors and Managers.

### 1. RESPONSIBILITIES

Except as set out in this Policy, workers are not permitted to do the following:

- 1.1 work while under the influence of drugs and/or alcohol;
- 1.2 commence or return to work while under the influence of drugs and/or alcohol;
- 1.3 bring, sell, dispense, possess, or consume alcohol and/or illegal drugs at work or at a worksite.

Council does not accept liability for the consequences (property damage, injury etc) of any illegal or inappropriate actions of any workers whilst he/she is affected by drugs and/or alcohol. The worker will be held liable for the consequences of their actions.

### 2. PRESCRIPTION AND PHARMACY MEDICATIONS

Where a worker is taking prescription and pharmacy medication/s for a legitimate medical purpose, the worker will not breach this policy by attending work, if:

- 2.1 the worker takes the prescription and pharmacy medication/s in accordance with the instructions of their medical practitioner and normal directions applying to the use of those drugs;

- 2.2 the worker does not misuse or abuse prescription and pharmacy medication/s;
- 2.3 the worker is aware of the effects (including potential effects) of consumption of alcohol while taking prescription and pharmacy medications;
- 2.4 the worker seeks advice and direction from their medical practitioner;
- 2.5 the worker informs their manager or supervisor prior to undertaking work, if the medication has the potential adversely influence their capacity to work safely and efficiently or create the perception of such; and
- 2.6 the worker must produce a certificate from their medical practitioner certifying that they can work safely (considering the employee's position requirements).

Workers are not required to disclose the nature of the condition being treated or the type of medication, for the purpose of notification under this policy.

If Council suspects that a worker's ability to safely perform work is impaired (or likely to be impaired), Council may take steps to address the issue in accordance with this policy.

### **3. CONSUMPTION OF ALCOHOL**

Council may waive the prohibition on the consumption of alcohol in certain circumstances such as for special functions, Christmas parties, client functions etc. The decision to waive this prohibition is at the sole discretion of Council's Chief Executive Officer. Prior to the relevant function, the organiser of the function or manager of the work area, is responsible for seeking approval to waive the prohibition on the consumption of alcohol, from the Chief Executive Officer.

Where the Chief Executive Officer waives the general prohibition on consumption of alcohol, the following restrictions continue to apply at all work-related functions, with the function organiser or manager responsible for monitoring compliance:

- 3.1 Workers who consume alcohol should do so in a responsible manner;
- 3.2 Workers must not become intoxicated or drunk;
- 3.3 Workers must uphold an appropriate standard of behaviour at all times, in accordance with Council's Code of Conduct and policies. Intoxication will not be accepted as an 'excuse' for inappropriate conduct or misconduct;
- 3.4 The restrictions set out below in relation to the operation of vehicles and machinery continue to apply;
- 3.5 Workers must not drive any vehicle if they have consumed any alcohol or drug that could impair the ability to safely operate the vehicle, in accordance with applicable laws. Workers who do not have a means of transport should advise their supervisor or manager in order to arrange transport.



#### **4. VEHICLES AND MACHINERY**

Workers must not, in any circumstances, operate machinery if they have consumed alcohol, illegal drugs or prescription and pharmacy medication/s which may impair their ability to drive the vehicle or operate the machinery in a safe manner.

Council, as the worker's employer, does not accept liability for any damage to any machinery or vehicle, any injury to any person, or damage to any other property caused by a worker's use of a vehicle or machinery while under the influence of alcohol and/or drugs. The worker will be liable for the consequences of their actions.

Where a worker is taking prescription and pharmacy medication/s, the worker must comply with any warnings or cautions with respect to those medications. Further, if a worker is taking prescription and pharmacy medication/s and feels that their ability to safely drive a vehicle or operate machinery is impaired (regardless of whether or not the drug contains a relevant warning), the worker must not drive any vehicle or operate any machinery and must promptly notify their manager or supervisor of this fact.

#### **5. DRUG AND ALCOHOL TESTING**

Workers must be fit for work in order to perform their duties safely and diligently. Workers will be required to participate in drug and alcohol testing as outlined below:

#### **6. PRE-EMPLOYMENT TESTING**

Applicants for a position with Council may be required to participate in pre-employment drug testing. Where an applicant tests positive to illicit drugs during the recruitment process, this will be considered in determining whether an applicant will progress further in the recruitment process. Refusal to undertake a drug test, where required, will draw an adverse inference from Council.

#### **7. REASONABLE SUSPICION OF BEING UNDER THE INFLUENCE OF DRUGS AND/OR ALCOHOL**

Workers, whose behaviour or actions generate a reasonable suspicion of being under the influence of drugs and/or alcohol, may be required to undergo immediate drug and alcohol testing.

What constitutes a 'reasonable suspicion' of being under the influence of drugs and/or alcohol will depend on the specific situation. It is important to exclude other factors such as stress, fatigue or

other known medical conditions. A non-exhaustive list of factors that may give rise to a 'reasonable suspicion' of being under the influence of drugs and/or alcohol may include:

- An admission of being under the influence of drugs and/or alcohol;
- Uncharacteristic and unexplained changes in speech, movement and appearance;
- Erratic behaviours or mannerisms;
- Alcohol smelling breath or bloodshot eyes; and
- Possession of drugs and/or alcohol.

Where a worker has a reasonable suspicion that another worker is under the influence of drugs and/or alcohol, they are obligated to report their suspicion to their supervisor immediately.

#### **8. POST INCIDENT TESTING**

Council may require a worker to undergo a drugs and/or alcohol test following a significant incident.

#### **9. RANDOM TESTING**

Random drug and alcohol testing may be undertaken by Council, without notice. A worker or a group of select workers may be required to undergo testing at random.

#### **10. TESTING METHODS**

Council will arrange for testing to be conducted by a qualified independent collector or medical/health practitioner. All methods of testing will be in accordance with Australian Standards. A worker undergoing testing may request to be accompanied by a support person or a union representative, where they are readily available.

#### **11. REFUSAL TO UNDERTAKE TESTING**

A worker who refuses to undergo drug and/or alcohol testing or has been found to have tampered with a sample, will be considered in breach of this policy. To ensure the safety of others and themselves, workers who refuse a test or tamper with a test, will be immediately suspended on full pay, until they agree to undertake testing. Employees who refuse to undertake a test or tamper with a test may also be required to show cause via a disciplinary process in accordance with Council policy.

## **12. DRUG TEST OUTCOME**

### **12.1 Negative Result**

If a worker produces a sample which records a negative result they will be considered fit for work and will be required to return to normal duties.

### **12.2 Non-Negative Result – Declared Medication being Taken**

Workers will be given an opportunity to declare medication prior to testing being undertaken.

If following a declaration by a worker, a worker produces a sample which records a non-negative result for a substance known to be contained in the declared medication, the worker will be considered fit for work and will return to normal duties. Where appropriate, confirmation from the worker's medical practitioner, may be required, to ensure the worker is fit to work safely, whilst taking the declared medication.

Non-negative samples will be sent to an accredited laboratory to confirm the presence of the declared medication. Should the testing confirm other illicit drugs present in the sample of a worker, the worker may be required to show cause via a disciplinary process in accordance with Council policy.

### **12.3 Non-negative/Positive Result – No Medication Declared**

If a worker produces a sample which returns a non-negative result for a substance not known to be in the declared medication or the worker has not declared medication, they will be immediately suspended for work on full pay until confirmation testing by an accredited laboratory is undertaken.

Arrangements will be made for the worker to return home safely, as they will not be permitted to drive a Council or personal vehicle.

If the confirmation test provided to Council confirms a negative result, the worker will be able to return to work immediately. If confirmation testing returns a positive result, the worker will not be eligible to recommence work until they have achieved a negative result. Where there is a confirmed positive result, the Chief Executive Officer may decide to suspend the employee on full pay, pending a disciplinary process being followed.

Council will work with the worker to develop a return to work plan for their return to the workplace, where appropriate. A worker may also be required to show cause via a disciplinary process in accordance with Council policy.

### **13. ALCOHOL TEST OUTCOME**

#### **13.1 Under the limit**

If a worker produces a sample which indicates a blood alcohol content (BAC) result less than 0.05 the worker will be considered fit for work and will return to normal duties.

Where workers are performing duties or operating machinery or vehicles that require a 0.00 BAC, they will be treated as if they have produced a sample which is deemed over the limit.

#### **13.2 Over the limit**

If the worker produces an initial sample which indicates a BAC that is considered over the limit ie. in excess of 0.05, they are to remain in the testing facility and will not be permitted to recommence work or any other activity until a second test is completed. A second test will be conducted after 20 minutes.

If the worker's second test indicates a BAC that is still over the limit, they will be immediately suspended on full pay.

If the worker's BAC indicates they are not able to drive a Council or personal vehicle, arrangements will be made for the worker to return home safely.

#### **13.3 Return to work**

The worker may return to the workplace on the next ordinary working day, however, they will be required to provide a sample demonstrating they are under the limit prior to recommencement of work duties. The Chief Executive Officer may also decide to suspend the employee on full pay pending a disciplinary process being followed.

A confirmed test indicating a BAC in excess of 0.05 is considered a breach of this policy and may result in a worker having to show cause via a disciplinary process in accordance with Council policy.

### **14. CONFIDENTIALITY**

Test results will be dealt with confidentially and samples will be destroyed, as appropriate, by the external independent collector in accordance with relevant laws and regulations.

## **15. DRUGS AND/OR ALCOHOL ON COUNCIL'S PREMISES**

If Council finds drugs and/or alcohol on any work premises in breach of this policy, Council may take any or all of the following steps:

- 15.1 Investigate the matter to attempt to determine who is responsible. For this purpose, searches may be conducted, as set out in this policy;
- 15.2 require some, or all, workers to be tested for the presence of drugs and/or alcohol.

Workers are required to co-operate in any investigation process. Failure to co-operate or providing false information in an investigation constitutes a breach of this policy and will be considered misconduct and will be dealt with in accordance with 'Breach of this Policy'.

## **16. POSSESSION OF DRUGS AND/OR ALCOHOL AT WORK**

If Council suspects that a worker has drugs and/or alcohol in their possession at work, Council may take any or all of the following steps:

- 16.1 Investigate the matter to attempt to determine whether the worker does have drugs or alcohol in their possession;
- 16.2 Require the worker to give access to all of Council's property such as any locker or vehicle;
- 16.3 Obtain authorisation from the worker to inspect their personal property, that is present in the workplace, such as bag, personal vehicle or contents of their pockets or jacket. Workers are expected to permit such inspections and co-operate with the investigation.

Failure to co-operate or providing false information in an investigation will be considered to be misconduct and will be dealt with in accordance with 'Breach of this Policy'.

## **17. BREACH OF THIS POLICY**

Where an employee or group of employees has been found to have breached this policy, Council may determine to take disciplinary action against the employee/s, in accordance with Council policy.

Where a worker, other than an employee, breaches this policy, the responsible person for the worker will be contacted by Council immediately and provided with all relevant information to address the breach appropriately. Where the worker, other than an employee, is directly engaged via Council, Council may decide to cease or suspend the contract arrangement with the worker, as appropriate.

Further to the consequences for breach of this policy already outlined, where it is confirmed that a worker is, or where there is a reasonable suspicion that a worker may be, in possession, selling



or dispensing illegal drugs and/or alcohol at work, Council maintains its right to report the matter to the police.

#### **18. MORE INFORMATION**

If a worker is unsure about any matter covered by this Policy, they should seek the assistance of the Human Resource Manager.

#### **VARIATIONS**

Council reserves the right to vary, replace or terminate this policy from time to time.

#### **ASSOCIATED DOCUMENTS**

- Local Government Act 2009
- *Local Government Regulation 2012*
- *Work Health and Safety Act 2011*
- Code of Conduct for Employees
- Performance, Misconduct and Disciplinary Procedures Policy

## 4.5 Grievance and Dispute Policy



**WUJAL WUJAL ABORIGINAL SHIRE COUNCIL**

# Grievance and Dispute Policy

### Document Control

Document Reference Number: 2307  
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### Version History

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1	13 January 2023		Created – Chief Executive Officer
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3	19 January 2023		Executed by Chief Executive Officer 19/01/2023

## **PURPOSE OF POLICY**

The purpose of this policy is to outline Wujal Wujal Aboriginal Shire Council's (Council) procedures to achieve consistent treatment in the handling of grievances or disputes in the workplace and provide a procedure to follow in the event that a workplace grievance or dispute arises.

## **COMMENCEMENT OF POLICY**

This Policy will commence from 19 January 2023. It replaces all other grievance dispute policies and procedures (whether written or not).

## **APPLICATION OF THE POLICY**

This Policy applies to employees of Council. This Policy does not form part of any employee's contract of employment. The Policy is not intended to override the terms of any award, certified agreement or contract that applies to an employee.

Council undertakes to regularly review this policy to take account of changes in legislation, activities, services and products. As a result of this review, changes may be made to this policy from time to time and all employees and contractors are required to comply with those changes.

## **POLICY STATEMENT**

Council recognises that an employee may not perform to the best of their ability if they feel they are being treated unfairly or are feeling aggrieved. Accordingly, Council will endeavour to provide a fair and just working environment, by aiming to ensure that employees have access to processes for the resolution of genuine grievances or disputes related to the interpretation or implementation of the Queensland Local Government Awards (Award/s) or any other industrial matter, as defined under the *Industrial Relations Act 2016*.

As such, Council will use its reasonable endeavours to:

- (a) encourage staff to come forward with grievances and disputes;
- (b) deal with grievances and disputes in a supportive way, without victimisation or intimidation of any person connected with the grievance;
- (c) encourage fairness, impartiality and the resolution of grievances and disputes as reasonably promptly and as close as possible to the source of the grievance; and
- (d) have managers and supervisors seek to prevent and resolve grievances and disputes.

Where a grievance or dispute arises, Council will endeavour, if appropriate, to resolve the matter in line with the following procedures:

<b>Summary of Council's Grievance and Dispute Procedure – Award Matters</b>	
<b>Stage 1</b>	<p>The matter is to be discussed by the employee's union representative and/or the employee/s concerned (where appropriate) and the immediate supervisor in the first instance.</p> <p>The discussion should take place within 24 hours and the procedure should not extend beyond 7 days.</p>
<b>Stage 2</b>	<p>If the matter is not resolved in Stage 1, it shall be referred by the union representative and/or the employee/s to the appropriate management representative who shall arrange a conference of the relevant parties to discuss the matter.</p> <p>This process should not extend beyond 7 days.</p>
<b>Stage 3</b>	<p>If the matter remains unresolved, it may be referred to the employer for discussion and appropriate action.</p> <p>This process should not exceed 14 days.</p>
<b>Commission Involvement</b>	<p>If the matter is not resolved then it may be referred by either party to the Commission.</p>

<b>Summary of Council's Grievance and Dispute Procedure – Disputes Other Than Award Matters (Industrial Matters)</b>	
<b>Stage 1</b>	<p><b>Report the grievance to management</b></p> <p>In the first instance the employee shall inform their immediate supervisor of the existence of the grievance and they shall attempt to resolve the grievance. It is recognised that an employee may exercise the right to consult such employee's union representative during the course of Stage 1.</p> <p>After reporting a personal grievance, the immediate supervisor will use reasonable endeavours to conduct an initial meeting with the employee to:</p> <ul style="list-style-type: none"> <li>• obtain information about the employee's grievance or dispute and what they consider will resolve it;</li> <li>• explain how the grievance and dispute procedure works;</li> <li>• decide if they are the appropriate person to handle the grievance. This includes considering whether they have the necessary authority and can deal with the grievance in an impartial manner. If the immediate supervisor feels they cannot effectively handle the employee's personal grievance, they will refer the matter to another more appropriate supervisor.</li> </ul>

	Where it is not practical to conduct such a meeting, the immediate supervisor may carry out these steps by telephone or written correspondence.
<b>Stage 2</b>	If the grievance remains unresolved, the employee shall refer the grievance to the next in line management ("the manager"). The manager will consult with the relevant parties. The employee may exercise the right to consult or be represented by such employee's representation during the course of Stage 2.
<b>Stage 3</b>	If the grievance is still unresolved, the manager will advise the employer and the aggrieved employee may submit the matter in writing to the employer if such employee wishes to pursue the matter further. If desired by either party the matter may also be notified to the relevant union.
<b>Other Actions</b>	<b>Referral to investigator</b> Council may appoint another person to investigate the grievance or dispute. Such investigator may be internal or external to Council. In selecting an appropriate investigator, Council will consider conflicts of interest and any impact of personal bias.
<b>Commission Involvement</b>	If the grievance or dispute is not settled, the matter may be referred to the Commission by either the employee, their representative or Council.

## 1. OTHER PROCEDURAL ISSUES

### 1.1 Work to Continue

Subject to legislation and the Award/s, work will continue as normal while a grievance and/or dispute is being dealt with under this Policy, unless there is a genuine safety issue. All persons affected by the grievance are expected to co-operate with Council to ensure the efficient and fair resolution of the grievance.

### 1.2 Victimisation

Disciplinary action may be taken against any person who victimises or retaliates against a person who has lodged or is involved in a grievance or dispute matter under this Policy. Such action may include termination of employment.

### 1.3 Confidentiality

Any persons, including representatives, involved in the grievance and/or dispute must maintain confidentiality, as far as possible. However, it may be necessary to speak with other employees or workplace participants to obtain information to allow the grievance and/or dispute to be investigated or addressed.

If an employee breaches confidentiality, they may be subject to disciplinary action.

### 1.4 Access to support and representation

The employee can seek advice from their manager, supervisor or a support person/representative at any stage during the grievance or dispute process. The employee can bring a support person/representative to a grievance or dispute meeting if so desired.



### **1.5 Possible Outcomes**

The outcomes will depend on the nature of the grievance and/or dispute. Where an investigation or workplace review determines that an employee has breached legislation, Council policy or Code of Conduct, disciplinary action may be taken.

Council may take a range of other non-disciplinary measures to resolve a grievance or dispute. Examples include, but are not limited to:

- (a) amendment of an interpretation of an entitlement or condition under the Award/s;
- (b) training to assist in addressing the problems underpinning the grievance or dispute;
- (c) monitoring to ensure that there are no further problems; or
- (d) implementation of a new policy, procedure or work method.

### **VARIATIONS**

Council reserves the right to vary, replace or terminate this policy from time to time.

### **ASSOCIATED DOCUMENTS**

- Code of Conduct for Employees
- Performance, Misconduct and Discipline Policy
- Work Health and Safety Policy
- Anti-Discrimination, Workplace Bullying and Harassment Policy

## 4.6 Leave Policy



# WUJAL WUJAL ABORIGINAL SHIRE COUNCIL

## Leave Policy

### Document Control

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### PURPOSE OF POLICY

The purpose of this policy is to outline Wujal Wujal Aboriginal Shire Council's (Council) procedure and provide a summary of entitlements with respect to paid and unpaid leave, excluding parental leave and domestic and family violence leave. This policy outlines the evidence requirements and process for applying and notifying when accessing leave.

Parental leave and domestic and family violence leave entitlements may be in accordance with the *Industrial Relations Act 2016 (QLD)* (the Act), Queensland Local Government Industry Awards (the Award/s).

### **COMMENCEMENT OF POLICY**

This Policy will commence from 19 January 2023. It replaces all other leave policies of Council which deal with the taking of annual, personal, bereavement, long service, cultural, jury service and emergency services leave.

### **APPLICATION OF THE POLICY**

This policy applies to all full-time and part-time employees (including maximum term employees) of Council who apply for or take leave after 19 January 2023. Some provisions apply to casual employees as detailed in the Policy and/or, the Act and the Award/s

This Policy does not form part of any employee's contract of employment. The Policy is not intended to override the terms of any Award or contract that applies to an employee.

This Policy is compliant with the *Act and the Award/s* but does not override any more beneficial provision in an employee's contract of employment.

Council undertakes to regularly review this policy to take account of changes in legislation, activities, services and products. As a result of this review, changes may be made to this policy from time to time and all employees and contractors are required to comply with those changes.

### **POLICY STATEMENT**

*"Immediate family"* means a spouse, child, ex-nuptial child, step child, adopted child, foster child, ex-foster child, parent, grandparent, grandchild or sibling of the employee or employee's spouse.

*"casual employee"* includes a long term casual employee and short term casual employee.

*"long term casual employee"* means a casual employee who is engaged by Council on a regular and systematic basis for one or more periods of employment during a period of at least one year immediately before the employee seeks access to a relevant leave entitlement.

*"short term casual employee"* means a casual employee other than a long term casual employee.

*"Spouse"* includes a former spouse or a de facto partner.

*"Continuous shift-worker"* means an employee who is employed in a calling where shifts are worked 24 hours a day, 7 days a week and that employee works a rotating roster that includes each of the shifts.

*"De facto partner"* means a person who, although not legally married to the employee, lives with the employee in a relationship as a couple on a genuine domestic basis (whether the employee and the person are of the same sex or difference sexes).

## 1. ANNUAL LEAVE

### *Amount of leave*

- 1.1 For each completed year of service, an employee, who is not a casual or a continuous shift-worker is, subject to their hours and employment status, entitled to accrue at least four (4) weeks of paid annual leave, for each completed year of employment, which will be accrued on a pro rata basis part-time employees.  
  
Four (4) weeks annual leave will be provided on the basis of 145 hrs for each completed year of employment, for full time employees working an average of 36.25 hrs per week, or 152 hrs for each completed year of employment, for full time employees working an average of 38 hrs per week.
- 1.2 For each completed year of service, an employee who is a continuous shift-worker is, subject to their hours and employment status, entitled to accrue at least five (5) weeks (190 hrs leave for a full time employee working an average of 38 hrs per week) of paid annual leave, for each completed year of employment.
- 1.3 At the sole discretion of the Chief Executive Officer, for each completed year of service, an employee may be provided a further one (1) week annual leave. This additional week leave will be provided on the basis of 36.25 hrs for each completed year of employment, for full time employees working an average of 36.25 hrs per week, or 38 hrs for each completed year of employment, for full time employees working an average of 38 hrs per week. The Chief Executive Officer may, at any time, chose to withdraw employees entitlement to accrue this additional week leave.
- 1.4 In calculating whether an employee has completed a year of employment, Council will not take the following periods of time into account:
  - (a) A period of more than three months, when the employee is absent without pay with Council's approval; and
  - (b) A period when an employee is absent without pay without Council's approval, unless the employee is absent for not more than three months because of illness or injury all of which is certified by a doctor.
- 1.5 Annual leave accumulates from year to year unless an industrial instrument provides otherwise.

### *Taking annual leave*

- 1.6 Two weeks' notice must be provided in writing via a leave form, submitted to the employee's manager, prior to the commencement of annual leave, unless otherwise approved by the Chief Executive Officer.
- 1.7 Annual leave is to be taken for a period agreed between the employee and Council.
- 1.8 If Council and an employee cannot agree as to when an employee will take annual leave, Council can decide when the employee is to take leave and will give the employee at least eight weeks written notice of the start of the leave.
- 1.9 In addition to Council directing an employee to take annual leave, employees can be directed to take annual leave in accordance with an industrial instrument that applies to them.

- 1.10 Without limiting Council's capacity to direct, employees may be directed to take annual leave where it is reasonable. This might include where the employee has accrued an excessive amount of paid annual leave, or where Council is being shut down for a period, such as Christmas or New Year.
- 1.11 Annual leave is exclusive of a public holiday that falls during the leave, except where the employee is entitled to additional annual leave as compensation for working on a particular public holiday.

***Payment on annual leave***

- 1.12 Any annual leave taken will be paid at the employee's ordinary rate of pay immediately before the leave is taken, however if immediately before taking the leave, the employee was being paid at a higher rate than their ordinary rate, then the annual leave will be paid at that higher rate.

***Loading***

- 1.13 Employees are entitled to receive annual leave loading at the rate of 17½%.

***Payment of annual leave on termination***

- 1.14 Subject to the terms of any other agreement, contract or Award/s, any accrued but untaken annual leave will be paid out on termination. Such payment will be the amount that would have been payable to the employee had the employee taken that period of leave.

***Casual employees***

- 1.15 Casual employees have no entitlement to annual leave.

***Cashing out annual leave***

- 1.16 Subject to the following, Council and an employee may agree to the employee cashing out a particular amount of the employee's accrued annual leave entitlement:
- (a) The employee must always retain a balance of at least four (4) weeks of annual leave;
  - (b) Each portion of annual leave cashed out must have a separate agreement in writing;
  - (c) The employee must be paid the full amount that would have been payable to the employee had the employee taken the annual leave that has been forgone.



## **2. PERSONAL LEAVE**

- 2.1 For each completed year of service, an employee, who is not a casual, subject to their hours and employment status, are entitled to accrue fifteen (15) days of paid personal leave, for each completed year of employment (or pro-rata for part-time employees).

Fifteen (15) personal leave will be provided on the basis of 108.75 hrs for each completed year of employment, for full time employees working an average of 36.25 hrs per week, or 114 hrs for each completed year of employment, for full time employees working an average of 38 hrs per week.

- 2.2 Personal leave accumulates from year to year unless an industrial instrument provides otherwise.

### ***Taking paid personal leave***

- 2.3 An employee may use their accrued paid personal leave for personal illness or personal injury affecting the employee. An employee may also use this leave to provide care and support to a member of the employee's immediate family, or a member of the employee's household, who requires care or support because of a personal illness, or personal injury affecting the member, or because of an unexpected emergency affecting the immediate family/household member.
- 2.4 An employee can only use ten (10) days of personal leave for caring purposes, per year of service, irrespective of the amount of personal leave the employee has accumulated.

### ***Payment for personal leave***

- 2.5 Personal leave for employees (other than casuals), will be paid at the employee's ordinary rate of pay for all ordinary hours of work in the period. This will not include payment for any allowance, loadings, penalties or the like, unless specifically required in accordance with the Award/s. The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements.

### ***Payment for personal leave on termination***

- 2.6 Subject to the terms of the Award/s or contract, any accrued but untaken personal leave will **not** be paid out on termination of employment.

## **3. UNPAID PERSONAL LEAVE**

- 3.1 A long term casual employee is entitled to ten (10) days unpaid personal leave for caring purposes for each year of service.
- 3.2 A long term casual employee may take further unpaid personal leave, for caring purposes, if Council agrees.

3.3 A short term casual employee is entitled to leave work or be unavailable to attend work for up to two days (unpaid) for each occasion the employee needs to care for and support Immediate family members or members of the employee's household:

- (a) When they are ill; or
- (b) Because an unexpected emergency arises; or
- (c) because of the birth of a child.

3.4 A casual employee may take further unpaid personal leave, for caring purposes, if Council agrees.

#### **4. NOTICE AND DOCUMENTATION REQUIREMENTS – FOR BOTH PAID AND UNPAID PERSONAL LEAVE**

4.1 In order to access an entitlement to personal leave, the relevant employee must:

- (a) comply with any requirements in their Award, contract and any other relevant policies, including the Absenteeism and Attendance Policy;
- (b) inform the Line Supervisor that the employee will be absent from work because of personal illness or injury or for caring purposes, prior to taking the leave or, in exceptional circumstances, as soon as practicable;
  - (i) It is expected that this is done by contacting the Line Supervisor by telephone a minimum of one hour prior to commencement of ordinary hours, unless in the case of an exceptional circumstance,
- (c) inform Council of the anticipated period of the absence;
- (d) if the absence is for two (2) days or more, provide evidence that would satisfy a reasonable person that the leave is taken for personal leave reasons.
- (e) inform Council of the person requiring care and that person's relationship to the employee; and
- (f) if the reason for taking the leave is because an unexpected emergency has arisen, advise Council of the nature of the emergency.

#### **5. BEREAVEMENT LEAVE**

5.1 Council provides bereavement leave in accordance with the Act and the Award/s.

5.2 Employees (other than casual employees) are entitled to at least two (2) days' paid bereavement leave for each occasion, when a member of the employee's immediate family or a member of their household dies; or the employee, or the employee's spouse, is pregnant and the pregnancy ends other than by the birth of a living child.

5.3 If an employee (other than a casual) reasonably requires extra time to travel to and from the funeral or other ceremony as a result of the death, that employee is entitled to an amount of unpaid bereavement leave equal to the time reasonably required for the travel.

5.4 Employees are entitled to two days compassionate leave on full pay on each occasion when a member of the employee's immediate family or household contracts or develops a personal illness that poses a serious threat to the person's life or sustains a personal injury that poses a serious threat to the person's life.

- 5.5 An employee (other than a casual employee) may take further unpaid bereavement leave if Council agrees.

***Payment for Bereavement Leave***

- 5.6 Bereavement leave for employees other than casual employees will be at the employee's full pay for the employee's ordinary hours of work in the period.
- 5.7 The payment will be processed at the usual pay time provided the employee has complied with the notice and documentation requirements.

***Casual Employees***

- 5.8 Casual employees are entitled to be unavailable to attend work for up to two (2) days on unpaid bereavement leave for each occasion when a member of the employee's Immediate Family or a member of their household dies or the employee, or the employee's spouse, is pregnant and the pregnancy ends other than by the birth of a living child.
- 5.9 If a casual employee reasonably requires extra time to travel to and from the funeral or other ceremony as a result of the death, that casual employee is entitled to an amount of unpaid bereavement leave equal to the time reasonably required for the travel.
- 5.10 A casual employee is entitled to two (2) days unpaid compassionate leave on each occasion when a member of the employee's immediate family or household contracts or develops a personal illness that poses a serious threat to the person's life; or sustains a personal injury that poses a serious threat to the person's life.
- 5.11 A casual employee may take further unpaid bereavement leave if Council agrees.

***Bereavement leave - notice and documentation requirements***

- 5.12 In order to access an entitlement to bereavement leave, employees must as soon as practicable, inform the Line Supervisor of the following:
- (a) that the employee will be absent from work because of a need to take bereavement or compassionate leave;
  - (b) the period of the absence including the requirement for additional time off for the purposes of travel; and
  - (c) the name of the person who has died, been injured or is ill, and that person's relationship to the employee.
- 5.13 An employee who takes bereavement leave must give Council a copy of the funeral notice or other evidence of the death Council reasonably requires.
- 5.14 An employee who takes compassionate leave must give Council sufficient evidence to satisfy a reasonable person that the employee was taking compassionate leave because a member of the employee's family or household's life was threatened by personal illness or personal injury.

***No accumulation***

- 5.15 As bereavement and compassionate leave are event based leave, it does not accrue and accordingly, will not be paid out on termination of employment.

**6. LONG SERVICE LEAVE**

- 6.1 Long service leave will be granted to all employees in accordance with the Act, Award/s and any other applicable long service leave legislation, including the Local Government Act 2009, as varied from time to time.

**7. JURY SERVICE LEAVE**

- 7.1 Council provides Jury Service Leave in accordance with the Act.
- 7.2 Employees are entitled to be absent from work in order to perform jury service. Whether such leave will be with or without pay will depend on the industrial instruments that apply to the employee.

***Requirements for Jury Service Leave***

- 7.3 If an employee is required to attend for jury service, the employee:
- (a) is entitled to jury service leave;
  - (b) must as soon as is practicable, inform Council about the requirement to attend for jury service and the period the employee is required to perform jury service;
  - (c) must give a copy of any document they have received regarding jury service to Council;
  - (d) is entitled to receive payment from Council for the difference between the amount received as remuneration and allowances, other than meal allowances, for the jury service and the ordinary rate of pay for all ordinary hours the employee would have worked, had they not taken jury service leave;
  - (e) will be paid for the jury service leave on or before the first pay day that is practicable after the employee gives Council the documentation relating to their requirement to attend for jury service;
  - (f) must return to work for any hours in the day that they are not required for jury service.

**8. EMERGENCY SERVICE LEAVE.**

- 8.1 Council provides emergency service leave in accordance with the Act.
- 8.2 The employee must advise Council as soon as possible in writing, if the employee intends to, or is taking emergency service leave and the likely duration of the leave.
- 8.3 An employee is entitled to unpaid emergency leave if:
- (a) the employee engages in an activity (a voluntary emergency management activity) that involves dealing with an emergency or natural disaster for a recognised management entity; and
  - (b) the employee is a member of the recognised emergency management entity.
- 8.4 The employee is entitled to unpaid emergency leave if asked by the emergency management body to engage in the emergency management activity.



- 8.5 The employee is entitled to unpaid emergency service leave if the body does not request the employee to engage in the emergency management activity, but would have if the circumstances had allowed the request to be made.
- 8.6 The period of emergency service leave must be reasonable to the voluntary emergency management activity and in the circumstances, including travelling to and from the voluntary emergency management activity
- 8.7 The employee is entitled to rest immediately after engaging in the voluntary emergency management activity.
- 8.8 The employee must provide sufficient and reasonable evidence to satisfy Council that the leave was or is a result of the employee been engaged in a voluntary emergency management activity.
- 8.9 At the Chief Executive Officer or delegates sole discretion, approval may be granted for paid special leave, where an employee is performing emergency services in accordance with 8.3.
- 8.10 A recognised emergency management entity means:
  - (a) an entity recognised under Commonwealth and the State with the role or function of planning and conducting activities for coping with emergency or natural disaster, such as firefighting, civil defence or rescues.
  - (b) an entity who has a substantial role or purpose in securing the safety of persons or animals and protecting property in emergency or natural disaster situations and is deemed by the Chief Executive Officer as recognised emergency management entity.

## **9. CULTURAL LEAVE**

- 9.1 Only employees who are required by Aboriginal tradition or Island custom to attend Aboriginal or Torres Strait Islander ceremonies are entitled to apply for cultural leave.
- 9.2 If Council agrees, an eligible employee may take up to five (5) days unpaid cultural leave per year of service.
- 9.3 If an eligible employee wishes to apply for cultural leave, they should give Council:
  - (a) before taking the leave, reasonable notice of the intention to take cultural leave;
  - (b) details of the reason for taking the leave; and
  - (c) details of the period that the employee estimates they will be absent.

## **10. APPLICATIONS FOR LEAVE**

- 10.1 Any employee who requests leave of a type specified by this Policy, or provided under the Act or Award/s, should submit a Leave Application Form and comply with the other relevant notice and evidence requirements outlined in this Policy. All documents should be given to the Immediate Supervisor.



## **VARIATIONS**

Council reserves the right to vary, replace or terminate this policy from time to time.

## **ASSOCIATED DOCUMENTS**

- Attendance and Absenteeism Policy
- *Industrial Relations Act 2016*
- Leave Application Form

## 4.7 Performance Misconduct and Disciplinary Policy



**WUJAL WUJAL ABORIGINAL SHIRE COUNCIL**

# Performance, Misconduct and Discipline Policy

### Document Control

Document Reference Number: 2309  
Version Number: 1  
Business Unit: Chief Executive Officer

### Version History

Version Number	Date	Signature	Reason / Comments
1	13 January 2023		Created – Chief Executive Officer 13/01/2023
2	16 January 2023		Executed – Chief Executive Officer 16/01/2023

### **PURPOSE OF POLICY**

The objective of Wujal Wujal Aboriginal Shire Council's (Council) Performance, Misconduct, and Discipline Policy is to:

- (a) correct and/or improve the standard of conduct and/or performance of an employee where appropriate or necessary;
- (b) provide any particular employee with an opportunity to correct unacceptable conduct and/or unsatisfactory performance (other than in situations of serious misconduct);
- (c) ensure that all employees are treated fairly, equally and consistently and in accordance with Local Government legislation and procedural fairness;
- (d) ensure that each situation is considered and determined, with regard for the particular facts of each circumstance; and
- (e) outline the various types of disciplinary action which may be taken by Chief Executive Officer or delegate approved by the Chief Executive Officer.

### **COMMENCEMENT OF POLICY**

This Policy will commence from 16 January 2023. It replaces all other performance, misconduct and disciplinary policies of Council (whether written or not).

### **APPLICATION OF THE POLICY**

The Chief Executive Officer is responsible for all staff and operations within the Council, including performance management. As per the statutory requirements of the Local Government Act 2009 and designated Councillor Conduct, Elected Members have a strategic focus and are not permitted to be involved in operational and staff management.

This policy applies to all employees of Council. This policy does not form part of any employee's contract of employment. The Policy is not intended to override the terms of any Award or contract that applies to an employee.

Council undertakes to regularly review this policy to take account of changes in legislation, activities, services and products. As a result of this review, changes may be made to this policy from time to time and all employees and contractors are required to comply with those changes.

This Policy is to be applied when dealing with necessary discipline arising from matters associated with poor performance, inappropriate conduct and/or misconduct, in connection with, or arising out of employment with Council, including conduct at work-related functions or where an employee is representing Council or identifiable as a Council employee.

Where an employee's conduct involves a breach, or suspected breach, of any Australian law, Council may notify the police or other relevant government authority.

Throughout this policy, "delegate" means a delegate approved by the Chief Executive Officer

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Throughout this policy, "delegate" means a delegate approved by the Chief Executive Officer

## **POLICY STATEMENT**

### **1. GROUNDS UPON WHICH DISCIPLINARY ACTION MAY BE TAKEN**

Disciplinary action may be taken in relation to:

- (a) failure to perform responsibilities in accordance with an employee's contract of employment, the *Local Government Act 2009 (QLD)* (Act), and Council's policies and procedures; or
- (b) failure to perform responsibilities under the Act in accordance with the local government principles, which may include persistent poor performance; or
- (c) action taken under the Act in a way that is not consistent with the local government principles.

### **2. DISCIPLINARY PROCESS OVERVIEW**

The discipline and investigation process outlined below are intended as a guide only. The appropriate process to be adopted will remain at Council discretion in consideration of the circumstance of the matter, however, regardless of process, Council will comply with the requirements outlined by the *Local Government Regulation 2012 (QLD)*, specifically section 283, and will follow procedural fairness best practise.

### **3. INVESTIGATION**

Depending on the circumstances, it may be necessary to conduct an investigation into incidents and/or allegations against a particular employee or group of employees. Investigations may be undertaken internally or by appointment of an external investigator.

Investigations involve particularisation of the allegations made, collecting of relevant evidence and, where required, interviewing relevant witnesses, including complainants and respondents, such as the employee's co-workers or supervisors, or even members of the public and suppliers. The evidence is then considered to make a finding on each allegation, using the standard of proof for workplace matters which is "on the balance of probabilities".

If Council is satisfied, on the balance of probabilities, that there is sufficient evidence to support the allegation/s against an employee, this may lead to disciplinary process being follow.

Council will endeavour to ensure investigations are undertaken in a timely manner. Throughout the investigation process appropriate procedural fairness principals will be adopted, including providing the respondent the opportunity to have a support person, providing reasonable opportunity and timeframes to respond to allegations and being provided sufficient information to allow response to allegations.

Once investigation findings have been made, and where allegation/s have been substantiated, a respondent will be provided an opportunity to respond to the findings.



#### 4. SUSPENSION

In accordance with section 282 of the Act, the Chief Executive Officer may suspend an employee on full pay when satisfied, on reasonable grounds, that an employee will be subject to disciplinary action.

If Council believes it to be reasonably necessary in the circumstances, an employee may be suspended from duty on ordinary pay pending the completion of an investigation or disciplinary process. In such circumstances, the employee should be informed in writing of the conditions of the suspension, and where possible, the reasons for the suspension.

#### 5. DISCIPLINE PROCESS

Where Council becomes aware of allegations of inappropriate conduct or misconduct against an employee, or where an investigation outcome supports allegations of poor performance, inappropriate conduct or misconduct, Council may determine to enact a disciplinary process.

In such circumstances, the responding employee will be provided the allegations and any evidence available, in writing, to allow their response. The written allegations may be delivered in a meeting between the Chief Executive Officer (or delegate), appropriate Council representatives, the responding employee and their support person (should the choose to have one).

Following the responding employee being given an opportunity to respond to the allegations, Chief Executive Officer (or delegate), and the relevant manager, will review the evidence, including any response, and determine if the allegations or the investigation findings, are substantiated, on the balance of probabilities.

Where it is considered that the employee's conduct is in breach of their employment obligations, detailed at Clause 1, Chief Executive Officer (or delegate approved by the Chief Executive Officer), and the relevant manager, may determine if disciplinary action is going to be taken. Prior to disciplinary action being taken, and in accordance with Section 283 of the Act, the employee must be provided with a written 'Notice of Proposed Disciplinary Action' letter and be provided with a reasonable opportunity to respond. Council may choose to issue the letter at a meeting with the responding employee to explain the content of the letter and the process to be followed. The responding employee may choose to have a support person present.

Details that must, as a minimum, be contained in a written 'Notice of Proposed Disciplinary Action' letter are as follows:

- (a) the disciplinary action to be taken;
- (b) the grounds on which the disciplinary action is taken;
- (c) the particulars of conduct (*facts*) claimed to support the grounds;

Following the responding employee being given an opportunity to respond to the 'Notice of Proposed Disciplinary Action' letter, Chief Executive Officer (or delegate), and the relevant manager, will review all the information, including any response, and determine whether the disciplinary action will be issued. Council will consider:

- (a) the seriousness of the poor performance/inappropriate conduct/misconduct;
- (b) the response or explanation given by the employee;
- (c) the employee's employment history and record.

Where it is determined to take some other form of disciplinary action, other than that already proposed, Chief Executive Officer (or delegate) will issue the employee with another 'Notice of Proposed Disciplinary Action' letter for their further response.

A decision to implement disciplinary action will be provided to the employee in writing and placed on the employee's personnel file.

## **6. DISCIPLINARY ACTION**

The type of disciplinary action taken may vary from case to case, depending upon all the circumstances, including a consideration of whether the employee has received any prior verbal or written warnings in relation to their performance or conduct.

Regardless of whatever disciplinary action is imposed, where it does not lead to dismissal, such action may be relied on in future to support dismissal due to ongoing unsatisfactory performance, unacceptable conduct, or misconduct of any kind.

## **7. TYPES OF DISCIPLINARY ACTION**

In accordance with the Act, the types of formal disciplinary action which may be taken by the Chief Executive Officer, or delegate, include the following:

- (a) termination of employment;
- (b) demotion, including a reduction in remuneration;
- (c) a deduction from salary or wages of an amount of not more than 2 penalty units;
- (d) a written reprimand or warning.

A written reprimand or warning letter must include:

- (a) the employee's conduct that is disapproved of;
- (b) the remedial action needed to rectify the conduct;
- (c) the period within which the remedial action is to be taken;
- (d) the possible consequences for a repeat of the conduct by the employee; and
- (e) is part of a local government employee's employment record.

## **8. ALTERNATIVES TO DISCIPLINARY ACTION**

Alternatives to disciplinary action, which may be taken by Council, include, but are not limited to, the following:

- (a) training;
- (b) mediation; and
- (c) counselling.

## **9. DISMISSAL**

If the decision is made to dismiss the employee, the employee should be notified in writing of the decision, reasons for the decision, and any further information, including:

- (a) day the dismissal is to take effect;
- (b) that there will be a payment made in lieu of notice, except where dismissal is due to misconduct and in accordance with Section 121 of the *Industrial Relations Act 2016*;

- (c) advice that the termination will include payment of all accrued entitlements; and
- (d) date in which Council property needs to be returned and to whom.

#### **10. WRITTEN/REPRIMAND OR WARNING**

If disciplinary action taken against an employee consists of a written warning or reprimand, it will form part of the employee's employment record and must as a minimum state the following:

- (a) the employee's conduct that is disapproved of;
- (b) the remedial action needed to rectify the conduct;
- (c) the period within which the remedial action is to be taken; and
- (d) the possible consequences for a repeat of the conduct by the employee.

#### **11. DOCUMENTATION / CONFIDENTIALITY**

Council should make contemporaneous notes of investigation interviews and disciplinary meetings. Where required, the Council may choose to provide statements or transcripts to witnesses, respondents and complainants for their review and approval or for their information.

Investigation reports and disciplinary process letters should be stored confidentially on Human Resources files. Disciplinary action letters shall be placed on the responding employee's personnel file.

Throughout investigation and disciplinary processes, all employees involved, including support persons, are required to keep the matter confidential. Whilst this is Council's expectation, it is understood that information may need to be shared to ensure any respondent is afforded procedural fairness.

Breaches of confidentiality during or following an investigation or disciplinary matter, may result in Council taking disciplinary action against the employee responsible.

#### **VARIATIONS**

Council reserves the right to vary, replace or terminate this policy from time to time.

#### **ASSOCIATED DOCUMENTS**

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Industrial Relation Act 2016*
- Work Health and Safety General Policy
- Code of Conduct for Employees
- Anti-Discrimination, Workplace Bullying and Harassment Policy

## 4.8 Recruitment and Selection Policy



**WUJAL WUJAL ABORIGINAL SHIRE COUNCIL**

# Recruitment and Selection Policy

### Document Control

Document Reference Number: 2310  
 Version Number: 1  
 Business Unit: Chief Executive Officer

### Version History

Version Number	Date	Signature	Reason / Comments
1	13 January 2023		Created – Chief Executive Officer
2	19 January 2023		Adopted – Resolution of Council Meeting 19/01/2023
3	19 January 2023		Executed by Chief Executive Officer 19/01/2023

## **PURPOSE OF POLICY**

Recruiting and selecting suitable employees who exhibit the necessary level of skills, qualifications and ability is integral to the success of Wujal Wujal Aboriginal Shire Council (Council).

This Policy aims to provide guidance and assistance to all managers and supervisors who are involved in the recruitment, selection and promotion of employees at Council. It outlines the principles and procedures that are to be followed in the recruitment and selection process. This Policy is designed to ensure that recruitment standards are consistent, appropriate, consider equal employment opportunity principals and free from discrimination or bias.

## **COMMENCEMENT OF POLICY**

This Policy will commence from 19 January 2023. It replaces all other Recruitment and Selection policies of Council (whether written or not).

## **APPLICATION OF THE POLICY**

This Policy does not form part of any employee's contract of employment. The Policy is not intended to override the terms of any Award or contract that applies to an employee.

Council undertakes to regularly review this policy to take account of changes in legislation, activities, services and products. As a result of this review, changes may be made to this policy from time to time and all employees and contractors are required to comply with those changes.

## **POLICY STATEMENT**

### **1. Merit principle applies**

Council is committed to ensuring that recruitment and promotion decisions are based on the principle of merit. This means that persons will be selected on the basis of whether they have the right skills, qualifications and other talents that are required to do the job.

Appointment decisions based on irrelevant factors, such as a person's sex, race, disability, age, sexual preferences etc., or personal biases or favouritism, are inappropriate, may be considered in breach of Anti-Discrimination Legislation.

Each workplace-decision-maker who has a role in the recruitment of employees or in selection for promotion will be responsible for ensuring that the merit principles are applied.

### **2. Equal employment opportunity**

Council is an equal employment opportunity employer and is committed to ensuring that all applicants for recruitment or promotion are not discriminated against on any of the grounds of discrimination contained in Anti-Discrimination Legislation and consistent with the Council's Anti-Discrimination, Workplace Bullying and Harassment Policy.

Council, during recruitment and promotion activities, will recognise the benefit of having a diverse workforce, including employees from different cultural backgrounds, gender and ethnicity, whilst balancing this with the Elected Members' objective of increasing opportunities for local employment.



### **3. The Process of Recruitment and Selection**

The Chief Executive Officer shall approve the commencement of all recruitment and promotion processes, except for the recruitment of Chief Executive Officer that is specifically approved by Council.

### **4. Internal Advertising**

Where a position becomes vacant at Council, advertisement shall occur internally on appropriate platforms, which may include Notice Boards and via Email. Jobs must be advertised with a position description, including Department, Work Unit, Position Title, Award Designation, Salary Level, Period of Employment, Location, Position Number, Advertising Close Date, Point of Contact, Contact Details and WWASC Jobs URL.

Current employees are encouraged to apply for suitable positions as they arise. Each application will be assessed on its merits, based on the essential and desirable criteria required for the position. This may mean that internal applicants do not qualify for job interviews.

Simultaneous internal/external advertising may be carried out for positions that require a specific skill or qualification which is vital to that position, to avoid a lengthy recruitment process due to a urgent need to fill the position, or where the position attracted no internal applicants when advertised previously, or where there is a significant lack of depth in the required skills or knowledge within the organisation for a particular position.

Internal applicants include all employees of Council who are active on Council's payroll system. Internal applications will not be acknowledged from:

- Contractors;
- Labour hire staff;
- Volunteers; and
- Ex-employees.

Applications from the above parties will be considered, as external applicants, if no internal applications are received and/or the position is to be advertised internally/externally simultaneously.

For the purpose of this policy all apprentices and trainees are employed on a fixed term contract and cease on completion of their training with Council and are not eligible to apply for internal vacancies until the training contract obligations have been fulfilled, or within one month of their fixed term training contracts cessation date.

### **5. External advertising**

Job advertisements shall be drafted and prepared for uploading by Human Resources or approved delegate, following authorisation from the Chief Executive Officer.

Jobs must be advertised with a position description, including Department, Work Unit, Position Title, Award Designation, Salary Level, Period of Employment, Location, Position Number, Advertising Close Date, Point of Contact, Contact Details and WWASC Jobs URL. No other member of Council will advertise and recruit positions internally or externally. All job advertisements must be approved by the Chief Executive Officer prior to advertisement.

Where internal applications are received in response to an external advertisement, these shall be considered equally with external applications for the position.

Occasionally, circumstances arise whereby a vacancy occurs for the same or very similar position called within the last twelve (12) months. In such circumstances, the selection committee, in liaison with the Chief Executive Officer, may choose to review those applications, rather than advertise the position externally again.

Where Council has been unable to source a suitable candidate via the normal recruitment process, where permanent and short-term vacancies exist in specialist areas or where identified skills shortages exist, the Chief Executive Officer may approve alternate recruitment arrangements, such as the use of recruitment agencies/labour hire/contractor workers.

#### **6. The job advertisement**

The job advertisement should generally include the following:

- (a) be written in clear, non-discriminatory language.
- (b) must contain the title of the job and a list of duties and key results areas.
- (c) outline the mandatory eligibility requirements of the job;
- (d) indicate that applicants should be able to address all of these criteria (Desirable criteria can also be included);
- (e) specify what information the applicant should provide with their application, (e.g. selection criteria, resume, references, academic record, licence, etc.);
- (f) the position description;
- (g) the details of where the application can be made;
- (h) the closing date for applications; and
- (i) state that Council is an equal opportunity employer.

Council may choose to engage an external recruitment agent to undertake a recruitment process on Council's behalf.

#### **7. Candidates**

Applications are assessed and shortlisted by a designated selection panel approved by the Chief Executive Officer. Generally, there will be a maximum of three selected candidates from the applications to be interviewed.

#### **8. The selection panel**

The selection panel usually comprises of three assessors who have experience and/or have been advised in recruitment techniques, anti-discrimination principles, do not have a conflict of interest (or have declared the conflict which has assessed as acceptable/manageable) and can competently assess the applicant's ability to meet the technical, practical, attitudinal and cultural expectations and requirements of the position. Cultural and gender representation on this panel is preferred.

Selection panels can occasionally comprise of two assessors, with the written approval of the Chief Executive Officer, if three representatives cannot be identified who meet the above criteria. A representative from within the Human Resources area would generally be on the recruitment panel. The appointment of the recruitment panel is in consultation with the Chief Executive Officer.

## **9. The position description and mandatory criteria**

Prior to seeking approval to advertise an existing position, the manager will review the position description for the role and make sure that it is up to date and accurate. The level of remuneration attached to the position should also be reviewed by Human Resources. Any changes to remuneration would need to be endorsed by the Manager Corporate and Commercial and approved by the Chief Executive Officer.

Where the role is new, it is the responsibility of the manager to draft the position description, in accordance with Council's template, which will be approved by Human Resources, who will then undertake a classification review to determine level and appropriate salary. Salary must be endorsed by the Manager Corporate and Commercial and approved by the Chief Executive Officer.

The position description must include essential and/or desirable criteria. The essential criteria are those which are necessary for the performance of the job. The desirable criteria are those that will help the applicant perform the job and give them a competitive advantage. By determining the essential and desirable criteria of the job, the panel will have a standard for comparison of each applicant.

## **10. The short list**

The selection panel should review the job applications and make a short list of the best applicants who meet the essential criteria for the position. It is acknowledged that where an external recruitment agent is engaged, shortlisting may be undertaken by that agent.

Arrangements should be made for interviewing those applicants who are short listed.

## **11. The job interview**

The selection panel should prepare the questions to be asked at the interview. These should be restricted to questions that are relevant to the job. Questions which may indicate an intention to discriminate on any of the grounds of discrimination should not be asked — this includes questions that may constitute sexual harassment.

Panel members should ask comparable questions of all applicants, otherwise biases and unfair assumptions can affect recruitment and selection decision making.

Panel members should document each applicant's responses and determine an order of merit, including rationale.

The panel should meet and agree on an order of merit. Where it is determined that none of the applicants met the required criteria, it may be determined by the panel to readvertise the position.

## **12. Reference Checking**

Human Resources will carry out a reference check for prospective or existing employees.

When performing reference checks the following principals will be applied:

- (a) The referee should be informed that the information they convey, due to privacy laws, will be accessible to the prospective employee or the existing employee and also may be discussed with the candidate. As a general rule, a referee's opinions should not be directly relayed to the candidate etc.
- (b) Information obtained should be treated confidentially and only be provided to those involved in the recruitment process, and the Chief Executive Officer or Delegate approved by the Chief Executive Officer.

- (c) The questions asked of the referee should be agreed with the panel, be consistent across all interviews for the position, and only be questions that are relevant to the occupational requirements of the job.

*Council may choose to use a combination of both written and verbal reference checking.*

### **13. Offer of Employment**

Following obtaining of acceptable reference checks, the successful applicant, should be notified of the decision verbally and in writing. Unsuccessful applicants should also be notified of the result, once a successful appointment has occurred. Human Resources may offer feedback to unsuccessful applicants where requested.

Human Resources will prepare contracts of employment for the successful applicant, which must be approved by the Chief Executive Officer.

### **14. Reasonable adjustment**

Where a job applicant has a medical condition but is in all other respects determined the most meritorious, Council will endeavour to make reasonable adjustments to the position to enable that person to do the job. Reasonable adjustment will be made unless such adjustments cannot be accommodated due to operational requirements would cause unjustifiable hardship to Council etc.

### **15. Privacy**

Council respects and complies with its obligations under privacy legislation.

Consequently, any personal information gathered about applicants that does not become an employee record relating to the successful candidates, will be destroyed at the conclusion of the selection process, unless the permission or consent of the candidate has been obtained to keep any such information for the purpose of consideration in future recruitment opportunities

### **16. Appointments made directly by the Chief Executive Officer**

It may be necessary for Council to actively pursue or appoint appropriately qualified staff for vacant positions. In these circumstances, the Chief Executive Officer reserves the right to make direct appointments to permanent, internal, casual and temporary positions to achieve the objectives of Council's Corporate Plan, without following the procedures detailed in this policy. In these circumstances, the merit principle will still apply to such appointments, based on the candidate providing a current resume, appropriate reference checks being undertaken, and other relevant background checks being completed

## **VARIATIONS**

Council reserves the right to vary, replace or terminate this policy from time to time.

## **ASSOCIATED DOCUMENTS**

- Code of Conduct for Employees
- Drug and Alcohol Policy
- Anti-Discrimination, Workplace Bullying and Harassment Policy



## 4.9 Vehicle Use Policy



**WUJAL WUJAL ABORIGINAL SHIRE COUNCIL**

# Vehicle Use Policy

### Document Control

Document Reference Number: 2302  
Version Number: 1

### Version History

Version Number	Date	Signature	Reason / Comments
1	13 January 2023		Created – Chief Executive Officer
2	19 January 2023		Adopted – Council Meeting 19/01/2023
3	19 January 2023		Executed by Chief Executive Officer 19/01/2023



## PURPOSE OF VEHICLE USE POLICY

The Wujal Wujal Aboriginal Shire Council provides and maintains a fleet of vehicles which are available for use by authorised personnel for travel associated with the conduct of Wujal Wujal Aboriginal Shire Council business activities. **Vehicles are not for contractor, unrestricted or personal use, unless this is a condition of the employee's employment contract.**

The purpose of this policy is to ensure that all Wujal Wujal Aboriginal Shire Council employees understand their responsibilities when operating Council vehicles.

## COMMENCEMENT OF POLICY

This Policy will commence from 19 January 2023. It replaces all other specific Vehicle Use policies of Council (whether written or not).

## APPLICATION

This policy applies to all employees who use a company vehicle and applies during and outside of working hours. This policy

- Drivers of Council vehicles must be authorised to do so and must hold a current driver's license.
- Drivers are fully responsible for the vehicle while it is in their charge.
- Traffic regulations and road rules must be observed at all times.
- All traffic and parking fines/violations are the responsibility of the authorised driver of the vehicle.
- Vehicles must be driven at safe speeds according to the road conditions and within speed limits at all times.
- Every courtesy must be shown to other road users and pedestrians.
- Smoking is not permitted in Council vehicles.
- Unattended vehicles must be securely locked.
- Council staff using a Council vehicle must keep the vehicle in a clean and tidy state.

## **POLICY STATEMENT**

### **1.1 APPROVED DRIVERS**

The driver of a Wujal Wujal Aboriginal Shire Council vehicle must be an employee of Wujal Wujal Aboriginal Shire Council and the employee must be fully licensed to drive. People who are not employees or employees who are unlicensed or who have a learner's licence are not permitted to drive Wujal Wujal Aboriginal Shire Council vehicles.

A photocopy of each driver's current licence is to be provided. This will be kept as a record in the employee's file. Employees are to notify Wujal Wujal Aboriginal Shire Council management immediately of any change to the status or validity of their licence.

If a driver is unfit to drive because of ill health, suspensions or cancellation of licence, the driver must advise Wujal Wujal Aboriginal Shire Council management.

### **1.2 TRAFFIC OFFENCES AND ACCIDENTS**

Any traffic violation or offence of any sort committed by an employee will remain the sole responsibility of that employee. Wujal Wujal Aboriginal Shire Council will not be liable for any fines or penalties as a result of vehicle used by its employees at any time. The driver of any vehicle who has knowledge of a formal notice of an offence must notify Wujal Wujal Aboriginal Shire Council management immediately.

The employee responsible for any vehicle that is involved or suspected of being involved in any accident is to report the accident to Wujal Wujal Aboriginal Shire Council management in writing as soon as possible. They will contact the insurance provider. The driver must follow legal guidelines for exchanging information with other drivers and report the accident to local police if required. The driver involved in the accident must not guarantee payment or accept responsibility under any circumstances.

**Note:** Where the employee is wilfully negligent, the employee will be responsible for payment of the insurance premium, which may be a payroll deduction from the employee's wages. If the employee drives a Council vehicle while affected by drugs or alcohol and is involved in an accident, that employee will be responsible for all costs arising from that accident as the Council's insurance policy will be voided.

### **1.3 ALCOHOL, DRUGS AND ILLEGAL SUBSTANCES**

Wujal Wujal Aboriginal Shire Council vehicle must not be used by any driver who is affected by drugs, prescribed or social, or alcohol. No employee can drive a Wujal Wujal Aboriginal Shire Council vehicle with a blood alcohol level above the prescribed limit (insurance becomes void) or be under the influence of medication and/or social drugs which may impair performance.

### **1.4 DISCIPLINARY ACTION FOR BREACH OF THIS VEHICLE USE POLICY**

An employee who is found to have driven a Council provided vehicle under the influence of drugs or alcohol will be subject to disciplinary action, which may include termination of employment.

Employees who violate the Wujal Wujal Aboriginal Shire Council Vehicle Use Policy will be subject to disciplinary actions which may include verbal and written warnings, suspension of vehicle privileges, termination and / or legal action to recover costs.

### **EMPLOYEE ACKNOWLEDGEMENT**

I have read, understood and agree to adhere to the Wujal Wujal Aboriginal Shire Council Vehicle Use Policy. I have provided a copy of my valid and current Driver's licence to Wujal Wujal Aboriginal Shire Council management for my employee personnel record.

I understand employees who violate the Wujal Wujal Aboriginal Shire Council Vehicle Use Policy are subject to disciplinary actions which may include verbal and written warnings, suspension of vehicle privileges, employment termination and / or legal action to recover costs.

**Employee Name:** \_\_\_\_\_

**Employee Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## 4.10 Work, Health and Safety Policy

### 4.10.1 Work, Health and Safety Policy Summary



## WUJAL WUJAL ABORIGINAL SHIRE COUNCIL

# Work, Health and Safety Policy Summary

Council is committed to providing a healthy and safe workplace.

- All workers have a responsibility to ensure their actions or their omissions do not result in harm, or a risk of harming, the health, safety and welfare of other workers or members of the public. This includes other workers psychological wellbeing.
- Council undertakes to:
  - ✓ Provide safe methods of work;
  - ✓ Provide a Council's WHS system;
  - ✓ Identify and eliminate risks and hazards, as far as reasonably practicable;
  - ✓ Provide appropriate training, equipment and resources;
  - ✓ Comply with legislation, codes and standards of practice.

#### Worker Responsibilities

- Comply with all work health safety legislation, codes and standard, and the Council WHS system;
- Comply with all lawful and reasonable instructions in relation to health and safety;
- Participate in training;
- Wear allocated PPE;
- Report all hazards, risks, injuries or incidents, as well as breaches, to their supervisor immediately;
- Take all reasonable steps to ensure the workplace is safe.

#### Manager Responsibilities

- Same as a worker, but also including the following:
  - ✓ Responsibility and accountability for eliminating or minimising workplace risks and hazards, as far as reasonably practicable;
  - ✓ Acting on reports of workplace risk, hazards, incidents, injuries or breaches in an appropriate and timely fashion;
  - ✓ Ensuring workers are adequately trained and provided with appropriate PPE;
  - ✓ Consulting with workers on matters relating to health, safety and wellbeing.

#### Breaches

- Breach of the WHS Policy or WHS system may result in disciplinary action being taken

#### 4.10.2 Work, Health and Safety Policy



**WUJAL WUJAL ABORIGINAL SHIRE COUNCIL**

## Work, Health and Safety Policy

### Document Control

Document Reference Number: 2311  
 Version Number: 1  
 Business Unit: Chief Executive Officer

### Version History

Version Number	Date	Signature	Reason / Comments
1	13 January 2023		Created – Chief Executive Officer
2	19 January 2023		Adopted – Resolution of Council Meeting 19/01/2023
3	19 January 2023		Executed by Chief Executive Officer 19/01/2023



## **WORK HEALTH & SAFETY POLICY**

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### **ORIGIN/AUTHORITY**

Council Resolution

### **PURPOSE OF POLICY**

The Wujal Wujal Aboriginal Shire Council (Council) is committed to providing a workplace that protects workers and other person against harm to their health, safety and welfare through elimination or minimisation of risks arising from work. This will be achieved by management and employees working together, adherence to the Work Health and Safety (WHS) System which will be monitored and reviewed ensure compliance with applicable legislation, rules, standards and codes of practice.

This Policy does not form part of any employee's contract of employment. The Policy is not intended to override the terms of any award, certified agreement or contract that applies to an employee.

Council undertakes to regularly review this policy to take account of changes in legislation, activities, services and products. As a result of this review, changes may be made to this policy from time to time and all employees and contractors are required to comply with those changes.

### **COMMENCEMENT OF POLICY**

This Policy will commence from 19 January 2023. It replaces all other specific Work Health and Safety policies of Council (whether written or not).

### **APPLICATION OF THE POLICY**

This policy applies to:

1. all employees of Council (whether full-time, part-time or casual) and all persons performing work at the direction of, or on behalf of Council (for example contractors, subcontractors, agents, consultants, and temporary staff) (collectively referred to as "workers"); and
2. all of Council's workplaces and to other places where workers may be working or representing Council for example, when visiting a customer, client or supplier or working from home (collectively referred to as "workplace").

This policy does not form part of any employee's contract of employment. It is not intended to override the terms of any Award or contract that applies to an employee.

### **POLICY STATEMENT**

The WHS system relates to all aspects of health and safety in the workplace, including (without limitation):

- WHS Strategy Plan;
- Defined WHS Responsibilities;

- Exercising due diligence;
- Health and safety training and education;
- Adopting a risk management approach to manage health and safety risks;
- Consultation with Persons Carrying on a Business or Undertaking and employees on matters related to health and safety;
- Emergency procedures and drills;
- Workplace inspections;
- Hazard/incident/accident reporting;
- Management of injured employees.

#### **COUNCIL WORK HEALTH AND SAFETY OBJECTIVES**

- To provide a safe and healthy work environment for all our workers and members of the public;
- To provide safe and healthy methods of work;
- To provide a WHS system which is continually updated and effectively implemented and monitored;
- To identify and eliminate or reduce, as far as reasonably practicable, hazards and risks to health and safety;
- To continually monitor and improve work health and safety;
- To provide education and training resources;
- To comply with all relevant legislation, rules, standards and codes of practice.

#### **RESPONSIBILITIES**

##### **Management Responsibilities**

All Officers, Managers and Coordinators/Supervisors are responsible and accountable for eliminating or minimising all workplace hazards and risks, so far as is reasonably practicable, in the workplace. They are responsible for ensuring all policies, procedures, legislation and safe workplace practices are followed, that workers are adequately trained and for managing breaches of the procedures and policies as appropriate. Similarly, that these policies, procedures and safe work practices and procedures are regularly reviewed in accordance with legislation, rules, standards and code of practise.

Management is required to comply with their responsibilities under work health and safety legislation, including regulations and codes of practice. This includes, but not limited to, consulting with workers on matters relating to health, safety and wellbeing, as well as providing information, instruction and training to enable all workers to work safely.

### **Worker Responsibilities**

All workers are required to comply with work health and safety legislation and Council's WHS system and reasonable and lawful directions relating to health and safety. They must take reasonable care that their acts or omissions do not adversely affect their own health or safety and that of other persons. Workers must report all hazards, injuries and incidents, as well as breaches, to their supervisors as soon as practically possible. Reasonable steps must be taken to ensure the workplace is made safe, in circumstances where hazards, injuries and incidents occur. Workers must use safety equipment and personal protective equipment as directed and participate in safety training and consultation processes.

Where a worker does not comply with their obligations or directions in regard to work health and safety, disciplinary action may apply, up to and including termination of employment for employees, and termination of contract may apply for contractors and other third parties.

### **DEFINITIONS**

In this policy:

'Person Carrying on a Business or Undertaking' means an individual or organisation that arranges, directs or influences work to be done or contributes something towards the work being done. It can include partners in partnerships, sole traders, trustees of trusts or committee members of unincorporated associations, public or private companies and incorporated associations.

'Officer' is a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business or undertaking of the State, Commonwealth or another State is taken to be an officer of the State, Commonwealth or other State for the purposes of this Act.

### **VARIATIONS**

Council reserves the right to vary, replace or terminate this policy from time to time.

### **ASSOCIATED DOCUMENTS**

- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*
- Codes of Practise
- Code of Conduct for Employees and Councillors

#### **4.Next Ordinary Council Meeting Date**

The next Ordinary Council Meeting is set for Tuesday 15 August 2023.

#### **5.Meeting Closure**