



Birrang Information Booklet

**For Participants,
Host Employment Trainers
and Community Activites**

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BIRRANG INFORMATION BOOKLET

PREFACE

This Information Booklet outlines the policies and procedures used by the Birrang Enterprise Development Company Ltd Board of Directors, Staff, Participants, Host Employment Trainers and those involved in community-based Business Activities.

The information contained in this Information Booklet is 'Commercial-in-Confidence' and is for the exclusive use of the Birrang Enterprise Development Company Ltd

Any comments in regard to this Manual may be forwarded, in writing, to the General Manager of the Birrang Enterprise Development Company Ltd.

Throughout this document, unless otherwise stated, the use of the work 'Birrang' refers to the Birrang Enterprise Development Company Ltd.

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SECTION 1: INTRODUCTION

Background

1.1 The purpose of the Birrang Enterprise Development Company Limited is to provide the Binaal Billa Region of NSW with a service engaging local employers and business people in a manner that will allow Birrang Participants to undertake meaningful employment and training leading to full-time employment.

1.2 The General Manager, reporting to a Board of Directors, will run the Birrang venture from their head office in Griffith. This office will control and develop a series of independently operated community activities throughout the Binaal Billa Region and liaise with Host Employment Trainers. Initially, the venture will be operated entrepreneurially by the General Manager and her staff. At the culmination of the early growth stage, it will become a more formally operated business based largely upon a combination of experience and practical developmental planning.

1.3 Business Activities will operate independently and entrepreneurially within the Birrang structure. While a high degree of autonomy will ultimately be granted to each Business Activity, it is vitally important that all aspects of the venture are professional, successful and profitable. In short, the aim of Birrang is to provide participants with practical skills and move them into full-time employment as quickly as possible.

Goals

1.4 The stated goals of Birrang are to:

- a. Increase employment for our people,
- b. Provide on-the-job support to Participants, and
- c. Provide business development assistance to interested groups.

Mission

1.5 Birrang's Mission is:

Creating job opportunities for Indigenous people that have a positive effect on their lives, families and our communities.

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Primary Focus

1.6 Through working with Host Employment Trainers over a 6-12 month period, Birrang aims to:

- a. Place Participants in a workplace situation,
- b. Enable Participants to gain work ethics through training and skills development in a workplace environment, and
- c. Increase Participant's ability to gain full-time employment in the future.

Secondary Focus

1.7 As Birrang establishes itself, it will be able to place a higher focus on assisting in the establishment of income generating Business Activities by:

- a. Assisting and supporting groups to establish viable income generating businesses, and
- b. Assisting interested parties in sourcing the formal training and skills development required to work within the business that is established.

Our Logo

1.8 The Birrang logo, including the colours used, are the property of the Birrang Enterprise Development Company Ltd. This logo is not to be used without express permission. The Birrang logo is only to be used for the purpose of promoting the organisation through advertising, promotional programs and materials or signage. As the logo forms part of the Birrang "brand", the integrity of the logo must always be maintained.

Figure 1



Interpretation of Logo

1.9 The word "Birrang" is the Wiradjuri word meaning 'horizon'. The logo is interpreted to mean the following:

- a. The circular motif on the left represents the Birrang organisation,
- b. The horizontal lines represent the communities being serviced, and
- c. The nodes at the end of the lines represent the activities and individuals supported through our mission.

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SECTION 2: PARTICIPANTS

Management of Participants

2.1 Birrang supports a “No Work - No Pay” policy for Participants. Whilst working under the auspices of Birrang, each Participant must conform to the Birrang Code of Conduct and other Birrang policies. In effect, the General Manager assumes the employer’s role for the duration of the time the Participant is within the program with respect to reporting, discipline, occupational health and safety and other issues. Management of Participants will be in accordance with the Regional CDEP Strategic Policy Statement and the current CDEP Handbook.

2.2 A Participant placed with a Host Employment Trainer or Business Activity is funded by Birrang for up to two days or 15 hours work each week (30 hours per fortnight). Additional days may be funded by either the Host Employment Trainer or the Business Activity respectively.

2.3 Where a Participant is employed for an additional one or two days per week, the Host Employment Trainer may either make separate arrangements with the Participant or choose to pay Birrang who will arrange payment to the Participant. However, Birrang assumes no liability for payment for additional hours worked.

Participant Agreement

2.4 Prior to being placed with a Host Employment Trainer, each Participant will be required to sign an Agreement with Birrang. This agreement sets out the obligations of Birrang and of the Participant in respect to the MOA that Birrang has with the Host Employment Trainer. Failure to comply with this agreement will result in the Participant being terminated from the program.

Worker’s Compensation for Participants

2.5 Worker’s Compensation is compulsory for all businesses which employ staff. Workcover is the worker’s compensation system used in New South Wales and is administered by the Workcover Authority. Penalties for failure by employees to take out Worker’s Compensation are allowed under the Workcover Legislation Act 1995. While Birrang staff are covered under Comcare, Participants must be covered for Worker’s Compensation while working with a Host Employment Trainer.

Participant Payroll Administration

2.6 Payroll administration for Participants, including Worker’s Compensation deductions, are the responsibility of Birrang’s accountant. If the Host Employment Trainer chooses to pay the Participant directly, the Host Employment Trainer is to ensure that the Participant has adequate Worker’s Compensation.

Leave

2.7 The General Manager is to administer all leave entitlements. Leave records are to be included in each Participants personal file as well as being entered on to a spreadsheet used to record and track leave.

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2.8 Participants are entitled to personal leave paid at ordinary time rates. This includes sick leave and carer's leave. However, a Participant is not paid sick leave for a period in which they are entitled to Worker's Compensation. A full-time staff member is entitled to 37.30 hours (5 days) paid sick leave per year. Sick leave is paid on a pro-rata basis to part-time staff, including Participants. A Leave Form should also be submitted on returning to work after taking Sick Leave. Where more than two consecutive days of Sick Leave has been taken, a Medical Certificate must be included with the Leave Form. Sick leave can accumulate from one year to the next, but is not paid out to the employee on termination.

Annual Leave

2.9 All Participants are entitled to four weeks annual leave. Annual Leave Loading is paid in accordance with the Annual Holidays Act 1944. The loading is payable in addition to the pay for the period of holiday. Annual Leave Loading is paid on a pro-rata basis to part-time staff. Participants are to submit a Leave Form in advance of taking any Annual Leave.

Bereavement Leave

2.10 In consideration of cultural sensitivity, bereavement leave of up to three days per year will be additional to other types of leave.

Participant Administration

2.11 Personnel administration of Participants will be in accordance with the Memorandum of Understanding signed between Birrang and each Participant. Each Participant must fill in their time sheet daily

2.12 Birrang staff, under the direction of the General Manager, will have responsibility for the administration of the Host Employment Trainer agreement. These procedures are in keeping with the general administrative procedures. Field Officers are to be proactive in liaison with the Host Employment Trainer and his/her administration and supervisory staff.

2.13 Each pay week Wednesday, time sheets are to be passed to the Host Employment Trainer/Supervisor for endorsement and faxed to the Birrang for approval. Days worked, including sick leave, etc are to be noted in the Participant's file.

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SECTION 3: HOST EMPLOYMENT TRAINERS

Employment Objectives

3.1 The relationship between the Host Employment Trainer and Birrang is formalised by a Memorandum of Agreement and has the following objectives to:

- a) Provide meaningful employment experience and training to the Participant;
- b) Contribute to the broad strategies of Birrang's employment mission; and
- c) Develop a united approach between the parties to ensure the successful involvement of the Participant in the workplace.

3.2 The general principles of conduct agreed when entering into a Host Employment Trainer agreement are to:

- a) Act in a competent, ethical and professional manner and in such a way as is consistent with and conducive to achievement of the stated objectives;
- b) Deal with one another in good faith in all dealings, acts, matters and things arising under this agreement and to co-operate with one another and to meet and conduct in good faith such discussions and negotiations as may be necessary or desirable to resolve amicably any difference or dispute which may arise between them; and
- c) Keep the other informed of all dealings and matters arising under this agreement.

Birrang's Obligations

3.3 In consideration of the provision of the Services to the Host Employment Trainer, Birrang will meet the following obligations:

- a) Pay the Participant his/her daily rate up to two (2) days per week (or 30 hours per fortnight) on a fortnightly basis;
- b) Administer and contribute to the Participant's wages, including, but limited to, taxation and insurance;
- c) Administer and contribute to the Participant's leave and other entitlements in relation to the two (2) days worked per week;
- d) Administer and contribute to Worker's Compensation in relation to the two (2) days worked per week;
- e) Screen, select or otherwise place Participants with the Host Employer that are suited to the type of employment and the specific workplace;
- f) Comply with this agreement;

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- g) Notify the Host Employer as soon as possible of any major concern or issue arising from this agreement or the delivery of the Services;
- h) Participate constructively in the monitoring and quality assurance process; and
- i) Protect the intellectual property, professional reputation and commercial information of the Host Employer gained through dealings with Participants, other employees and the public.

Host Employer's Obligations

3.4 In consideration of the provision of the Services, the Host Employer will meet the following obligations:

- a) Provide the Participant with meaningful employment, including the provision of any relevant induction, training and ongoing supervision required to carry out the duties of the job;
- b) Assist Birrang in the administration of the Participant;
- c) Comply with this agreement;
- d) The Host Employer shall keep receipts of duties engaged by the employee including extra times worked by the employee which the host employer requires and shall further provide such records to Birrang on request.
- e) Notify Birrang as soon as possible of any major concern or issue arising from this agreement or the delivery of the Services;
- f) Participate constructively in the monitoring and quality assurance process; and
- g) Adhere to Birrang's policies including its Code of Conduct, Guidelines on Maintaining a Harassment-free Workplace, Occupational Health and Safety, and Workplace Diversity.
- h) Fax through Participant Time Sheets by close of business every second Wednesday as per Birrang's Pay Schedule.
- i) Fill out 6 monthly Performance Report Forms by 31st of January and 31st of July each year or at other times requested by Birrang.(See attachment 1).
- j) Strive to provide extra workdays to the participant.
- k) Pay directly to the participant, wages including, but limited to taxation, superannuation and insurance for extra days worked This refers to the hours worked by the participant in excess of the two days outlined in clause 3.3.(a).
- l) The Host Employer will indemnify and keep indemnified Birrang with respect to the employees duties and obligations arising out of the extra days worked by the employee at the host employers request including wages, superannuation, holiday pay, sick leave and long service leave. This indemnity refers to the

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hours worked by the Participant in excess of the two days outlined in clause 3.3. (a).

- m) Provide Occupational Health and Safety training in relation to specific duties required of the employee regarding his/her employment activities.

Additional Days

3.5 The Host Employer may employ the Participant for additional days. Payment for additional days may be done via an arrangement with Birrang or independent to the agreement with Birrang. Where payments are made via Birrang, the amount paid is to include a rate to cover the Participant for Worker's Compensation.

Worker's Compensation for Participants

3.6 Worker's Compensation is compulsory for all businesses which employ staff. Workcover is the worker's compensation system used in New South Wales and is administered by the Workcover Authority. Penalties for failure by employees to take out Worker's Compensation are allowed under the Workcover Legislation Act 1995. While Birrang staff are covered under Comcare, Participants must be covered for Worker's Compensation while working with a Host Employer.

Participant Occupational Health, Safety and Welfare

3.7 Birrang is committed to providing a safe and positive working environment for its Participants acknowledging that an individual's well-being is a major factor in enabling them to participate to the best of their ability. Under the requirements of the Occupational Health, Safety and Welfare legislation, Birrang and the Host Employer share a general duty of care to ensure that Participants are not exposed to hazards while they are working. These include the following:

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- To provide or maintain workplaces, plant and systems or work that do not expose employees to hazards. (This duty refers to the whole of the working environment, so it covers items like the premises, machinery and methods of work as well as the physical factors such as lighting, ventilation, dust, heat, and noise. It also includes intellectual factors such as stress or fatigue.
- To provide the information, instruction, training and supervision so that Participants are not exposed to hazards while they are working. The employer is only required to provide training that is relevant to the health and safety of employees in that workplace.
- Consult and co-operate with health and safety representatives.
- Provide adequate personal protective clothing and safety equipment whenever hazards cannot be avoided.
- Make arrangements for the safe use, cleaning, maintenance, transportation and disposal of substances and plant used in the workplace.

3.8 Duties of Participants include that they must:

- Take reasonable care to protect their own health and safety and the health and safety of others;
- Co-operate with their employer in ensuring that the workplace is safe and healthy and report to the employer any situation at the workplace that could constitute a hazard; and
- Follow the instruction and training provided by their employers, use the personal protective equipment provided and not interfere with anything set up in the interests of health and safety.

3.9 The legislation also recognises that employees have certain rights with regard to health and safety in their workplaces. These apply equally to Participants and include the right to:

- Be informed, i.e. to know about potential hazards;
- To participate in the setting up of safe standards in the workplace;
- To be represented on matters relating to occupational health and safety; and
- Refuse to work if they have reason to believe that they are or would be, exposed to risk of imminent and serious injury or illness, without losing pay or benefits.

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SECTION 4: BUSINESS ACTIVITIES

Business Activities

4.1 Participants not placed with Host Employers may undertake community-based Business Activities. These activities should be culturally appropriate and support community strategies and priorities, as per DEWR's Community Development Employment Program guidelines.

Business Activity Centres

4.2 Following an initial call for expressions of interest, Birrang Field Officers will liaise with Community groups and provide support in the establishment of the Business Activity. The Activity must have an income generating focus and training plan. All proposals of this nature should be referred to the Business Loans Section of Indigenous Business Australia (IBA) to access funds for a Feasibility Business Plan to be completed.

4.3 Activities will be established throughout the region with the purpose of developing business and employment skills. This process is more long-term than placing Participants with Host Employers, and therefore requires more intense planning and ongoing support.

4.4 Funding of Business Activity Centres will be in accordance with DEWR guidelines and will require preparation of a detailed business case.

4.5 Participant requirements for these activities will be assessed by the Board of Directors in accordance with budgetary constraints and basis of need.

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SECTION 5: BIRRANG CODE OF CONDUCT

5.1 Birrang Enterprise Development Company Ltd aims to maximise the ability of unemployed Indigenous Australians of the Binaal Billa region of New South Wales to find work or be involved in meaningful economic activities.

5.2 To do this, Birrang supports our community with high quality advice and services to achieve two specific outcomes:

- An effectively functioning employment program, and
- A number of meaningful economic activities.

5.3 These outcomes will be achieved by us through:

- Serving our clients, who include:
 - Participants,
 - Indigenous communities,
 - Host Employers, and
 - Other agencies
- High standards of performance and accountability;
- Effective people management;
- Learning and continuous improvement initiatives; and
- Individually striving to make a difference.

Key Behaviours

5.4 Our Key behaviours are:

- **R**esponsiveness,
- **E**thics and integrity,
- **S**ervice to clients,
- **P**rofessionalism,
- **E**nthusiasm,
- **C**reativity, and
- **T**eamwork.

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Responsiveness

- Be open minded – listen and respond to the views of others;
- Foster open communication and mutual respect; and
- Promptly respond to the needs of the Board, Participants, Host Employers, Community Activity Groups and others.

Ethics and Integrity

- Demonstrate appropriate behaviour in all our activities.

Service to Clients

- Forthrightly serving clients to the best of our ability within the Birrang charter.

Professionalism

- Treat others with respect, courtesy and consideration; and
- Not tolerate harassment or discrimination.

Enthusiasm

- Participate in events and celebrate our achievements and those of our clients, and
- Contribute ideas and draw on our skills, knowledge and background.

Creativity

- Identify and cooperatively address issues in a constructive manner.

Teamwork

- Work to build an environment in which everyone can fully participate; and
- Value each person for their individual abilities and for what they contribute to the outcomes we achieve together.

Drugs and Alcohol

5.5 In addition to these principles, Birrang has a no tolerance policy to drugs and alcohol. These substances are not to be consumed on the premises and Staff, Participants and others are not to remain on the premises if under the influence of drugs or alcohol.

Verbal or Physical Aggression

5.6 Birrang will not tolerate aggression aimed at its employees or clients by other clients/Participants. The verbal or physical abuse of any staff member, Host Employer (or his/her staff) or any other client will result in the termination of an individual as a Birrang Participant. Legal action may also be instigated.

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SECTION 6: BIRRANG OCCUPATIONAL HEALTH AND SAFETY POLICY

6.1 Safety is the responsibility of all staff. This policy is based on the Comcare Guidelines that were developed by the Department of Employment and Workplace Relations.

Legislative Basis

6.2 The Occupational Health and Safety (Commonwealth Employment) Act 1991 requires that the employer take "reasonable practicable steps" to develop, in consultation with unions, an OH&S policy that will:

- a. Enable effective cooperation between the employer and the employees in promoting and developing measures to ensure the employees' health, safety and welfare at work; and
- b. Provide adequate mechanisms for reviewing the effectiveness of the measures.

Policy

6.3 Birrang will promote and maintain the health, safety and well-being of staff by aiming to:

- a. Protect the health and safety of all employees, participants, contractors, visitors and other persons at or near our workplaces;
- b. Prevent accidents and ill health caused by working conditions;
- c. Protect staff from any health hazard which may arise out of their work or the conditions in which it is carried out;
- d. Place and maintain staff in an occupational environment designed to satisfy their needs for health, safety and well-being at work;
- e. Monitor and evaluate our OH&S performance;
- f. Ensure comprehensive rehabilitation and return to work strategies are maintained;
- g. Participate in external forums that encourage best practice in OHS;
- h. Measure our success against agreed performance indicators; and
- i. Benchmark our performance against known best practice methodologies.

6.4 This will be achieved through consultation and cooperation with staff and by providing employees with necessary information, instruction, training and supervision. Through the implementation of this policy and the Agreement, management will

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ensure compliance with the legislation as a minimum standard, and implementation of the Act.

Accountability/Responsibilities

6.5 Birrang recognises the importance of developing and maintaining healthy and safe working conditions in all workplaces and the importance of keeping the health and safety standards in these workplaces under constant review. This will be achieved by:

- a. All levels of management, accepting responsibility for OH&S and ensuring that action is taken to implement this policy; and
- b. Resources being provided to implement the legislation.

Health and Safety Committees

6.6 To facilitate communication between management and employees on health and safety matters, a committee will be established.

Financial and Other Resources

6.7 To ensure that necessary OH&S programs and activities are established and maintained management will allocate corporate funds for OH&S. Maintenance and monitoring of these funds will be the responsibility of the General Manager.

Training

6.8 Management will ensure that all personnel are provided with the necessary training to carry out their responsibilities. Management will ensure that staff are kept up to date with relevant information relating to OH&S. All personnel will be informed of the implementation of the policy and the roles and responsibilities held by management, staff and designated workplace supervisors.

6.9 Management will ensure that training in basic occupational health and safety principles is offered on an on-going basis to staff, participants and supervisors.

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SECTION 7: OCCUPATIONAL HEALTH AND SAFETY PROCEDURES

Accident Reporting

7.1 In accordance with the OH&S Policy, an Accident/Incident Report is required to be lodged for all accidents or 'near misses' that occur concerning staff, Participants or other clients. All personnel are urged to lodge an Accident Report whenever they feel a workplace safety issue needs addressing. Only from this information can Birrang adopt new work safety practices and procedures to eliminate or protect employees from workplace hazards. The General Manager is then required to compile the information from the Accident Reports onto the monthly Workplace Hazards Summary Form that is addressed at the next Board Meeting as well as take any other appropriate action.

7.2 Participants are required to visit their doctor immediately after injuring themselves and get a Clearance Certificate to come back to work. In the case of a serious incident, the injured employee will receive Work Cover claim forms from their doctor. All correspondence in regards to an injury claim must be forwarded to the General Manager in accordance with Comcare regulations.

Accident Prevention for Participants

7.3 Although all Host Employers are covered by Public Liability insurance, Birrang maintains a "duty of care" over our Participants. The Participant is required to submit an Accident Report (counter-signed by their Host Employer) following any workplace accident. Participants are required to visit their doctor immediately after injuring themselves and get a Clearance Certificate prior to going back to work. In the case of a serious incident, the injured employee will receive Work Cover claim forms from their doctor. All correspondence in regards to a Work Cover claim must be forwarded to Birrang's General Manager for actioning.

Absence Due to Illness

7.4 Staff or Participant's that are absent due to illness or a non-work related injury for longer than two days must submit a Medical Certificate and Leave Form with the relevant Fortnightly Time Sheet. If not received, Participants and staff will be reprimanded and docked pay.

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Safety Issues

7.5 In accordance with the requirements of the legislation, information and relevant training will be provided to all personnel on the causes and prevention of work related illnesses and injuries, and includes the following:

7.6 Furniture and Equipment

Personnel will be provided with relevant training prior to the use of any equipment. Furniture and equipment will be purchased which minimises the risk of injury or strain - particularly for staff working on keyboards. It is the responsibility of all personnel to ensure that they use equipment appropriately and follow the procedures recommended to protect keyboard users from muscle fatigue and repetitive strain injury. Photocopiers will be placed in a separate room where possible and/or in a position with good ventilation. All personnel should ensure that they protect their eyes from the light emitted by the photocopier, and should take care when filling the machine with toner.

7.7 Lifting and Handling Techniques

Training on the proper procedures for lifting and handling techniques will be provided at orientation. Refresher courses will be held at regular intervals. Birrang undertakes not to place personnel in a position where they may be required to take risks with manual handling.

7.8 Visual Display Units and Eye Strain

Training on the proper set-up and use of monitors will be provided at orientation. Refresher courses will be held at regular intervals.

7.9 Stress

Birrang recognises that stress is an occupational hazard and aims to minimise stress for staff by:

- making good working conditions a priority;
- clearly defining job responsibilities and accountability structures;
- establishing support systems for all personnel;
- ensuring work plans and timelines are realistic.

7.10 Smoking

Birrang recognises the dangers of passive smoking and has deemed the office and vehicles smoke free environments.

7.11 Hygiene

All personnel should be trained in and observe basic hygiene measures in their work with consumers in order to avoid communicable diseases.

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7.12 Back Care

It is important that personnel be aware of how to safely carry out their work tasks to protect their backs and to practice good posture while standing, sitting, driving, cleaning, carrying and moving objects in the workplace.

Health and Hygiene Procedures

7.13 The following basic principles of health and hygiene should be adhered to:

- Maintain good personal health and hygiene,
- Wash hands using soap and water after using the bathroom,
- Cover cuts or abrasions with waterproof dressings,
- Wear protective clothing such as rubber gloves when cleaning, and
- Wear sunscreen and/or a hat if working in the sun.

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SECTION 8: BIRRANG POLICY ON MAINTAINING A HARASSMENT-FREE WORKPLACE

Commitment to Workplace Diversity

8.1 Birrang is committed to the principles of workplace diversity and on maintaining a harassment-free workplace for our board, staff, Participants and clients. The Birrang Policy on Maintaining a Harassment-free Workplace is based on that of the guidelines established by the Public Service and Merit Protection Commission.

What is Workplace Harassment?

8.2 Workplace harassment is offensive, belittling or threatening behaviour directed at an individual worker or group of workers. Harassment is often focused on the sex, cultural or racial background or disability of the individual or group. This policy has been based on the booklet 'Maintaining a Harassment-free Workplace' which is part of a series titled Working Together issued by the Public Service and Merit Protection Commission (PSMPC).

8.3 Harassment is behaviour that is unwelcome, unsolicited, usually unreciprocated and usually (but not always) repeated. It makes the workplace or association with work unpleasant, humiliating or intimidating for the individual or group targeted by this behaviour. It can make it difficult for effective work to be done.

8.4 Workplace harassment should not be confused with advice or counseling on the work performance or work-related behaviour of an individual or group which might include critical comments indicating performance deficiencies. Feedback or counseling on work performance or work-related behaviour differs from harassment, in that feedback or counseling is intended to assist employees to improve work performance or the standard of their behaviour. Feedback or counseling should always be carried out in a constructive way that is not humiliating or threatening.

8.5 The maintenance of courteous workplace behaviour is not intended to impose unnecessary rigidities on individual workplace styles or on workplace and work-related relationships and social activities. Rather, it is a recognition that people with different backgrounds, interests and friendship groups need to get along with each other in the workplace if an organisation is to be effective.

8.6 For harassment to occur there does not have to be an intention to offend or harass. Moreover, harassing behaviour may be of a minor nature. Individual incidents may seem too trivial to warrant attention, or the person subjected to harassment may seem unaffected. Where the behaviour continues over a period and it is not addressed, however, such behaviour can undermine the standard of conduct within a work area.

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8.7 Examples of harassing behaviour include:

- Offensive physical contact, derogatory language or intimidating actions;
- Insulting or threatening gestures or language (overt or implied) or continual and unwarranted shouting in the workplace;
- Unjustified and unnecessary comments about a person's work or capacity for work;
- Openly displayed pictures, posters, graffiti or written materials which might be offensive to some;
- Phone calls or messages on electronic mail or computer networks which are threatening, abusive or offensive to employees;
- Persistent following or stalking within the workplace, or to and from work or elsewhere; and
- Disparaging remarks about malingering to employees who have made a claim for compensation.

Commonwealth Anti-discrimination Legislation

8.8 Workplace harassment on the basis of race, sex or disability may also breach both the anti-harassment and the anti-discrimination provisions of Commonwealth anti-discrimination legislation.

8.9 This includes sexual harassment and discrimination under the Sex Discrimination Act 1984, disability harassment and discrimination under the Disability Discrimination Act 1992 and racial discrimination under the Racial Discrimination Act 1975. While the Racial Discrimination Act does not use the term 'racial harassment', some types of workplace harassment could be unlawful discrimination under this Act.

8.10 In addition to an employee's personal liability for harassing behaviour under the anti-discrimination legislation, agencies are vicariously liable for the acts or omissions of their employees, unless they can demonstrate they have taken all reasonable steps to prevent the acts from occurring. An agency may therefore be liable for damages awarded for harassment by one of its employees even though the employer is not directly involved in the harassing behaviour. The employer can seek to recover damages from the harasser.

8.11 Workplace harassment may also constitute discrimination under the Human Rights and Equal Opportunity Commission Act 1986.

Other Commonwealth Legislation

8.12 The Workplace Relations Act 1996 aims to help prevent and eliminate discrimination in the making of awards and agreements and in the termination of employment. Aspects of this Act may be relevant to a workplace harassment allegation.

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8.13 Under the Occupational Health and Safety (Commonwealth Employment) Act 1991, employers must also take all reasonably practicable steps to protect the health and safety of employees at work

Criminal Law

8.14 There may be instances where harassment amounts to a criminal offence. Sexual harassment involving physical or indecent assault, stalking, sending offensive emails, sending obscene material through the mail and making nuisance phone calls, for example, may be criminal offences. The police should be contacted for advice and assistance on what matters should be reported and appropriate action in these circumstances.

Good Practice

8.15 Under anti-discrimination legislation an organisation will generally be liable for the conduct of its employees unless it can establish that it has taken all reasonable steps to prevent the discriminatory conduct. To avoid liability, generally an organisation will need to show that it had an effective system for preventing discrimination and that the system was monitored to ensure that it was achieving its purpose.

8.16 Birrang's strategy for preventing workplace harassment includes its policy statement, related procedures, information and training given to staff and participants, record keeping, monitoring and evaluation

Conclusion

8.17 The above items (paragraphs 8.1 to 8.17) should be in place to enable the organisation to demonstrate that it has taken all reasonable steps to prevent harassment occurring and therefore avoid vicarious liability.

8.18 Good practice indicates that organisations need to demonstrate a genuine commitment to preventing harassment above and beyond documenting policies and providing training.

8.19 Involving both employees and managers in developing a workplace harassment strategy helps to gain commitment to the process. Such an approach also assists in tailoring strategies to meet agency and employee needs. In addition, consultation with members of EEO groups allows special needs to be identified and accommodated.

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SECTION 9: PERSONNEL ADMINISTRATION PROCEDURE

Wage Payment Procedure

9.1 Participants will be paid fortnightly via Direct Deposit. It is the responsibility of each individual to provide the correct account and bank details to Birrang on commencement with the program and if these details change at any future time. These details should be submitted on the Personal Details Proforma.

9.2 Time Sheets record hours worked, including flex-time, from Thursday to Wednesday on a fortnightly basis. Each fortnight personnel are to submit their Fortnightly Time Sheet to the General Manager.

Time Sheet and Leave Administration

9.3 Each Participant must fill in their time sheet daily. Each pay week Wednesday, time sheets are to be sent to the General Manager (via the Host Employer) for approval.

Payroll Administration for Participants

9.4 Payroll administration, including Worker's Compensation deductions, is the responsibility of Birrang's accountant.

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SECTION 10: DISCIPLINE AND GRIEVANCE POLICY

Performance Dispute Procedure

10.1 The performance dispute procedure is the procedure for dealing with the issues of poor performance by a staff member or Participant. The procedure provides personnel with an opportunity to improve their performance through training and trial periods. **The following is the procedure for dealing with a performance dispute not involving misconduct which would result in an instant dismissal.**

10.2 Step 1: Verbal Warning.

The Participant will be told as soon as possible of any complaint concerning the performance of his/her work and will be provided with an opportunity to discuss the complaint.

If appropriate, the General Manager will, in consultation with the Participant, outline how the Participant must improve his/her performance. Any assistance needed by the Participant to improve his/her performance will be identified and provided where possible.

A date to review the Participant's performance will be set if required.

10.3 Step 2: First Written Warning.

If at the time of review set in Step 1, the Participant's performance is still unsatisfactory there will be further discussion with the Participant. This will include the Participant, a representative of their choice and the General Manager.

The complaint against the Participant and plans for improvement will be recorded in writing and a copy given to the Participant clearly stating that a lack of improvement by a given time will result in a final written warning.

10.4 Step 3: Final Written Warning.

If at the date set in Step 2, the Participant's performance has not improved, there will be further discussion with the Participant. This will include the Participant, a representative of their choice and the General Manager.

The complaint against the Participant and plans for improvement will be recorded in writing and a copy given to the Participant clearly stating that a lack of improvement by a given time will result in termination of the Participant in the program.

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10.5 Step 4: Termination of Participant.

If the problem still persists after the final written warning, Birrang may terminate the employment of the Participant. The General Manager represents the employer and has the authority to dismiss staff, including Participants.

10.6 It should be noted that detailed notes of these meetings are to be recorded on the Record of Conversation/Counseling form and placed on the individual's Personal File held by the General Manager.

Grievance Procedure

10.7 The following procedure should be followed by personnel who feel they have a grievance about their employment conditions, their supervisor or any other aspect of their employment or participation with Birrang:

Step 1

The Participant may approach their Field Worker or the General Manager to discuss the issue. The discussion is confidential.

Step 2

If the problem is not resolved in Step 1 the Participant may put the issue in writing to the General Manager and request that the issue be raised with the Board of Directors at the next board meeting. The Board will consider the issue and advise the Participant in writing.

Step 3

If the issue is not resolved in Step 2 the Participant may attend a board meeting to address the issue directly with the Board. The Participant may be accompanied by a support person. The Board will consider the issue and advise the Participant in writing.

Appeal

10.8 The General Manager and Board will ensure that their decisions are in line with all policy and procedures and relevant Acts of Parliament, which govern the employment of staff. If an Participant still feels that he/she has been unfairly treated, they may consult with the relevant Union or the Industrial Relations Commission. If an Participant feels that he/she has been unfairly discriminated against, they may refer the issue to the Equal Opportunity Commission.

10.9 Personnel should be made aware of their rights to consult with the Industrial Relations Commission or the Equal Opportunity Commission. The General Manager should assist the person affected in this regard.

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Misconduct

10.10 Misconduct includes very serious breaches of policy and procedure which warrant the instant dismissal of a Participant. Examples of misconduct include:

- Theft of property or funds;
- Willful damage of service property;
- Intoxication through alcohol or other substances during working hours;
- Verbal or physical harassment of any other Participant or employee;
- Disclosure of confidential information regarding the organisation to any other party without prior permission;
- Disclosure of commercial information concerning Host Employment Trainers;
- Carrying on a private business from the premises or using the service's resources for private use;
- Falsification of any organisational records for personal gain or on behalf of any other employee, client or board member; and
- Failure to comply with the Code of Conduct.

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SECTION 11: CONCLUSION

Conclusion

11.1 This Manual can and will change as Birrang, as an organisation, evolves. This Manual should be used as a business operation and training tool.

11.2 Feedback is appreciated! Any comments in regard to this Manual may be forwarded, in writing, to the General Manager of the Birrang Enterprise Development Company Ltd.

Glossary

DEWR	Department of Workplace Relations
ATSIS:	Aboriginal and Torres Strait Islander Service
Birrang:	Refers to the Birrang Enterprise Development Company Limited
Business Activity:	Community-based entrepreneurial activity which provides Participant with training and practical skills leading to full employment
CDEP:	Community Development Employment Program
Host Employment Trainer:	A company that undertakes the placement of a Participant into their workplace under agreement with Birrang
IBA:	Indigenous Business Australia
MOA:	Memorandum of Understanding
OH&S:	Occupational Health and Safety
Participant:	Individual placed with a Host Employer or in a Business Activity under agreement with Birrang

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