

WHS/HR Policies and Procedures

2022-2023

*It is the intention of Your Choice Matters to provide a safe working environment for Employees, Clients/Participants and Visitors. This manual contains policies and procedures designed to assist compliance with the Work Health and Safety Act 2012, the Fair Work Act 2009, and the Return to Work Act 2014.*

**Intellectual Property**

*Precision HR* maintains a sole interest in the intellectual property associated with all documentation, policies, procedures, and the like. *Your Choice Matters* agrees that the documents produced will remain exclusively for the use of *Your Choice Matters* and will not be copied, uploaded onto an internet site, or lent to other organisations for purposes of copying.

**Legal Obligation**

The information contained in this manual is general in nature. The documents are not to be taken as a statement of law and must not be construed to waive or modify any legal obligation. Although every effort is made to identify the relevant Codes and Regulations, it is the responsibility of *Your Choice Matters* to ensure compliance with all legislative responsibilities and standards, codes, and guidelines.

**All employees have obligations**

This manual is not inclusive of all possible situations and persons in charge of a business or undertaking, officers and employees should be mindful of their legal responsibilities toward each other for maintaining a safe and healthy work environment. Any employee becoming aware of health and safety matters not addressed within this manual should advise the Director/Employer accordingly.

**Regular Review**

It is recommended that all policies and procedures be reviewed annually. However, the policies should be viewed as working documents which can be reviewed and changed as the needs and requirements of the business change.

Specifically:

* When new legislation is proclaimed.
* When amendments are made to legislation.
* As a result of reviews of hazard reports or site inspections; or
* Following receipt of advice which would improve the relevance of the documents.

# GLOSSARY

**Code of Practice**

Codes of Practice are guidelines written to assist industry to comply with safe work practices.

**Controls**

A Control is an action taken to reduce the likelihood of someone being injured by being exposed to a hazard. There are 5 levels of control in the Hierarchy of Control

* Eliminate Hazard
* Substitute - can another task or piece of equipment be used that carries a lower risk
* Engineering – can the task or equipment be isolated, guarded or modified
* Administrative – can procedures help lower the risk
* PPE – will wearing protective equipment lower the risk

**Client**

A Client is a Client/Participant at *Your Choice Matter*s. For the sake of this Manual, Clients/Participants will be referred to as Clients throughout.

**Employees**

(See workers)

**Hazard**

A hazard is something that could cause injury.

**Legislation**

The Legislation which applies most directly to these Policies and Procedures is:

* *The Fair Work Act 2009;*
* *The Work Health and Safety Act 2012;* and
* *The Return-to-Work Act 2015*

**Management**

Anyone in a supervisory position. It includes the Director/Employer, Managers and Supervisors.

**Notifiable Incident**

Under the *Work Health and Safety Act 2012*, a Notifiable Incident includes fatalities, serious injuries and illnesses, and dangerous incidents.

**Officers**

In the *Work Health and Safety Act 2012*, Officers have a specific role. An Officer is a person who is responsible for ensuring that the system that the Person in Charge of a business or Undertaking (PCBU) has put in place is actually used. The Officers must show “due diligence” and ensure the employees are working safely, completing hazard or injury forms as required etc.

**Person in Charge of a Business or Undertaking (PCBU)**

The PCBU at *Your Choice Matters* is the Director/Employer*, Dave Humphries.*

**Reasonably Practicable**

The term is described in detail in the *Work Health and Safety Act 2012*. Determining what is reasonably practicable includes taking the following into account:

* Severity of the hazard or risk;
* What is known about this hazard and how others have controlled the risk;
* What information other professionals, industry associations, unions or government bodies can provide;
* Availability and suitability of proposed controls; and/or
* The cost of removing or minimising the hazard.

**Risk**

A risk is the result of being exposed to a hazard and refers to the risk of being injured. Risks are categorised as Low, Medium, and High.

**Safe Work Procedures**

This is a document which describes the way a particular job must be done in order to ensure that the job can be done safely.

**Safe Work Method Statement**

This is a Safe Work Procedure that is developed for High-Risk jobs. It includes a Risk Assessment and has the same purpose as a Safe Work Procedure but is more comprehensive.

**Workers**

The definition of workers in the *Work Health and Safety Act 2012* includes subcontractors and their employees, volunteers, and apprentices and students on work placement.

**Worksite**

A worksite includes the office and any other place where work is likely to be carried out. It includes vehicles used as part of work, and a client’s home.

# WELCOME!

Welcome to *Your Choice Matters*. We are excited to have you join our team.

We provide a high-quality service in Support Co-ordination, Mentoring and Counselling for both Self-Managed and Plan-Managed NDIS clients. We also provide services to non-NDIS clients.

Your Choice Matters promotes, implements, and supports all aspects of an individual's life, with a focus on maintaining quality of life. We pride ourselves on a "Person-Centred" approach, focusing on building a strong rapport with our clients.

Building relationships with our clients allows us to fully appreciate and understand what our clients need. The trust established with each client ensures that individual needs are met and together we are able to access the support required to achieve personal goals and enrich lives.

As a Mentor/Support Worker, you can assist our clients to improve their literacy, health and wellbeing and give them the opportunity to access the wider community and participate in day-to-day activities.

# OUR VALUES

**Passion** - We are passionate about what we do and we are passionate about our clients

**Inclusion** - We are inclusive of all disabilities and all ages.

**Trust** - We make a priority of gaining the trust of our clients.

**Joy -** In everything we do we ensure our focus is on the joy in our clients lives.

# ABOUT THIS MANUAL

Keeping our Employees safe is our number one priority as well as ensuring that our Employees love their jobs and are committed to doing the best job they can.

We have developed this Manual to communicate our Policies and Procedures with our Employees to ensure that everyone is on the same page. We want you to have fun, but we also want you to ensure that you do your best to ensure that you stay safe at work. It is crucial that as an Employee at *Your Choice Matters* that you read and follow the Policies and Procedures in this manual. If you have any questions at all, please talk to a member of our management team.

**MANUAL SIGN OFF – ACKNOWLEGDMENT AND ACCEPTANCE OF COMPANY POLICIES**

To acknowledge that you have read and understood these Policies and Procedures, please sign below.

I have read and understood the Policies in this manual and agree to follow them in the course of my Employment with *Your Choice Matters*

Signed (Employee)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed (Director) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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# Alcohol and Drugs in the Workplace

**Policy**

*Your Choice Matters* is committed to providing a safe, healthy, and productive workplace in accordance with requirements under the *Work Health and Safety Act 2012.*  All employees have a responsibility under the above Act to ensure that they take reasonable care to protect their own health and safety and that of others whilst in the workplace. *Your Choice Matters* has a **ZERO** tolerance for drugs and alcohol in the workplace.

For the purposes of this policy, drugs include any prescription drug which has the capacity to impact on the ability of an employee to undertake their work.

**Procedure**

**Medically prescribed drugs**

In circumstances where an employee is taking medically prescribed drugs that may interfere with their work performance, they are required to notify the Director. The Director, in consultation with the employee (and the employee’s doctor if relevant to the particular circumstances), may (if practicable) adjust the work requirements of the employee concerned. If this is not possible and the situation is temporary, the employee will take sick leave until the employee is able to resume work safely.

**Non-prescription drugs and alcohol**

Our businessreserves the right to take action if an employee is:

* Affected by drugs or alcohol, so as to endanger their own safety or the safety of any other person in the workplace;
* Found in possession of illegal drugs; and/or
* Affected by drugs or alcohol, so that the employee’s work performance is impaired.

An employee found consuming drugs or alcohol or under the influence of drugs or alcohol, may be subject to disciplinary action. Depending on the nature of the incident, the employee may be;

* Counselled;
* Instantly suspended on full pay, pending the outcome of an investigation into the incident;
* Dismissed for serious and wilful misconduct, provided the Director have actual proof; or
* Reported to Police (in the case of illegal drugs).

**Work-related functions**

There will be occasions both on and off the premises where alcohol may be available at a work function. In these situations, alcohol may be consumed within appropriate guidelines and with the permission of management.

At a work-related function (even if held after hours), employees and management retain their respective obligations under the *Work Health and Safety Act 2012*. This means that:

* The normal Code of Conduct applies.
* Employees who drink alcohol must do so in a responsible manner.
* Harassment, bullying or other forms of intimidating behaviour will not be tolerated, and employees remain accountable for their behaviour; and
* Employees must organise designated drivers or catch taxis if they plan to drink alcohol at a work-related function.

**Useful Links**

*https://www.safework.sa.gov.au/workers/health-and-wellbeing/alcohol-and-drugs*

*The SafeWorkSA website has a range of information and resources*

**References**

***Work Health and Safety Act 2012***

***S19 — Primary Duty of Care***

1. *A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of—*
2. *workers engaged or caused to be engaged by the person; and (b) workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.*
3. *A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.*

***Return To Work Act 2017***

*This Act provides for rehabilitation and compensation of workers in respect to disabilities arising from their employment. There are specific implications for workers under this Act in relation to being under the influence of alcohol or other drugs.*

***Guidelines for Drugs and Alcohol in the Workplace April 2001, Workcover Corporation***

*The International Labour Organisation (ILO) estimates that:*

* *20-25 per cent of all occupational injuries are a result of drug and alcohol use*
* *62 per cent of harmful drug and alcohol users are in full time employment, which means about 300,000 workers in Australia*
* *3-15 per cent of fatal injuries at work are related to drug and alcohol use.*

# Attendance

**Policy**

Punctual and reliable attendance is essential to the efficient operation and productivity of *Your Choice Matters.* Poor/late attendance and excessive absenteeism also places an added burden on Clients and colleagues and will be addressed as a matter of priority.

We are committed to applying a consistent approach when dealing with an employee’s unacceptable pattern of poor attendance and/or absenteeism from work.

*Your Choice Matters* Clients value when Workers are reliable and attend their shift every week. Hence, it is important that Employees give as much notice as possible if they are unable to attend their shift.

**Procedure**

It is essential that all Casual Employees give as much notice as possible if they are unable to attend their shift. It is the Employees responsibility to ensure that they update their availability via Shift Care as well as monitor their rostered shifts.

*Your Choice Matters* will provide Employees will their days and hours of work in a roster via Shift Care at least 7 days prior to the start of the roster. There will be times when changes are made to an employee’s roster with minimal notice, *Your Choice Matters Management* will try their best to contact Employees in the event of a change but encourage Employees to check their rosters prior to their shift in the case of a change.

If the Employees need to change their roster, it is essential they do this with as much notice as possible. We require a minimum of 7 days’ notice in writing.

Casual Employees

All Employees must be ready to start their shifts at the rostered time. If the Employee is unwell/unable to attend their shift, they must phone Management with as much notice as possible. Management will then arrange for an alternative Employee to cover the shift if possible.

*Your Choice Matters* understands that at times the Employee may be late to a shift. If the Employee is running late, the Employee must phone Management to ensure that the Client waiting is notified of their estimated arrival time.

Where a pattern of poor/late attendance and/or absenteeism becomes apparent, employees will be counselled to ascertain the reasons, including any relevant workplace or personal issues that may be contributing to such a pattern of poor attendance and/or absenteeism.

Permanent Employees

During any period of prolonged absence, employees are required to contact the Director and submit any necessary documentation on a regular basis, such as medical certificates/reports or statutory declarations, to keep the Director informed of the particulars of the situation and of the expected date of their return to work.

If an Employee is absent for more than one day during the working week, then the Employee is required to provide the Employer with a doctor’s certificate reflecting the correct date of the Employees absence.

If the Employee is absent on one day, either side of the weekend (Monday or Friday) then they may be required to provide the Employer with a doctor’s certificate reflecting the correct date of the Employees absence.

If the Employer does **NOT** provide an adequate doctor’s certificate, the absent day will be taken as annual leave. If there is no annual leave available to be taken, it will be leave without pay.

Where a pattern of poor/late attendance and/or absenteeism becomes apparent, employees will be counselled to ascertain the reasons, including any relevant workplace or personal issues that may be contributing to such a pattern of poor attendance and/or absenteeism.

Where possible, employees will be offered information, training and/or support and assistance to deal with any issues that have been contributing to the unacceptable behaviour pattern.

In the event that the pattern of poor attendance and/or absenteeism continues without valid reason, disciplinary proceedings may be initiated which could result in the termination of their employment contract.

It is the employee’s responsibility to be present for work in order to be paid. An employee who is late for work or unable to be present for work is not entitled to payment for time lost. This is irrespective of whether the circumstances were within their control or not.

**Useful Links**

<http://www.fairwork.gov.au/BestPracticeGuides/09-Managing-underperformance.pdf>

This practice guide refers to underperformance generally, but it provides a straightforward and easy-to-follow process for how to address any underperformance issue.

# Client Service and Complaints

**Policy**

*Your Choice Matters* is committed to providing the highest level of service that is designed to both meet and exceed clients’ expectations.

A client who is satisfied with the service provided by *Your Choice Matters* is the best form of advertising by passing on positive feedback to others. The basis for excellent service is the development of lasting relationships built on respect, professionalism, and trust.

However, there will inevitably be times when a client is unhappy about a course of action taken or believed to have been taken. At these times, we will be guided by the following principles:

* **Impartiality.** Each complaint should be approached with an open mind, and the facts and contentions in support of a complaint should be weighed objectively;
* **Confidentiality.** A complaint should be investigated in private, and care should be taken when disclosing to others any identifying details of a complaint; and
* **Transparency.** A complainant should be told about the steps in the complaint process and be given an opportunity to comment before a complaint is dismissed.

**Procedure**

**Client Service**

All employees are expected to apply the highest possible standards of service at all times and embrace a culture of continuous improvement when dealing with clients and their families.

The standards of service expected of employees include, but are not limited to:

* Honesty, respect, fairness and a courteous manner in all dealings with clients, clients families, colleagues, suppliers, management and the general public;
* A sense of urgency to remedy any concerns raised about any aspects of the business;
* Ensuring the privacy and protection of clients’ personal information, the accuracy of that information and the timely correction of that information where required;
* A high standard of service; and
* A commitment to the process of continuous improvement.

**Complaints**

The outcomes sought when investigating a complaint are twofold:

* To reach a fair and independent view on the issues raised by a complainant; and
* To provide an appropriate remedy.

The Company has a framework for dealing with complaints. Specifically:

* Acknowledge the person’s right to complain;
* Work with the person to resolve the issue where possible;
* Provide a prompt, open and constructive response including an explanation and, if appropriate, an apology; and
* Comply with relevant complaints legislation, policies, and procedures.

Any complaint received must be dealt with immediately. All Complaints should be referred to the Director to attend to the person making the compliant.

Employees who are in breach of this Policy or suspected of being in breach, will be dealt with in accordance with the normal disciplinary process that apply*.*

**Useful Links**

<http://www.ombudsman.gov.au/pages/publications-and-media/better-practice-guides/complaint-handling.php>

This link contains the 5 best practice guidelines outlined above.

# Complaints in the Workplace

Policy

*Your Choice Matters* acknowledges that problems can arise at work that may sometimes cause employees to feel upset, such as:

* Anything done, or not done, by management, another employee or employees or contractors/clients/visitors to the workplace;
* Discrimination, harassment or bullying;
* Any other employment-related decision or behaviour; or
* Application of the discipline/warnings procedure.

*Your Choice Matters* will make the complaint procedure accessible to all staff and address complaints, in-house and in a timely and confidential manner.

Employees have the right to expect that their complaint will be treated as confidentially as possible. However, to ensure that an adequate and fair investigation takes place, the details of their complaint will require discussions with those accused and their representatives, as well as with the appropriate management personnel.

No employee involved in the complaint process will unreasonably disclose the details of the complaint, the investigation or the outcome. If any employee is found to have breached confidentiality, appropriate disciplinary action may be taken against them.

Employees will not be victimised as a result of raising a genuine complaint. However, *Your Choice Matters* reserves the right to take action against an employee who is proven to have engaged in making false and/or misleading accusations.

Wherever possible, it is hoped that complaints can be resolved by informal discussions at the point of origin, before invoking the formal complaint procedure, as dealing with complaints in this way can often lead to a speedy resolution of the problem(s).

**Procedure**

An employee who believes something is unfair, unjust or upsetting in relation to a work-related matter has the following options available to them:

* The employee can speak to the person causing the problem and inform them that their behaviour, decision or action was unfair, offensive or discriminatory, and why they believe this to be so;
* The employee can speak to the Director. With the employee’s approval, the Manager may approach the person or persons involved in the identified issue and talk to them informally about the particular complaint; and
* If the matter remains unresolved after these informal procedures, the employee can make a formal complaint in writing to the Director in line with standard formal procedures for dealing with complaints in the workplace.

An employee who chooses to make a formal complaint must do so in writing to the Director outlining:

* The nature of the complaint;
* The time and date of the incident(s);
* The names of any witnesses; and
* The date that the complaint is formally written.

Once a formal complaint is made, the matter will be investigated by the Director who may seek external support for the investigation.

If the employee’s complaint is substantiated following the investigation, the management representative will advise the employee of the remedial or corrective action to be taken.

If the employee’s grievance is not substantiated, the employee will be given an explanation as to the specific details of why that finding was made. This should be explained verbally and followed up with a confirmation letter.

If the complaint is of an industrial nature and remains unresolved, the employee may seek to have the matter referred to Fair Work Australia or other relevant statutory authority.

Without prejudice to either party, work should continue as normal whilst the matter in dispute is being dealt with in accordance with this Policy.

**Useful Links**

<http://www.adm.monash.edu/human-resources/leadership-development/managing-conflict.html>

This website contains some excellent (and free) information and advice on recognising and dealing with complaints and conflict in the workplace.

**Code Of Conduct**

*This Code of conduct supports Your Choice Matters to apply the National Standards for Disability Services, in particular Standard 6: Service Management.*

*Your Choice Matters* is committed to best practice in all aspects of service delivery. This Code of conduct supports the people who work with us and empowers people with disability in relation to their rights.

**Policy**

**Responsibility/Scope**

This Code of conduct outlines *Your Choice Matters* expectations for the standards of behaviour and conduct expected from paid staff, contractors, volunteers, or business partners. They are expected to be familiar with the Code and use it always. It applies in all circumstances and at all times including when working or otherwise representing *Your Choice Matters*.

The Code of conduct supports the *Your Choice Matters* Contract of Employment or Contract for Services.

**Respect**

* All staff are expected to conduct themselves in a professional and courteous manner. They must be honest and fair in dealings with people with disability and their families, carers, co-workers, management and the general public.
* Staff must treat everyone with respect and not discriminate against people based on disability, cultural background, religion, age, gender, sexual orientation, marital status, family status, union membership or non-membership.
* Staff should not behave in any way that might offend or embarrass another person.
* Staff should respect company property. This includes use of funds, equipment, technology, records and confidential information.
* Staff must respect the information of others and keep information confidential while working at Your Choice Matters and afterwards into the future.
* No staff member is to upload, download, use, retrieve or access any materials which are deemed inappropriate and/or offensive. This includes but is not limited to content that is sexual or illegal, copyrighted or defamatory.

**Children and young people**

* *Your Choice Matters* provides a safe environment for children and young people
* *Your Choice Matters* Child Safety Policy complies with the child safe environments provisions included in the:
* *Children and Young People (Safety) Act 2017*
* *Child Safety (Prohibited Persons) Act 2016*
* *Child Safety (Prohibited Persons) Regulations 2019*
* *Your Choice Matters* staff must at all times ensure that children and young people are valued, respected and encouraged to participate
* *Your Choice Matters* staff have a duty of care to ensure the safety and protection of children and young people, which is always the first priority
* *Your Choice Matters* staff are committed to promoting diversity and inclusion, including valuing and respecting children and young people of different race, ethnicity, gender, gender identity, sexual orientation, age, social class, physical ability or attributes and religious beliefs are respected, and equity is upheld.

A separate *Your Choice Matters Code of Conduct for Children and Young People* provides further guidance for staff and volunteers who work with children and young people.

**Professionalism**

Staff need to ensure their appearance is neat and tidy. If a staff member is late or cannot report for work, they must telephone and let the appropriate supervisor or manager know as soon as possible as per the Attendance policy.

If a staff member is required to leave the work premises for personal reasons, they should advise their manager as soon as possible.

Staff must not use work time for private gain. They must ensure all personal activities including phone calls and meetings are arranged outside of working hours. Managers need to be advised if staff receive a gift. Anything over the value of $20 must be refused or donated to a registered charity. Staff must not seek gifts or benefits in relation to your work.

While employed at *Your Choice Matters*, staff cannot work in a paid or unpaid capacity for any another person or organisation without prior approval from the CEO

Staff must not make any statements to the media or on social media about Your Choice Matters. Requests for statements should be referred to the CEO.

**Safety**

Staff must not use any form of physical or verbal abuse in the workplace. Do not use inappropriate language in the workplace.

They must not perform work in circumstances where there is a risk to personal safety, or which may compromise the health or safety of others. Report any workplace risks to Management as soon as possible.

Staff must not smoke during working hours unless it is during prescribed breaks and within designated areas.

**Leadership and management**

Managers and supervisors should ensure team members are familiar with the Code and that they have sufficient skills, knowledge, and ability to meet the requirements.

Managers and supervisors should lead by example and not condone, permit, or fail to report any suspected breaches of the Code.

In the event of a suspected breach, staff must maintain confidentiality and limit information sharing during grievances and disputes.

Managers and supervisors should ensure support is available to all parties during an investigation process.

**Legal requirements**

All staff must be truthful in all declarations they make and comply with all laws, policies, procedures, rules, regulations, contracts, and all lawful and reasonable directions from *Your Choice Matters*.

Any violations of law, ethical principles, policies, and this Code of conduct must be promptly reported to Management.

**Breaches**

Staff who breach this Code of Conduct or break the law may be subject to disciplinary action including termination of employment or contract for service. Breaches may also result in criminal proceedings.

**Child Safe Environment Policy**

*This policy provides information to all people working with Your Choice Matters with respect to providing a Child Safe Environment for all children and young people associated with Your Choice Matters.*

*This policy applies to all Your Choice Matters staff and volunteers who provide services to children and young people. This policy is available on our website. This policy will be reviewed every 2 years.*

**Policy**

**Statement of Commitment to Child Safety**

All management, staff, and volunteers at *Your Choice Matters*:

* Must comply with the *Children and Young People (Safety) Act 2017*, which provides for the creation of a safe environment for children and young people and the protection of children and young people from harm or risk of harm
* have zero tolerance for abuse of any kind, including child abuse
* actively work to listen to and empower children and young people
* are committed to promoting cultural safety of Aboriginal children, cultural safety of children from culturally and/or linguistically diverse backgrounds and to providing a safe environment for children with a disability.
* will adhere to the systems in place to protect children and young people from harm or risk of harm, will take all allegations very seriously and will respond to them consistently in line with the Your Choice Matters policies and procedures.
* encourage feedback from children and young people (informal, via email or via our online form) with respect to how we can best cater to their needs.
* are committed to listening and acting upon feedback and suggestions from children and young people concerning how best we can provide services to meet the needs of children and young people.
* protect the privacy and confidentiality of all clients, including children and young people.

**Purpose**

This policy outlines Your Choice Matters’ ‘Child Safe Environment’ framework. The purpose of this policy is to:

* Safeguard the well-being of children and young people who are involved in our services and programs.
* Outline the general roles and responsibilities staff have in relation to the wellbeing of children within our Service and specific responses to concerns of child harm or risk of harm; and
* Support the delivery of high quality services through appropriate documentation of service planning, delivery and evaluation as well as full and transparent reporting of adverse events, incident investigation and incident review.

**Mandatory Reporting**

All staff and volunteers directly involved in providing services to children and young people will adhere to mandatory reporting requirements. Specifically, all Your Choice Matters staff and volunteers are required to make appropriate reports where there exists a reasonable belief that a child or young person may have been harmed, or who may be at risk of harm.

Children and young people who are at immediate risk of harm should be reported to the **Police (000).** Less immediately urgent reports will be submitted to the Department for Child Protection via the **Child Abuse Report Line (13 14 78)**. Failure to do so will result in immediate termination of employment and may also be liable for legal action if appropriate.

**Principles**

*Your Choice Matters* has a duty of care to children and young people receiving our services and must make ensure the safety and wellbeing of all clients, including children and young people. We are committed to ensuring that child development and health and wellbeing needs are being met. To that end we recognise parents, families and carers are pivotal to this relationship.

* Child safety and wellbeing is embedded in organisational leadership, governance, and culture.
* Children and young people are informed about their rights, encouraged to participate in decisions affecting them, and are taken seriously.
* Families and communities are informed and involved in promoting child safety and wellbeing.
* Equity is upheld and diverse needs respected in policy and practice.
* People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
* Processes for complaints and concerns are child focused.
* Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
* Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
* Implementation of the national child safe principles is regularly reviewed and improved.
* Policies and procedures document how the organisation is safe for children and young people.
* Children and young people are encouraged to provide input into how and what services are provided to them.
* Children and young people are encouraged to raise any matters of concern in person, via email or via our website.

In a person-centred approach, we will all focus on the wellbeing of each child and provide a safe and secure environment for all participants of our service particularly towards children and young people.

*Your Choice Matters* also recognises the right of the child to realise their potential free from harm, neglect or exploitation. Children with Autism maybe be exposed to a greater risk of harm than the general population and we are committed to make sure staff are aware of risk factors, signs and responsibilities.

**Actions required**

*Your Choice Matters* staff or volunteers who are made of aware of matters of protective concerns must:

* Where possible provide immediate safety and wellbeing of the child.
* Report incidents that are witnessed by or reported to them within procedural timeframes and guidelines in-line with the *Your Choice Matters* Incident Management Policy and Procedures. In addition, where there exists a reasonable belief that a child or young person may be at risk of harm, reports will be submitted to the Department for Child Protection via the Child Abuse Report Line (13 14 78).
* Where there is an immediate threat of serious harm, contact should be made with the SA Police as soon as possible.

**Relevant Legislation**

*Your Choice Matters* will comply the mandatory reporting and mandated Working With Children Checks requirements, as prescribed under *The Child Safety (Prohibited Persons) Act 2016 (SA)* and *Child Safety (Prohibited Persons) Regulations 2019 (SA)*, which came into force on 1 July 2019.

Under this legislation, it is an offence for a person to work with children in South Australia without having obtained a working with children check in the last 5 years [see Child Safety (Prohibited Persons) Act 2016 (SA) s 16]. The maximum penalty for a first or second offence is a fine of $20,000 and for a third or subsequent offence, a fine of $50,000 or imprisonment for one year.

**Protective Concerns**

Your Choice Matters staff or volunteers are responsible for acting upon any protective concerns, which include:

* the receipt of a disclosure from a child about harm, risk of harm.
* the observation of indicators of harm or risk of harm; and
* staff being made aware of possible harm via involvement in the community external to their professional role.

**Reporting to NDIS**

This policy includes adherence by Your Choice Matters staff and volunteers of the requirement to notify the NDIS Commission when reportable incidents occur. This may include concerns regarding significant parenting problems that may be affecting the child's development including, but not limited to:

* Serious family conflict.
* Family breakdown.
* Family under pressure due to a family member's physical or mental illness.
* Substance abuse.
* Disability.
* Bereavement.
* Young, isolated and/or unsupported families; or
* Significant social or economic disadvantage that may adversely impact on a child's care

**Support for children and families**

Your Choice Matters staff will be available to provide emotional and physical support to families in need where an incident or harm has occurred. Specifically, our fully qualified counsellors will be available to provide assistance in these circumstances.

**Staff recruitment**

Your Choice Matters staff employed to mentor, counsel or provide support coordination to children or young people will be recruited based on their suitability to work with clients in this age group, including criteria such as:

* Current Working With Children check (HR officer to confirm current status via the SA Government’s Screening Unit)
* Ensuring that staff and volunteers have relevant qualifications, and checking that qualifications are genuine
* Proven experience in dealing with children or young people
* Requiring proof of identity
* Checking references
* Mentoring and supervising new and inexperienced staff
* Providing relevant child safe environment training and development

**Related policy and procedures**

* Your Choice Matters Code of Conduct
* Easy Read Code of Conduct
* Your Choice Matters Code of Conduct for working with children and young people
* Incident Management Policy
* Risk Management Policy and Risk Management Plan
* New Client Checklist
* Your Choice Matters Confidentiality Policy

**Relevant Legislation**

* *Children and Young People (Safety) Act 2017*
* *The Child Safety (Prohibited Persons) Act 2016 (SA)* and
* *Child Safety (Prohibited Persons) Regulations 2019 (SA)*

# Consultation

**Policy**

Under the *Work Health and Safety Act 2012,* it is a requirement that employees be consulted on all matters that may affect their health and safety at work. *Your Choice Matters* values the experience and knowledge of its employees and is committed to ensuring that the consultation process is open, honest and robust.

We are aware of our obligation to consult with other duty holders in relation to safe work processes.

**Procedure**

We will develop and implement appropriate and compliant systems of workplace consultation, employee representation and participation in Work Health and Safety. We will ensure that suitable processes for communication of Work Health and Safety matters are provided and implemented, and that consultation with employees (and, where applicable, other stakeholders), is carried out regarding matters that may affect health and safety at work.

Employees will be consulted when identifying hazards and assessing risks to health and safety arising from the work carried out. Their views will be taken into account when making decisions about ways to eliminate or minimise those risks.

In line with the *Work Health and Safety Act 2012*, consultation will occur when making decisions about:

* The adequacy of facilities for the welfare of employees;
* Consultation processes;
* Resolving work health or safety issues at the workplace;
* Monitoring the health of employees;
* Monitoring the conditions at the workplace; and
* Providing information and training for employees.

Final decisions on Work Health and Safety matters will rest with management after consultation and advice from employees and in line with the *Work Health and Safety Act 2012*. In reaching a decision about a particular course of action, management may choose to engage an independent expert to undertake a formal Risk Assessment.

In the event of a dispute, management will:

* Listen to concerns raised;
* Make their best endeavours to accommodate the concerns;
* Undertake a formal Risk Assessment using an external expert if required; and/or
* Involve an external party to resolve the matter if an agreement can’t be reached.

It is our intention to maintain a continuous improvement program that allows systems, policies and safe work procedures to be reviewed and/or amended in consultation with employees.

All employees will be kept informed of Work Health and Safety matters that may affect them by:

* Team meetings;
* Emails; or
* Posting information on our Facebook Group or messenger forum

**References**

***Work Health and Safety Act 2012***

***S46 — Duty to consult with other duty holders***

*If more than one person has a duty in respect of the same matter under this act, each person with the duty must, so far as is reasonably practicable, consult, cooperate and coordinate activities with all other persons who have a duty in relation to the same matter*

 ***Maximum Penalties — Individual $20,000***

 ***Business $100,000***

***S47 — Duty to consult workers***

1. *The person conducting a business or undertaking must, so far as is reasonably practicable, consult, in accordance with this Division and the regulations, with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety*

***Maximum Penalties — Individual $20,000***

 ***Business $100,000***

#

# Critical Incidents Policy

**Introduction**

*Your Choice Matters* has a duty of care for the safety and wellbeing of all staff,and will provide an effective and coordinated response to critical incidents affecting staff and/or volunteers.

**Definitions**

|  |  |
| --- | --- |
| Critical Incident: | is any event or series of events that is sudden, traumatic, overwhelming, threatening or protracted. It may cause extreme stress, fear or injury.Critical incidents may include, but are not limited to:* serious injury, illness, or death
* severe verbal or psychological aggression
* physical assault
* staff witnessing a serious accident or incidence of violence
* natural disaster e.g. earthquake, flood, windstorm, hailstorm, or extremes of
* temperature
* fire, bomb-threat, explosion, gas or chemical hazard
* social issues e.g. sexual assault, drug use, alcohol abuse, domestic or family violence
 |

**Procedures**

*Although every effort is taken by Your Choice Matters to prevent and manage business and service-related risks, it may not be possible to prevent all incidents from occurring, including critical incidents.*

*For this reason, it is important that staff are aware of what to do in the event of a critical incident occurring in the workplace, or in the event of conducting business-related activities and service provision.*

**Designated officer**

* A designated officer will be appointed for each work team.

**Assessing the situation**

* Where the designated officer considers a critical incident to be apparent or likely, he/she must alert the most senior staff member available.
* The designated officer will assess the situation and consider any apparent risks to their own safety.

**Immediate steps**

The Designated Officer will:

* Ensure the safety of staff members, including activate evacuation procedures if required
* Help remove others and rescue property, if it is safe to do so
* Ensure the provision of first aid if required
* Contact security/emergency services if necessary and if not already done.
* Alert the most senior staff member available by phone if the incident occurs in the community
* Take steps to minimise further damage or injury on Your Choice Matters premises, provided there is no threat to personal safety in doing so. This may involve organising willing bystanders to provide support.

**Reporting by Designated Officer**

The Designated Officer will:

* As soon as practicable prepare a Critical Incident Initial Report outlining the:
* type of incident
* exact location and details of any person or persons who might be injured, in distress, or at risk.
* details of the actions taken to manage the incident
* review the situation, set priorities, allocate tasks/responsibilities and coordinate an immediate response including communications to relevant individuals.
* ensure that those identified in the critical incident receive appropriate and immediate ongoing support.
* update the Your Choice Matters Incident Register with details of the response, responsibilities, time frames and the outcome.
* evaluate response procedures and make recommendations for handling future critical incidents.

**De-brief and follow up**

The designated officer will:

* organise ongoing response/follow up (including staff briefing, counselling, review and reporting)
* arrange for debriefing by trained staff or external professionals should be conducted within three to seven days of the critical incident.
* organise counselling and critical incident stress management on a one-off or continuing basis as necessary for affected staff members.
* prepare advice for the organisation’s senior officers outlining steps required to prevent future related critical incidents.

*Your Choice Matters* will organise debriefing meetings to determine issues and responsibilities related to:

* Assessing risks and response actions;
* Liaison with emergency and other services;
* Stakeholders and media communications;
* Implementing additional risk controls and prevention strategies;
* Access to counselling sessions for Your Choice Matters personnel and their immediate families through the contracted staff assistance program; and
* Referrals to counselling services for service customers and others who are not directly involved in, but who are affected by, the incident.

**Review**

The designated officer will conduct a review of the actions arising from the debriefing meetings within two weeks to ensure that:

* Follow-up, such as counselling and prevention strategies, has been completed;
* Relevant people have been informed of all outcomes from the incident;
* A recommendation regarding the response to the critical incident is documented; and
* Any further required follow-up actions are documented and responsibilities are allocated.

# Discipline

**Policy**

*Your Choice Matters* is committed to ensuring that when disciplinary issues arise (including the possibility of termination of the employment contract) every employee is treated fairly and equitably, in accordance with industrial standards of natural justice and procedural fair play.

Our Companywill not normally consider terminating the employment contract of an employee for poor work performance or misconduct issues, unless:

* The employee undergoes a consultation and counselling process that identifies, appropriate support, training, instructions and written warning(s); and
* The unsatisfactory performance or misconduct continues after a reasonable period of time for improvement has been allowed.

The exception, however, is in the case of serious and wilful misconduct by the employee, where instant dismissal may be justified. Examples of serious and wilful misconduct include:

* Any action or lack of action which places a client at risk of harm;
* Acts of dishonesty;
* Actions or lack of action which places another employee at risk of harm. This includes bullying.

The counselling and discipline process aims to change inappropriate and unwanted behaviour and endeavours to correct unsatisfactory work performance, to the satisfaction of both the employer and employee. The process is designed to assist in dealing with work performance matters in a fair and consistent manner, ensuring that:

* The relevant parties are informed of their rights and responsibilities;
* The employee has been allowed the time and resources to respond, adjust and improve;
* An agreed course of action, together with specific and clearly defined outcomes, has been determined; and
* Hasty, uninformed decisions are avoided.

**Procedure**

The Company’sdisciplinary procedures contain a series of steps which will be followed prior to any termination of employment or other disciplinary action being implemented. However, each particular circumstance will determine what action is appropriate, including the number of warnings and the suitable review period for the worker to remedy their poor performance or behaviour.

Where the Director has concerns about an employee’s performance or conduct, an interview will be convened to provide an opportunity for both the employer and employee to discuss the issue(s) of concern. The employee will have the right to be represented by a person of their choosing and will have the right to respond to the allegations of poor performance or misconduct put to them. This meeting will be witnessed, confirmed in writing and acknowledged by the employee concerned.

The warnings procedure will include a series of verbal and written warnings (must be a witness present) that set out to any employee who is being warned the basis of the warning; the ways that the employee can and must improve their work performance or behaviour; the time and resources available to assist them in achieving the desired outcomes; and finally it must identify what action will occur if they do not meet the required outcomes.

All counselling sessions, warnings or other instances of disciplinary action must be recorded in writing, with a copy provided to the employee concerned and the original placed on their Personnel File.

Failure of the employee to make the required improvements will result in termination of employment.

**Useful Links**

<http://www.fwc.gov.au/>

This is the site for the Fair Work Commission. It has links to the Act, Regulations, and a series of Fact Sheets.

<http://www.fairwork.gov.au/Pages/default.aspx>

The home page has links to a range of sites which help employers navigate the correct way to proceed when counselling an employee. Advice is also available by phone on 13 13 94.

**References**

***Fair Work Act 2009***

***Part 3.1 — General Protections***

***Part 3.2 — Unfair Dismissal***

# Emergency Procedures

**Policy**

In accordance with its obligations under the *Work Health and Safety Act 2012*, *Your Choice Matters* has developed an emergency action plan and emergency procedures.

This policy is in place in order to protect life and prevent injury. Failure to comply with it could endanger the life of colleagues. It is our policythat in the event of an emergency of any type, the preservation of life takes priority over all other considerations.

In the event of a fire, or the need for an emergency evacuation, all employees are required to adhere to this Policy.

**Procedure**

**Working in a Clients home**

The Employee must ensure that a Client Home Safety Check has been completed before entering the home. The Employee is to carry their mobile phone with them at all times in the case of an emergency.

If at any time, the Employee feels uncomfortable or in danger, they are to leave the Clients home immediately and phone Management.

# Equal Opportunity

**Policy**

*Your Choice Matters* promotes a culture of respect, tolerance and diversity and is also responsible for ensuring that all employees are aware of their rights and obligations as outlined in this Equal Opportunity Policy.

Treating people fairly has a positive impact on clients, visitors and employees, enhances the reputation of *Your Choice Matters* as an employer of choice and delivers advantages to the business and workplace.

Accordingly, our Companyis committed to ensuring that all employees and those persons seeking employment are treated fairly and equitably and are not subjected to any form of unlawful discrimination, harassment, bullying or victimisation in the workplace.

All levels of management and all employees are responsible and accountable for ensuring that the provisions of this Equal Opportunity Policy are understood and adhered to and that the principles of Equal Opportunity are upheld in the decision making process, the performance of their respective duties and whilst acting as a representative of the Company.

**Definition**

“Unlawful Discrimination” in employment means treating a person less favourably than others because of their particular personal characteristics or because they belong to a certain group, such as a gender or culture, and this is unrelated to the performance requirements of the position. Discrimination can be direct or indirect. Indirect discrimination is treatment which appears to be equal but is unfair on certain people. To be unlawful, it must also be unreasonable.

**Procedure**

It is unlawful to discriminate in employment under a range of both Federal and State legislation.

*Your Choice Matters* will not tolerate any form of discrimination based on any of the following grounds:

* Gender;
* Sexuality;
* Race, colour, nationality, descent and culture;
* Physical or intellectual disability;
* Family responsibilities;
* Age;
* Religion;
* Trade union membership or non-membership;
* Medical record;
* Pregnancy or potential pregnancy; or
* Marital status.

If any employee feels that they have been discriminated against, they may make a complaint by following the procedure outlined in the Workplace Bullying and Harassment Policy.

If any employee is unsatisfied with the way their complaint has been handled, they have the right to refer the matter to an appropriate statutory authority, such as the Equal Opportunity Commission.

**Useful Links**

[www.legislation.sa.gov.au/](http://www.legislation.sa.gov.au/).

This site has links to SA legislation.

[www.comlaw.gov.au/](http://www.comlaw.gov.au/)

For links to Commonwealth legislation.

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

Links to the Fair Work Ombudsman.

**References**

***Equal Opportunity Act 1984***

***Racial Vilification Act 1996***

***Racial Discrimination Act 1975***

***Sex Discrimination Act 1984***

***Disability Discrimination Act 1992***

***Human Rights and Equal Opportunity Commission Act 1986***

***Age Discrimination Act 2004***

***Equal Opportunity for Women in the Workplace Act 1999***

# First Aid

**Policy**

*Your Choice Matters* is committed to the provision of an effective system of first aid management to protect the health and safety of all employees, contractors, visitors, and clients as a requirement of the *Work Health and Safety Act 2012.*

**Procedure**

We will comply with our obligation to ensure that employees have access to first aid.

Each Employee will be given a First Aid Kit for their vehicle when they begin working at *Your Choice Matters.*

First Aid kits are to be checked annually to ensure that all items are present and have not deteriorated. Emergency numbers are included inside each lid. A record is to be kept of the annual checks.

An Incident Report Form must be completed if an employee has received an injury. Once the Incident Report Form is received, the Director must take corrective action in order to reduce the likelihood of this type of injury happening again.

**Useful Links**

<http://www.safeworkaustralia.gov.au/sites/SWA/about/Publications/Documents/693/First%20aid%20in%20the%20workplace.pdf>

This site links to the Code of Practice for First Aid.

<http://www.safework.sa.gov.au/uploaded_files/Sheet6_COP_FirstAidKits.pdf>

This FAQ sheet explains why first aiders may not need to be at every site even if the business has some high risk activities.

**References**

***Work Health and Safety Regulations 2012***

***S42 — Duty to provide first aid***

*(1) A person conducting a business or undertaking at a workplace must ensure—*

*(a) the provision of first aid equipment for the workplace; and*

*(b) that each worker at the workplace has access to the equipment; and*

*(c) access to facilities for the administration of first aid.*

***Maximum Penalties — Individual $6,000***

 ***Business $30,000***

*(2) A person conducting a business or undertaking at a workplace must ensure that—*

*(a) an adequate number of workers are trained to administer first aid at the workplace; or*

*(b) workers have access to an adequate number of other persons who have been trained to administer first aid.*

***Maximum Penalties — Individual $6,000***

 ***Business $30,000***

*(3) For the purposes of this regulation, the person conducting the business or undertaking must have regard to all relevant matters, including the following:*

*(a) the nature of the work being carried out at the workplace;*

*(b) the nature of the hazards at the workplace;*

*(c) the size and location of the workplace;*

*(d) the number and composition of the workers and other persons at the workplace.*

***From the First Aid Code of Practice***

*A* ***remote workplace*** *is one that is more than a 20 minute drive away from an SA Ambulance station that is staffed by paid paramedics.*

*Examples of* ***high risk******workplaces*** *include those that feature:*

*(a) the* ***use*** *of hazardous* ***plant*** *(e.g. cranes, trucks, forklifts, tractors, power presses, vehicle hoists);*

*(b) the regular* ***use*** *of hazardous/dangerous* ***substances*** *(e.g. chemical manufacture, horticulture, petrol stations and food manufacturing);*

*(c) the* ***risk*** *of falls of over 2 metres (e.g. construction and stevedoring);*

*(d) hazardous forms of work (e.g. working in* ***confined spaces****, welding, demolition and* ***abrasive blasting****);*

*(e) several factors that create a greater than usual* ***risk*** *of physical violence or armed robbery (e.g. working alone, working at night, cash handling, when the design of the* ***workplace*** *offers little or no protection from attack, having clients who are frequently physically aggressive); and*

# Hazard Management

**Including Identification, Risk Assessment, Risk Control**

**Policy**

In line with their responsibilities under the *Work Health and Safety Act 2012*, *Your Choice Matters* is committed to identifying work hazards and reducing or eliminating risks to the health and safety of its employees by implementing Hazard Identification programs, Risk Assessments and Risk Controls.

**Hazards/Risks**

Hazards and risks are very distinctive from one another. Hazards are often all around us; they form part of our daily life and if they are identified and managed effectively, they may not cause a risk of injury or illness to an individual.

Risk on the other hand is the result of being exposed to a hazard.

We haveimplemented strategies that will address Hazard Identification, Risk Assessment and Risk Controls.

**Procedure**

**Hazard Identification**

The following methods may be used to identify hazards:

* Regular inspections of Clients homes;
* Regular team meetings
* Incident Reports;
* Employee consultation and feedback; and/or
* Plant and equipment checks.

**Hazard Identification**

Hazards no matter how minor must be dealt with immediately. The *Work Health and Safety Act 2012* obliges employees to make an area safe if they encounter a situation which may pose a risk themselves or to others. This could be as simple as blocking off access to an area or asking a colleague/client/bystander to prevent others from accessing an area until it is made safe (e.g. in the event of a spill or an exposed electrical cord).

When a hazard has been identified the following steps must be taken:

* Make the area safe, warn others or block off the area to stop others from entering;
* Take steps to eliminate the hazard;
* Fill in the Incident Report form, outlining the actions taken to eliminate the hazard; and
* Incident Report Forms must be handed to the Director at the earliest possible opportunity.

The reports should be reviewed regularly by the Director, to ensure that corrective actions have been implemented in a timely and effective manner.

**If the hazard is unable to be eliminated, then a Risk Assessment should be undertaken.**

**Risk Assessments**

The Risk Assessment shall be conducted by the Director or nominee.

Risk Assessments will be conducted using the following criteria:

Consequences: What are the likely outcomes from exposure.

Number of people: How many people are exposed to the hazard.

Exposure: How often are employees exposed to the hazard.

Probability: What is the probability of the hazard causing injury/illness or loss as a result of the exposure.

**Risk Controls**

It is the responsibility of the Director or nominee to develop action plans in order to ensure that risks are controlled. A simple process can be used to determine the best method to eliminate or at least reduce the risk. The aim is to look at eliminating the risk all together if possible. As this may not always be possible, it is important to then look at substitution and so forth until the last, but least recommended option, the provision of personal protective equipment. The table below will assist in this determination.

|  |  |
| --- | --- |
| 1. Elimination | Can the risk be totally eliminated? |
| 2. Substitution | Can the process or task be substituted by one with a lower risk? |
| 3. Engineering | Can the risk be guarded, enclosed, isolated or modified to reduce the risk?  |
| 4. Administrative | Can written procedures, signs and or training be used to reduce the risk? |
| 5. Personal Protective Equipment (PPE) | Can personal protective equipment (PPE) reduce the exposure to a risk? |

More often than not, a combination of controls may be necessary to effectively minimising risks or at least lower the exposure to the risks.

The maintenance of appropriate records of the methodology used to eliminate or reduce risks must be kept and reviewed.

**Summary of steps**

* Hazard is identified;
* Make area as safe as possible immediately;
* Determine what level of risk there is to other employees, clients or the public;
* Take steps to control the risk;
* Document the hazard identified and the actions taken; and
* If hazard is unable to be eliminated or easily controlled, the Director must be involved in undertaking a risk assessment and implementing risk controls (see attached information).

**Forms**

The following forms are used for ensuring compliance:

* Incident Report Form

**Useful Links**

[www.safework.sa.gov.au](http://www.safework.sa.gov.au);

**References**

***Work Health and Safety Act 2012***

***S34—Duty to identify hazards***

*A duty holder, in managing risks to health and safety, must identify reasonably foreseeable hazards that could give rise to risks to health and safety.*

***S35—Managing risks to health and safety***

*A duty holder, in managing risks to health and safety, must—*

*(a) eliminate risks to health and safety so far as is reasonably practicable; and*

*(b) if it is not reasonably practicable to eliminate risks to health and safety—minimise those risks so far as is reasonably practicable.*

***S36—Hierarchy of control measures***

*(1) This regulation applies if it is not reasonably practicable for a duty holder to eliminate risks to health and safety.*

*(2) A duty holder, in minimising risks to health and safety, must implement risk control measures in accordance with this regulation.*

***S37—Maintenance of control measures***

*A duty holder who implements a control measure to eliminate or minimise risks to health and safety must ensure that the control measure is, and is maintained so that it remains effective.*

***S38—Review of control measures***

*A duty holder must review and, as necessary, revise control measures implemented.*

***Work Health and Safety Regulations 2012***

***Penalties***

|  |  |  |  |
| --- | --- | --- | --- |
| ***Duty Holder*** | ***Category 1*** | ***Category 2*** | ***Category 3*** |
| *Individual worker or other person at the workplace* | *$300,000 or 5 yrs imprisonment* | *$150,000* | *$50,000* |
| *Individual PCBUs or Officers* | *$600,000 or 5 yrs imprisonment* | *$300,000* | *$100,000* |
| *Body Corporate, business* | *$3,000,000* | *$1,500,000* | *$500,000* |

*Category 1 – reckless conduct that exposes an individual to a risk of heath or serious injury or illness that is engaged in without reasonable excuse.*

*Category 2 – failure to comply with a health and safety duty that exposes an individual to a risk of death or serious injury or illness.*

*Category 3 – failure to comply with a health and safety duty.*

# IT, Phones and Social Media

**Policy**

It is the policy of *Your Choice Matters* that all information technology is used in a manner which reflects the professional and ethical standards of the company. Employees at *Your Choice Matters* must be aware that in relation to comments made through social media, they are subject to the requirements of the Defamation Act 2005, and the Privacy Act 1988. Privacy and Confidentiality is essential at *Your Choice Matters.*

**Definition**

This policy covers phones, all computing technology facilities, including hardware, software, data bases, internet, electronic mail, text messaging, MMS and the like. Social Media sites include (but are not limited to) Facebook, Twitter, Linked In, Instagram, Tik Tok and blogs.

**Procedure**

**Phones**

Private use of mobile phones is not permitted during work hours.

It is never permitted to use the phone in a vehicle unless Bluetooth is fitted. Any fines related to phone use in a vehicle are solely the responsibility of the employee to pay, irrespective of the circumstance.

**Social Media**

Use of social media during work hours is not permitted unless it is during a scheduled break. It is not permitted to use phones for personal use of social media unless it is in a scheduled break.

All Employees need to be aware that even in a private capacity they must not post any information about our company, clients, or staff as it could be an offence under the Defamation Act 2005 or a breach of the Privacy Act 1988.

Employees of *Your Choice Matters* must realise that the normal laws of defamation apply to social media and they could be held criminally liable for offensive material being posted to social media.

Posting identifying information about clients or information which reflects negatively on the company will be considered to be a serious breach of this policy and the Code of Conduct and may result in disciplinary action.

Non-compliance with any aspect of this policy could result in disciplinary action being taken. In the event of the business being compromised due to breaches by workers of the Privacy Act 1988 or the Defamation Act 2005, it will be considered to be serious and wilful misconduct and could result in instant dismissal.

Electronic messages are formal business communication and have the same legal status as letters, memos and other printed communication. Both hard copies and electronically stored copies of email communication are subject to the laws of discovery, defamation, libel, harassment, copyright and privacy.

**The following activities are not permitted;**

* Sending, receiving, downloading, displaying, printing or otherwise disseminating material that is racist, sexually explicit, harassing, discriminatory, fraudulent, offensive, or defamatory;
* The unauthorised transmission of confidential information;
* Logging on using someone else’s password;
* The playing of games within working hours;
* Forwarding chain emails;
* Using or copying software in violation of license agreements or copyright;
* Violating any state, federal or international law;
* Excessive use of the internet or email for personal business or private purposes; and/or
* Engaging in online chat groups or real-time exchange.

# Leave

**Policy**

All employees (excluding subcontractors) of *Your Choice Matters* will be entitled to a range of leave provisions as pursuant to the National Employment Standards (NES) and as outlined in the Employment Contract.

We recognise that Leave is an important entitlement and as such will attempt to approve leave at times that suit the employees. However, the continuing operation of the business will be a consideration in that decision.

Leave entitlements for permanent staff include the following: Annual Leave, Personal/Carer’s Leave, Compassionate Leave, Long Service Leave, Parental Leave, Unpaid Family and Domestic Violence Leave and Leave without Pay.

Leave entitlements for casual staff includes Long Service Leave, Unpaid Family and Domestic Violence Leave.

**Procedure**

In the event of Annual Leave, Personal/Carer’s or Compassionate Leave, employees must complete an Employee Leave Application form. The form should then be given to HR and will be approved/not approved by the Director at the next management meeting.

For all forms of leave (other than Annual Leave and Long Service Leave) employees are required to substantiate the reason for their leave. Documentation may take the form of a doctor’s certificate, death/funeral notice or verbal confirmation from a mutually trusted person. Failure to provide substantiation may result in the employee’s leave not being approved.

Employees are advised that 4 weeks’ notice for Annual Leave is required and 3 months for Long Service Leave.

It is never acceptable to plan and/or book a holiday or activity assuming that leave will be approved. Management will not be pressured in these situations and will use their normal criteria for deciding on whether to approval a leave application.

In the event that several employees request time off to attend an event or activities on the same day then priority will normally be given to the employees who have provided the earliest request on the appropriate form. For popular times such as school holidays, either side of Easter, new years etc, a rotational system may be put in place.

**Annual Leave**

Because of the nature of this industry, we prefer that Annual Leave will be taken by employees when it is least disruptive to clients and colleagues. This means that Annual Leave will usually be taken during a “low work” period. Whilst individual needs of employees will be considered by management, it is solely at the discretion of the management as to when Annual Leave is taken.

Annual Leave is not able to be accumulated in excess of 4 weeks without the express approval of management.

**Paid Personal/Carer’s Leave**

Personal/Carer’s Leave is designed to help an employee deal with personal illness, caring responsibilities, family emergencies and the death or serious illness of close family members.

Employees are entitled to take up to 10 days per year of Personal Leave. This Leave accrues progressively during the year and can accumulate from year to year.

An employee may take paid Personal/Carer’s Leave:

* If they are unfit for work because of their own personal illness or injury; or
* To provide care or support to a member of their immediate family or household, because of a personal illness, injury or unexpected emergency affecting the member. A member of the employee’s immediate family means a spouse, a de facto partner, child, parent, grandparent, grandchild or sibling of an employee, or a child, parent, grandparent, grandchild or sibling of the employee’s spouse or de facto partner.

***Procedure for Personal leave***

* *Employees must phone in by 7.00am to report an intended absence.*
* *Certificates or proof of reason for absence are required for any absence exceeding one day.*
* *Absences of up to two hours can be made up on a time-in-lieu basis.*
* *Absences longer than 2 hours require a leave form to be completed.*

Other conditions related to Personal Leave may apply. Please refer to the Employment Contract.

**Compassionate Leave**

An employee is entitled to two days of paid Compassionate Leave to spend time with a member of their immediate family or household who has sustained a life-threatening illness or injury. Compassionate leave may also be taken after the death of a member of the employee’s immediate family or household.

**Long Service Leave**

Employees are entitled to Long Service Leave after a period of continuous service as per the Award.

Whilst it is the employee’s right to take Long Service Leave, it must be taken at a time that is reasonable for the employer.

***Procedure for Long Service Leave***

*Management will attempt to approve all Long Service Leave requests for the dates requested. However, management reserves the right to consider the likely disruption to clients and colleagues.*

*The earlier the notice given to management about the intention to take Long Service Leave, the greater the likelihood of approval being granted. This relates directly to the time it takes to find suitable alternative employees and to undertake their training. Employees planning to take Long Service Leave are required to provide 3 month’s notice of their intent. This notice must be in writing on the appropriate form and lodged with management.*

**Special Leave**

Special paid leave is available for some employees for study purposes. Please refer to the Employment Contract for further information.

**Parental Leave**

All employees are entitled to unpaid Parental Leave if they have completed at least 12 months of continuous service. The provisions include birth-related leave and adoption-related leave and also recognise same sex de facto relationships. The leave must be associated with:

* The birth of a child to the employee, the employee’s spouse or the employee’s de facto partner; or
* The placement of a child under 16 with the employee for adoption.

**Family and Domestic Violence Leave**

An employee is entitled to five days of unpaid family and domestic violence leave per annum.

***Procedure for Family and Domestic Violence Leave***

*Employees must phone or speak in person with the Director/Employer or nominee on each instance of requesting family and domestic violence leave. The phone call must be made prior to when the employee is expected at work. Text or voice messages are unacceptable.*

**Leave without Pay**

Leave without Pay (except for specified reasons outlined above) is not part of the Award or the NES and as such is not routinely available to employees. If the employee is committed to taking extended time away from work s/he will usually be asked to resign. Upon resignation, all accumulated entitlements will be paid out as per the Award and the employer/employee relationship is terminated.

At their convenience in the future, the employee is free to reapply for any vacancies within the business if they choose and if successful then their entitlement period starts again as in the case of any employee new to the Company.

**Useful Links**

<http://www.fairwork.gov.au/FWISdocs/Fair-Work-Information-Statement.pdf>

This site links to the Fair Work Information Statement which outlines the 10 National Employment Standards.

<https://www.fairwork.gov.au/leave/family-and-domestic-violence-leave>

This site links to the Fair Work Information Statement regarding Family and Domestic Violence Leave. This new clause applied from the first full pay period on or after the 1st of August 2018.

**References**

***11 National Employment Standards***

* ***Fair Work Information Statement****- employers have to give the* [*Fair Work Information Statement*](http://www.fairwork.gov.au/employment/fair-work-information-statement/pages/default.aspx) *to all new workers.*
* ***Maximum weekly hours of work****- 38 hours per week, plus reasonable additional hours.*
* ***Requests for flexible working arrangements*** *- parents and carers can ask for a change in working arrangements to care for young children under school age or children under 18 with a disability.*
* ***Parental leave and related entitlements****- up to 12 months unpaid leave, the right to ask for an extra 12 months unpaid leave and other types of maternity, paternity and adoption leave.*
* ***Annual leave****- 4 weeks paid leave per year, plus an extra week for some shift workers.*
* ***Personal / carer’s leave and compassionate leave****- 10 days paid personal (sick) / carer’s leave, 2 days unpaid carer’s leave and 2 days compassionate leave (unpaid for casuals) as needed.*
* ***Community service leave*** *- up to 10 days paid leave for jury service (after 10 days is unpaid) and unpaid leave for voluntary emergency work.*
* ***Long service leave*** *- entitlements are carried over from* [*pre-modern awards*](http://www.fairwork.gov.au/resources/glossary/pages/default.aspx#pre-modern-award) *or from state legislation. For details see the* [*Long Service Leave and the National Employment Standards fact sheet*](http://www.fairwork.gov.au/resources/fact-sheets/national-employment-standards/pages/default.aspx)*.*
* ***Public holidays*** *- paid days off on public holidays unless it’s reasonable to ask the worker to work.*
* ***Notice of termination and redundancy pay****- up to 4 weeks' notice of termination (5 weeks if the worker is over 45 and has been in the job for at least 2 years) and up to 16 weeks redundancy pay.*
* ***Casual Conversion*** *– Casual Employees with a regular roster for over 12 months can request to have their Employment changed to PPT.*

# Manual Handling

**Policy**

*Your Choice Matters* is committed to providing a safe working environment for all staff consistent with its obligations under the *Work Health and Safety Act 2012*. From time to time, Employees may need to assist their clients with lifting objects/equipment. It is important that when they do, the proper Manual Handling techniques are implemented to prevent injury.

**Procedure**

This commitment will be met by ensuring the following:

* Any manual handling, which is likely to be a risk, is identified and steps taken to ensure that employees are aware of safe ways to lift;
* That equipment used in the course of employment is designed, constructed and maintained so as to be, as far as is reasonably practicable, safe and without risk to health and safety when manually handled;
* That work practices involving manual handling are designed, implemented and maintained, so as to be as far as is reasonably practicable, safe and without risk to health and safety;
* That the working environment and practices are maintained so as to be, as far as is reasonably practicable, consistent with safe manual handling practices; and
* That appropriate training and supervision will be provided during employment.

**Desk-based work**

All employees are required to take steps to prevent overuse injury or injury from bad posture at a workstation. This can be done in a variety of ways:

* Take regular breaks;
* Do not use laptops for prolonged periods;
* Regularly look away from the screen;
* Locate the top of the screen at eye level;
* Ensure chair has lumbar support;
* Do not sit on the edge of the seat; sit fully into the seat so that the back is supported;
* Request a foot stool if feet aren’t flat on the ground when sitting; and
* Tell the Director if uncomfortable.

**Lifting or moving objects**

All employees are expected to follow the following procedures when lifting any weights, but especially those above 5 kg.

* Lifting technique;
* assess the load
* what is the best method to move the load;
* does someone need to help
* can it be divided into smaller loads;
* make sure the pathway to where the load is being taken is clear.
* How to lift;
* keep spine in a neutral position (i.e. s-shaped curve)
* keep a wide base of support
* ensure good balance
* bend at knees and hips
* brace abdominal muscles
* keep the object close
* push up with legs
* avoid twisting.

**Useful Links**

<http://www.safework.sa.gov.au/uploaded_files/MHLifting.pdf>

*A brochure outlining the general principles of manual handling*

**References**

***Work Health and Safety Regulations 2012***

***S60 — Managing Risks to health and safety***

1. *A person conducting a business or undertaking must manage risks to health and safety relating to a musculoskeletal disorder associated with a hazardous manual tasks*
2. *In determining the control measures to implement under subregulation (1), the person conducting the business or undertaking must have regard to all relevant matters that may contribute to a musculoskeletal disorder including:*
3. *Postures, movements, forces and vibration relating to the hazardous manual task;*
4. *The duration, frequency of the hazardous tasks;*
5. *Workplace environmental conditions that may affect the hazardous manual task of the worker performing it;*
6. *The design of the work area;*
7. *The layout of the workplace;*
8. *The systems of work used; and*
9. *The nature, size, weight or number of persons, animals or things involved in carrying out the hazardous manual tasks*

***Maximum Penalties — Individual $6,000***

 ***Business $30,000***

# Motor Vehicles

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**Policy**

*Your Choice Matters* require employees to use their private motor vehicles for work-related activities. Transporting clients is one of the main duties as a Support Worker/Mentor.

All employees required to use their private vehicles (besides using the vehicle for driving to and from work) will be reimbursed for their fuel expenses. Employees are required to download the app Drivers Log in order to record their fuel expenses/km travelled.

Employees need to be mindful of the fact that when they are using their vehicle for work purposes they are in a workplace and are therefore responsible for the safety of themselves and others.

**Procedure**

Employees are required to:

* Complete the Motor Vehicle/Driver’s Licence Declaration and provide copies of Driver’s Licence, registration and insurance;
* Have comprehensive insurance on their motor vehicles that incorporates the use of the motor vehicle on business. Failure to advise their insurance company of this could result in an insurance claim being refused;
* Fully indemnify and keep indemnified the business from claims of damages as a result of accident, vandalism or any other damage to the vehicle or other vehicles; and
* Comply with the general conditions for use (below).

**General conditions for vehicle use**

Employees are responsible for all costs associated with their vehicles including First Aid Kit, Fire Extinguisher, fuel, servicing, maintenance, repair, insurance premiums, collision damage, excess paid on insurance claim, and any other expense reasonably associated with running a vehicle.

The obligations of employees when driving their own vehicles for business are:

* Ensure their vehicle is fit and safe for transporting clients.
* Not to drive the motor vehicle unless they hold an appropriate current and valid driver’s licence;
* To ensure that the provisions of any insurance policy relating to the motor vehicle are observed;
* To ensure that the motor vehicle is not driven by anyone else other than the authorised driver;
* To pay all parking and traffic infringement penalties relating to the use of the motor vehicle;
* Not to smoke in the vehicle if other persons are present;
* Not to drive the motor vehicle, or allow others to drive the motor vehicle, if drugs or alcohol have been consumed;
* Not to allow the vehicle to be used for instructing a learner driver; and
* To observe all road and traffic laws accordingly.

As part of safe driving practices employees are encouraged to ensure that their vehicles contain a First Aid kit and Fire Extinguisher, whether they use their vehicle for occasional work use or not.

**Accidents and Incidents**

In the event of an accident the employee must exchange details with the other driver as per the law. Employees must never admit liability or guilt. As per the law, employees are to note the other driver’s details, including name, address, contact numbers and vehicle details, together with the names and details of any witnesses.

Employees should report any incident to management at the earliest opportunity. The employee must also provide documentation to management to demonstrate that the insurance company and Police (if required) have been notified.

Payment of the excess is the sole responsibility of the employee. If the accident/incident involved a personal injury, management must be advised at the earliest opportunity and an Injury Report Form be completed.

If any employee is involved in a motor vehicle accident or incident as a result of alcohol consumption, unlawful drug taking, negligence and/or recklessness, the employee may be subject to disciplinary action and possible termination of employment.

**References**

***WHS Act 8—Meaning of workplace***

1. *A workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.*

*(2) In this section—*

***place*** *includes—*

*(a) a vehicle, vessel, aircraft or other mobile structure; and*

*(b) any waters and any installation on land, on the bed of any waters or floating on any waters.*

# Performance Development

**Policy**

*Your Choice Matters* believes that our greatest asset is our people and will therefore provide a systematic approach to the professional development of our employees*. Your Choice Matters* believes in conducting regular performance reviews as an Employee who feels supported and confident in the workplace, will ultimately perform better for the business.

The purpose of performance development for employees is as follows:

* To assist in the delivery on consistently high-quality services;
* To provide opportunities for employees to develop their skills and knowledge and to help fulfil their professional potential;
* To discuss clients or any issues/struggles they may be facing;
* To reinforce the employment relationship by providing formal structured activities which seek the employees point of view about their work environment;
* To encourage employees to be proactive in identifying their professional development needs;
* To create a structure so that employees feel comfortable giving feedback to the employer;
* To obtain information from employees that may improve productivity or identify potential problems of safety issues;
* To identify and discuss both satisfactory and unsatisfactory performance; and
* Ensure compliance with any legislative requirements.

Performance Development is for the employee, but it must also meet the needs of the businessby being related to the Position Description of the employee or by a role that the employer wishes the employee to undertake.

**Procedure**

Performance development will occur in the following ways:

* Training opportunities (planned and ad hoc);
* Regular supervision (depending on the role and experience of the employee);
* Professional Consultation (performance review on an as needs basis and 6 monthly appraisals);
* Ad hoc performance reviews
* Staff Counselling (as needed).

Training and development programs will be based on meeting the requirements of both the businessand the individual employee through:

* The identification of requirements and opportunities which emerge from regular professional consultation;
* Opportunities which emerge on an ad hoc basis which would be of benefit to the business and the employee;
* Structured career development planning; and/or
* Legal or legislative requirements.

It is a requirement that records of all training are held on the employees file (including in-house training).

It is a requirement that notes are kept of all such meetings outlining the agreed actions and any timeframes if any.

On an annual basis there should be a formal appraisal of the employee’s performance based on the Position Description.

**Counselling**

Counselling is a formal process which usually occurs after a serious breach of policies or behaviour. It could also result following several unsuccessful attempts during supervision to address particular issues.

The Director is responsible for initiating and implementing the counselling interviews. It is intended that counselling is a positive and helpful process designed to ensure an open exchange and to ensure that the employee is clear about the expectations being placed on them.

Employee counselling interviews allows the Director to highlight the concerns and performance required. This process allows the employee to clarify the situation and discuss the issue. The aim is to provide the employee with clear expectations of their required performance. Details of the concern can be discussed and clarified at this stage then both parties are required to sign the documentation and it is kept on the employees file.

If it is likely that a warning will be issued, then the Discipline procedures will be followed.

**Follow up**

To the best of its ability, wewill ensure that:

* Employees are given adequate opportunity to address issues which are raised with them; and
* Any undertakings made by the business are followed through.

**Useful Links**

[www.**safework.sa**.gov.au/uploaded\_files/ohs**induction**nesb.pdf](http://www.safework.sa.gov.au/uploaded_files/ohsinductionnesb.pdf)

This site is about induction generally

<http://www.fairwork.gov.au/resources/best-practice-guides/pages/managing-underperformance.aspx>

*This site links to several practice guides on how to conduct counselling interviews*

**References**

***Work Health and Safety Regulations 2012***

***S9—Provision of information, training and instruction***

*(1) This regulation applies for the purposes of section 19 of the Act to a person conducting a business or undertaking.*

*(2) The person must ensure that information, training and instruction provided to a worker is suitable and adequate having regard to—*

*(a) the nature of the work carried out by the worker; and*

*(b) the nature of the risks associated with the work at the time the information, training or instruction is provided; and*

*(c) the control measures implemented.*

*(3) The person must ensure, so far as is reasonably practicable, that the information, training and instruction provided to a worker is provided in a way that is readily understandable by any person to whom it is provided.*

# Return to Work (for injured employees)

***Formerly Workers Rehabilitation and Compensation***

**Policy**

Your Choice Matters is committed to providing its injured employees with the best possible medical assistance and rehabilitation following a work-related injury or illness. The Company encourages, where medically possible, an early and progressive return to work and will provide its injured employees with suitable modified duties where recommended by medical professionals pursuant to the *Return To Work Act 2014.*

Wewill ensure that all policies and procedures regarding the effective processing of *ReturnToWorkSA* claims and the monitoring of rehabilitation and return to work plans meet all legislative requirements.

We will stress to its employees the importance of reporting incidents early so that the appropriate medical assessments can be undertaken. Early reporting and timely medical intervention and support demonstrates the company’s respect and commitment to the health and wellbeing of its employees.

The Company will act according to its responsibilities as outlined within legislation and is committed to ensuring that the rights of injured employees are protected. Rights and responsibilities of employees and the employer are detailed below.

Wewill also follow best practice principles in injury management.

**An overview of Best Practice in Injury Management**

Best practice in injury management is about assertive and early intervention. At the first sign of injury, the employer will speak with the employee and if may make an appointment for an assessment of the condition.

The over-riding concern is to help keep the employee connected with their work. Light duties (even for an hour a day) sends a strong message to the employee that they are valued, and they have an important role in the organisation.

Light duties should be designed to be interesting, rewarding and of obvious value to the organisation. This way we show the employee that they are valued, and their contribution is respected.

**Procedure**

In the event that an employee suffers from a work-related injury/illness, the employee will advise the Director and complete an Incident Report Form. The Director will investigate the incident and take whatever action is needed to:

* Ensure the immediate health and safety of the injured employee; and
* Prevent the injury happening again or to another person.

Depending on the seriousness of the injury the employee may also be requested to complete a *ReturnToWorkSA* Claim Form. Employees must complete this form as soon as possible and give it to the Director together with any Work Capacity Certificates and medical accounts. Assistance will be provided upon request to assist with the completion of all necessary documentation.

Once the ReturnToWorkSA Claim Form has been given to management, the Director will sign and date this form and forward to the appropriate agent.

**Light Duties Plan (Suitable Employment Schedule)**

If an injured employee is able to undertake light duties then the Director will develop a plan with the employee and any treating professional if one is involved (e.g. physiotherapist, doctor etc). This plan is developed as soon as it is known that the employee needs to undertake light duties.

As required under the *Return To Work Act 2014*, we will ensure that in relation to an injured employee we will provide:

* Coordination and communication with all interested parties;
* Assistance with facilitating a return to work, as promptly and safely as possible; and
* Monitoring of the injured employee’s progress in return to work.

A separate confidential rehabilitation file will be established for each injured employee following a work injury /illness. Each file will contain adequate records of all aspects of the rehabilitation and return to work process. This will include all correspondence or copies there-of as well as file notes on meetings and discussions relating to the claim.

**Recovery and Return to Work**

Where an employee is likely to be away from work for more than two weeks, the claims agent will arrange for a mobile case manager to visit the worksite to meet the employee and employer.

These face-to-face worksite visits will occur as soon as possible after an injury notification.

The early intervention service will ensure that any recovery and return to work needs are identified quickly to support the employee to:

* Return to the pre-injury position.
* Undertake a new role with the current employer, or
* To a new job with a new employer.

A Recovery/Return to Work Plan will be arranged by the Case Manager with the objective of ensuring that employees suffering from any compensable disability achieve the best possible levels of physical and mental recovery and where possible be restored to the workforce and general community.

The Recovery/ Return to Work Plan shall be signed by the employee, the Director and the Case Manager or nominee. Any refusal to sign shall be documented in the file notes stating the reason for refusal.

**Employees Rights**

Employees have the right to:

* Prompt medical treatment;
* Have confidential information kept confidential to the people who are required to be informed under the Act;
* Have a recover/return to work plan and be provided with a copy of the plan;
* Be involved in all decisions regarding the rehabilitation program;
* Be provided with a copy of any medical report relating to their claim; and
* Have a representative present at any meeting to discuss their rehabilitation.

**Employee Responsibilities**

Employees responsibilities are to:

* Participate actively in the planning and implementation of the Return to Work Program;
* Return to work in accordance with their capacity and in a timely manner;
* Perform suitable duties for which they are fit; and
* Submit to an examination, where necessary, by the Claims Agent's nominated medical officer. Whilst obliged to undergo an examination the employee does not have to receive treatment from that doctor.

**Employer Rights**

Employers have a right to ask their Claims Agent to:

* Arrange for an injured employee to attend an examination by a recognised medical expert;
* Review a claim if they believe that weekly payments to an employee should be stopped or reduced;
* Provide copies of medical reports and request a report on an injured employee’s medical progress and incapacity to work;
* Request a review of decisions made about the claim; and
* Take into consideration any other relevant factors.

**Employer Responsibilities**

Employers are responsible for:

* Providing a safe working environment;
* Providing safe, suitable alternative work, and be actively involved in an injured worker’s return to work plan;
* Keeping in touch with their claims agent until the injured worker is doing pre-injury duties; and
* Notify the agent if there is any change in the type of work or hours, or if the employer is thinking of terminating the worker’s employment.

**Disputes**

Disputes over claim and rehabilitation matters can be resolved by discussing them with ReturnToWorkSA personnel. Unresolved disputes may be resolved by either party making application through the South Australian Employment Tribunal.

Wewill participate to the fullest of our ability to assist injured employees in their return to work.

**General**

No individual being rehabilitated will be prejudiced in any form or way.

Bullying or harassment of injured/ill workers is not acceptable, and breaches will be dealt with accordingly.

**Forms**

* Incident Report Form

**Useful Links**

<https://www.rtwsa.com/>

This website replaces the Workcover site and contains links and information pertaining to work injuries.

<http://www.legislation.sa.gov.au/LZ/C/A/RETURN%20TO%20WORK%20ACT%202014.aspx>

This site links to the Return To Work Act 2014.

**References**

***Tips for successful return to work***

***At injury***

*Early support to employees immediately following injury is linked to less time off. In particular it is important to:*

* *Take the employee to a specialist workplace injury doctor*
* *Take a list of possible light duties to the doctor*
* *Ask the doctor about ways that you could support the employee*
* *Mention to the employee that you would like to discuss suitable duties with the doctor*
* *Signal to the employee your support for light duties and/or an early return to work*
* *Reassure the employee that you will help them with their paperwork*
* *Avoid blaming them, now is not the time, even if you believe they have contributed (time for that later)*
* *Talk with the employee about your commitment to helping them recover*
* *Ensure that light duties are meaningful and valued*

# Unauthorised Removal of Property

**Policy**

Property that is owned by or in the possession of *Your Choice Matters* must not be removed from the premises without the express permission of the Director. This policy includes property owned by any employees or clients.

Property includes, but is not limited to:

* All tangible assets of the organisation;
* Leased or hired property;
* Documents, client lists, software, manuals, stationery;
* Electronic information and data; and
* Intellectual property, including, but not limited to, trade secrets, formulations, computer software and script, designs, publications, customer and product information.
* Personal belongings to Clients
* Personal belongings to colleagues

**Procedure**

Where it is necessary for an employee to remove property from the premises, authorisation should be obtained from the Director.

Where there is a reasonable suspicion that an employee has removed property or is in the possession of property belonging to the businessor a client*,* without authorisation, the Director will investigate the situation.

If, after an investigation, it is found and proven that the employee has removed property without authorisation, or was found to be in possession of property belonging to the businessor a clientwithout authorisation, the employee will be disciplined, and in serious instances, have their employment contract terminated.

Where it appears that property has been stolen for personal gain, the matter will also be passed over to the Police for investigation and measures put into place to seek recovery and/or damages.

**Return of Property upon Termination of Employment**

Upon termination of employment for any reason, property must be returned as outlined in the Employment Contract.

# Work Health and Safety

**Policy**

*Your Choice Matters* is committed to the health, safety and welfare of clients, employees and visitors to any premises where the Companyhas a duty under the *Work Health and Safety Act 2012.*

It is the responsibility and aim of the business to minimise the risk of injury to employees and other persons, by adopting a systematic approach to the management of work health and safety and providing the resources for its successful implementation and continuous improvement.

All employees have duties under the *Work Health and Safety Act 2012*, to take care to protect their own health and safety and to avoid adversely affecting the health and safety of any other person. We will cooperate with other businesses where there is a shared duty; in particular co-locating with a tenant in the office building.

In line with its obligations under the *Health and Safety Act 2012,* PCBU (person on charge of a business or undertaking) will ensure that it takes all steps that are **reasonably practicable** to comply with its duties and to cooperate with other PCBUs, officers or anyone else who has obligations under the Act.

**Definition**

The term “**workers**” is used in the *Work Health and Safety Act 2012* to include subcontractors and their employees, volunteers, and apprentices and students on work placement. As our Companyengages only employees, this is the term which is used throughout the policies.

The **PCBU** or Person Conducting a Business or Undertaking refers to the Director, or any other person who can make decisions which will impact on the health of the employees.

An **Officer** is a person who is in a middle management position who has responsibilities to ensure that “due diligence” is undertaken. It is their responsibility to ensure that the WHS system is put into action and WHS matters are brought to the attention of the PCBU.

A **worksite** includes the office, a worksite, and any other place where work is likely to be carried out. It includes vehicles used as part of work.

**Definition of Reasonably Practicable**

The term is described in detail in the *Work Health and Safety Act 2012*. It does not only mean the cost in dollar terms. Determining what is reasonably practicable includes taking the following into account:

* Severity of the hazard or risk;
	+ How likely is it that a worker will be injured? How serious are the injuries likely to be?
	+ What other things do we know about this type of hazard?
* What is known about this hazard and how others have controlled the risk;
	+ What information can other professionals, industry associations, unions or government bodies provide? Is there any guidance from the manufacturer about the risk control element? (designers of equipment also have obligations under the Act)
* Availability and suitability of proposed controls;
	+ Are the control measures available? Are they suitable for this particular office?
* The cost of removing or minimising the hazard;
	+ What are the costs involved? Are the costs grossly disproportionate to the risk?

**Procedure**

To effectively manage work health and safety in the workplace and to achieve the business’ objectives to eliminate and/or effectively control all hazards and risks to health and safety, all employees must be aware of their functions and responsibilities.

**Management**

* Has a responsibility to ensure, as far as reasonably practicable, that employees, whilst at work, and all other persons who have access to the worksite, are safe from injury and risk to health. Specifically:
	+ The provision and maintenance of a work environment without risks to health and safety;
	+ The provision and maintenance of safe plant and structures;
	+ The provision and maintenance of safe systems of work;
	+ The safe use, handling and storage of plant structures and substances;
	+ The provision of adequate facilities for the welfare of employees;
	+ The provision of information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety; and
	+ That the health of employees and the conditions of the workplace are monitored.
* Is responsible for the effective implementation, monitoring and review of this Work Health and Safety Policy; and
* Will provide opportunities for employees to be consulted on any proposed changes to the workplace, work practices, policies or procedures that may affect their health and safety.

**Workers (employees)**

* Have a duty to take care of their own health and safety and that of others who may be affected by their actions, or failure to act, whilst at work;
* Must report (document) any incident, near miss and/or hazard at work to the Director or any other person as instructed by a host employer;
* Must obey any reasonable instruction aimed at protecting their health and safety whilst at work and carry out their roles and responsibilities as detailed in the relevant health and safety policies and procedures;
* Must use any personal protective or other equipment provided to protect their health and safety whilst at work; and
* Must ensure that they are not so affected by drugs (including prescribed drugs) or alcohol as to endanger their own or any other person’s health and safety;

 **Consultation**

Active consultation and co-operation with employees will be undertaken in order to ensure the best possible resolution for health, safety and welfare issues.

Consultation will also occur with other PCBUs or officers (as defined by the Act) in order to ensure that shared duties are clarified if the premises are shared in the future.

**Quality Improvement**

In all instances, we will seek to implement best practice solutions for health, and safety concerns and is committed to ensuring compliance with all relevant and current legislation.

Wewill endeavour, through the regular review of its systems, to strive for continuous improvement to bring about an ongoing improvement of work health, and safety performance, with the aim of eliminating all unwanted work-related hazards and work-related injuries.

**Useful Links**

[www.safeworksa.sa.gov.au](http://www.safeworksa.sa.gov.au);

*This site contains links to Codes of Practice. There is also a link to the Work Health and Safety Regulations 2012*

[www.legislation.sa.gov.au](http://www.legislation.sa.gov.au);

*This site has copies of the Work Health and Safety Act 2012.*

**References**

***Work Health and Safety Act 2012***

***S8 — Meaning of workplace***

*(1) A workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.*

*(2) In this section* ***place*** *includes—*

*(a) a vehicle, vessel, aircraft or other mobile structure; and*

*(b) any waters and any installation on land, on the bed of any waters or floating on any waters.*

***S19 — Primary duty of care***

*(1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of—*

*(a) workers engaged, or caused to be engaged by the person; and*

*(b) workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.*

*(2) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.*

*(3) Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable—*

*(a) the provision and maintenance of a work environment without risks to health and safety;*

*(b) the provision and maintenance of safe plant and structures;*

*(c) the provision and maintenance of safe systems of work;*

*(d) the safe use, handling and storage of plant, structures and substances;*

*(e) the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities;*

*(f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking; and*

*(g) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.*

*(4) If—*

*(a) a worker occupies accommodation that is owned by or under the management or control of the person conducting the business or undertaking; and*

*(b) the occupancy is necessary for the purposes of the worker's engagement because other accommodation is not reasonably available,*

*the person conducting the business or undertaking must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to health and safety.*

1. *A self-employed person must ensure, so far as is reasonably practicable, his or her own health and safety while at work.*

***S20 — Duty of persons conduction businesses or undertakings involving management or control of workplaces***

***Person with management or control of a workplace”*** *means a person conducting a business or undertaking to the extent that the business or undertaking involves the management or control, in whole or in part, of the workplace*

***S26 — Duty of persons conducting businesses or undertakings that install, construct or commission plant or structures***

*(1) This section applies to a person who conducts a business or undertaking that installs, constructs or commissions plant or a structure that is to be used, or could reasonably be expected to be used, as, or at, a workplace.*

*(2) The person must ensure, so far as is reasonably practicable, that the way in which the plant or structure is installed, constructed or commissioned ensures that the plant or structure is without risks to the health and safety of persons—*

*(a) who install or construct the plant or structure at a workplace;*

*(b) who use the plant or structure at a workplace for a purpose for which it was installed, constructed or commissioned;*

*(c) who carry out any reasonably foreseeable activity at a workplace in relation to the proper use, decommissioning or dismantling of the plant or demolition or disposal of the structure;*

*(d) who are at or in the vicinity of a workplace and whose health or safety may be affected by use or activity referred to in paragraph (a), (b) or (c).*

***Work Health and Safety Regulations 2012***

***Penalties***

|  |  |  |  |
| --- | --- | --- | --- |
| ***Duty Holder*** | ***Category 1*** | ***Category 2*** | ***Category 3*** |
| *Individual worker or other person at the workplace* | *$300,000 or 5 yrs imprisonment* | *$150,000* | *$50,000* |
| *Individual PCBUs or Officers* | *$600,000 or 5 yrs imprisonment* | *$300,000* | *$100,000* |
| *Body Corporate, business* | *$3,000,000* | *$1,500,000* | *$500,000* |

*Category 1 – reckless conduct that exposes an individual to a risk of heath or serious injury or illness that is engaged in without reasonable excuse.*

*Category 2 – failure to comply with a health and safety duty that exposes an individual to a risk of death or serious injury or illness.*

*Category 3 – failure to comply with a health and safety duty.*

# Working Alone

**Policy**

*Your Choice Matters* is committed to ensuring that employees feel safe at all times and that they are clear about what action they can take in the event that they feel that their security is threatened.

Employees may be required to work in an isolated area as many clients live remotely.

It is important that when Employees are working alone at Clients house that they take all reasonable steps to remain safe.

**Procedure**

**Employee responsibilities**

If working alone at a client’s premises, the Employee must:

* Inform the Company of any medical conditions that may pose a risk if working alone (e.g. heart problems, diabetes, etc.);
* Carry your mobile phone at all times;
* Park vehicles as close as possible to the premise’s;
* Comply with the request of intruders if their own safety is at risk (employees’ safety is paramount and any action that can assist in avoiding injury or damage should be taken);
* Carry the Directors mobile phone numbers and emergency services telephone numbers;
* Report any suspicious activity to the police if they feel that there is a reasonable threat to their safety; and
* Fill out an Incident Report Form in the event that anything occurs which could pose a threat to the safety of any employee (this form will bring the incident to the attention of the Director and will help ensure compliance with legal obligations of all employees).

**Management responsibilities**

* Act wherever possible to ensure employees’ safety;
* Ensure that all employees have access to the Director’s mobile number.

**Forms**

* Incident Report Form

**References**

***Work Health and Safety Regulations 2012***

***S 48—Remote or isolated work***

*(1) A person conducting a business or undertaking must manage risks to the health and safety of a worker associated with remote or isolated work.*

*(2) In minimising risks to the health and safety of a worker associated with remote or isolated work, a person conducting a business or undertaking must provide a system of work that includes effective communication with the worker.*

***Remote or isolated work****, in relation to a worker, means work that is isolated from the assistance of other persons because of location, time or the nature of the work.*

# Workplace Harassment and Bullying

**Policy**

*Your Choice Matters* is committed to providing its employees with a safe work environment that is free from inappropriate behaviour and will take all reasonable steps to minimise any form of workplace harassment or bullying.

Workplace harassment or bullying by or towards any employee, contractor, supplier, customer, client or visitor in any work-related situation will not be tolerated under any circumstances.

Werecognise that workplace harassment and bullying may involve comments and behaviours that offend some people and not others. Individuals may react differently to comments and behaviour. Therefore, weexpect our employees to behave respectfully at all times.

It is important for employees to be aware that workplace harassment and bullying does not include the legitimate exercise of authority by an employer to direct and control how an employee performs their duties whilst at work or to provide feedback to employees about their performance.

Employees should be aware that they could be held personally and legally liable for harassing or bullying another person, or aiding, abetting or encouraging other persons to harass or bully and/or for condoning these types of actions.

**Definitions**

*Sourced from the SafeworkSA website*

For the purposes of this Workplace Harassment and Bullying Policy, the following applies:

* “Workplace harassment” is any verbal, written or physical behaviour or conduct that is of an offensive, threatening, intimidating, abusive or belittling nature and that is unwelcome, unreciprocated, uninvited and usually, but not always, repeated;
* “Bullying”, is behaviour that is directed towards an employee or a group of employees, that is repeated and systematic and that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the employee or employees to whom the behaviour is directed, creating a risk to health or safety.
* “Sexual harassment” refers to any unwanted, unwelcome and uninvited behaviour of a sexual nature that results in a person feeling humiliated, intimidated, afraid or offended, and under the circumstances, it would be reasonable for them to feel that way. The perception by an employee that they have been sexually harassed is sufficient for them to lodge a complaint. It is how the behaviour is received, not how it is intended.

The following are examples of “workplace harassment”:

* Unwelcome practical jokes;
* The use of unsuitable language in the workplace;
* Spreading gossip or rumours; or
* The telling of sexist jokes.

The following are examples of “workplace bullying”:

* Verbal abuse;
* Intimidating behaviour;
* Denying opportunities for training;
* Unreasonable deadlines;
* Hyper vigilant supervision; or
* Excluding or isolating employees.

The following are examples of “sexual harassment”:

* Unwelcome touching or kissing;
* Comments or jokes, leering or staring;
* Sexual pictures, objects, emails, text messages, screensavers, wallpapers, posters, clothing and/or literature of any kind;
* Direct or implied propositions, or requests for dates; and
* Questions about sexual activity.

**Procedure**

As part of ourcommitment to minimising and eliminating instances of workplace harassment and bullying at work wewill:

* Model appropriate behaviour as management and monitor the working environment to ensure that the appropriate standards of behaviour and conduct are observed at all times;
* Treat all complaints of workplace harassment and bullying seriously and take immediate action to investigate and resolve any complaint quickly and fairly and with complete confidentiality;
* Ensure that employees who make or support a complaint of workplace harassment or bullying are not subsequently subjected to victimisation; and
* Take all reasonable steps to ensure there is no recurrence of the offending behaviour.

Werecognise the rights of the employee accused of workplace harassment or bullying to be treated in accordance with the principles of natural justice. This includes the right to know full details of allegations against them, a right of reply to those allegations, a presumption of innocence until evidence against them shows otherwise and the benefit of any reasonable doubt.

Employees, who believe that they are or have been harassed or bullied within the workplace, should report the incident(s) to the Director.

Any employee who requires advice, information, or support in relation to workplace harassment or bullying should contact the Director, to assist them in such matters.

Allegations and incidents of workplace harassment and bullying are often most effectively resolved if they are dealt with at an early stage, rather than left until the matter has become serious and attitudes entrenched. Therefore, we encourage all employees to report all instances of workplace harassment or bullying as soon as they occur.

To assist with the resolution of issues of workplace harassment or bullying in the workplace, weprovide employees with access to both formal and informal resolution procedures.

**Informal Resolution Process**

Using the informal resolution process, the complainant may approach the individual who is the subject of the complaint and request that the offending behaviour stop.

The basic principles behind the informal resolution process are that:

* Participation is voluntary;
* Both parties are required to be committed to resolving the issue;
* The focus is placed on the behaviour that is of concern, rather than on the individual or parties responsible for the behaviour;
* A non-blaming approach is used which attempts to change the behaviour rather than disciplining the individual or parties responsible; and
* The individuals are responsible for their own behaviour and discussing how the situation may be resolved.

Where an issue is resolved informally, written records may be kept on file, but no disciplinary action will be taken against the alleged harasser/bully.

If the employee is not satisfied with the outcome of the informal resolution process, the employee may wish to proceed with the formal resolution process or seek a remedy through an external party.

**Formal Resolution Process**

If informal attempts have been unsuccessful, or if the behaviour is too serious to be dealt with using the informal resolution process, an employee may lodge a formal complaint. On receipt of a written formal complaint the Director will conduct an impartial and confidential investigation of the complaint to establish the facts.

The investigation will involve interviewing the employee(s) allegedly responsible for the workplace harassment or bullying, who will be offered the opportunity to respond to the allegations made against them. Any other person(s) who may have been involved, or who may have witnessed the incident(s) will also be interviewed as part of the investigation.

During any meetings or discussions, all parties will have the right to be represented or accompanied by a person of their choosing such as a union representative, family member, friend or colleague.

Throughout this process, management may consider the transfer or suspension on full pay of the alleged harasser/bully, pending the outcome of the investigation. If the complainant and the alleged harasser/bully are required to remain working together, steps will be taken in order to ensure that neither party is experiencing difficulties at work as a result of the complaint.

Following the investigation, the employee who has made the complaint will be informed of what action (if any) is going to be taken by management and the reasons for such action, or lack of action being taken.

Should the employee accused of the workplace harassment or bullying be found guilty, they may be subject to disciplinary action, including:

* A verbal warning;
* A written warning;
* A final written warning;
* Suspension; or
* Dismissal.

In instances where the complaint is not substantiated, a record of the complaint will still be attached to both parties’ Personnel File, clearly outlining the findings of the investigation and the conclusion reached. All parties shall have the right to appeal the finding.

Any employee found guilty of perpetrating or permitting workplace harassment or bullying will be disciplined, and may, in serious cases, be dismissed. Any person making malicious or untrue allegations of workplace harassment or bullying that are unfounded, will be disciplined and may also be dismissed.

If an employee is not comfortable approaching the Director with a complaint of workplace harassment or bullying, or if they are not satisfied with the way their complaint has been handled, they have the right to refer the matter to an external party for resolution.

**References**

***SafeworkSA website***

*The* Work Health and Safety Act 2012 *places a duty of care on employers to ensure as far as reasonably practicable that employees are safe from injury and risk to health while at work. This requires the employer to actively take steps to prevent incidents that may injure an employee or place the health of an employee at risk. Employers must also take steps to minimise or reduce risks, when elimination of the risk is not possible.*

*In regard to workplace bullying, the duty also requires an employer to investigate complaints (relating to any staff member), address and document the issues raised, and to take appropriate action when necessary. An employer who does not take reasonable steps to reduce or eliminate bullying in their workplace may be in breach of the* WHS Act 2012 *and be liable to penalties.*

***Fair Work Act 2009***

***Part 6-4B***

*Allows a worker who has been bullied at work to apply to the Fair Work Commission for an order to stop the bullying.*