

People With Disabilities ACT Inc
(PWD ACT)

Policy and Procedures Manual
Part 3 - Human Resource Management

March 2008

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1 Employment arrangements

Generally PWD will employ staff under the relevant Social and Community Service (SACS) award and in addition, the PWD Executive will ensure that:

- work conditions are fair, safe and dignified;
- rights to personal dignity, safety, ethical dissent and to an approved grievance policy are upheld;
- staff are employed in accordance with an approved job description, remuneration scale and a method of supervision and monitoring, and any subsequent changes to these will be negotiated in consultation with the employee;
- staff are aware of the objectives and values of PWD ACT and of their obligation to work within this framework;
- no staff member is discriminated against on basis of disability, gender, ethnicity, age, or religion;
- relevant workplace employment legislation is adhered to;
- the Board is fully informed about impending disputes and grievances that may lead to termination of employment or action against the Board;
- staff are enabled to bring a grievance to the Board – via the President - when the correct internal channels have been exhausted;
- staff performance is regularly appraised and there is an opportunity for two way feedback;
- all staff are acquainted with their rights under this policy.

These principles, with the exception of the SACS award conditions, will also apply to the engagement of volunteers.

1.1 Remuneration and benefits

With respect to employment, compensation and benefits to employees, consultants, contract workers and volunteers the Board shall not in any way jeopardise PWD's integrity or good name in the community. Therefore the Board will not:

- change the remuneration of any staff member without prior discussion and approval or arrangement with the Executive of PWD
- fail to have regard to the employees skills and experience, negotiated salary scales or agreements, and the market conditions for such skills and experience when establishing employee remuneration and benefits.
- cause unfunded liabilities to occur or in any way commit PWD to benefits that incur unpredictable future costs.
- omit to consider salary reviews and conditions at a regular period agreed by the Executive.

Hours to be worked

The standard hours to be worked by the EO will be determined upon commencement of employment and will be approved by the Board. Overtime will not be paid except in exceptional circumstances which have been approved in advance by the President. The EO is expected to keep a diary of hours worked, which is to be made available to the President on request. The EO is authorised to take up to one hour time in lieu. Time in lieu arrangements beyond one hour should be approved by the President in advance. Time in lieu should not be allowed to accumulate beyond five hours without prior approval of the President.

2 Volunteering policy

From time to time volunteers may be engaged by PWD ACT to carry out duties assigned by PWD ACT management. All volunteers will be subject to PWD's screening procedures and will be expected to work within the objectives and values of the organisation. (??) All volunteers will, as far as possible, be protected from harm, and from personal liability for acts performed in the discharge of their volunteer functions. They will be treated with respect and with gratitude for their contribution. Recruitment of volunteers will take into account PWD's commitment to cultural diversity and inclusion and all volunteers will be offered appropriate information and training to discharge their functions.

Procedures

- Board approval must be obtained before volunteers are engaged at PWD ACT.
- Once the approval is given, the EO is responsible for the induction, training and supervision of volunteers.
- Volunteers will be interviewed by the EO to identify their interests, preferences and skills and to determine the terms and conditions of their volunteer work.
- If mutual agreement is reached and the person agrees to become a volunteer, a police character check is required before commencement.
- If the police character check is clear, the person may be engaged on a trial basis.
- Each volunteer should be provided with a clear statement of their duties and the conditions of their engagement.
- Each volunteer is required to sign a statement agreeing to comply with PWD policies and values and agreeing that any intellectual property generated by their volunteer work remains the property of PWD ACT, unless otherwise agreed between the two parties.
- On commencement the volunteer must receive induction training and any other training required to undertake their tasks

3 Employee development and performance review policy

All staff and volunteers engaged by PWD ACT will be provided with feedback on their performance on an ongoing basis and there will be a formal annual appraisal. This will provide:

- an evaluation of their performance to ascertain particular strengths and areas requiring further development;
- a review of their current skills and identification of options for further skills development;
- identification of any career enhancement opportunities ;
- an opportunity for the employee to provide feedback to the organisation.

Procedure

EO development and performance review

The purpose of monitoring the EO performance is to determine the extent to which the Board policies and direction are being met. The EO performance is monitored and assessed in two ways: by monthly reports to the full Board, and via an annual performance appraisal conducted by the President, who will report back to the Executive of PWD.

While the formal annual appraisal is mandated, PWD encourages a close working relationship between the President and the EO and it is expected that any major issues would be addressed as they arise throughout the year. Additional meetings between President and EO can be arranged as needed and should occur at least once in addition to the annual appraisal.

The following procedure will be followed for the annual formal assessment:

- The date of the annual appraisal will be agreed in advance by the President and the EO.
- It will commence with a self appraisal by the EO against his/her performance agreement/criteria as set out in the EO job description.
- The President will receive a copy of the completed self appraisal. This will provide a basis for the discussion along with any other issues which either the President or the EO wishes to raise.
- The EO and the President will then meet for the formal appraisal, which will include a review of skills required to perform the duties of the current position and any new skills likely to be needed to support proposed activities of PWD ACT.
- Identification of any career development opportunities which are achievable, deliverable and within the scope of PWD's function and budget will also be considered.
- At the end of the appraisal, any changes to the performance agreement for the coming year will be confirmed.
- Copies of any written documentation associated with the appraisal, including commitments to training and development, will be kept by the EO and by the President.

- While the specific matters discussed between the President and the EO are confidential, the outcome of the appraisal will be reported to the Executive of PWD.

Development and performance reviews for other staff and/or volunteers

If more staff are employed and/or volunteers are engaged for ongoing work, the EO would be responsible for their supervision and for conducting a performance appraisal along similar lines to that described here.

4 Occupational Health and Safety (OH&S) policy¹

PWD ACT is committed to providing a healthy and safe working environment for its staff, volunteers, contractors and visitors. As a consequence of this, PWD encourages all staff and members to regard accident prevention and working safely as a collective and individual responsibility. PWD ACT will:

- comply with all relevant legislation standards, and other requirements to which the organisation subscribes;
- encourage employees, volunteers, contractors and visitors to report any matters in respect of workplace health and safety for inclusion in its risk management activities
- manage risks to persons in its particular work environment, including review of changes to work methods and practices;
- ensure that all equipment and substances are safe and without risk to health when used in accordance with standard operating procedures;
- maintain safe systems of work, the work premises and the work environment, including systems to adequately manage an emergency response;
- provide adequate facilities to protect the welfare of all employees;
- provide appropriate OH&S training to all employees and volunteer workers;
- provide adequate resources to facilitate the fulfilment of the organisation's OH&S responsibilities;
- make certain that, if required, rehabilitation and return to work strategies are developed and maintained.
- regularly review and evaluate health and safety provisions as part of its risk assessment process.
- PWD ACT will also ensure that employees, volunteers and contractors are aware of their responsibility to:
 - carry out their roles and responsibilities as detailed in the relevant health and safety policies and procedures;
 - report any incident or hazards at work;
 - obey any reasonable instruction aimed at protecting their health and safety while at work;
 - use any equipment provided to protect their health and safety while at work;
 - assist in the identification of hazards, the assessment of risks and the implementation of risk control measures;
 - consider and provide feedback on any matters which may affect their health and safety;

¹ Adapted from www.ourcommunity.com.au accessed 2/2/08

- ensure they are not affected by alcohol or another drug which may endanger their own or any other persons' health and safety.

The Board will review the Occupational Health and Safety policy at least annually in consultation with the EO and any staff of the organisation to assess its effectiveness in maintaining a safe and healthy workplace and to revise it if necessary.

5 Grievances policy

PWD ACT encourages open communication and feedback as essential elements of a satisfying and productive work environment. Members, employees and volunteers should feel comfortable raising issues of concern with the organisation. PWD ACT will attempt to resolve such matters informally at the earliest opportunity. However, where informal resolution is not possible, all formal avenues for handling of grievances will be fully documented and the member/employee/volunteer's wishes will be taken into account in the determination of appropriate steps and actions. No person will be intimidated or unfairly treated in any respect if they use this policy to resolve an issue.

Informal grievance procedure

An informal grievance procedure is where the complainant elects to contact the PWD office and lodge the issue with the EO. Resolving it involves these steps:

- The EO would advise the President of the nature of the grievance (In the case of a complaint against the President, the matter would be raised with the Vice President).
- The President would contact the person complained against and the complainant and offer to facilitate a 3 way informal discussion. The President would also notify the Board of the matter and the steps that are being taken.
- If this is agreed by both parties, the President would facilitate discussion and aim to reach a mutually satisfying conclusion. If this occurs, the event and the outcome would be noted on file and the matter closed.
- In the case of a grievance against the EO, The President should be contacted and the same procedures would apply.

Formal grievance procedure

Where a formal grievance procedure is requested, this should be referred immediately to the President (In the case of a formal complaint against the President, to the Vice President). The complainant will be asked to document the complaint, giving full details of the incident and a copy of the formal complaint sent to the Executive as well as the person being complained against. All information relevant to the formal complaint should be documented for future reference. The following steps apply.

Level 1 - Board member mediated discussion

The complainant should be asked if mediation by the President (and one other member of the Executive) is desired and the response to this should be recorded. If the complainant agrees to mediation with any members of the Executive, this should be undertaken as soon as possible. If the outcome is successful, this should be documented with any actions to take place and the date for these actions.

Once actions are completed to mutual satisfaction, documentation of the completion of actions should be added to the record and the matter closed. If the matter can not be resolved at this level, the complainant should be offered the option of Level 2 or Level 3 complaints resolution procedures.

Level 2 – Complaints committee

The complainant should be offered the option of working with a complaints committee to

look in to the matter on their behalf. The complaints committee would consist of 1 member of PWD, one member nominated by the complainant and one person independent to both parties. The convener of the complaints committee should be selected from these three people and nominated within the first meeting of all parties. Both the complainant and the person complained about should be informed of their right to have an advocate present.

The convener will receive full documentation on the matter, date of contact, persons contacted, complainants name and contact details, and details of the complaint. Actions taken to resolve the complaint to date should also be included. This information will be distributed to all persons concerned. If other persons are involved in the complaint, they will be asked by the convener to attend a meeting at a mutually suitable time. The committee would then attempt to resolve the matter and set down formally any actions that are to take place and a time of completion of the actions. All details and actions are to be documented and kept in confidence.

Level 3 - mediated discussion with an independent person or Organisation

Level 3 should be put into practice when Level I does not result in mutual resolution of the complaint and Level 2 is rejected. Level 3, like Level 2, will require the documentation of all details of the complaint: date of contact, person contacted, complainants name and contact details, and details of the complaint. Actions taken to date to resolve the complaint should also be included.

Mediation by an independent person outside of PWD ACT should be offered to the complainant at this stage. For example a member of a relevant government department or a member of the National Caucus of Disability Consumer Organisations could be asked to mediate. This could be offered to the complainant, or the complainant could be offered the option of selecting an independent organisation to mediate.

The method of resolving the dispute should be left for the independent organisation to decide. All relevant documentation would be passed on by PWD ACT for the use of the independent person or organisation. On reaching a satisfactory conclusion, the independent organisation would notify PWD ACT of the outcome and the matter would be closed.

Level 4 - In the event of illegal activities

Where the complaint involves the suspicion of any illegal activity, this is not a matter for resolution by PWD and should be referred immediately to the appropriate legal authorities.

6 Elimination of discrimination and sexual harassment policy

PWD ACT recognises that discrimination and harassment occur when a person is discriminated against or harassed in the workplace and in certain areas of public life because of:

- their race, colour, descent or national or ethnic origin, as defined under the Racial Discrimination Act 1975
- their sex, marital status or pregnancy as defined under the Sex Discrimination Act 1984
- a disability as defined under the Disability Discrimination Act 1992
- age as defined under the Age Discrimination Act 2004
- some grounds under the Human Rights and Equal Opportunity Commission Act 1986.

PWD will take all reasonable steps to ensure that its working environment is free from discrimination and harassment. Discrimination and harassment will not be tolerated under any circumstances, and disciplinary action will be taken where this policy is breached.

Discrimination and sexual harassment complaint handling procedures²

Allegations of discrimination and sexual harassment in PWD ACT can be handled via informal and formal procedures depending on the seriousness of the alleged breach and the wishes of the complainant. PWD ACT will use the following framework in consultation with the person making the complaint for deciding whether formal or informal procedures are appropriate. In principle, these follow the PWD procedures for handling a grievance, but because of the sensitive nature of discrimination grievances more detail is provided.

Informal procedures

Informal procedures emphasise resolution rather than factual proof or substantiation of the complaint. They are appropriate where:

- allegations are of a less serious nature but the individual alleging the behaviour still wants it to stop
- individuals alleging the behaviour want to pursue informal resolution; or
- the parties are likely to have ongoing contact with one another and the complainant wishes to pursue informal resolution so that the working relationship can be sustained.

An employee should not be required to exhaust informal processes before formal action commences and it should be noted that employees have the right to formalise their complaint or approach an external agency such as the Human Rights and Equal Opportunity Commission at any stage.

Informal procedures can include the following actions:

- The individual alleging the discrimination or harassment wants to deal with it themselves but may seek advice on possible strategies from their supervisor or other

² Adapted from the Human Rights and Equal Opportunity Commission website at <http://www.hreoc.gov.au> accessed 12/05/2004

adviser.

- The individual alleging the discrimination or harassment asks their supervisor to speak on their behalf to the person who has allegedly discriminated against them or harassed them. The supervisor privately conveys the individual's concerns and reiterates the organisation's policy without assessing the merits of the case.
- A complaint is made, the person accused admits the behaviour, investigation is not required and the complaint is resolved through conciliation or counselling.
- A member observes unacceptable conduct occurring and takes independent action even though no complaint has been made.

Formal procedures

Formal procedures focus on proving whether a complaint is substantiated and are usually appropriate where:

- informal attempts at resolution have failed
- the complaint involves serious allegations of misconduct and informal resolution could compromise the rights of the parties
- the complaint is against a senior member of the organisation
- the person alleging sexual harassment also alleged victimisation
- the allegations are denied, the person who made the complaint wishes to proceed and an investigation is required to substantiate the complaint
- the person alleging sexual harassment wishes to make a formal complaint.

Formal procedures usually involve

- investigation of the allegations
- application of the principles of natural justice
- making a finding as to whether the harassment occurred
- submitting a report with a recommended course of action to the Board
- implementation of the outcome.

Investigation process

The investigator should consider all available evidence and make their findings on the balance of probabilities, ie that it is more probable than not that the harassment did or did not occur. Findings may be that harassment did or did not occur or that it was not possible to make a conclusive finding.

- To ensure consistency and fairness, the parties involved will be clearly informed of the steps involved and documentation will be kept on each stage of the process. The stages are: The person who alleges the discrimination or harassment will be interviewed by the president/their delegate and the allegations will be documented in writing. The person may bring a support person to this interview.
- The allegations will then be conveyed to the alleged harasser in full by the President.

- The person who is alleged to have breached the policy will be given the opportunity to respond and defend themselves against the allegations in an interview with the President and may bring a support person to this process.
- If there is a dispute about facts, the President may take statements from any witnesses or consider other evidence.
- The President will make a finding as to whether the complaint has substance.
- The President will document the investigation process, evidence, findings and recommended outcome for endorsement by the Board.

Outcomes

Outcomes recommended depend on the severity and frequency of the discrimination or harassment, the wishes of the person who raised the complaint, whether the person against whom the complaint was made could have been expected to know that such behaviour was a breach of policy, the level of contrition and whether there have been prior incidents and warnings. Outcomes could include:

- counselling;
- formal apologies;
- conciliation/mediation conducted by an impartial third party;
- reimbursing any costs associated with the discrimination or harassment;
- re-crediting any leave taken as a result of the discrimination or harassment;
- reminders and/or training about expected standards of behaviour;
- official warning noted on the perpetrator's file;
- disciplinary action against the perpetrator or against the person who complained if there is strong evidence that the complaint was malicious or vexatious.
- disciplinary action can include dismissal of an employee or withdrawal of membership